



STATEMENT OF THE JOINT IRI/NDI PRE-ELECTION ASSESSMENT MISSION TO GHANA

September 2016

I. OVERVIEW

This statement is offered by a delegation organized jointly by the International Republican Institute (IRI) and the National Democratic Institute (NDI). The delegation visited Ghana from August 8 to 12, 2016. The purpose of the mission was to support Ghana's efforts to conduct peaceful and credible elections in 2016. The delegation's specific goals were to:

- Assess preparation for Ghana's December 7, 2016, presidential and legislative polls;
- Identify potential risks to the good conduct of all aspects of the electoral process;
- Provide recommendations to increase the integrity and transparency of the electoral process; and
- Demonstrate solidarity with the people of Ghana as they seek to consolidate their democracy through successful elections.

The delegation applauds Ghana's distinction as a beacon of democratic development in Africa, of which its people are rightfully proud. Ghanaians have made significant democratic gains since the commencement of the Fourth Republic in 1992, particularly in relation to citizen political participation, access to political power through the ballot box, freedom of the press, and the vitality of civil society. One of the pillars of Ghana's democratization process has been the country's success in conducting six national elections - two of which led to transfers of power from one political party to another in 2001 and 2009. Ghana also has a tradition of strong and independent institutions such as the Electoral Commission (EC) and Supreme Court that have the responsibility to sustain the country's democracy.

However, the delegation notes that heightened competition and tensions around the 2016 electoral process have raised multiple challenges including: (1) An increase in the number and visibility of youth vigilante groups that intimidate and harass citizens and potentially voters; (2) Inflammatory speech propagated by politically controlled media; and (3) The

persistent marginalization of groups including women, youth and persons with disabilities (PWDs) from electoral opportunities and civic empowerment.

The delegation was composed of regional and election experts from North America and Africa, including: Ambassador (retired) Johnnie Carson, former U.S. Assistant Secretary of State for African Affairs and NDI Board Member; Barrister Mike Avwenayeri Igini, former Resident Electoral Commissioner for Nigeria's Cross River and Edo States; Oby Ezekwesili, Senior Advisor for the Africa Economic Development Policy Initiative, and former Vice President for Africa at the World Bank; Gabrielle Bardall, Trudeau Foundation Scholar and Democracy Assistance Specialist; Dr. Christopher Fomunyoh, Senior Associate and Regional Director for Central and West Africa, NDI; and John G. Tomaszewski, Regional Director for Africa, IRI. The delegation's work was funded by the National Endowment for Democracy (NED).

The delegation met with the chair of the EC; presidential candidates; political party leaders; members of parliament; civil society representatives; journalists; election security officials; and members of the joint United Nations of West Africa (UNOWA), African Union and Economic Community of West African States (ECOWAS) delegation and other eminent international and Ghanaian leaders. The delegation conducted its activities in conformity with international standards as reflected in the 2005 Declaration of Principles for International Election Observation.¹ The delegation expresses its deepest appreciation to the individuals who participated in these meetings for freely sharing their views on the electoral process.

IRI and NDI are nonprofit, nonpartisan organizations dedicated to strengthening democratic institutions and advancing freedom around the world. IRI has partnered with civic organizations in Ghana such as the John A. Kufuor Foundation to empower young Africans and strengthen their commitment to democratic governance. For the duration of 2016, IRI will work with civil society and religious leaders to support peaceful elections through inter-faith dialogue and youth engagement. The Institute will also conduct a gender assessment of women's participation in the December 2016 elections.

Over the past two decades, NDI has worked closely with Ghanaian civic organizations and other institutions to support the country's democratic institutions and promote transparency and integrity of elections. NDI will support a coalition of Ghanaian civil society organizations in their conduct of effective monitoring and observation of the polls for the duration of the pre-election period and throughout December 2016.

¹ ACE Project. *Declaration of Principles for International Election Observation*, October 27, 2005, <https://aceproject.org/electoral-advice/dop/the-declaration-of-principles>. Accessed Aug 28, 2016.

II. POLITICAL ENVIRONMENT

Ghana's two main political parties – National Democratic Congress (NDC) and New Patriotic Party (NPP) – have vied for and traded leadership of the country since 1992. Elections in 2008 and 2012 were highly competitive, with close margins between the top two presidential candidates. In 2008, despite receiving the highest number of votes in the first round, the NPP's Nana Akufo-Addo ultimately lost his presidential bid to NDC's John Atta Mills by less than one percent in the second round of voting. In 2012, Nana Akufo-Addo ran against former Vice President John Dramani Mahama, who had become president after the passing of Atta Mills and, after losing by a margin of 47.5 to 50.7 percent, unsuccessfully petitioned the Supreme Court to have the election overturned.

