AFRICAN UNION COMMISSION

AFRICAN UNION ELECTION OBSERVATION MISSION TO THE 7 DECEMBER 2016 GENERAL ELECTIONS IN THE REPUBLIC OF GHANA

FINAL REPORT

JUNE 2017
Table of Contents
ACKNOWLEDGEMENTS .................................................................................................................. 3
LIST OF ABBREVIATIONS ............................................................................................................. 4
EXECUTIVE SUMMARY .................................................................................................................. 5
TO THE GOVERNMENT AND LEGISLATURE ............................................................................. 7
TO THE ELECTION COMMISSION .................................................................................................. 7
To Political Parties .......................................................................................................................... 8
To the Media ................................................................................................................................... 8
I. INTRODUCTION .......................................................................................................................... 9
II. MISSION OBJECTIVES AND METHODOLOGY ...................................................................... 10
IV. PRE-ELECTION FINDINGS ......................................................................................................... 13
   a. Constitutional and Legal Framework ....................................................................................... 13
   d. Election Administration and Management ............................................................................ 15
   e. Voter Registration ................................................................................................................. 17
   f. Political Party and Candidate Registration ............................................................................ 18
   g. Civic and Voter Education ..................................................................................................... 20
   h. Electoral Campaign ............................................................................................................... 21
   i. Campaign finance .................................................................................................................. 22
   j. Women’s participation .......................................................................................................... 22
   k. Participation of Civil Society ............................................................................................... 22
   l. Media Environment ............................................................................................................... 23
   m. Electoral Dispute Resolution ............................................................................................... 23
   n. Election Security .................................................................................................................... 24
V. ELECTION DAY OBSERVATIONS ............................................................................................. 25
   To the Government and Legislature ......................................................................................... 28
   To the Election Commission: ....................................................................................................... 28
   To Political Parties:' .................................................................................................................... 29
   To Civil Society Organisations .................................................................................................. 30
   • Continue with efforts to raise voters’ awareness of the electoral process and of candidate
     and party platforms, and in particular to inform disabled and marginalised groups about
     measures taken to ensure their participation. ........................................................................... 30
   To the Media ............................................................................................................................... 30
   To the Security Forces ............................................................................................................... 30
ACKNOWLEDGEMENTS

The AUEOM wishes to thank the Government of Ghana and the Electoral Commission for their invitation to observe the elections, and for the Ministry of Foreign Affairs for the assistance. The Mission also expresses its appreciation to other state institutions, political parties, media and civil society organisations, and the international community representatives for their cooperation.

The AUEOM is particularly grateful to His Excellency Hifikepunye Pohamba, former President of the Republic of Namibia for the key leadership role he provided. The Mission is further grateful to its Long-Term and Short-Term Observers for their commitment and dedication in the collection of data and reporting on the electoral process. Their dedication and hard work was critical to the AUEOM’s contribution to transparent and credible elections in Ghana.
**LIST OF ABBREVIATIONS**

<table>
<thead>
<tr>
<th>Abbreviation</th>
<th>Full Form</th>
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<tbody>
<tr>
<td>AU</td>
<td>African Union</td>
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<td>AUC</td>
<td>African Union Commission</td>
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<td>AUEOM</td>
<td>African Union Election Observation Mission</td>
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<td>CODEO</td>
<td>Coalition of Domestic Observers</td>
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<td>CoS</td>
<td>Council of State</td>
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<td>CPP</td>
<td>Convention People’s Party</td>
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<td>CSO</td>
<td>Civil Society Organisations</td>
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<td>EC</td>
<td>Electoral Commission</td>
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<td>ECOWAS</td>
<td>Economic Community of West African States</td>
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<td>EISA</td>
<td>Electoral Institute for Sustainable Governance in Africa</td>
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<td>EMB</td>
<td>Election Management Body</td>
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<td>FPTP</td>
<td>First-Past-The-Post Electoral System</td>
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<td>GHC</td>
<td>Ghana Cedi</td>
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<td>ICCPR</td>
<td>International Covenant on Civil and Political Rights</td>
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<td>IEOM</td>
<td>International Election Observation Missions</td>
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<td>IPAC</td>
<td>Inter-Party Advisory Committee</td>
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<td>LTO</td>
<td>Long-Term Observer/Observation</td>
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<td>NCCE</td>
<td>National Commission for Civic Education</td>
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<td>NDC</td>
<td>National Democratic Congress</td>
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<td>NDP</td>
<td>National Democratic Party</td>
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<td>NHIC</td>
<td>National Health Insurance Card</td>
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<td>NPC</td>
<td>National Peace Council</td>
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<td>NPP</td>
<td>New Patriotic Party</td>
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<td>PAP</td>
<td>Pan-African Parliament</td>
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<td>PNC</td>
<td>People’s National Convention</td>
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<td>PPP</td>
<td>Progressive People’s Party</td>
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<td>PRC</td>
<td>Permanent Representatives’ Committee of the AU</td>
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<td>STO</td>
<td>Short-Term Observer/Observation</td>
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<td>UDHR</td>
<td>Universal Declaration on Human Rights</td>
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<td>UN</td>
<td>United Nations</td>
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<td>WANEP</td>
<td>West African Network for Peacebuilding</td>
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<td>WSR</td>
<td>Women Situation Room</td>
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EXECUTIVE SUMMARY

The African Union Election Observation Mission (AUEOM) to the 7 December 2016 General Elections in the Republic of Ghana from 22 October to 13 December 2016. The objectives of the Mission were: to provide an accurate and impartial assessment of the quality of the 7 December 2016 General Elections, including the degree to which the conduct of the elections met regional, continental and international standards for democratic elections; to offer recommendations for improvement of future elections in the country; and to support democratic consolidation and ensure peaceful and credible elections in Ghana.

Based on its overall assessment, the AUEOM made the following key findings:

- The elections were conducted in a generally peaceful environment, despite inflammatory and aggressive rhetoric observed during the campaign period, which created a climate of fear in the country. The prevalence of vigilante groups affiliated to some parties, particularly the two major parties – the National Democratic Congress (NDC) and the New Patriotic Party (NPP) – contributed to this climate of fear of eruption of violence.

- The legal framework for elections largely comply with regional and international norms and standards for democratic elections. However, the Mission noted that the legal framework does not adequately regulate election campaign and campaign financing.

- The 7 December 2016 elections were conducted in a largely transparent and credible manner, despite wavering and waning confidence of some opposition parties and other stakeholders on the ability of the Electoral Commission (EC) to conduct fair and impartial elections. The AUEOM observed that the EC was able to implement necessary reforms and remained engage with stakeholders throughout the electoral process. The Mission found that the EC was adequately prepared for the 2016 polls and largely adhered to the electoral calendar. Except in a few cases such as the Special Voting Day and the postponement of voting in some constituencies, the EC delivered electoral materials on time to most of the regions and districts ahead of the elections.

- The elections were highly competitive. However, the competition was mostly between the two major parties – the NDC led by the former President John Dramani Mahama and the NPP led by Nana Akufo-Addo. The two parties have dominated political power since the introduction of multiparty democracy in Ghana in 1992.

