

Chapter 6

Conclusions and Recommendations

The 7 December 2012 elections were Ghana's 6th elections since the restoration of multi-party democracy in Ghana. The elections were contested by eight presidential candidates from seven political parties and over 1,300 parliamentary candidates, illustrating that freedom of association is provided for, and that the elections were competitive. The campaign was highly active and generally peaceful, though characterised by a vigorous competition between the two leading parties. The various calls for peace, including the Kumasi Declaration involving all Presidential candidates, were helpful and are to be commended. However, some incidents and localised tensions involving party supporters were reported.

The election campaign was highly active, with political parties and candidates holding rallies and meetings across the country, and utilising poster campaigns and TV advertising extensively, and with the Presidential aspirants engaging in a number of substantive debates. Overall the campaign was largely peaceful, though characterised by the sometimes fierce rivalry between the two largest parties and some isolated incidents were reported.

The Kumasi Declaration was a very positive initiative and all candidates are to be commended for their endorsement of it. While the various peace campaigns are highly welcomed, their perceived need reflects a lingering fear of violence and uncertainty linked to elections in Ghana, which is unfortunate. These fears are exacerbated by the spectre of so-called 'macho men' by political parties, and the perception of impunity for those responsible for election-related violence. While all stakeholders have a role to play in addressing these issues the political leadership on all sides and at all levels must look to themselves in this regard. Elections need not and should not be a time of fear and uncertainty.

The Inter Party Advisory Committee (IPAC) provides a useful consultative mechanism between the EC and political parties and other stakeholders and contributes greatly to the level of confidence in the process, ensuring parties and other stakeholders are involved in most aspects of the process.

There is a vibrant media in Ghana and a comprehensive coverage was provided with a variety of voices and perspectives offered, though media in general provided the bulk of coverage to the two largest parties. There was allegedly some provocative commentary on some radio programming. It was also alleged to our team that there were misuses of incumbency. Such practices were also reported in past elections and need to be addressed where they occur.

While it is true that freedom of association and participation are fully provided for in Ghana, the level of women's participation as candidates, and thus as representatives, remains very

low. None of the Presidential aspirants was female and just 10 per cent of the parliamentary candidates were women. The total number of women in the new 275-member parliament is just over 10 per cent. For a country with an increasingly strong democratic reputation this remains a concern. The nature of politics in Ghana, and the lack of willingness of parties to proactively promote women's participation, de facto serve as a barrier to women's participation in political life in Ghana.

Stakeholders expressed their confidence in the role and capacity of the EC and generally it managed the process well. The undertaking of a constituency demarcation review and a biometric voter registration, both in an electoral year, was a major undertaking on behalf of the EC and represented a major effort. While there was some uncertainty and dispute regarding the creation of the new constituencies, this was ultimately upheld by the Supreme Court. The EC was put in a difficult position due to the late publication of the census data and the late creation of new Districts. The timing of the revision was far from ideal, which needs to be kept in mind for future elections.

The voter register was criticised in 2008, including by the Commonwealth, and it is important to highlight that the new biometric voter register represents a significant improvement, providing for increased participation levels as well as increased safeguards for the integrity of the process. The main concern raised was in regard to reports of underage voters on the list in some areas. Prior to the election, there was concern at the number of underage persons registered to vote, but our teams did not find this to be a significant problem on the day in most areas. This is something to be addressed in the future and political parties and community leaders must help the EC in this regard.

On the day of the elections the process proceeded as planned in most areas and election day was largely peaceful and voters were free to express their will. There was a large turnout of voters, the process was transparent and the secrecy of the vote generally provided for. Problems were noted with the late delivery of materials in some areas and problems with the voter verification machines in some places, resulting in delays and uncertainty and frustration for affected voters. As a consequence the voting in some 431 affected polling places was extended to 8 December.

The layout of stations varied, and was not always conducive to proper scrutiny and control by poll officials. Further, in a number of instances, and notably the larger more crowded polling places, voters had trouble identifying their correct polling place. This was particularly so when polling stations had been split by alphabetical groupings. It is unfortunate that some voters were inconvenienced or even disenfranchised due to such confusion. Proper and timely signage plus the provision of adequate numbers of staff to manage the queues and direct voters to their right lines would help address this problem.

Party agents were present in virtually all stations, providing for transparency and accountability. However, in some instances they played an intrusive role and even were involved in administering the process.