Most Ghanaians expect the December 2016 elections to be equally competitive, with President Mahama seeking his second and last term and Akufo-Addo entering his third presidential contest. Some critics of the EC cite their dissatisfaction with the Commission's oversight of the 2012 polls. In addition, political and social conditions surrounding the upcoming contests have introduced new dynamics regarding expectations of, and participation and confidence in, the electoral process.

Heightened electoral tensions

The NDC and NPP have both expressed confidence in their ability to win the 2016 elections. The opposition NPP emphasizes the incumbent's re-election as a third consecutive term for the NDC and is eager to regain the presidency after eight years out of power. These perceived high stakes of the election have contributed to heightened tensions. This development has the potential to undermine constructive political discourse ahead of the elections, and may incentivize political actors to take extreme measures to secure electoral advantages. A highly contentious race also increases pressure on the EC to ensure transparency and credibility in every step of the electoral process.

Increased political and economic grievances

Despite being touted as a democratic success story, popular satisfaction with the state of Ghanaian democracy has declined in recent years. A 2014/2015 Afrobarometer survey shows that only 20.1 percent of Ghanaians surveyed were "very satisfied" with democracy—a significant decline from 54.4 percent in 2008/2009.² Also, Ghanaians who are reportedly "not very" or "not at all" satisfied with democracy increased from 15.5 percent in 2008/2009 to 45.4 percent in 2014/2015.

According to a July 2016 national pre-election survey by the Ghana Center for Democratic Development (CDD-Ghana), 70 percent of Ghanaians surveyed believe the country is going

² Afrobarometer. *Ghana Round 6 Summary of Results (2014)*, www.afrobarometer.org/publications/ghana-round-6-summary-results-2014. Accessed August 11, 2016.

in the wrong direction, and 49 percent attribute the direction of the country "completely" or "mostly" to the government. According to some experts, this widening distrust of government is attributable in part to the polarization of the political discourse by members of the country's two dominant parties, the NDC and NPP. This dynamic limits space for the emergence of alternative political actors and voices, and heightens tensions in what many Ghanaians perceive as a state of winner-take-all political environment.

Recent government scandals have also shaken popular faith in Ghana's relatively clean record and have influenced public perceptions of corruption. According to the 2014 Afrobarometer survey, 75 percent of Ghanaians believe corruption increased "somewhat" or "a lot" since the previous year.³ When asked which public officials they believe are engaged in corruption, 89 percent of respondents named the police, while 85 percent cited judges and magistrates. Perceptions of corruption corrode public confidence in government and undermine the ability of public officials to carry out their roles and responsibilities effectively. There is also a risk that this sentiment will affect voter turnout, if citizens feel that the electoral process is corrupt and do not think their vote will matter.

This eroding political confidence is compounded by stagnating economic development. Overall, Ghana has experienced impressive economic growth since 1992. However, oil accounts for 50 percent of the country's exports, and the latest downturn in global oil prices has had a negative impact on the nation's economy. The national currency (the Ghanaian Cedi) lost 18 percent of its value against the U.S. dollar in 2015 and inflation remained elevated at 18.5 percent in February 2015. According to CDD-Ghana's July 2016 national survey, 73 percent of Ghanaians describe the country's economic condition as "very" or "fairly" bad, and 65 percent describe their personal living conditions as "very" or "fairly" bad. The survey also indicates that Ghanaians see the economy as the major issue in the 2016 election.⁴

Electoral preparation and administration

In light of intensified political competition and potential vulnerabilities in public confidence, the administration of the 2016 presidential and parliamentary elections will be under considerable scrutiny. Preparations for the elections were well underway during the week of the assessment mission and political parties recently completed their primaries. The EC was also updating its procedures regarding the transmission of results and introduction of new transparency measures for voter verification.

³ Afrobarometer. *Ghanaians largely perceive public officials as corrupt*, <http://afrobarometer.org/press/ghanaians-largely-perceive-public-officials-corrupt>. Accessed Aug 11, 2016.

⁴ Ghana Center for Democratic Development. *Popular opinions on issues at stake in the 2016 election*, <http://www.cddgh.org/newsarticles/POPULAR-OPINIONS-ON-ISSUES-AT-STAKE-IN-THE-2016-ELECTION>. Accessed August 11, 2016.