- The disqualification of 13 presidential candidates by the EC contributed to the tense political environment ahead of the elections, and nearly derailed the electoral process, as the affected candidates and parties resorted to protracted court litigations that affected relationships between them and the Commission. The Mission believed that this could have been avoided had there been enough consultation between the EC and political parties.
There was generally low participation of women as candidates, polling staff, party agents and citizen observers. For instance, out of a total of 1,158 parliamentary candidates nominated, the Mission noted that only 136 were women, which represented a mere 11.7%, which is far below the 30% threshold for women political representation set out by regional and continental standards. The number of women parliamentary representatives was also lower than those of the 2012 elections.

The media was vibrant, diverse, and enjoyed relative editorial independence allowing for plurality of opinions and viewpoints. The public broadcaster provided access to all contesting candidates and parties, despite reports that some parties and candidates received more coverage than others. The AUEOM also noted that despite the lack of content regulation in Ghana, media outlets were largely professional in their reporting, with the exception of a few, particularly those owned by political parties and candidates who were partisan and were used to spread polarizing messages and hate speech, particularly during campaigns.

The existence of strong, resilient and independent institutions and mechanisms for dispute resolution was commendable. In particular, the expeditious adjudication of election disputes by the Judiciary and the role of the National Peace Council, which facilitated the signing of the Accra Declaration on 1 December 2016 in which presidential candidates committed to peaceful elections and the judicious resolution of election disputes created an enabling environment for a generally peaceful 2016 elections.

The management of voting process was assessed positively in 98% of polling stations visited by AU observers, except in few polling stations were AU observers noted a few irregularities, such as external interference and underage voting, which are inconsistent with Ghana’s national legislation and international commitments. The AUEOM assessed the conduct and competence of polling staff, party agents and security personnel during the voting process as good and professional.

The tabulation of results was timely and transparent. The EC announced the final results on 9 December 2016. However, the Mission noted with dissatisfaction the heightened tension and anxiety amongst political parties and their supporters, particularly between the NDC and NPP supporters, in the period immediately before the EC’s announcement of the final results. The Mission deplored the premature and unofficial declaration of results by executives of the two main parties in which they each claimed their presidential flag-bearer as winner in the presidential election.
Based on its findings, the AUEOM provide the following recommendations for improvement in future electoral processes in Ghana:

**To the Government and Legislature**

- Strengthen the legal framework dealing with party funding and campaign finance with a view to reduce the distorting role of private, opaque money to enhance overall credibility of the electoral process.

- Clarify the laws relating to constituency demarcation to ensure that political interference is minimised. The existing constituency boundaries should be reviewed to ensure equality of votes.

- Introduce policies that enhance women political participation in collaboration with relevant stakeholders such as political parties.

- Explore the possibility of establishing a separate and independent body to register and regulate the activities of political parties, so as to lessen the burden on the EC for it to focus on the technical administration of elections.

**To the Election Commission**

- Put in place a robust public communication strategy that includes giving the public more access to the processes and deliberations of the EC. This will help to enhance the confidence of key stakeholders and bridge any misunderstanding due to inadequate communication.

- Inter-Party Advisory Committee (IPAC) meetings should be formalised as regular platforms and the rights of independent candidate to participate should be explored.

- Consider reviewing regulation on nomination in the light of the challenges of the 2016 elections, and provide timely and detailed guidelines and training to political parties and candidates on filling nomination forms.

- Ensure a new, inclusive and accurate Voters’ Register that enjoys wider acceptance by stakeholders is in place before the next elections. Provisions and procedures for voter transfers, proxy and special voting should be further clarified and strengthened.

- Explore the possibility of expanding the right to vote to Ghanaian citizens living abroad in line with constitutional requirement.

- Ensure training for ad hoc staff is well planned and carried out in good time. Also put in place a rolling training program for permanent staff to ensure cross-organisation knowledge sharing around the innovations the EC undertakes.

- In collaboration with the NCCE and civil society groups, strengthen voter education programs. In particular, ensure that voter education materials are translated into local languages for the benefit of illiterate voters.
To Political Parties

- Put in place measures for inclusive and meaningful participation of women and other minorities within parties. In particular, promote women and youth leadership role within parties.
- Identify and train party agents on election monitoring in good time.
- Refrain from using intemperate language and other forms of intimidation during elections.
- Refrain from recruiting and deploying vigilantes during elections. Adhere to security protocol and arrangement of the national Police Force.

To the Media

- Explore the possibility of developing content related regulation that fully respects the constitutional rights to freedom of expression for the media.
- Strive to report accurately and professionally during the elections. Do not condone or spread polarising messages and hate speeches, particularly during election campaigns.
I. INTRODUCTION

1. Following an invitation from the Government and the Electoral Commission of the Republic of Ghana, the Chairperson of the African Union Commission, Her Excellency Dr. Nkosazana Dlamini-Zuma, approved the deployment of an African Union Election Observation Mission (AUEOM) to observe the 7 December 2016 presidential and parliamentary elections.

2. The AUEOM was headed by His Excellency Hifikepunye Pohamba, former President of the Republic of Namibia, and consisted of 14 long-term observers (LTOs) including 4 Core Team members based in Accra who were deployed on 26 October 2016 to cover all the regions of the country. 40 short-term observers (STOs) arrived on 26 November and were deployed on 5 December throughout the country. Members of AUEOM were drawn from 26 African countries, representing institutions such as the Permanent Representatives’ Committee (PRC), the Pan-African Parliament (PAP), Election Management Bodies (EMBs), Civil Society Organisations (CSOs), Academia and independent elections experts.

3. A team of experts from the African Union Commission, the PAP, and Electoral Institute for Sustainable Democracy in Africa (EISA) provided technical assistance and support to the Mission.

4. The AUEOM derived its mandate from relevant provisions of the African Charter on Democracy, Elections and Governance, which was adopted in 2007 and entered into force on 15 February 2012; the AU/OAU Declaration on the Principles Governing Democratic Elections in Africa (AHG/Decl.1 (XXXVIII)); and the African Union Guidelines for Election Observation and Monitoring Missions, both instruments adopted by the AU Heads of State and Government in July 2002. The Mission was further guided by relevant regional and international instruments such as the ECOWAS Protocol on Democracy and Good Governance (2001), the Universal Declaration on Human Rights (UDHR) adopted by the UN General Assembly in December 1948, the International Covenant on Civil and Political Rights (ICCPR), which entered into force in March 1976, the Declaration of Principles on International Election Observation, endorsed by international observer groups including the African Union in 2005, as well as the national legal framework of Ghana.

