



**PRE-ELECTION STATEMENT OF THE AFRICAN UNION ELECTION  
OBSERVATION MISSION (AUEOM) TO GHANA 2016 ELECTIONS**

**Addis Ababa, Ethiopia 23 November 2016**

***“AUEOM Pre-election Statement Reports Highly Competitive Elections;  
Urges Steps to Enhance Confidence of Electoral Stakeholders and Ensure  
Peaceful Elections in Ghana”***

## **Introduction**

Ghana's upcoming 7 December 2016 Presidential and Parliamentary elections will be the seventh consecutive elections since the Fourth Republic in 1992, and represent another opportunity for the country to further consolidate its democratic gains.

In order to contribute to democratic consolidation in Ghana and in accordance with AU instruments on democracy, elections and governance, Ghana's national legal framework, and other regional and international instruments for international election observation, the African Union (AU) launched its long-term election observation mission in Ghana on 22 November by deploying four (4) core team election analysts at the national level to analyze the legal, political, and electoral environment, and ten (10) long-term observers to cover all the regions of the country. The Mission is in Ghana at the invitation of the Electoral Commission (EC) of Ghana.

Since their deployment, the AU observers have met and consulted various stakeholders, and also observed and follow up on the implementation of certain aspects of the electoral process including campaigning, the preparation and distribution of non-sensitive materials, the recruitment and training of election staff, the conduct of civic and voter education, and the resolution of electoral disputes, amongst others.

As Election Day approaches, the African Union Election Observation Mission (AUEOM) makes this pre-election statement to share its key findings and recommendations to further enhance credibility in the conduct of the forthcoming presidential and parliamentary elections. The AU will issue further public statements and a more comprehensive report of its assessment of the conduct of the entire electoral process after the elections.

African Union (AU) observers report that campaigning has been generally peaceful and the electoral process genuinely competitive, and that political parties and independent candidates are free to campaign throughout the country and openly express their opinions and views. AU observers also note that the EC is well prepared for the forthcoming elections despite several legal challenges it encountered earlier on in the process. The AU observers note in particular the ongoing printing of presidential ballot papers and the completion of the printing of parliamentary ballot papers and distribution of non-sensitive election materials to regional and district offices are clear indications of EC's preparedness. The Mission further notes that the expeditious manner in which the Judiciary resolved the several electoral disputes brought before it was commendable and helped to avoid situations that could have undermined the credibility of the electoral process and possibly derailed its timely conduct. The AUEOM calls on Ghanaians and political stakeholders to endeavour to maintain the prevailing peace before, during and after the elections.

## **Summary of Key Findings**

### ***Political and Electoral Environment***

The AUEOM in Ghana notes that, at the time of its deployment, campaign activities by political parties and legal challenges of the EC's decisions largely dominated the political and electoral environment. While the Mission welcomes the largely peaceful manner in which political parties have so far conducted their campaigns, it takes note of the following challenges that characterised the pre-election environment:

- intense partisan, ethnic, regional and socio-political polarisation, which have all contributed to a tense and heightened political and electoral environment;
- increased visibility of vigilante groups affiliated to political parties;
- increased incidents of intimidation and harassment with reports of women candidates frequently singled out for intimidation;
- inflammatory and stigmatizing statements, polarizing campaign messages and incidents of misinformation;
- wavering and waning confidence of the opposition in the ability of the EC to conduct impartial polls, doubts about the accuracy and integrity of the Voters' Register, and differing understanding between the EC and key stakeholders on the state of preparedness of the EC for the forthcoming elections;
- an imbalance between robust peace messaging and voter education; and
- perception of bias and partisan conduct of the security agents by the opposition parties.

In the context of current elections, the chances of these tensions translating into significant political violence are high. There is an emerging pattern of an interplay and overlap between inflamed religious, ethnic, chieftaincy or land disputes on one hand, and on the other, the inter and intra-party rivalries, political hotspots, and areas known for electoral violence. In addition, there are incidents of physical and verbal assaults and threats which do not only epitomize the high stakes in these elections, but are indicative of the extent to which some political actors would go to gain electoral advantages.

