



**EUROPEAN UNION
ELECTION OBSERVATION MISSION
GHANA, PRESIDENTIAL AND PARLIAMENTARY ELECTIONS, 2008**

PRELIMINARY STATEMENT

Open and Transparent Run-off Election, Despite Isolated Incidents

Accra, 30 December 2008

The European Union Election Observation Mission (EU EOM) has been present in Ghana since 1 November 2008 following an invitation from the Electoral Commission of Ghana. The EU EOM is led by Nickolay Mladenov, Member of the European Parliament. For the second round run-off presidential election the mission deployed 56 observers from 22 European Union Member States and Norway to all 10 regions of the country to assess the electoral process against international and regional standards for elections as well as the laws of Ghana. The EU EOM is independent in its findings and conclusions and adheres to the Declaration of Principles for International Election Observation commemorated at the United Nations in October 2005.

On election day, observers visited 327 polling stations in 70 of the 230 constituencies throughout Ghana to observe voting and counting. The EU EOM will remain in country to observe post-election developments and the tabulation of results. This statement is preliminary and the EU EOM will not draw final conclusions until the completion of the aggregation of results and their announcement. A final report will be published within a period of two months after the end of the electoral process. This statement should be read in conjunction with the mission's previous statement on the 7 December 2008 elections after the first round of voting. The first round statement of preliminary findings issued on the 9 December 2008 can be accessed on the EU EOM website at www.eueomghana.org.

Executive Summary

- The second round presidential run-off election has, so far, been conducted in a competitive environment with the freedoms of assembly, movement and expression respected across the country. At this stage the election has been generally conducted in line with Ghana's international and regional commitments. The Electoral Commission has also been impartial and open in its preparations for this run-off presidential election which has helped guarantee transparency. Election day was largely calm and orderly despite isolated incidents of violence and attempts to disrupt polling in a limited number of cases.
- The Electoral Commission organised the second round presidential run-off election in a largely transparent as well as professional manner. Its temporary and permanent staff mostly acted with impartiality and prepared for the election

competently. Overall, voting was conducted in a calm manner and the process was well organised. Polling procedures in 98 per cent of polling stations visited by EU observers were assessed as satisfactory or positive.

- The final stages of the presidential election are now being undertaken and aggregation of the results is being finalised. It is of vital importance that the political parties wait patiently for the results and, if parties have complaints, the European Union Election Observation Mission (EU EOM) encourages them to submit these through the relevant legal channels and follow the due legal process.
- Party agents and domestic observers had unobstructed access to observe all stages of the election process in most places across the country providing for a highly transparent election day. There were some exceptions to this and claims by the parties that their party agents were intimidated in the strongholds of their opponents. This led to the National Democratic Congress instructing its agents in Ashanti to refuse to sign the result sheets at polling stations regardless of the quality of the polling there.
- Fundamental freedoms of assembly, movement and expression continued to be respected throughout the campaign period for the run-off election and the two political parties campaigned freely across the country. The parties increased their low visibility campaign activities such as door-to-door canvassing of voters and they organised smaller meetings with their supporters rather than the large rallies observed in the first round. In general there were no signs that incumbency or access to state resources was exploited to the advantage of the governing party's candidate.
- Towards the end of the campaign period the parties accused one another of trying to undermine the election process creating unnecessary suspicion amongst their supporters. In the final days of the campaign period such accusations became excessive and inflammatory with unsubstantiated claims issued by the two parties and distributed in the media that were primarily published in an attempt to heighten suspicion of election fraud between different communities.
- Freedom of speech in the media was respected. There were no reports of any major incidents affecting the media's freedom to report on the campaign of the two presidential candidates or their parties. The media provided wide coverage of the election campaigns of the parties and the content of most media remained neutral in tone. However, the state-owned broadcaster, the Ghana Broadcasting Corporation, failed to provide balanced coverage of the two political parties in its stations' coverage.
- The elections on 7 December 2008 showed a lack of voter education running up to these elections. This was reflected in the comparatively high number of rejected ballots in the first round of elections. In advance of the run-off election the Electoral Commission and the National Commission for Civic Education in

reaction to this problem made some efforts to extend voter education activities in the media. However, due to the limited time to initiate these programmes there was a failure to reach all levels of society and particularly local communities at grass roots level.

- Civil society organisations again played an important role in the run-off election and over 5,000 domestic observers were deployed on election day to observe polling and counting. As was the case in the 7 December 2008 elections, civil society organisations also played a positive role, in publicly calling for a peaceful election and supporting the Electoral Commission's work.
- Following the presidential and parliamentary elections on 7 December 2008 the aggregation of results was not conducted to the same generally high standards as other components of the elections. EU observers reported that in many cases procedures were not fully complied with and generally the quality assurances in a number of collation centres were not properly managed. The high degree of transparency was however, maintained at collation centres. The Electoral Commission acknowledged these problems and initiated further training for its staff to ensure improvements for the run-off.
- There have, so far, been seven petitions filed by losing parliamentary candidates at the High Court challenging parliamentary results. These petitions mainly contest the accuracy of the results for the parliamentary election and they allege errors in aggregation and in some cases, corruption of polling officials.

