

**PRELIMINARY STATEMENT OF THE NATIONAL DEMOCRATIC INSTITUTE'S
INTERNATIONAL OBSERVER MISSION TO GHANA'S DECEMBER 7
PRESIDENTIAL AND LEGISLATIVE ELECTIONS**

Accra, December 9, 2016

This preliminary statement is offered by the international observer delegation fielded by the National Democratic Institute (NDI) to Ghana's December 7, 2016, presidential and legislative elections. The 30-person delegation with members from 14 countries was co-led by: Johnnie Carson, senior advisor to the president of the United States Institute of Peace (USIP), member of the NDI board of directors, and former U.S. assistant secretary of state for African affairs; Yvonne Mokgoro, board chair of the Nelson Mandela Children's Fund and former justice of the Constitutional Court of South Africa; Pat Merloe, senior associate and director of electoral programs at NDI; and Christopher Fomunyoh, senior associate for Africa and regional director at NDI. Through this delegation, NDI seeks to: demonstrate the international community's interest in and support for credible and peaceful elections in Ghana; provide an accurate and impartial report on the election process to date; and offer recommendations to improve future electoral processes.

The delegation visited Ghana from December 2 to 9, 2016. Its work builds upon: the findings of the joint pre-election assessment mission conducted by NDI and the International Republican Institute (IRI) from August 8 to 12, 2016; the NDI pre-election delegation to Ghana from October 17 to 21; reports submitted by NDI delegates who on election day were deployed in all 10 regions of the country; and NDI's other engagements with Ghanaians.

The delegation conducted its activities in accordance with Ghanaian law and the *Declaration of Principles for International Election Observation*, and collaborated with other international observer missions that endorse the *Declaration*. NDI also provided assistance to the Ghana Centre for Democratic Development (CDD-Ghana) and to the Coalition of Domestic Election Observers (CODEO). CODEO deployed about 8,000 citizen observers on election day and conducted a parallel vote tabulation (PVT or Quick Count).¹ The delegation is grateful for the welcome, hospitality, and cooperation it received from all Ghanaians it met with, especially voters, election officials, candidates, citizen election observers, and civic activists.

The delegation stresses that official election results are not yet complete, and its statement therefore is preliminary in nature. The delegation calls on Ghanaian political parties and candidates to cooperate in good faith with the Electoral Commission and for the results to be expeditiously released. Ultimately, it is the people of Ghana who will determine the credibility of the elections, and the political leaders should respect the people's will expressed in the December 7 polls.

¹ NDI's work with CODEO and CDD-Ghana is funded by the National Endowment for Democracy (NED).

SUMMARY OF OBSERVATIONS

The December 7 polls highlighted the strong and enthusiastic commitment of Ghanaians to their democratic institutions and processes and reaffirmed Ghana's democratic trajectory and recent history. Women and youth participated in high numbers as voters, polling officials, polling agents, and observers. Ghana has underscored its status as a beacon for democracy in the region and for the entire continent. The delegation applauds the people of Ghana for the largely peaceful conduct of these elections, overcoming the political tensions and violent incidents of the pre-election period.

The delegation commends the Electoral Commission (EC) and its chair for important improvements aimed at increasing the transparency, accountability, and credibility of the electoral procedures. The delegation was highly impressed with the important role of civil society actors and the media in their continuous engagement in the electoral process.

The delegation recognizes that the EC has stated it would release results within 72 hours of the close of the polls. However, in the context of a politically charged environment and to avoid a crisis, the delegation calls on the EC to expedite its work and increase its public communications to defuse any tension. It calls on political parties to cooperate in good faith with the EC, to urge their supporters to respond peacefully to the EC's announcement of election results in the spirit of the Accra Declaration, and to seek redress through legal avenues should there be reason for electoral complaints or disputes.

Although Ghana's democracy appears to be strong, these elections also have revealed certain weaknesses that need to be addressed, such as media abuse of press freedoms, including hate speech, lack of opportunities for women's political leadership, and the need to address issues of corruption as noted during the campaign.