5. The AUEOM’s findings and recommendations are based on its direct observations, as well as consultations with key electoral stakeholders in Ghana. This report presents the AUEOM’s overall assessment of the 7 December 2016 General Elections in Ghana, and provides a comprehensive analysis of findings and recommendations for improved management of future elections in Ghana.
II. MISSION OBJECTIVES AND METHODOLOGY

a. Objectives

6. The objectives of the AUEOM were to: (i) provide an independent, objective and impartial assessment of the preparations and conduct of the 2016 general elections in Ghana; (ii) assess the extent to which the general elections complied with the legal framework of Ghana as well as regional, continental and international principles for democratic elections; (iii) offer recommendations for improvement in future electoral processes and contribute to the consolidation of peace and stability in the country; (iv) demonstrate the African Union’s solidarity and support for Ghana’s democratic and electoral processes.

b. Methodology

7. To achieve its stated objectives, the AU undertook the following activities:

- Deployed a pre-election assessment mission in April 2016 to determine the state of preparedness for the elections by all stakeholders and the context in which the elections took place;
- Undertook a joint AU-ECOWAS-UN Preventive Diplomacy Mission in August 2016;
- Briefed and deployed 14 LTOs (including 4 election analysts or core team members) from 26 October to 15 December to follow-up on the pre-and post-election phases in all the geopolitical regions of the country;
- Briefed and deployed 40 STOs in teams of two from 5–8 December 2016 to observe opening, voting, closing and counting process in 339 polling stations across the country;
- Held consultations with several stakeholders including presidential and parliamentary candidates, government officials, election officials, civil society groups, security agencies at the national and local levels to ascertain their level of preparedness for the elections and their perceptions or concerns about the electoral process;
- Undertook a review or assessment of the electoral and legal framework to ascertain whether it adequately provides for the conduct of genuine and democratic elections in Ghana;
- Issued a public statement on its pre-election assessment and findings to enable stakeholders take necessary actions prior to voting;
- Issued a joint public statement with other international election observation missions (IEOMs) present in Ghana. The statement called on all Ghanaians to adhere to the pledge made by the leaders of the various political parties during the Accra Declaration of 1 December 2016, in which they committed to peaceful elections and judicial resolution of election disputes; and
- The AUEOM issued its preliminary findings and conclusions of the conduct of the 7 December 2016 elections at a press conference held at Movenpick Hotel in Accra on 9 December 2016.
III. BACKGROUND TO THE 2016 GENERAL ELECTIONS

8. Ghana attained independence on 6 March 1957 and became a Republic on 1 July 1960. Between the First Republic and the Fourth Republic that started in 1993, Ghana witnessed six military coup d’états. However, since Ghana’s returned to democratic rule in 1993, it has made steady progress. The 7 December 2016 elections were the 7th successful multiparty elections in Ghana under the Fourth Republic. Successive and successful elections clearly demonstrate how far Ghana has travelled along the path towards democratic consolidation over the past two decades. Beyond successful elections, Ghana has made appreciable progress in institutionalising multiparty democracy under the 1992 Constitution.

9. While there is constitutional entrenchment of a multiparty political system in Ghana, what seems to have emerged is the practical institutionalization of a strong two party system in the country, with the NDC and NPP alternating political power between them since the reintroduction of multi-party system in 1992. The two parties currently control majority of the parliamentary seats.

10. The domination of political power in the hands of two parties that are largely perceived to have their strongholds mainly within the Ewe and Ashanti/Akan communities, respectively, introduces additional layer of structural challenges to the consolidation of a democratic culture in Ghana. The ethnic character of some political parties contradicts the 1992 Constitution requirements, which states that every political party in Ghana has to be “national [in] character” through ensuring, among other things, that its membership is “not based on ethnic, religious, regional or other sectional divisions.” The ethnic character of parties was reflected in the ethno-regional pattern of voting. It is important to note however that in spite of the regional strongholds of the two main parties none of them could win the presidential elections without courting votes beyond their strongholds.

11. The 1992 Constitution offers robust framework within which Ghanaians have enjoyed a much wider range of rights and liberties. In addition, the new constitutional order has facilitated the emergence of a vibrant civil society and free and independent media. Increasingly, civil society and the media in Ghana are able to hold government accountable to the citizens. Consequently, Ghana’s democratization has been cited as one of the political success stories in Africa. Ghana’s commitment to human rights protection is also reflected in the country’s ratification of important human rights treaties at both international and regional levels.

12. The Constitution vests executive power in the President who is Head of State and Head of Government, as well as Commander-in-Chief of the Armed Forces. The President is directly elected together with a Vice President for a four-year term and eligible for a second four-year term only. Some stakeholders believed that the Executive arm of government, particularly the President, wields excessive powers and that the control over other State institutions has detrimental consequences on democratic consolidation in general and the enjoyment of fundamental human rights in particular.
13. Executive dominance manifests, particularly, in the vast appointing powers entrusted in the hands of the President by the Constitution. The President appoints ministers and members of oversight institutions. Executive dominance extends from the central to regional and local levels where the President’s power to appoint members of the Regional Coordinating Councils, District Chief Executives, as well as one-third of the membership of the District Assemblies. Many stakeholders cited the enormous Executive influence at these lower levels of government as being responsible for fostering upward accountability to the central government rather than downward accountability to citizens and their communities.

14. The 1992 Constitution creates and safeguards an independent Parliament with strong oversight mandate over the Executive. First, the Constitution requires Parliament to establish Standing Committees charged with the responsibilities of investigating into the activities of various government ministries, departments and agencies. Secondly, the Constitution provides for robust checks and balances between the Executive and Parliament. Such balance of power arrangements help to avoid the concentration of power, which could threaten individual rights and freedoms.

15. However, several structural factors could work to weaken Parliamentary oversight functions. First, the constitutional requirement that the President should appoint a majority of his cabinet from Parliament, might serve to incentivize ruling party Members of Parliament to refrain from opposing Executive malpractices, and by extension, render Parliament’s oversight of the Executive ineffectual. In addition, when a ruling party enjoys absolute majority in Parliament, this could motivate the Executive to drive the legislative process to achieve preferred policy goals regardless of contrary views in and outside Parliament; this could further erode parliamentary effective oversight functions.

16. The 1992 Constitution establishes an independent Judiciary and other oversight institutions. With respect to the Judiciary, the Constitution provides that “neither the President nor Parliament nor any person whatsoever shall interfere with judges ... or other persons exercising judicial power”. However, this structural independence of the Judiciary could be undermined by the excessive appointing powers of the President. The Constitution requires the President to appoint the Chief Justice and other judges of the superior courts in consultation with the Council of State (CoS) and the Judicial Council. This arrangement could foster Executive dominance over the Judiciary from at least two perspectives. The President appoints majority members of both the CoS and the Judicial Council – the bodies the President should consult in the appointment of judges. Thus, by requiring Presidential appointees to approve other Presidential appointees, the approval functions of both the CoS and the Judicial Council may be perceived as a formality. The independence of the Judiciary is further undermined by the failure of the Constitution to place a ceiling on the number of justices the President can appoint to the Supreme Court. By merely stating that the “Supreme Court shall consist of the Chief Justice and not less than nine other Justices of the Supreme Court”, the Constitution makes the Judiciary prone to Executive manipulation as the President can increase the number of Supreme Court Justices at any time for political purposes.
17. Although the Constitution officially debars chiefs from engaging in active politics, the chieftaincy institution remains a formidable force in Ghanaian politics and society as a whole. Indeed, not only are traditional authorities constitutionally mandated to interpret and codify customary laws, they also command significant control over natural resources within their jurisdictions, particularly land. In addition, Ghanaian society reflects deep structural inequalities, particularly with regards to the North-South dichotomy. Ghana is confronted with a serious socio-economic and political developmental divide between its Northern and Southern regions.

18. The 7 December 2016 elections were conducted, against the backdrop of progressive democratic transitions, though not without challenges. The mitigation against political instability in previous elections and during the 2016 election was widely attributed to the existence of strong, resilient and independently-minded institutions such as the National Peace Council (NPC), the Judiciary, and proactive civil society groups, all of which provided an enabling environment for the conduct of peaceful elections and peaceful alternation of power in Ghana.