Voter registration

Voter registration has been the primary focus of the EC since the beginning of the year. For the 2012 election, over 14 million Ghanaians were registered to vote out of a population of 25.9 million (more than 50 percent). A limited voter registration exercise occurred from April 28 to May 8, 2016 for individuals who recently turned 18 and other first-time voters, followed by an exhibition period of the updated register.

In May 2016, the Supreme Court ordered the EC to ensure a clean register by removing duplicate registrations, as well as the names of the deceased, foreigners and underage individuals. The Court also ordered the removal of anyone who had registered using National Health Insurance Scheme (NHIS) cards during the 2012 registration exercise. The EC complied by removing the names of over 56,700 voters who registered with NHIS cards. These individuals were allowed to re-register during the voter register exhibition exercises that took place from July 18 to 28, 2016 and August 5 to 12, 2016. However, this intervention contributed to some confusion around the voter list maintenance process and prompted critics to raise questions regarding the accuracy and completeness of the voter rolls.

The voter register exhibition took place for 21 days from July 18 to August 7, 2016, an increase from the 14 days provided in previous election periods. The process allowed voters to verify their voter registration information as well as levy challenges against names that they believed should be removed from the list. Election officials used biometric verification devices at exhibition centers to verify voters' biometric information captured during registration, test the efficiency of the devices and minimize incidents of false rejects by the verification equipment on Election Day.

Transmission of results

The EC plans to reinforce transparency in the transmission of results by using an electronic results transmission system (ERTS) for the 2016 elections. ERTS would complement and enhance manual procedures. The ERTS is part of several reform proposals made by the multi-party Electoral Reform Committee established in 2013. The ERTS system would also allow polling officials to use hand-held scanners to scan constituency collation forms with polling station results, and then send the scans electronically to the National Collation Centre. Hard copies of the forms sent directly to the Head Office of the EC would be the record of reference.

Biometric verification on election day

In 2012, some biometric card readers failed to identify registered voters, and because of the "No [biometric] Verification, No Vote" (NVNV) rule, these potential voters were

disenfranchised. For the 2016 elections, the EC proposed a modification of the NVNV rule to enable the manual verification of voters in case the machines malfunction on election day.

III. POTENTIAL CHALLENGES TO 2016 ELECTIONS

The delegation noted substantial enthusiasm for the upcoming elections and what promises to be a vibrant campaign period. However, there are some extant and emerging threats that have the potential to undermine the integrity of the electoral process should they go unmitigated.

Wavering confidence in the Election Commission

Parties on both sides of the political divide have consistently asserted that the credibility of the election hinges on the impartial conduct of the poll. In the first half of 2016, the EC faced criticism from some political parties, media outlets and civil society groups for inaccuracies in the voter register and a dearth of transparency. These criticisms stemmed, in part, from discontent regarding the protracted litigation before the Supreme Court over the outcome of the 2012 presidential polls.

Although the EC has made reforms that address issues raised during the 2012 polls, the absence of effective consultation processes and poor communication in implementing these reforms undermined some of these efforts. During the delegation's visit, some party leaders questioned the adequacy of actions taken by the EC in light of the short time left between now and the December polls. The EC's Inter Party Advisory Committee (IPAC) continues to be an important venue for dialogue, and party leaders expressed the desire for more consultative deliberation as opposed to the EC simply using that platform to communicate decisions it has already taken.

Furthermore, electoral reform efforts and decisions reached during IPAC meetings have neither been adequately shared within the party structures nor with the Ghanaian public, resulting in confusion and a low understanding by the public of the EC's actions. While it is appropriate for parties to engage the EC on reforms and improvements to the election process, persistent political attacks on the EC could aggravate tensions and further discredit the election process as a whole.

Marginalization of important segments of the population

Women leaders across the political spectrum noted their deep concern over the low representation of women in public and political life in Ghana, which already has one of the lowest levels of women's representation in the sub-region. Since the beginning of the Fourth Republic, women have never held more than 11 percent of elected seats in parliament, and hold similarly low levels of leadership positions in local councils and other public bodies. Women activists who met with the delegation attributed this national failure to the low level

of funding and resources directed at encouraging and facilitating women's participation. While both major parties have women's wings, party leaders acknowledged that they fell far short of meeting even internal targets for recruiting and nominating women candidates and placing women in leadership positions. Although the EC has a Gender and Disability Desk, its 2016-2020 Strategic Plan does not include plans to enhance women's participation in elections.