In the spirit of international cooperation, the delegation offers recommendations to Ghanaian election stakeholders, further detailed below, to strengthen the country's electoral framework. These include:

- political leaders calling publicly on their supporters to respond peacefully to the EC's announcement of election results and to seek redress through legal avenues should there be reason for electoral complaints or disputes;
- mitigating political polarization and rancorous conflict between parties by creating mechanisms for ongoing dialogue across party lines both in and outside of the normal legislative context;
- organizing a thorough post-election review of the conduct of the 2016 elections and adopting appropriate recommendations to attain and consolidate best practices;
- initiating electoral reform early in the next legislature;
- actively facilitating women's participation by creating an enabling environment for meaningful political leadership opportunities for women;
- disbanding vigilante groups and calling on youth to engage peacefully in political processes; and
- pursuing ongoing efforts by civil society organizations, media, and religious groups for violence-free politics.

THE ELECTION CONTEXT

The December 7 polls were Ghana's seventh presidential and parliamentary elections since the country's return to civilian rule and reintroduction of multiparty politics in 1992. While past elections were not without challenges, Ghana has a history of transparent and inclusive polls and Ghanaians hold dearly to their democratic processes.

The 2016 polls took place in a more challenging context than many past elections. The political stakes were widely perceived to be higher than in previous presidential elections, as the incumbent president sought reelection after his party had been in office for two terms and, conversely, the main opposition candidate pursued his third and perhaps final run for office. Public confidence in election administration was heavily tested during the protracted petition challenging the 2012 presidential results, and the Electoral Commission had its first new chairperson since 1993. In this highly charged political environment, the need for inclusion, transparency, and accountability was heightened, especially as procedural disputes became politicized, further fueling tensions and raising fears of election related violence.

As the country moved closer to election day, election preparations became less contentious. Disagreements among and between parties and the EC were progressively settled, either by court decisions or through negotiated agreements. Civil society contributed through forums, mentoring, and mediation, the high point of which was the December 1 "Accra Declaration" for peaceful polls, facilitated by the National Peace Council and supported by Ghanaian and international actors. Though challenges remain, Ghanaian election stakeholders – including the EC, political parties, and civil society – have demonstrated through their conduct of the 2016 polls a determination to make democratic institutions and processes work in the greater interest of the country.

Electoral Commission: from litigation to negotiation. Over the past year, the EC faced a significant number of court cases initiated by political parties. Litigation around the voter register and the disqualification of presidential candidates was resolved by the Supreme Court as the Court ordered the EC to take remedial actions to clean the register and reopen the candidate nomination process to accommodate more presidential candidates. On the other hand, the EC and political parties adopted by consensus procedures for manual voter verification at polling stations were a biometric verification device to fail. The same was the case for the introduction of an electronic results transmission system intended to enhance the transparency of transmission of presidential results from constituency collation centers to the national collation center in Accra.

In the months leading up to election day, the EC improved its communication with the public and engaged political parties in more open discussions. In regular meetings with the Inter-Party Advisory Committee, the EC developed consensus on revisions to the administration of the electoral process. For example, political parties observed the procurement process of newly designed "pink sheets" – the results sheets given to party agents at polling stations – adopted as a consequence of the litigation over the 2012 polls. These "pink" sheets now include the polling station name, number, and a unique serial

number, which would improve traceability to a given polling station, should there be a dispute over the results.

The EC adopted a system for electronically transmitting presidential results from the country's 275 constituency collation centers and receiving scanned copies of polling station tally sheets, which are to be posted in a timely manner on the EC's website, along with results disaggregated by polling station. The EC also embraced CODEO's PVT/Quick Count as an important independent verification of its election day procedures and results tabulation. Such measures allow political parties and citizens to assess election procedures, build confidence in the process, and remove volatility concerning the electoral outcome. Though the electronic transmission process faced difficulties, maintaining the commitment to timely results data is important for public confidence in the elections.

