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Ghana's 2012 Elections: Lessons Learnt Towards Sustaining Peace and Democratic Stability

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RECOMMENDATIONS:

- An introduction of new technology should be accompanied with adequate resources and qualified personnel and should be tested as a pilot before nation-wide replication.
- The recruitment and training by the Electoral Commission (EC) of competent election officials is a prerequisite for peaceful and successful elections. As such, the process of recruitment should be transparent, rigorous and devoid of partisan interest.
- Collusion of EC officials in election manipulation should be considered a criminal offence, punishable by a custodial sentence.
- There is the need for reforms to be undertaken in the entire election administration in view of the challenges that emerged from the Supreme Court (SC) proceedings. The government, the EC and political parties should play critical roles.

Introduction

Ghanaians went to the polls on 7 December 2012, not only to cast ballots for a new president, but also to elect 275 members of parliament to represent their various electoral constituencies.¹ As opposed to the five previous elections (1992, 1996, 2000, 2004 and 2008), the 2012 elections were held on two days, the 7 and 8 December 2012. During voting on 7 December, several challenges relative to efficient management of elections were

identified, namely, late arrival of election materials and personnel at some polling stations; inadequate communication devices for security forces; poor transportation networks and inaccessibility of some remote constituencies². These initial challenges, coupled with the malfunctioning of the newly introduced Biometric Voter Registration (BVR) and the associated Verification System (VS) nearly created tension and misunderstanding among

¹ See CDD (2012). CDD-Ghana Statement on Creation of New Constituencies. *Newsletter*. See also Coffie, F. (2012). Controversy on Creation of 45 New Constituencies. Available at: <http://gbcghana.com>. [Accessed 5 November 2013].

² Aubyn, F. and Abdallah, M. (2013). Sustaining Peace and Stability: Appraising the Role of the National Election Security Task Force in the 2012 Elections. *Journal of African Elections*, Vol. 12, No. 2, 132-153.

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several election stakeholders³. On the one hand, there was confusion among the voting public, Electoral Commission (EC) officials and party agents, and on the other hand, among political parties relative to the extension of the voting to 8 December. However, with the intervention by the incumbent president, John Dramani Mahama, and elite consensus among political parties, voting was extended to the second day, 8 December. Nevertheless, the decision for the extension was met with some degree of skepticism regarding the continued free, fair and transparent conduct of the electoral process and its outcome. After two days of voting, the incumbent was declared winner with 5,574,761 (50.70 percent), against Nana Addo Dankwa Akufo-Addo's 5,248,898 (47.74 percent) of the total valid votes cast. Generally, the conduct of the elections was peaceful, as attested by reports of domestic and international election monitoring groups such as the African Union Observer Mission, the Commonwealth Observer Group and Coalition of Domestic Election Observers (CODEO)⁴. However, dissatisfied with the results, a petition was filed by the NPP flagbearer, Nana Addo Dankwa Akufo-Addo, his running mate, Dr. Mahamudu Bawumia, and the National Chairman, Mr. Jake Obetsebi-Lamprey⁵. The basis for the

petition was the contention that there were gross and widespread irregularities at 10,119 polling stations.⁶

This policy paper discusses the security challenges that emerged before, during and in the immediate aftermath of the declaration of the election results. Based on the identified challenges in all three phases of the elections, it draws key lessons learnt for future elections. The paper concludes that undertaking reforms and improving election administration is an important step towards sustaining peace and future democratic stability in Ghana.

The 2012 Elections: The triggers of violence and conflict

The 2012 elections in Ghana were marked by violence and internal as well external threats to security in all three phases of the elections.⁷ However, the degree of violence varied from one phase to the other. The pre-election phase recorded 57.7 percent of violent incidents, 30 percent occurred during the election period and 12.2 percent after the elections⁸. Among the issues that posed a threat were the possibilities of the breakdown of the BVR machines and VS; the alleged "secret tapes", which purported to reveal grand schemes by certain people in the NPP and NDC to subvert the electoral process⁹; and the rancorous partisan debates that

³ The 2012 elections marked the first time the Electoral Commission (EC) introduced the *Biometric Voter Register (BVR) and Verification System (VS)* in the electoral administration of Ghana. See CODEO, (2012). Provisional Report on the Biometric Voter Registration Exercise. Available at: www.codeoghana.org. (Accessed 10 October, 2013).