Women face numerous challenges to participation as voters and candidates, or in other areas of political capacity, including the prevalence of violence. Women activists recounted the experiences of women attempting to compete in elections or become involved in political activities who received threats of violence, rape and even death. Most notably, the delegation heard specific threats that promised gender-based violence against highly-placed women including the chief justice of the Supreme Court and the chair of the EC.

Ghana is commemorating 10 years since enacting the Persons with Disabilities Act. However, persons with disabilities (PWDs) still face challenges to their full political participation. While the EC is developing accessible voting material, the inclusion of PWDs as candidates remains low.

Pre-election violence and election security

Security officials and civil society actors expressed concern over acts of violence during recent elections, including some instances of ballot-box destruction in 2012 and unrest during the Talensi by-elections in 2015. This trend, exacerbated by the current tensions and inflammatory rhetoric among political party members, elevates the perceived risk for election violence during this election cycle. While some of these threats stem from intra-party rivalries, the potential for violence stemming from inflamed religious, ethnic, chieftaincy or land disputes continues to grow.

The delegation noted allegations that political parties use youth vigilante groups, even though some parties claim these groups are unarmed and serve as private security for party leaders and at campaign events. Some party leaders also cited perceptions of bias and partisan conduct of security services as necessitating these extra security measures. Whether armed or unarmed, these groups constitute a serious threat to the peaceful conduct of the elections. The proliferation of illegal arms in Ghana and most of West Africa could further exacerbate this threat.

Media bias and incitement

Ghana has a relatively open media environment that respects freedom of expression. The launch of numerous private media outlets across the country in recent years has increased citizens' access to media content. Unfortunately, some of these outlets are owned by individuals aligned to specific political parties, raising questions of bias. The National Media

Commission (NMC) in Ghana has the mandate to monitor media ethics and performance, but its reach and impact are limited and its actions lack the force of law. The delegation noted considerable concern among Ghanaians over the spread of polarizing messages and misinformation, as well as the use of inflammatory language and hate speech in the media. For example, in the case of the “Montie 3” the Supreme Court sentenced three journalists and commentators from Montie FM to four months in jail for threats directed at the Court’s chief justice. That case was often cited as a balancing act that must be maintained between protecting freedom of speech and curtailing hate speech that could further incite violence. Social media provides burgeoning opportunities for information sharing and dialogue during the election; however, this also raises concerns that social media could be used to spread misinformation or incite violence.

IV. EFFORTS TO ADDRESS THESE CHALLENGES

Ghanaians are proud of their democracy, and eager to address potential impediments to the conduct of peaceful and credible elections in December 2016. Significant measures have been undertaken to prepare for the 2016 polls, including the following:

Electoral violence monitoring and mitigation

Civil society, interfaith communities, the National Peace Council and government agencies have identified and begun to address drivers of conflict that could affect the upcoming elections. The West Africa Network for Peacebuilding (WANEP) is deploying an early warning system to track indicators of violence. WANEP plans to share its findings and recommendations with groups such as the National Peace Council, United States Agency for International Development (USAID), and the United Nations Development Program (UNDP)⁵ that have the ability to convene and mobilize eminent personalities to prevent violence. The Center for Conflict Transformation and Peace Studies has five satellite offices in dioceses of the northern regions of the country and is active in three main programmatic areas of expertise in peacebuilding: training, research and mediation. The Women’s Situation Room (WSR) is also training young women to track violence on election day and, if necessary, convene eminent women to coordinate appropriate responses with election officials, political parties and security services.

The Ghanaian government, through the National Election Security Task Force (NESTF), has undertaken significant measures to prepare for the 2016 polls. The NESTF is tasked with coordinating election security efforts. It is composed of representatives of every security agency, the EC and other government agencies, and has decentralized structures at the regional and district levels. The delegation was encouraged by measures to insulate the task force from political influence such as creating a command structure independent of local,

⁵ These groups constitute the National Election Early Warning and Response Group (NEEWARG). Regional response structures have also been created in Northern and Ashanti regions.

regional and national government. The NESTF have identified potential hot spot areas and have designed an election day deployment strategy to ensure appropriate security presence.

In May, representatives of NDC, NPP and eight other political parties issued a joint communiqué (the so-called “Ada Communiqué”) in which they foreswore the use of violence to resolve electoral disputes, and committed to disassociating themselves from all vigilante groups and their activities. In response to parties’ concerns about candidate protection, the police have offered bodyguard services and enhanced protection for political party flagbearers.