Political parties: the "Accra Declaration." The pre-election period in 2016 was fraught with incidents of violence around voter registration and campaigning, although not all parties were impacted in the same manner. These and other factors heightened concerns about the potentials for violence that would subvert electoral credibility. A week before election day, on December 1, all seven presidential candidates signed an agreement, called the "Accra Declaration," pledging their commitment to the conduct of peaceful and credible elections. The signing ceremony was organized by the National Peace Council and the National House of Chiefs, in the presence of President Ellen Johnson Sirleaf of Liberia, current chair of the Economic Community of West African States (ECOWAS); former President Thabo Mbeki of South Africa, head of the African Union observer mission; Madame Josephine Ojiambo, deputy secretary-general of the Commonwealth; and Dr. Mohamed Ibn Chambas, United Nations special representative for West Africa and the Sahel. The Declaration was the culmination of calls for greater civility by religious, traditional, and civil society leaders, and joint efforts to avoid violence before, during, and after the 2016 elections.

Despite the country's democratization efforts, the low number of women candidates in the 2016 elections exposed a lingering weakness that must be addressed. In the last legislature, women held only 11 percent of parliamentary seats, and of the 1,158 legislative candidates for these elections, only 136 (11.7 percent) were women. One female candidate ran for president, and one party nominated a female vice presidential candidate. A number of violent incidents in the pre-election period targeted women candidates in particular. Electoral violence against women affects their participation as candidates, campaigners, electoral officials, election monitors, and voters.

Security agencies: proactive deployment. In preparation for the campaign, Ghana reactivated the National Election Security Task Force (NESTF), which is an inter-agency body representing all security agencies and the EC, established to coordinate efforts at providing election security. Representation on the NESTF at the national level is replicated at the regional and district levels. On election day, the NESTF deployed personnel to each polling site and provided for rapid response units prepared to intervene in case of violence. Most Ghanaians welcomed the increased deployment of security personnel for the elections. According to a pre-election survey conducted by CDD-Ghana in October, 81 percent of

Ghanaians found that the presence of armed personnel (police or army) at polling stations would make them feel “secure” or “more secure.”

Civil society: active engagement. Ghanaian civil society played an active role in monitoring the election process, and contributed to identifying and mitigating emerging tensions. Organizations and networks, including CODEO and the Institute for Democratic Governance, deployed significant numbers of observers on election day, for an estimated total of 12,000 citizen observers, including large numbers of women. The West African Network for Peacebuilding (WANEP) established an early warning system to identify and address potential sources of conflict around the elections. WANEP and its partners also set up an Election Situation Room in Accra, with satellite rooms in Kumasi in the Ashanti Region and Tamale in the Northern Region. Similarly, a Women’s Situation Room tracked and sought to mitigate instances of violence and other challenges faced by women on election day.

Media: new and old. In the months leading up to the elections, Ghanaians expressed grave concerns about hate speech and the propagation of misinformation, particularly through social media. In one notable case, the EC’s efforts at voter education were almost undermined by a rumor that texting a voter ID number to a contact number established by the EC to help voters to determine their polling station locations would cause the voter’s name to be deleted from the voter register. While most journalists practiced responsible, objective, and issue-oriented election reporting, others did not responsibly verify information received before broadcasting, thereby at times contributing to the rumor mill. In an example of good practices, the Citi FM station deployed approximately 200 trained reporters and volunteers across the country to provide timely and accurate reportage on election day. Likewise, the technology-focused nonprofit organization Penplusbytes set up a Social Media Tracking Centre to monitor and respond in real-time to postings on social media platforms, such as Twitter and Facebook. They tracked emergent trends, verified incidents, passed information on to relevant stakeholders, like the NESTF, and identified false reports.

ELECTION DAY OBSERVATIONS

NDI’s delegation notes that, overall, voting was peaceful, orderly, and well-organized by trained polling officials. Most voters seemed well-informed about the process and participated enthusiastically.