⁴ See CODEO, 2012a. 'CODEO's Statement on the Official 2012 Presidential Results' 10 December. Available at: [http://codeoghana.org/images/CODEO%20PVT%20Statement%20\(FINAL-FINAL-Final%20\)-2012.-1.pdf](http://codeoghana.org/images/CODEO%20PVT%20Statement%20(FINAL-FINAL-Final%20)-2012.-1.pdf) (Accessed 19 October 2013). See also CODEO, 2012b. CODEO Close of Polls Statement. 7 December. Available at: <http://www.cddghana.org/upload/general/file/CODEO%20CLOSE%20OF%20POLLS%20STATEMENT%20final.pdf>. (Accessed 10 November 2013). See Commonwealth Observer Group, (2013). *Ghana Presidential and Parliamentary Elections, 7 December 2012*, London: Commonwealth Observer Group.

⁵ The basis for the petition stems from the following provisions: Article 64 of the 1992 Constitution; Section 5 of

the Presidential Election Act, 1992 (PNDCL 285) and Rule 68 and 68 A of the Supreme Court (Amendment) Rules 2012, CI 74.

⁶ See Ghanaweb. 2013. Election Petition: Supreme Court delivers judgment today. 29 August, 2013. Available at: www.ghanaweb.com/GhanaHomePage/NewsArchive/artikel.php?ID=284047>. (Accessed 20 November 2013).

⁷ Aubyn, *op. cit.*, Aubynn and Abdallah (2013).

⁸ Aning, K., Lartey, E., and Danso, S. (2013). Conflict Monitoring and Intervention for Peace in Ghana's Election 2012. Center for Democratic Development, CDD-Ghana. Unpublished Report.

⁹ Zamana, D. (2012). NPPs Secret Tape Out – plans to disrupt elections with mercenaries – NDC. Available at: www.modernghana.com. See also African Elections. 2012.

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came in the trail of the creation of an additional 45 constituencies by the Electoral Commission (EC). These were exacerbated by continuous use of indecent language in political discourse in the media. Among other things, there was growing suspicion among some political parties that certain state institutions such as the EC, the judiciary and the security agencies would not play their roles professionally to protect the integrity of the election process.

The external dimension of possible threats emanated from the influx of Ivorian ex-combatants, mercenaries and rebels into the country¹⁰. The possibility of their numbers posing internal as well as regional security challenges was striking as the election drew near. This was particularly worrying in the face of a United Nations (UN) indictment of Ghana for harbouring Ivorian mercenaries, ostensibly to destabilize the Alassane Ouattara government.¹¹

Of critical concern at the internal level was not only the possibility of malfunction of the BVR and VS, but also the credibility of the entire election process.¹² Contrary to the good intentions that informed the introduction of the BVR and VS, the process was undermined by extreme politicization and the registration phase was marked by extreme

violence and attacks on political party figures¹³. The failure of the police to arrest and prosecute perpetrators raised fears about successful conduct of the elections. Indeed, the fears were heightened on Election Day when problems at certain polling stations led to the extension of the voting exercise to the next day, 8 December. This placed enormous responsibility on the National Election Security Task Force (NESTF) to protect all polling stations, electoral offices, voters, ballot boxes, electoral officials and collation centres. Largely because of the breakdown of the BVR machines on Election Day, the NPP rejected the election results. At its 11 December press conference, the NPP said:

It is obvious from the preponderance of evidence available to us, some of which was made available to the Commissioner prior to this evening's declaration [during the mediation process] that the ruling National Democratic Congress, led by President John Mahama, conspired with certain EC officials in constituencies across the country to falsify the election results in favour of the President of the Republic, thereby, disregarding the mandate of the people of Ghana¹⁴.