IV. PRE-ELECTION FINDINGS

a. Constitutional and Legal Framework

19. Ghana’s 1992 constitution provides a legal framework for the conduct of regular, free, and fair elections open to multiple parties and with universal and equal adult suffrage. In addition, a number of legislative and administrative instruments have been developed to regulate election activities. Furthermore, Ghana has ratified all major international and regional treaty standards for elections. Most of the provisions of these international instruments are incorporated into the 1992 Constitution. Ghana’s legal framework is, therefore, very comprehensive and is in conformity with international standards and best practices addressing the majority of areas relating to the electoral process.

20. In spite of rich legal framework, there are still some areas that need to be more precisely regulated. These areas presently are left to the discretion of political parties and the EC rather than established clearly in law. For instance, a set of legal provisions to regulate the campaign environment are lacking, and although freedom of assembly is guaranteed by the Constitution, there are neither specific regulations for the conduct of campaign activities nor provisions determining the length of the official campaign period. Another area that is not clearly regulated and/or effectively applied is political party funding. While the law requires political parties to declare sources of their funding and submit audited accounts to the EC at stipulated intervals, and only allows Ghanaian citizens to make contributions to political parties, it does not place limit to how much a citizen could donate to a political party. Stakeholders the AUEOM interacted with reported that the EC has not adequately enforced this provision of the law. The implication of an ineffective enforcement of a weakly regulated campaign finance environment is the prevalent
role unregulated money played in the course of these elections. Currently, it is difficult to establish the possible impact of unregulated money on the integrity of the electoral process in Ghana.

21. The legal provisions dealing with districting are very important component of ensuring the integrity of the vote. In Ghana, the law confers complementary jurisdictions to the Executive branch and the EC in carrying out districting for local government. The 1992 Constitution and the Local Government Act of 2016 confer the Presidency and the EC with the mandate to carry out this important assignment. Such overlapping constitutional responsibility between the Presidency and the EC for districting and constituency demarcation could compromise the integrity of this process and the equality of votes. This is so because the combination of a political and independent mandate could hinder the ability of the EC to carry out its functions independently.

22. Weak regulation of districting also exposes the democratic culture to the dangers of gerrymandering. Stakeholders complained that realignments of constituencies that had led to the creation of new ones were deliberately planned by the incumbent to disadvantage its opponents. In addition, the current criteria for districting, which include demarcation of electoral boundaries, based on cultural, customs, linguistics and land mass considerations might continue to reinforce ethnic divisions and expose electoral activities to violence.

b. Electoral System

23. Ghana is a multi-party democracy. It uses the majoritarian system to elect the President and the First-Past-The-Post (FPTP) system to elect members of Parliament. In the presidential election, the winning candidate has to acquire 50% + 1 threshold. A run-off for the two leading candidates is held within 21 days if no one obtains a majority. The candidate with a simple majority of valid votes is declared winner of this second round presidential election. In the parliamentary elections, any candidate who obtains the most valid votes is declared winner.

24. Ghana’s electoral system has been criticised for entrenching the winner-takes-all politics in the country. Given the existence of two equally strong political parties (NDC and NPP), and the high concentration of power in the executive branch, particularly the president who has power to appoint ministers, boards of state-owned parastatals, and district chief executives, the electoral system gives rise to intense political competition between these parties. Both view control of the state as the only viable way to accumulate individual and party wealth and wield political power. As a result, increased tensions ahead of the 2016 elections were effect of an electoral system that encourages dominance of the two major parties.

c. Boundary Delimitation

25. The demarcation of electoral boundaries for both parliamentary and local government elections in Ghana is the responsibility of the EC. The 1992 Constitution mandates that the EC to review electoral boundaries at interval of not less than seven years, or within twelve months after the publication of the
enumeration figures after the holding of a population census. The Constitution stipulates further that the boundary of each constituency shall be such that “the number of inhabitants in the constituency is, as nearly as possible, equal to the population quota”\(^1\). In doing so, the EC must take account of means of communication, geographical features, density of population and area and boundaries of the regions and other administrative or traditional areas.

26. For the 2016 elections, no new electoral districts were demarcated. Instead, the same 275 constituencies delimit before the 2012 elections were used for the election of members of parliament in the 2016 elections.

27. The AUEOM did not receive any complaints regarding the current constituency boundaries, apart from the legal confusion it noted earlier under the “Constitutional and Legal Framework” section of this report.

d. Election Administration and Management

28. Ghana’s Electoral Commission (EC) is constitutionally established as an independent and impartial body vested with responsibility for the conduct, management and supervision of all public and referenda. The EC draws its mandate both from the 1992 Constitution and the Electoral Commission Act, 1993 (Act 451). The Act details the scope of the EC’s mandate, and this include:

- Compiling the register of voters and revising it at such periods as may be determined by law;
- Demarcating the electoral boundaries for national and local government elections;
- Conducting and supervising all public elections and referenda;
- Educating the people on the electoral process and its purpose; and
- Performing such other functions as may be prescribed by law

29. In addition, the EC is given the power to make regulations for the effective performance of its functions, and to register and act as the oversight body of political parties.

30. In the performance of its functions, the EC is independent and not subject to the direction or control of any person or authority, except as provided for in the Constitution.\(^2\) The EC’s independence is also guaranteed by the permanent tenure of its members. For instance, the Chairperson and her deputies enjoy the same terms and conditions of service as the Justices of the Court of Appeal and of the High Court, respectively. The emolument of the other four members is as stipulated by Parliament. The EC’s funding is also charged to the Consolidated Fund, which further guarantees its independence, in theory. However, for the 2016 elections, it was reported that most of its activities were donor funded.

31. The EC has a robust three-tier structure at national, regional, and district levels. It consists of a Chairperson, two deputy chairpersons in charge of the two board divisions – Finance and Administration and Operations, and four other members,

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\(^1\) See Article 47 of the 1992 Constitution.
all of whom are appointed by the President and approved by Parliament. The Commission’s functions are carried out by a Secretariat at the national level with 7 departments with each headed by a Director, 10 regional Directors, and 231 District Electoral Officers. During the election period, the Commission recruited thousands of temporary staff that carried out election duties as polling officials. The temporary staff are not formally part of the Commission.

32. In June 2015, a new EC Chairperson, Mrs Charlotte Osei, was appointed. She is the first female to lead the EC since Ghana’s independence. The appointment of the new EC Chairperson signified a new dawn for the electoral process in Ghana. In a bid to ensure effective implementation of its mandate and be seen as trusted and credible institution, the EC developed a five year strategic plan (2015 -2020) and also carried out a number of reforms aimed at improving the transparency, inclusiveness and credibility of the electoral process. The reforms were recommended by a Special Reform Committee set up by the EC after the 2012 Election Petition. The Committee was tasked to synthesize the various reforms proposed by the panel of Justices of the Supreme Court and political parties. Membership of the Committee included representatives of the political parties, governance institutions and Civil Society Organisations. The AUEOM noted that most of the reforms proposed by the Special Reform Committee were implemented in the course of the electoral cycle, except two. These were: the expansion of membership of IPAC to include CSOs, and no voting without biometric verification.

33. The AUEOM observed that the EC performed its functions well and in compliance with its constitutional mandate. It conducted the process in an independent, transparent and credible manner. The Mission also observed that the EC implemented various aspects of the electoral process within the stipulated timeline.

34. However, the AUEOM noted that the EC lacked a clear and consistent communications strategy, which may have affected its relationship with some stakeholders, particularly political parties. The AUEOM observed that the EC was often quick to resort to the media to dispute issues raised by political parties and civil society. It appeared that the EC’s direct, official communication with political parties was restricted mostly to IPAC meetings, which only took place every fortnight.