Participation

- Voters turned out in large numbers in the polling stations observed. Many had waited in line since early morning, before voting started.
- The delegation observed significant numbers of women in voting queues. Youth representation among voters at polling places observed by NDI delegates was similarly significant. The delegation also noted that special consideration was given to expedite voting for pregnant and nursing women, the elderly, and persons with disabilities.
- Party agents from the two major parties – the National Democratic Congress (NDC) and New Patriotic Party (NPP) – were represented in almost all of the polling places

observed and conducted themselves in a mutually respectful manner. Some party agents did not carry EC credentials.

- The delegation saw nonpartisan citizen election observers deployed in significant numbers in almost all of the polling sites visited. These citizen observers carried out their observation efforts without restrictions. CODEO deployed 8,000 citizen observers and used the parallel vote tabulation methodology to systematically observe opening, voting, and counting processes at a representative random sample of 1,500 polling stations in all 10 regions and 275 constituencies of Ghana. Many Ghanaians stated that the PVT methodology enhanced confidence in the electoral process as it would allow CODEO to independently verify official results released by the EC.
- Civic organizations also played a vital role in promoting inclusive electoral participation and mitigating election violence. Notable efforts included peace messages developed and broadcast on local media, as well as tracking and verification of election-related news to ensure that voters are factually informed over the course of election day. Other efforts included various initiatives supported by STAR-Ghana, and the rapid response mechanism that both the civil society platform Situation Room and the Women's Situation Room adopted to collect and share reports of violence and other incidents to the appropriate authorities for immediate remedial action.
- The delegation noted a significant reduction in the number of rejected ballots compared with previous Ghanaian elections, which indicates successful voter education efforts by the EC, civil society organizations, and the media.

Election administration

- The vast majority of polling stations visited by NDI observers received the necessary materials and opened on or close to the 7 a.m. scheduled start of voting.
- An exception was the constituency of Jaman North in Brong Ahafo, where voting was delayed by a day due to disagreements among party representatives over the voter transfer list and its impact on the voter register.
- Poll workers, security personnel, and volunteers took helpful initiatives to manage queues and calm overcrowded polling sites. Women were well represented among polling officials, though more efforts are needed to achieve gender parity, including among presiding officers.
- Biometric verification devices functioned properly in most polling stations observed. Manual verification was permitted if biometric verification did not work.
- For the 2016 polls, as many larger polling stations were split into smaller sites to reduce the number of registered voters per site, some voters were confused over which polling site to use. In many places there appeared to be insufficient signage to direct people to the correct line. Security personnel and polling officials at polling stations where voters had waited for long periods in the wrong line often helped those voters go to the front of the correct line.
- In some cases, the placement of voting booths did not always guarantee the secrecy of the vote, depending on how the voter was positioned and where polling officials and the queue were in relation to the voting booths.

- In the vast majority of polling stations observed, all party agents agreed to sign the Declaration of Results Form and received copies of the results form. Polling officials showed rejected ballots to party agents, and there was general agreement over the procedures for rejecting ballots in the polling stations observed.
- The overall procedures and organization of the counting process went well; however, there were reports of crowding over counting tables in some locations.

Special voting: Special voting was made available for security personnel, EC representatives, and journalists who on election day were deployed outside of the constituency where they are registered to vote. This special voting took place on December 1 and continued on December 4, due to challenges with the early voting exercise. Tensions mounted as a number of security personnel and others could not find their names on the list; in a very few cases, EC material was destroyed in some polling stations. Despite these challenges, turnout among the more than 127,000 voters registered for special voting was 79.29 percent, according to EC figures. Those who did not find their names on the special voters list were invited to vote at their polling station on election day, though it is not yet known how many of the remaining people voted.