In other jurisdictions, such a press conference could have scuttled the swearing-in ceremony of the President-elect and rendered the whole election exercise a sham, with the potential of plunging the country into conflict, as has occurred elsewhere in

Secret tape wahala: Boateng Gyan admits voice is his but ... Available at: www.africanelections.org/ghana/news. (Accessed 2 October 2013).

¹⁰ WANEP. 2012. Statement: Peace and Security Update – Ghana 2012 Election. Available at: politics.myjoyonline.com/pages/news/201211/98080.php.

¹¹ Subsequent to this, 40 mercenaries were arrested at the Ampain Refugee Camp in the Western Region. Related to the above was the allegation that NPP National Youth Organizer Anthony Karbo was planning to disrupt the December 2012 polls by engaging the services of mercenaries described as "bad boys" from Togo, Liberia, Nigeria and Libya. See Ghanaweb, 2012. Secret Tape! NPP plans to disrupt elections with mercenaries? Available at: www.ghanaweb.com/GhanaHomePage/health.

¹² CODEO. 2012. Provisional Report on the Biometric Voter Registration Exercise. Available at: www.codeoghana.org.

¹³ There was an allegation of attacks on the NPP parliamentary candidate for Ablekuma South, Ursula Owusu, and on Abu Jinapor, an aide to the NPP flagbearer in the Odododiodio constituency in the Greater Accra Region. In Kumasi, the BVR exercise was halted for a whole day in a polling centre in the Tafo Pankrono constituency when irate NDC youth seized the equipment of EC officials. See *Daily Guide*. 2012. President Mills calls for end to biometric registration violence. Available at: www.dailyguideghana.com. [Accessed 20 November 2013].

¹⁴ See 'Ghana Election 2012: Akufo-Addo Refuses to Accept EC's Verdict, Vows to Go to Court' December 10, 2012, available at <<http://ghanareporters.com/2012/12/10/ghana-election-2012-akufo-addo-refuses-to-concede-vows-to-go-to-court/>>. Accessed November 11, 2013.

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Africa. Nevertheless, guided by the 1992 Constitution and the election regulations, the NPP proceeded to file an election petition at the Supreme Court (SC)¹⁵. This, notwithstanding, there were pockets of violence. For instance, journalists of various TV and radio stations were reported to have been attacked by NPP supporters and thugs after the declaration of the results¹⁶. The victory rallies of the NDC and counter-rallies by the NPP at the Kwame Nkrumah Circle's Obra Spot in Accra nearly became trouble spots. But the police and the military provided continued security protection at areas considered as potential areas of confrontation across the country, including the Supreme Court premises where the NPP's election petition was to be adjudicated¹⁷.

The televised election petition elicited challenges relative to constitutional interpretations, ambiguities in the understanding of terms such as over-voting, voting without undergoing biometric verification, some presiding officers not signing pink sheets and some pink sheets having duplicate serial numbers. These revelations during the court proceedings also laid bare some fundamental flaws in the recruitment and training of electoral officers. The EC admitted during cross-examination that there was limited time for training its presiding officers. This, however, should not be accepted as an excuse given the fact that elections are increasingly becoming make-or-break affairs in Africa.

¹⁵ Aning, K. and Annan, N. (2013). Politics, Economy and Society South of the Sahara in 2012. *Africa Year Book*, Vol. 9, pp. 97-105.

¹⁶ *Daily Graphic*, 2012. GJA asks NPP to apologise for attacks on journalists. 13 December.

¹⁷ Ghana Broadcasting Corporation. 2013. Police ready to avert chaos around premises of Supreme Court. Available at: gbcghana.com/index.php?id=1.1232230. See also Ghana News Agency. 2013. Heavy Security Presence at Supreme Court Premises. Available at: www.ghana.gov.gh/.