35. The AUEOM also noted a number of controversial decisions made by the EC, which affected its relationship with stakeholders and threatened its credibility. The first was the EC’s approval of the use of National Health Insurance Cards (NHIC) as proof for voter registration, which was challenged in the Supreme Court. The court ordered the EC to expunge the names of all those who used the NHIC and allow them to re-register with the proper identification. The second issue was the EC’s disqualification of thirteen presidential nominees citing errors in their nomination forms. Although some candidates were eventually reinstated by a decision of the Supreme Court, the EC’s decision was widely criticized by stakeholders, particularly the affected candidates and parties, as politically motivated and unfair, an accusation the EC sharply rejected. The third issue was the EC’s attempt to outsource the electronic transmission of results to a third party, which the main opposition party, the NPP, condemned as unconstitutional and wasteful, and was eventually aborted.
36. The AUEOM is of the opinion that had there been effective means of communication between the EC, political parties and civil society, some of these legal and procedural disputes regarding the electoral process would have been averted. Opposition parties who seized the EC’s poor communication strategy to exacerbate public suspicions would not have seriously questioned the credibility and independence of the EC.

37. The AUEOM also noted that the EC did not reasonably and adequately exercise good administration of the Political Party Act, 2000, especially in relation to the national character and financial accountability of political parties. In addition, the election calendar was not widely available in the public domain and there were indications of inadequate preparation on the side of the EC for the Special Voting and Voter Education. The EC did not also give full effect to the concerns of the stakeholders about the integrity of the Voter Register in a timely manner.

e. Voter Registration

38. The 1992 Constitution and the Electoral Commission Act, 1993, mandate the EC to compile the register of voters and revise it at such periods as may be determined by law\(^3\). The Constitution also guarantees the right of Ghanaian citizens of 18 years of age or above and of sound mind, the right to be registered as a voter for the purposes of public elections and referenda.

39. For the 2016 elections, the EC carried out a limited voter registration exercise using biometric technology from 28 April 2016 to September 2016. The exercise was only meant to update the existing Voters’ Register by adding the names of eligible citizens, deleting or removing names of deceased voters, and updating the details of exiting voters. At the end of the exercise, a total of 15,712,499 voters were included on the register.

40. While the voters’ register for the 2016 elections was compiled before the arrival of the AUEOM to the country, it noted that the voter registration process remained contentious even after its arrival. Some stakeholders raised a number of issues including: claims that the register contained deceased persons, foreign and underage registrants and multiple registrations; availing the final register to political parties on time for them to assess its accuracy and inclusiveness; the right of prisoners to be registered and vote; and the validity of the use of the National Health Insurance Card (NHIC) for registration. By doubting the accuracy and quality of the 2012 voters’ register, some stakeholders called for the EC to produce a completely new register for the 2016 elections, which prompted the EC to set up a technical committee to look into the issue and make recommendations. The Committee recommended that there was no need for new voters’ register but rather that the existing one should be carefully vetted.

41. Despite the EC’s efforts to address some of the issues raised by stakeholders regarding the register, it was later challenged in the Supreme Court over the validity of the use of NHICs as proof for registration. The Supreme Court, in its judgement,

\(^3\) See Article 45 of the 1992 Constitution; and
ordered the EC to expunge the names of all those who used the NHIC to register and allow them to re-register with proper identification. The Supreme Court also ruled, in a separate case, for the inclusion of prisoners on the register.

42. In compliance with the Supreme Court’s decisions, the EC presented a list of 56,739 voters who had used the NHIC and requested them to re-register. The EC also registered 2,276 prisoners countrywide. However, some opposition parties complained that the registration of prisoners, which commenced in August 2016, was undertaken without prior consultation with stakeholders.

43. The AUEOM noted that, while some sections of the opposition and civil society organisations continued to hold doubt about the credibility of the Voters’ Register, there was general consensus among many stakeholders that the voter’s register following the steps taken by the EC was one that they could work with.

f. Political Party and Candidate Registration

44. The 1992 Constitution provides the right for every citizen of voting age to form or join a political party. Article 21 (3) of the constitution of 1992 read together with the Political Parties Act, 2000 provides for and protects the right to form political parties. The constitution guarantees the right of every citizen to participate in political activity intended to influence the composition and policies of government. Registration of Political Parties in Ghana falls under the jurisdiction of the EC and is regulated by the Political Parties Act. All fees related to the registration of a political party are determined by and paid to the EC. The Parties are required under the Act to declare their assets, liabilities and expenditure, submit their returns and accounts as well as inform the EC of mergers and alliances.

45. Political parties are allowed by the law to operate freely as long as their activities are not inconsistent with the provisions of the Constitution or laws and those activities are in consonant with the objectives of the party registration and meet the registration requirements. The Constitution and the law place a number of restrictions on persons intending to form a political party. These restrictions include a prohibition on forming a party based on ethnic, religious, regional or other sectional divisions. These restrictions are not unreasonable and comply with the minimum requirements of regional and international treaties.

46. The EC registered 24 political parties for the 2016 elections. Of these 17 fielded presidential candidates, but only 6 succeeded in contesting the presidential elections. These were NDC, NPP, PPP, CPP, PNC and NDP.

47. The Constitution of Ghana provides reasonable requirements for running as a candidate in the presidential or parliamentary elections. To run for the office of the President, the potential candidate must be a citizen of Ghana, over 40 years of age and a registered voter. For the nomination process, the prospective candidate must file some forms with the EC and obtain two signatures of registered voters in each district within a specified period. For parliamentary elections, the prospective candidate must be over 21 years, file relevant papers with the EC, be a resident in

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4 The Political Parties Law, 2000, Act 574
the constituency for a minimum period of not less than five years out of the 10 years preceding the elections or born in the constituency where she/he wants to run and obtain 20 signatures from the residents of the constituency.

48. A candidate could be sponsored by a political party or stand as an independent for both the presidential and parliamentary elections. The categories of persons excluded from standing are: public employees except after they resign, traditional rulers, criminals convicted of treason or other crimes that threaten state security or by reason of some illness have been adjudicated to be unfit to run for a public office.

49. Before a candidate’s nomination papers are accepted, he or she must pay a nomination fees to the EC. The EC hiked the nomination charges for presidential elections from 10,000 Ghana Cedis (GHC) to 50,000 GHC and revised fees to 10,000 GHC for parliamentary candidates - amounts many felt were too much. Some interlocutors indicated that while the 50,000 GHC charged by the EC was high, some of the parties were charging even more than that during their own party primaries. This was said to have instigated the EC to raise the nomination fees. Nevertheless, some candidates, especially from smaller parties and independents complained that the nomination fees for 2016 elections were unreasonably high. An aspiring presidential candidate, Papa Kwesi Nduom of the PPP took the EC to court for the increase in nomination fees.