Communication: The delegation noted that the EC created a media center and held press conferences every two hours on election day. This was a welcome innovation that provided greater access for the media than in previous elections. There was robust TV and radio coverage throughout the day, including interviews with voters, polling agents, and security personnel at polling stations across the country. Social media was also very active, for example under the banner of #GhanaDecides. Penplusbytes monitored and verified information posted on various social media platforms. This extensive coverage had a calming effect, contributing to increased confidence in the transparency of the process.

Posting of results: The delegation observed results from polling stations being projected on a screen at several constituency collation centers, to be confirmed by party agents before being transmitted via fax and electronically to the National Collation Center. Prior to election day, the EC informed the delegation that presidential results would be published at the polling station level, providing real-time access to results on the EC's website, social media sites, and a new mobile application, ThumbsApp. However, due to a breakdown in the electronic results transmission process, no results data were posted on the EC's website or mobile application the day after the election. A limited number of manually-verified constituency results were made available via the EC's official Facebook page and Twitter account. It is unfortunate that technology challenges prevented the planned added transparency to the results publication. Once the data become available on the EC's website, political parties and interested voters would be able to verify that constituency and national level results are consistent with the results announced at polling stations. The delegation commends the EC for adopting a transparent approach, which is in line with best practices for the sharing of election related-data recommended by the Open Election Data Initiative (www.openelectiondata.net). The delegation recognizes that problems in the process of results transmission and posting create the potential for increased tensions. A need exists to transparently and expeditiously complete the process.

Security

- Overall, security service personnel played a positive and professional role in the majority of polling stations that the delegation observed. Nearly without exception, police and other security services deployed within polling stations maintained a non-intrusive profile and managed both queues and disputes in a calm, professional manner. Women were well represented in the security services.
- The mission heard media and secondhand reports of isolated incidents, including: a shooting in Volta Region over an election dispute, with the victim taken to hospital for treatment; a violent beating in Ashanti Region of a man thought to exhibit suspicious behavior; and the ransacking of a collation center in Tamale South, with ballot boxes opened and ballots thrown all over the ground.

RECOMMENDATIONS

The delegation urges Ghanaian election stakeholders to address immediate challenges during the consolidation of results and to apply lessons learned from the 2016 polls to future electoral processes. In the spirit of international cooperation, the delegation offers the following recommendations, which it believes would strengthen the Ghanaian electoral framework:

To the Government of Ghana:

- Initiate electoral reform early in the next legislature, prioritizing issues such as revising the current voter register, or developing a new one, in order to ensure that all eligible Ghanaians have a genuine opportunity to exercise their right to vote.
- Mitigate political polarization and rancorous conflict between parties by creating mechanisms for ongoing dialogue across party lines, both in and outside of the normal legislative context.
- Strengthen government bodies such as the Ministry of Gender, Children, and Social Protection and the parliamentary Committee on Gender and Children in their ability to integrate gender across all government institutions.
- Establish targets for increased women's participation through the electoral framework and create accountability measures that ensure their equal participation in decisionmaking.

To the EC:

- Undertake a thorough post-election review of the conduct of the 2016 polls – both internally and with election stakeholders – and adopt appropriate recommendations on improvements to the process in order to attain and consolidate best practices.
- Make the voter register available in a timely manner for independent verification by political parties and civil society.
- Enhance the efficiency and transparency of special voting procedures; include accredited citizen election observers deployed on election day in the special voting exercise to allow them to vote early.

- Strengthen safeguards to ensure an effective results transmission and reporting process.
- Promote enhanced gender balance in the recruitment and deployment of polling officers, including presiding officers; publish sex-disaggregated data on women's participation as voters and polling officials.

To political parties and candidates:

- Call publicly on supporters to respond peacefully to the EC's announcement of election results and to seek redress through legal avenues should there be reason for electoral complaints or disputes.
- Cooperate in good faith with the EC to expedite the results process.
- Denounce supporters who engage in hate speech or acts of violence.
- Disband party affiliated vigilante groups and encourage party youth to engage peacefully in electoral and political processes.
- Establish targets for promoting women as leaders and candidates, and adopt accountability measures to ensure those targets are met.
- Address public policy issues from the perspective of women as well as men, and advance efforts to counter all forms of violence against women in politics and public office.