### ***Electoral and Legal Framework***

Ghana has comprehensive legal framework for the conduct of credible and democratic elections on 7 December 2016. The laws that govern Ghana's electoral frameworks are in compliance with international, regional and sub-regional treaties ratified by Ghana and the Constitution of Ghana, 1992. The freedoms of association, movement, assembly and speech are adequately domesticated. In addition, the laws provide for and protect the right to vote, the right to participate in public affairs, based on the principle of non-discrimination and equality, and the right to a fair trial. The AUEOM, therefore, commends Ghana for bringing its electoral and legal frameworks in line with regional and international standards for democratic elections, in particular, its ratification and domestication of the African Charter on Democracy, Elections and Governance.

## ***Election Administration and Preparations***

The EC has a long history of conducting fairly credible elections. The law protects the independence and impartiality of the EC, but the extent to which the EC is independent and impartial, in practice, is a subject of contention by opposition parties. Some of the concerns raised against the EC relate to the Voter Register, the lack of transparency and inadequate communication with political actors. While the AUEOM notes that these concerns cannot be substantiated, it is important for the EC to take steps to build confidence and trust through the Inter-Party Advisory Committee (IPAC) ahead of the elections.

The Mission observed that the EC has successfully printed ballot papers for parliamentary candidates and distributed non-sensitive materials to all its regional and district offices. Following the resolution of the issue of disqualification of 13 presidential candidates by the Supreme Court, the EC has since issued notice of polls for the Presidential elections and printing of presidential ballot papers is now ongoing. Furthermore, the EC is finalizing the recruitment and training of polling officials, and is also carrying out countrywide voter education. As such, the EC could be considered well prepared for the forthcoming elections.

## ***Candidates Nomination Process***

The laws and regulations governing candidate nomination process provide reasonable and equal opportunity for all citizens desiring to participate in the elections. Even though nomination laws and regulations are in compliance with regional and international standards, the process of nomination for the presidential nominees was problematic. The AUEOM observed a very high number of disqualification of presidential nominees, which led to protracted court challenges and the resultant acrimonious relationship between the affected political parties and the EC. The AUEOM thinks that this could have been avoided if enough consultation rather than contestation was used.

The AUEOM commends the efforts of the Judiciary, particularly the Supreme Court of Ghana, for expeditiously resolving the many legal challenges surrounding the presidential nominations which, if not handled speedily and judiciously, would have derailed the timely conduct of the elections.

The low number of women parliamentary and presidential nominees is of great concern to the AUEOM. Given the maturity of Ghana's democracy, it is disappointing to note that the number of women parliamentary candidates for 2016 election is lower than the 2012 elections and far below the 30 percent requirement for women's political representation set by regional and continental organisations. The AUEOM however notes that, among the presidential candidates there is one woman, Nana Konadu Agyemang Rawlings, a former first lady and the flag bearer of the National Democratic Party (NDP).

## ***Electoral Campaigning***

The AUEOM has observed campaign activities across the country. Overall, the campaign activities observed were peaceful. Different political parties are free to campaign throughout the country. However, the AUEOM observed increasing use of intemperate language, stigmatization and sporadic violence across the political divide. The AUEOM is deeply concerned with the emerging pattern of verbal assaults and threats directed to particularly female candidates. This structural and psychological violence seem intended to discredit women as politicians, their families and the institutions they represent. The AUEOM also notes with concern attacks on the EC by some political parties during campaign trails. The AUEOM however notes with satisfaction efforts by political parties to embark on issue based campaigns by explaining their manifestoes to the electorates.

## ***Civic and Voter Education***

While the Constitution mandates the National Commission on Civic Education (NCCE) with carrying out civic education, it confers the EC with the responsibility for educating the public about the processes and purpose of voting. Even though the mandates of the two institutions are complementary, there are important distinctions that EC offices at the regional and district levels does not seem to know and adequately appreciate. The AUEOM observed some levels of confusion in at least three EC regional offices in which the NCCE had the leading role on voter education.