50. Ahead of elections, political parties conducted intraparty primaries where they selected their representatives and thereafter submitted their nominations to the EC. The nominations for Presidential and Parliamentary candidates were held on 29 - 30 September 2016. The Presidential applications were filled at the National Headquarters of the EC in Accra, while parliamentary applications were submitted to regional and district offices of the EC in their respective constituencies. 15 political party representatives and 2 independent candidates applied to contest the presidential election. However, 13 Presidential candidates were disqualified for failure to comply with the provisions of the regulations governing nominations. The main reasons for the disqualifications were invalid signatures and endorsement by ineligible supporters. These were party loyalists who supported more than one candidate. Following the disqualification of the 13 candidates, five sought legal redress in the courts of law. The court cases had an impact on some of the preparatory processes of the EC such as the printing of the Notice of Poll and Presidential Ballot Papers, which was put on hold until the courts had decided on the cases. The Supreme Court later ruled against the EC and instructed it to allow the 13 disqualified presidential candidates to re-apply.

51. Although some of the candidates were unable to re-apply and some still could not meet the requisite requirements, an additional three parties were successful and had their presidential candidates nominated, thus making a total of seven presidential candidates. However, the court battles that disqualified presidential candidates presented challenges to the candidates in terms of the timing for commencement of campaign activities, particularly for those whose nominations were finally accepted. The AUEOM noted that some electorates might have been deprived of an opportunity to adequately assess all candidates as those that
qualified earlier had been campaigning while those that were being reconsidered had only few weeks to campaign.

52. Despite the electoral calendar constantly being changed due to litigation faced by the EC, the AUEOM noted that the EC constantly shared that information with the political parties through the IPAC meetings. However, while the EC attempted to create a level playing field for information dissemination and decision-making, these efforts were not extended to the independent candidates who were not part of IPAC by virtue of not belonging to a political party. Independent candidates are required to meet the same criteria as party candidates including payment of fees. Furthermore, during the balloting process for the order of candidates on the ballot paper, the independent candidates were not given the opportunity to ballot and are listed last.

g. Civic and Voter Education

53. The EC is mandated under Article 45 of the Constitution to conduct Voter Education. In line with its mandate, the EC developed voter education materials and worked with other stakeholders such as people with disabilities and women’s groups to develop the materials. Article 231 of the Constitution also established the National Commission for Civic Education (NCCE) with the mandate to formulate, implement and oversee programs intended to inculcate citizen awareness of their civic responsibilities and appreciation of their rights and obligations. The NCCE works with like-minded organisations in the execution of its mandate. It complements the work of the EC, which is responsible for conducting voter education, which by and large focus on enlightening citizens on their civic duties. Both the EC and NCCE employed different strategies in their work, including outreach activities using posters, stickers, fliers, and adverts through social, electronic and print media.

54. Ahead of the elections, the EC conducted nationwide simulation and training for people living with disabilities on the use of the tactile jackets. The tactile jackets were designed to allow the visually impaired to be able to vote without any assistance. During the training of polling officials, the use of tactile jackets for the visually impaired persons was also emphasised. In addition to the EC and NCCE, political parties and civil society organisations conducted civic and voter education.

55. The AUEOM noted some challenges with the voter and civic education. Competing priorities and last minute preparation for the polls caused by the numerous litigations impacted on the EC’s ability to carry out effective voter education campaigns in the run up to the 2016 elections. The Mission also observed that voter education materials produced were mostly in English despite the high illiteracy levels particularly among the rural population. It was also observed that there was confusion between officials of the EC and NCCE with regards implementation of their respective mandates, which led to overlap of roles. It was further noted that many of the stakeholders involved in voter education focused more on promoting peaceful elections at the expense of civic and voter education. Finally, it was noted that the NCCE was poorly funded, which affected its ability to
carry out effective civic education campaigns during the elections. Given the high political tensions ahead of the elections, a well-funded civic and voter education campaign would have made a huge difference in keeping the pre-electoral environment civil and peaceful.

h. Electoral Campaign

56. Campaigns for the 2016 Presidential and Parliamentary elections were conducted in a relatively peaceful atmosphere. The campaigns were genuinely competitive, issues-based and mainly dominated by the two main parties – NDC and NPP.

57. Political parties and candidates used different campaign strategies to reach out to voters, including open-air campaigns, door-to-door campaigns, leaflets, road shows, billboards, music, and social media. Debates were organised for presidential candidates of the contesting parties, which enabled them to present their visions and programs to the citizens.

58. While the electoral campaigns concluded in a remarkably peaceful manner, the Mission noted with concern incidents of violence, intimidation, and use of intemperate language during the campaign period, more so against female candidates. The structural and psychological violence, seemed, in particular, to discredit women politicians. The Mission also noted attempts at discrediting the EC during the campaign trails, which may have impacted on the credibility of the EC. The use of ‘no-go zones’ during campaigns, barred opposing parties from campaigning in areas considered as strongholds of other parties. This practice violates the principles of Ghana’s constitution, which guarantees freedom of movement of individuals and of political parties to all parts of the country. The Mission was, however, satisfied with the proactive role of Ghana’s civil society and National Peace Council, who ensured that political parties embarked on peaceful and issue-based campaigns.

59. The AUEOM received reports of and, in some instances, observed the improper use of state resources during campaign rallies. While the Mission cannot ascertain the extent of its impact on the election, it maintained that the misuse of public resources could have provided a comparative advantage to some candidates and parties.

60. The lack of public funding for political parties may have also impacted on the ability of smaller parties to carry out effective campaigns. Some of the smaller parties that the AUEOM interacted with complained of resource constraints as their main hindrances to campaign meaningfully.

61. Finally, the Mission noted that there is no clear provision within the constitutional and legal framework that stipulates the campaign period. What is regulated is the time for the close of campaign, which is 24 hours before the commencement of polls. The lack of a clear timeframe within which official campaigns should start gives enormous advantage to the two dominant parties over smaller parties and independent candidates. It also increases the financial burden on political parties and even encourages the use of opaque money to fund the long period of campaigns.
i. Campaign finance

62. The Political Party Act does not place spending limits on political parties during campaign periods. The Act, however, requires political parties to submit to the EC statement of assets and liabilities within twenty-one days prior to a general election. It also requires political parties to submit to the EC a detailed statement of expenditures incurred within six months after a general or by-election in which they participated. In practice, however, neither do political parties comply with this stipulation nor is the EC willing and able to enforce these provisions.

63. Consequently, campaign financing is still a grey area as long as there is no enforcement of law that compels parties to declare their sources of funding. In addition, since the existing legislation does not provide any donation limitation or spending caps for the campaigns, the role money plays in the politics of Ghana will not be effectively controlled. The absence of clear legislation leaves the electoral process vulnerable to the unregulated influence of money and gives undue advantage to the candidates with resources and, as such, prevents potential candidates, especially women, from contesting on a level playing field.

j. Women’s participation

64. The AUEOM observed generally low women’s participation as candidates, polling staff, party agents and citizen observers. Out of 1,158 nominated parliamentary candidates, there were only 136 women, representing 11.7% which is lower than the 2012 elections and far below the thirty percent threshold for women political representation as set by regional and continental standards. The AUEOM was however satisfied that, among the six (6) presidential candidates 1 was female. The AUEOM observed high turnout of women on Election Day, which demonstrates the commitment of Ghanaian women to the consolidation democracy for their country.