To civil society and the media:

- Pursue ongoing efforts to promote violence-free politics.
- Maintain the high degree of engagement and oversight of the electoral process demonstrated in the 2016 elections, and build on the achievements in these polls to strengthen citizen involvement in the monitoring of political processes beyond elections.
- Advocate for more women in decisionmaking positions within political parties and government to consolidate and represent key areas of concern to women and society.

To the Ghanaian Police Force:

- Safeguard the perimeter of the vote counting area to avoid overcrowding and possible intimidation of polling officials.
- Vigorously investigate and, in cooperation with the Office of the Attorney General, prosecute election-related offenses as a deterrence to impunity.

ABOUT THE MISSION

NDI's election observation for the December 7 elections included two pre-election assessment missions in August and October 2016, the statements of which can be found at www.ndi.org/ghana. NDI's election day delegation met with candidates; party representatives; election authorities; political, religious, and civil society leaders; representatives of the media; and security and government officials.

NDI conducted its election observation in accordance with Ghanaian law and the *Declaration of Principles for International Election Observation*, which is endorsed by 54

intergovernmental and nongovernmental organizations. These include the United Nations Secretariat, the African Union, the Commonwealth Secretariat, ECOWAS, the European Union, the International Organization of the Francophonie, IRI, and NDI. NDI has organized more than 175 delegations to assess pre-election, election day, and post-election processes in every region in the world.

NDI's international election observation mission in Ghana is funded by a grant from the Bureau of Democracy, Human Rights, and Labor at the U.S. Department of State, and its pre-election delegations were funded by the National Endowment for Democracy (NED).

The delegation comprised: Johnnie Carson, former U.S. assistant secretary of state for African affairs; Yvonne Mokgoro, former justice of the Constitutional Court of South Africa; Christopher Fomunyoh, senior associate and regional director for Africa at NDI; Patrick Merloe, senior associate and director for elections programs at NDI; Alex Azebaze, chairperson of the National Platform of Civil Society Organizations of Cameroon; Aminata Kassé, former member of parliament of Senegal; Anna Chavez, business communications consultant for Talento Competitivo; Aubrey McCutcheon, human rights, governance, and development expert; Christopher O'Connor, program officer for West Africa at the National Endowment for Democracy (NED); Dany Ayida, civil society and governance expert; Dave Peterson, senior director of the Africa program at NED; Elizabeth Vukeh-Tamajong, Secretary-General of the Women's Academy for Africa; Emily Rodriguez, senior manager for government relations and communications at NDI; Eve Bazaiba Masudi, member of parliament of the Democratic Republic of Congo; Gita Honwana Welch, associate fellow of the Africa Programme at Chatham House; Helen Fotopulos, former city councilor and borough mayor of Montreal; Jennifer Cooke, Africa program director at the Center for Strategic and International Studies; Jibrin Ibrahim, senior fellow of Nigeria's Center for Democracy and Development; Kevin Adomayakpor, civil society leader and citizen observation expert; Kristin Haffert, co-founder of Project Mine the Gap; Nasir Ahmad El-Rufai, current Governor of Kaduna State, Nigeria; Peggy Nash, former member of parliament of Canada; Mark Doyle, former foreign correspondent for the BBC; Mmasekgoa Masire-Mwamba, former deputy secretary general of the Commonwealth; Ray Esebagbon, deputy director, NDI Nigeria; Sophia Moestrup, deputy regional director for Africa at NDI; Sarah Jegede-Toe, co-chair of the National Elections Commission of Liberia; Tami Longaberger, member of the board of directors of the International Republican Institute; Travis Adkins, senior director of public policy at InterAction; Trevor Fearon, chief executive officer of the Jamaica Chamber of Commerce.