AUEOM also notes with concern that most of the voter education materials printed and distributed by the EC were mainly in English, even though majority of the people in the rural areas could not speak, read or write English well. The AUEOM observed that, in some parts of the country, the focus is more on peace education at the expense of voter education. The AUEOM therefore calls on the EC and its partners to redouble their efforts to educate Ghanaians about the upcoming elections.

## ***The role of the Media***

The Constitution of Ghana and the national media policy promote and protect a media that is free to comment on public issues without censorship or self-restraints. The public broadcaster enjoys relative editorial independence. As part of the preparation for the forthcoming elections, the public media put in place mechanism for a minimum and equitable media access to all political parties and contestants. The AUEOM is further concerned about the increasing incidents of inflammatory and insightful language by some media outlets and the spreading of polarizing messages and hate speech.

## ***Dispute Resolution***

The Constitution provides for formal and other alternative dispute resolution mechanisms to resolve electoral disputes. The judiciary provides a formal, independent and credible mechanism for dispute resolution in Ghana. The AUEOM commends the Chief Justice for designating special Courts and judges to expedite adjudication of electoral disputes arising from the forthcoming elections. The AUEOM further commends the expeditious manner in which the Judiciary disposed of elections related cases brought before it. The development of a manual on election adjudication for judges is a timely intervention by the Judiciary. In addition to the Courts, the National Peace Council and the Inter Party Advisory Committee provide alternative mechanism for resolving political disputes relating to the elections. However, the AUEOM considered that these alternative dispute resolution mechanisms need to be strengthened further to handle issues that could result in expensive and protracted court litigations.

## ***Election Security***

The security of election officials and materials, voters, candidates and other stakeholders prior to, during and after polling day is paramount to the conduct of democratic elections. The AUEOM notes assurances from the security agents of their readiness to provide adequate security before, during and after Election Day. The creation of the Elections Security Task Force provide opportunity for all the security agents to pull their efforts together to secure the elections.

While acknowledging the preparedness of the security agents, the AUEOM however notes that the 7<sup>th</sup> December election presents security challenges, particularly because of reports of proliferation of vigilante groups alleged to be affiliated to some of the political parties.

## **Conclusion and Recommendations**

The AUEOM calls on all Ghanaians, political parties and all electoral stakeholders to make efforts to guarantee the democratic stability of the country before, during and after the elections.

The AUEOM offers the recommendations listed below in the hope that stakeholders will take corrective measures as Election Day approaches.

### ***To the Electoral Commission:***

- *Communication with stakeholders.* As a matter of urgency, improve on your communication strategy to include for example, daily press briefings and frequent public service announcements, including in local languages. This will help to enhance confidence of the key stakeholders and bridge any miscommunication on electoral preparedness and voting procedures.

- *Voter education.* Redouble your voter education efforts especially in regions with high spoilt ballot papers in the past.

***To Political Parties:***

- *Campaigning.* Focus on issue-based campaigns and deplore the use of violence and inflammatory language in campaigns that could lead to violence. Abide by commitments to peaceful elections in words and actions and ensure that the message of peaceful participation is communicated to your supporters at all levels.
- *Use of militias.* Refrain from recruiting and deploying armed bodyguards, gangs and other forms of militia during campaigns.
- *Training.* Ensure party agents that will be deployed to polling station be well trained in all aspects of the electoral processes to enhance the transparency of the voting process.
- Properly utilize the IPAC and other alternative dispute resolution mechanisms, and ensure that deliberations and decisions taken are widely disseminated and adhered to by supporters at all levels.

***To the Media:***

- Strive to report accurately and professionally and consider yourself as a vital partner in ensuring peaceful elections.

***To the Security Forces:***

- Continue to provide maximum security to guarantee peaceful atmosphere before, during and after the elections.

***To all Ghanaian stakeholders:***

- Strive not to willfully and without strong basis vilify the EC, as the peace and democratic future of Ghana hinges on public confidence in the performance of the EC to deliver a credible electoral process.