65. The AUEOM noted that even though the Constitution of Ghana under its objectives encourages gender equity, albeit non-justiciable, this provision has not been adequately operationalised through legislation or taken on board by political parties. Consequently, gender affirmation actions taken by different parties are done so at their discretion without basis in law. The AUEOM commends the efforts by some political parties to reduce nomination fees for women candidates. However, in light of the considerable structural, financial and cultural barriers that women face on the road to public participation, the AUEOM noted with concern that a democracy such as Ghana is yet to create meaningful opportunities for women to take part in the public affairs of Ghana.

k. Participation of Civil Society

66. The laws of Ghana provide for the right to form or join Non-Government Organizations. There is adequate space for Civil Societies Organizations (CSOs) to carry out their activities. In the course of the elections there was a good working relationship between different civil society groups and the EC and the National Commission on Civic Education. Civil Society Organisations such as the Women Situation Room (WSR), West African Network for Peace Building (WANEP) and
Coalition of Domestic Election Observers (CODEO), among others, played a very active role in Voter Education at the national, regional and district levels. They played an equally important role in disseminating peace messages ahead of the polls.

I. Media Environment

67. The Constitution of Ghana provides for and protects the right to give, seek and receive information. These constitutional guarantees have enabled a media in Ghana that is vibrant, diverse and allows for plurality of opinions and viewpoints. The AUEOM notes that the public broadcaster provided minimum and equitable access to all the contesting candidates. However, due to different purchasing powers, the two main political parties, NDC and NPP, enjoyed more access to media and media coverage compared to other parties and independent candidates. The AUEOM also noted that despite the lack of content regulation in Ghana, media outlets were largely professional in their reporting, with the exception of a few, particularly those owned by political parties and candidates who were partisan and were used to spread polarizing messages and hate speech, particularly during campaigns. The AUEOM observed the fusion between media ownership and political actors, which blurred division between editorial content and advertising in the pre-elections period. This blurring created a lack of editorial autonomy by some media outlets and made others partisan. Part of the implication of that media culture was the systematic disadvantaging of smaller political parties and independent candidates in fair access to the media.

m. Electoral Dispute Resolution

68. The Constitution of Ghana provides for formal and other alternative dispute resolution mechanisms. The Judiciary provides for a formal, independent and credible mechanism for dispute resolution in Ghana. The AUEOM commends the decision of the Chief Justice of the Supreme Court of Ghana in designating special Courts and judges to expedite adjudication of electoral disputes. The AUEOM further commends the expeditious manner in which the Judiciary disposed of the many election-related cases brought before it, which if not handled speedily and judiciously, could have derailed the electoral process or generated conflict in the country. The Mission deemed the development of a manual on election adjudication for judges as a timely intervention by the Judiciary.

69. In addition to the courts, the National Peace Council (NPC) and the Inter Party Advisory Council (IPAC) provided alternative mechanisms for resolving political disputes relating to the elections. These institutions together played a positive role in ensuring peaceful environment during and after the elections. However, these alternative dispute resolution mechanisms need to be strengthened further to handle issues that could otherwise result in expensive and protracted court litigations.
n. Election Security

70. The security of election officials, materials, voters, candidates and other stakeholders before, during and after polling day is paramount to the conduct of democratic elections. In Ghana, the primary responsibility for securing elections lies with the Police.

71. The AUEOM noted assurances from the Police of their readiness to provide adequate, professional and impartial security services before, during and after elections. In particular, it noted the creation of the Election Security Task Force to pull together efforts of various security agencies to secure the 2016 elections.

72. At a briefing to international observers on 1 December, the EC informed observers that it recorded 23 incidences of violence during the limited voter registration exercise, and that some of its offices were vandalised and staff injured during the transfer of votes exercise. The EC informed observers that it had identified at least 81 constituencies as ‘hotspots’ with the probability of election-related violence, while the police identified over 5,000 polling stations as ‘hotspots’. These efforts were aimed at preventing the occurrence of election-related violence. The EC during the period engaged in dialogue with leaders of political parties and advised them to hold their supporters in-check.

73. While acknowledging the preparedness of the security agents and measures undertaken by the EC to prevent election-related violence, the AUEOM noted that the 2016 electoral process presented enormous security challenges, particularly because of the presence of vigilante groups alleged to have been affiliated to some political parties, the high number of election ‘hotspots’, and the sometimes acrimonious political competition among parties, particularly the NPP and NDC, which increased the probability of election-related violence and created a tense political environment throughout. The AUEOM was however pleased that despite the prevailing security challenges the 2016 elections ended peacefully. The AUEOM commends all Ghanaian stakeholders whose combined efforts ensured that the elections were peaceful.
V. ELECTION DAY OBSERVATIONS

74. On Election Day, the AUEOM deployed 52 observers in teams of two to cover all the regions in the country. The AU observers witnessed opening and closing procedures in 26 polling stations, and observed the voting process in 339 polling stations.

75. The AUEOM assessed the conduct of Election Day operations as largely transparent and generally peaceful, with eligible voters allowed to cast their votes without hindrance, and polling staff and security personnel performing their duties well. The Mission noted that the use of transparent ballot boxes and the conduct of polls in open places enhance the transparency of the process.

a. Opening Procedures

76. The AUEOM observed opening procedures in 26 polling stations across the country, most of which were in urban areas. The Mission noted that majority of polling stations visited opened on time, and were laid out in a manner that mostly allowed for easy flow of voters and the maintenance of the secrecy of the vote. Essential election materials were available in adequate quantities in all the polling stations visited, and polling officials largely adhered to the opening procedures. Party or candidate agents and citizen observers were present during the opening period. Overall, the AUEOM assessed the competence of polling staff and conduct of security personnel during opening as generally good.

b. Voting Process

77. The AUEOM observed voting in a total of 339 polling stations across the country. Of these, 62.8% (213) were in urban areas and 37.2% (126) in rural areas. The atmosphere in and outside of the polling stations visited was generally peaceful, except in few cases were it was deemed not peaceful due to poor crowd control and unruly voter behaviour.

78. As noted in the opening period, most polling stations visited were laid out in a manner that allowed for easy flow of voters and the maintenance of the secrecy of the vote. Polling staff and essential election materials were available in sufficient numbers in all the polling stations visited. An average of 5 polling staff were present in all polling stations visited of which 2 were women. The presence of party or candidate agents, citizen observers and security personnel were noted in all polling stations visited. The latter’s presence was deemed as discreet and professional, except in few cases where they were observed inside the polling stations. The party agents that were present in the polling stations visited were mainly for NPP, NDC, NDP, CPP, and PPP. NPP and NDC were noted to have agents in almost all polling stations visited by the AUEOM observers.

79. The AUEOM noted that voting was stopped in a number of polling stations. Jaman North constituency in Brong Ahafo region, for instance, voting was stopped in many polling stations for several hours due to controversy around the voters’ list and election materials, prompting the returning officer for the constituency to postpone voting to 8 December. This decision was later reversed by the EC because it
contravened Regulation C.I.94, which grants the authority to adjourn elections to the EC only. Although the EC initially authorised the resumption of voting, it eventually decided to postpone voting in the constituency to 8 December.

80. Despite the high turnout of women voters, women’s participation as party agents, polling officials and domestic observers was noted as generally low in the polling stations visited by AUEOM observers. In majority of the polling stations visited, had majority male presiding officers.

81. The AUEOM observers reported few irregularities in some of the polling stations visited, such as underage voting and interference from unauthorised individuals. Campaign materials were also observed in the vicinity of some of the polling stations visited.