Voter education and encouraging issue-based campaigns

A number of Ghanaian civil society organizations (CSOs) have launched campaigns to ensure voters are well-informed of how to participate in the election process. Star-Ghana is funding several organizations to implement both nation-wide and targeted civic and voter education campaigns. The Institute of Economic Affairs (IEA) will hold televised presidential debates and town hall meetings to provide a platform for candidates to explain their policy platforms on key issues of national interest, while CDD-Ghana will host debates for parliamentary candidates in 50 constituencies. Despite these commendable activities, CSO representatives expressed concerns over the low level of resources available for civic and voter education activities and the need for more visible information campaigns by the EC and the National Commission for Civic Education (NCCE).

Election monitoring and observation

Citizen election monitoring groups continue to provide Ghanaians with unbiased information on the integrity of the election process, in keeping with their practice since 1996. For the 2016 polls, the Coalition of Domestic Election Observers (CODEO) plans to use a statistical random sampling methodology, called Parallel Vote Tabulation (PVT), to monitor the process and verify the accuracy of the official election results. The WSR and the Election Situation Room also provide platforms to facilitate the gathering and dissemination of information on the polls and also seek rapid responses to issues that may arise on election day.

V. RECOMMENDATIONS

In the spirit of international solidarity with the people of Ghana, the delegation offers recommendations to electoral stakeholders on steps to enhance confidence in the electoral process and bolster the prospects of peaceful elections in December 2016.

Electoral Commission

- The EC should continue to enhance transparency and confidence in the electoral process by expanding and intensifying its engagement with all stakeholders, and undertake more vigorous public outreach with voters in urban and rural settings.
- New measures adopted by the EC (such as the proposed electronic transmission of results from polling units) should be fully explained to political parties and voters, and implemented in a transparent manner in order to avoid suspicion or misinformation.
- The EC should establish a baseline for enhancing women's participation by providing disaggregated data to the public on indicators such as gender, voter registration, voter turnout, number of women candidates and their distribution by geographic region and age.
- The EC should actively facilitate women's participation as voters, and promote gender balance in the recruitment and deployment of polling officers.
- The EC should identify credible, highly respected and well-known individuals to administer elections on Election Day, and should make the criteria of their recruitment public.

Political Parties

- Political parties should reaffirm their commitment to peaceful polls as reflected in the Ada Communiqué of May 2016. They should reject violence around elections in all forms and disassociate themselves from all vigilante groups.
- Political parties and candidates should constructively engage and avail themselves of consultative opportunities offered by the EC in order to enhance confidence in the electoral process.
- Political parties should develop party manifestoes that foster campaigns based on policy rather than on ethnic, religious, regional or other polarizing issues.
- All political parties should sign an electoral code of conduct.
- Political parties should undertake effective party agent deployment plans that include, among other things, training on the Electoral Law, dispute resolution and guidelines for party poll watchers.
- Political parties should provide consistent support to women candidates, ensure gender balance in the recruitment of party agents and address prominently women's issues in their party manifestos.
- Political parties should pay special attention to countering all forms violence against women in politics and public office.
- Political parties should promote the participation of youth and other marginalized groups in election activities.
- Political parties should engage in voter education and violence-prevention campaigns with their members at the national, district and local levels.

Government of Ghana

- The Government of Ghana should protect citizens' freedom of expression on all available platforms, including social media.
- The Government should ensure that the professional integrity of security services are not compromised by political actors.
- The Government's NESTF should strive to integrate relevant data and information gathered through civil society violence prevention platforms into its early warning systems.
- The Government's National Commission for Civic Education should expand and strengthen its efforts to educate voters about the election process.

Civil Society and Eminent Leaders

- Civil society organizations should enhance their civic and voter education initiatives and non-violence messaging, especially in rural areas and in local languages consistent with EC guidelines.
- Civil society should promote women's political participation as voters, poll workers, observers and monitors, security officials as well as public office holders.
- Eminent leaders— including religious, traditional, and political leaders— should work together to amplify and disseminate anti-violence messages.

Media

- Media should develop— as a matter of urgency— a code of conduct to promote responsible and objective election-related reporting.
- Social media platforms should discourage their users from engaging in hate speech or using provocative and inflammatory language.
- The National Media Commission and Ghana Journalists Association should conduct capacity-building seminars promoting conflict-sensitive election reporting and effective mechanisms to monitor the dissemination of irresponsible content and information.

International Community

- Ghana's development partners should enhance their support for civic and voter education and election monitoring efforts. The training of party agents to monitor all phases of the process—especially on election day—is critical, and should be supported throughout the country.