The regulations required that voters had to be verified by their finger print to be allowed to vote. This is a stringent requirement, particularly as the voter details and photos were clearly on the register and on their voter card. This stringent requirement meant that the verification machines had to work as there was no fall-back option. While they did in the vast majority of cases there were also quite a number of cases where problems occurred. This resulted in serious frustration for voters and poll officials alike in affected places and led to the extended polling on 8 December.

Our teams followed the count at polling stations and the tabulation at the Constituency level. Transparency was maintained, with local observers and party agents present and agents able to get a copy of the result for later verification by the parties. The results

process received comprehensive coverage on TV, radio and online keeping people updated as the results were announced. The final result for the Presidential Election was announced in the evening of 9 December 2012 and there was a victory in the first round for the incumbent President.

National and International Observers were largely positive on the conduct of the election and the PVT conducted by a local observer organisation announced that its findings on the final result for the Presidential election reflected the EC's official result. However, the main opposition party did make some allegations regarding what it characterised as irregularities in the result tabulation and indicated that it was intending to undertake a legal challenge. At the time of finalising the report, this aspect was still on-going.

The 2012 elections in Ghana met many of the benchmarks for democratic elections. While aspects of the administrative system and the environment for the polls can still be improved further these elections were credible.

Recommendations

Electoral Framework and Electoral Administration

- Changes to the electoral framework, such as the creation or alteration of constituencies, should not be done in the lead-up to the election, as this can cause uncertainty and tension. Further, the creation of new Districts should also be avoided during this same period as this has the effect of driving a review of Constituencies. Further, these factors result in an increase in the size of the parliament beyond what might be deemed reasonable.
- The current balance between the size of constituencies across the country should be reviewed to ensure a more equal balance and thereby ensure that equal suffrage is better provided for.
- The process for challenging the registration of underage and other unqualified voters needs to be more effectively implemented, or otherwise additional

opportunities for EC officials and others may need to be provided for after initial registration is completed.

- There is a need to explore mechanisms to encourage and increase the participation of women as candidates and as elected representatives in Ghana. Alternatively, or in parallel, political parties are strongly urged to take account of the need for women's participation as candidates.

Election Campaign and Media

- Mechanisms should be put in place to strengthen adherence to the Code of Conduct for Political Parties during elections.
- The National Media Commission working with editors and the Ghana Journalists Association and other relevant bodies should ensure greater adherence of journalists and media houses to the guidelines for reporting elections
- Editors should ensure that the content of materials they publish is in good taste.
- The Electoral Commission should improve the management and updating of its website, particularly during posting of results.
- State-owned media should develop and publish more detailed guidelines on how they intend to ensure that their reporting meets the benchmarks of the electoral regulations, regarding balanced and equitable coverage of various political parties.
- Safety of journalists who report and cover the election process should be guaranteed and protected, and where attacks occur, they should be investigated and action taken.

Voting, Counting and Results Processes

- The Electoral Commission should assess the skills and attributes necessary to act as a successful Presiding Officer and recruit based on candidates matching that specification. Their training needs in the specifics of any particular electoral event and the handling of reporting arrangements should be provided for in good time before deployment.
- Split polling stations should be provided where the maximum number of voters is exceeded, on the basis that voters at each station in a single location are broadly equal.
- The Electoral Commission should produce as part of their Polling Station Handbook/Guide to Presiding Officers specific guidance on signage, layout and

management of stations to ensure voters can establish that they are in the correct queue, at the correct station, and the flow of voters through the process is maximised and the secrecy of the vote is better assured. The guidance should specifically deal with the role of and restrictions on Party Agents to avoid confusion of roles.

- The Electoral Commission should review their logistical plan for the distribution of materials to Polling Stations to avoid late opening of polls.
- The Electoral Commission should review the exceptions to the current practice on the use of the biometric verification device to minimise the number of elderly people being refused their vote due to the difficulty in matching fingerprints.
- The Electoral Commission should devise a specific plan or process and incorporate it into routine training to deal with circumstances where the poll is disrupted for any reason.
- The Electoral Commission should review the process at the stage of tabulation of votes to ensure that basic errors in the Presiding Officers' paperwork are dealt with as part of the check-in process.
- The Electoral Commission should consider publishing polling stations results by Constituency. This was recommended by the COG in 2008 and is a good electoral practice to further increase transparency, accountability and confidence in the results.