82. Polling staff conducted the voting process largely in accordance with the laid down procedures. AUEOM observers noted ballots papers were stamped or validated before being given to voters and that most voters were verified before voting. Tactile ballot jackets were provided to visually impaired voters that enabled them vote independently without assistance and protected the secrecy of their votes.

   c. Closing and Counting

83. The AU observers witnessed closing and counting process in 26 polling stations. Majority of these were in urban areas. All polling stations observed closed on time, and counting of ballots took place at the polling stations. Observers found that polling officials largely adhered to closing and counting procedures, except in a couple of cases where the presiding officers proceeded with counting without reconciling the ballot papers. They also reported that counting took place in a peaceful atmosphere. Overall, observers rated closing and counting procedure and the competence of polling officials during closing and counting as “good” or “very good”.

84. The AUEOM commends the EC for the transparent and accurate manner in which the closing and counting processes were done, which were closely observed by agents of political parties and candidates, journalists, and domestic and international observers.

85. Although the closing and counting process was carried out in full view of the public, the AUEOM noted that in 11 out of the 26 polling stations observed, the result forms were publicly posted at the polling stations. Also, 9 out of the 26 stations witnessed had no adequate lighting.
VI. TABULATION AND ANNOUNCEMENT OF RESULTS

a. Tabulation of Results

86. The AUEOM notes that tabulation of election results took place at constituency and national levels. At the constituency level, the process began immediately after polling station results were received. They were then collated and declared in the presence of all party or candidate agents and observers before being transmitted to the national collation centre in Accra.

87. AU observers found the tabulation process at the constituency level to be orderly and well-organised, with the exception of a few constituencies. However, delays in the collation and declaration of results at the national level caused anxiety among stakeholders. The delay also prompted supporters of the NPP and NDC to unofficially declare final results of the presidential election on their own, a situation that threatened to undermine the credibility of the electoral process and the peace of the country. By law it is the EC that certifies and declares election results.

b. Announcement of Final Results

88. On 9 December, the EC announced the final presidential results, and declared the NPP candidate, Mr. Nana Akufu-Addo, the winner, with 5,716,026 votes representing 53.85% of the total valid votes cast, and John Dramani Mahama, the incumbent president and candidate of the NDC, garnered 4,713,277 votes representing 44.40% of valid votes cast.

89. At the time of the EC’s announcement of final results, the Jaman and Tema central constituency results were still outstanding. However, these did not change the final outcome.

c. Political Environment

90. While the post-election political environment was generally calm, it was threatened by unofficial declarations of presidential election results by the executives of the NPP and NDC, which caused anxiety and fear among stakeholders about the potential for post-election violence should the final results failed to meet their expectations. However, following the announcement of final results by the EC on 9 December, the NDC presidential candidate conceded defeat and urged his party and supporters to remain calm and accept the results, thus paving way for the peaceful conclusion of the electoral process.
VII. CONCLUSION AND RECOMMENDATION

a. Conclusion

91. On the basis of its direct observations and consultations with key stakeholders, the AUEOM considered the conduct of the 7 December 2016 Presidential and Parliamentary elections in Ghana as largely meeting international standards for democratic elections. Despite some challenges encountered during the pre-election period, Special Voting and on Election Day, overall, the 2017 elections were conducted in a largely peaceful, transparent and credible manner.

b. Recommendations

92. The AUEOM offers the following recommendations for considerations by all Ghanaian stakeholders for improvement of management of future electoral processes in the country:

To the Government and Legislature

- Strengthen the legal framework dealing with party funding and campaign finance, with a view of encouraging political pluralism and reduce the distorting role of private money in the electoral process;

- Clarify the laws relating to administrative redistricting and constituency demarcation to ensure that political inference is minimised;

- Consider reviewing the current constituency boundaries to ensure equality of votes and representation;

- Explore the possibility of establishing a separate and independent body to register and regulate the activities of political parties, so as to ease the burden on the EC to allow it to focus on the technical and efficient management of elections. Assigning the registration and regulation of political party activities to a separate body would also enable that body to effectively supervise political parties, particularly regarding their compliance with requirements of the law, such as campaign finance.

- Consider exploring legislation for enhancing women’s political participation, for instance, through implementing affirmative action such as gender quotas.

To the Election Commission:

- Put in place a robust public communication strategy that includes giving the public more access to the EC’s decision-making process, including deliberations of the IPAC.

- IPAC meetings should be formalised as regular platforms and the rights of independent candidates to participate should be explored.
Review current regulation on nomination process in the light of the challenges of the 2016 elections, and prepare detailed guidelines for filling the nomination forms and provide training to political parties in this respect.

Put in place mechanism that will ensure an inclusive, accurate and credible Voter Register that enjoys wide acceptance by stakeholders. In particular, clarify and strengthen provisions and procedures for voter transfers, proxy and special voting.

Together with relevant stakeholders, explore the possibility of expanding the right to vote to Ghanaian citizens living abroad in accordance with the provision in the Constitution.

Enhance training of election staff, in particular those responsible for managing Election Day operations to ensure credible management of elections at all times.

In collaboration with the NCCE and civil society groups, strengthen voter education programs. In particular, ensure that voter education materials are translated into local languages for the benefit of illiterate voters.

To Political Parties:

Ensure party agents that will monitor the elections are selected and trained on the various aspect of the electoral process well in advance. Well-trained party agents play a critical role in ensuring transparency and credibility of the electoral process;

Comply with existing regulation on campaign finance, including adhering to spending limits, and timely and regular disclosure of funding sources;

Refrain from using intemperate language and other forms of intimidation during elections. Focus on issue-based campaigns and deplore the use of inflammatory language and intimidation tactics that could lead to violence. Uphold and promote among your supporters a culture of political pluralism, tolerance and peace during elections;

Refrain from recruiting and deploying armed bodyguards, gangs, and other types of vigilantes during elections. Work with the hierarchy of the national Police Force to put in place mechanism for maximum protection of party leaders and supporters. Consider yourself as critical institutions in the maintenance of peace and stability in the country;

Create within your internal structures appropriate mechanisms for enhancing women and youth political participation, particularly in leadership roles.

Properly utilise IPAC and other alternative dispute resolution mechanisms, and ensure that deliberations and decisions within that mechanisms are widely disseminated and adhered to by party supporters at all levels.
To Civil Society Organisations

- Continue with efforts to raise voters’ awareness of the electoral process and of candidate and party platforms, and in particular to inform disabled and marginalised groups about measures taken to ensure their participation.

- Continue with efforts to ensure violence-free elections in Ghana.

To the Media

- Ensure parties and candidates are provided equal and/or fair access to the media.

- Advocate for the powers and mandate of the National Media Commission to be further enhanced to ensure its independence and effective regulative ability, as well as enforcement of media laws.

- Strive to report accurately and professionally during the elections. Do not condone or spread polarising messages and hate speeches, particularly during election campaigns.

To the Security Forces

Strive to provide professional and maximum security to all electoral stakeholders, including political contestants to ensure a secure and peaceful environment before, during and after the elections. In particular, respond to complaints relating to the electoral process in a prompt and fair manner to deter recourse to self-help security measures by electoral contestants.
# Deployment Plan

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<th>Team No.</th>
<th>Name</th>
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<th>Region</th>
<th>Area of Responsibility (District)</th>
<th>Base City/Hotel</th>
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<td>Hon. Mootsi Samuel Lehata</td>
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<td>F</td>
<td>Ethiopia</td>
<td>Greater Accra</td>
<td>Dangbe East &amp; West</td>
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