Lessons Learnt from the 2012 Elections

Identifying lessons learnt after an exercise such as a national election is important for highlighting the inherent challenges and preparing to build improved processes and structures for future elections. An analysis of the challenges in all three phases of the elections indicates that there are key lessons for all election stakeholders.

First, the introduction of new technology for the purposes of improving election administration is not certain to prevent violence and conflict. In other words, innovations in themselves do not guarantee peaceful and successful elections. They will serve as confidence boosters when the government commits the necessary resources and logistics and ensures that the EC trains the right calibre of personnel to use such technology. The 1996 and subsequent elections saw reforms such as mandatory photo ID cards and transparent ballot boxes. A Political Parties Act was promulgated in 2000 (Act 574) to improve election administration. However, the introduction of the BVR and VS faced numerous challenges even during the registration exercise, raising fears of recurrence on Election Day. The failure of the government, political parties and the EC in particular to anticipate and secure back-ups to ensure efficiency was a major flaw that could have been avoided.

Secondly, the election petition brought to light some fundamental challenges and flaws in Ghana's election administration. Lack of clarity on what constitutes over-voting, voting without biometric registration, unsigned pink sheets and inadequate training of presiding officers as well as polling and party agents were problems that became prominent during the election petition.

Thirdly, the use of the courts to seek to overturn elections results will be a difficult task if not impossible. An overarching consideration in running elections is the huge financial commitment by governments and donor partners. Thus, when international election monitoring groups and observers certify the integrity of election results,

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initiation of court proceedings is not likely to succeed, in spite of mounting evidence of irregularities. This has several implications for future elections including the electorate possibly losing confidence in the electoral process and outcome. In particular, the integrity of the presiding institution, the EC, and the adjudicator of electoral disputes, the SC may become suspect. The consequence is that increasingly, the conduct of elections will become even more competitive and violent at the polling and collation centres.

Towards Sustaining Peace and Democratic Stability in Ghana

Sustaining peace and ensuring democratic stability in Ghana is the collective responsibility of all election stakeholders. In view of the challenges identified and lessons learnt, the following recommendations should inform policy:

- The government has the foremost responsibility to provide the enabling environment and the resources for efficient management of elections. The introduction of new technology should be accompanied with adequate resources and trained and qualified personnel. The technology should be tested as a pilot before nation-wide replication;
- Recruitment and training by the EC of election officials is an important prerequisite for peaceful and successful elections. As such, the process of recruitment should be transparent, rigorous and devoid of partisan interest;
- Collusion of EC officials in election manipulation should be considered a criminal offence, punishable by custodial sentence. This is so because the conduct of elections impinges on the security of a nation; and
- There is the need for reforms to be undertaken in the entire election administration in view of the challenges that emerged from the court proceedings.

Conclusion

Although the 2012 elections in Ghana faced several challenges as a result of the introduction of biometric voter registration (BVR) and the associated verification system (VS), at the same time, there was some confirmation of the popular assertion that Ghana is a model democracy in Africa. This is reflected in the respect for institutions such as the Electoral Commission (EC) and the Supreme Court (SC). In particular, the SC should be commended for salvaging Ghana's democracy, reducing tension and fostering a semblance of national unity throughout the proceedings and the announcement of the verdict. But more importantly, the humility and fortitude with which Nana Akufo-Addo and the teeming supporters of the NPP accepted the defeat showed exemplary maturity and a demonstrated commitment to national unity and peace. Notwithstanding this, the enormity of the challenges identified in all three phases of election administration makes it imperative for reforms to be undertaken towards improving the entire electoral process. All election stakeholders should demonstrate commitment to this course, most importantly the government, the EC and the political parties.

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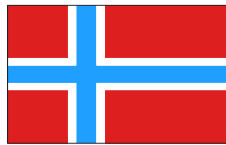
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