Statement of Preliminary Findings

BACKGROUND TO THE PRESIDENTIAL RUN-OFF ELECTION

The results of the presidential election on 7 December 2008 meant that no single candidate received over 50 per cent of the popular vote required to be elected president. A run-off election for presidential office between the two candidates that received the highest number of votes, was therefore announced by the Electoral Commission on the release of the final results on the 10 December 2008. The date for the second round was set as 28 December 2008, within the 21 day period established in the constitution. The results of the first round showed a slim margin between the two candidates of the major parties. The candidate of the incumbent government, Nana Akufo Addo of the New Patriotic Party (NPP), received 49.13 per cent of the vote and Professor John Evans Atta Mills of the main opposition party, the National Democratic Congress (NDC), 47.92 per cent. Campaigning started immediately following the announcement of a second round run-off election.

ELECTION ADMINISTRATION

The Electoral Commission organised the second round presidential run-off election in a largely transparent and professional manner. Its temporary and permanent staff mostly acted with impartiality and prepared for the election competently. Party agents and domestic observers had the right to unobstructed access to observe all stages of the election process that provided a high level of transparency on election day in most of the country. Following the elections on the 7 December 2008 the Electoral Commission reacted promptly to recommend the introduction of measures to ensure a more efficient voting day for the run-off. Any difficulties that its staff encountered on election day on the 7 December 2008 were reviewed. One of its key recommendations was to extend the voting facilities of larger polling stations to improve voter flow for the second round run-off. This idea however, was rejected by the NDC party at an Inter Party Advisory Committee (IPAC) meeting prior to election day and the Electoral Commission withdrew the plan, demonstrating a positive ability to react to demands of political parties. In some local district IPACs it was agreed that additional facilities be introduced.

The ballots were simplified due to the fact that only two candidates were on the ballot papers. The large bulk of non sensitive material required for voting was retained at regional centres after the 7 December 2008 elections. This meant national deployment of material was on a smaller scale and only equipment which needed to be replenished was distributed from Accra. The Electoral Commission requested polling officials to be more proactive in explaining the procedures to voters in an attempt to reduce voter misunderstanding. Further briefings for returning and presiding officers focusing on procedures and forms as well as aggregation processes were also conducted in advance of the second round. Polling officials and returning officers who had not followed procedures properly during the 7 December 2008 elections were replaced by individuals on a reserve list. As a safeguard against double voting, voters also had their index finger of their left hand, instead of their little finger, inked at polling stations.

VOTER REGISTER

For the run-off presidential election the right of voters to transfer their location where they could vote was limited to the student population who were allowed to re-transfer their votes to their home constituencies. This process required students to simply cancel their original transfer allowing the Electoral Commission to remove their names from the absentee voter list in their home constituencies to enable them to vote there. Those registered for special voting that took place on 23 December 2008 did not have to re-register as their original registration was accepted. The same system of extension also applied to proxy voting, and if a voter who received the right to vote by proxy did not withdraw their application, this right was retained.

CAMPAIGN ENVIRONMENT

The freedoms of assembly, movement and expression continued to be respected throughout the campaign period for the run-off election and the two political parties campaigned freely across the country. Shortly after the announcement by the Electoral Commission on 10 December 2008 of a presidential run-off election the two leading parties started to campaign. The campaign environment for the run-off election was more subdued than the first round, and there were fewer large rallies than in the previous elections. In general there were no signs that incumbency or access to state resources was exploited to the advantage of the governing party's candidate during the run-off election campaign period. The NPP and NDC provided transport for their supporters and voters to enable them to reach their home constituencies immediately prior to election day.

The NDC and NPP presidential candidates toured what were perceived to be key constituencies. The parties increased their low visibility campaign activities such as door-to-door canvassing of voters and organised smaller meetings with their supporters. The NPP lobbied local chiefs in an effort to increase their grass roots support. Both parties focused their activities on improving voter awareness of the procedures in an attempt to make every ballot count in their heartlands. The campaign was largely peaceful, with only a few isolated incidents of violence, and there have been no reports of any restrictions to the campaign activities of either political party. The NDC and NPP did however, accuse one another of trying to undermine the election process. No evidence was presented to support any of these claims. In the final days of the campaign period such accusations became excessive and inflammatory with unsubstantiated claims issued by the two parties and published in the media that were primarily intended to heighten suspicion of election fraud between different communities. The most notable case was an unverified recording allegedly of an NPP member of parliament that was first aired by Radio Gold outlining plans to disrupt the election in Volta Region.

MEDIA ENVIRONMENT

Freedom of speech in the media was respected. There were no reports of any major incidents affecting the media's freedom to report on the campaign of the two presidential candidates or their parties. The media provided wide coverage of the election campaigns of the NDC and NPP and the content of most media remained neutral in tone. However, the state-owned broadcaster, the Ghana Broadcasting Corporation, which operates GTV and Radio Uniiq did not provide balanced coverage of the two parties in their programming. GTV devoted 51 per cent of its news coverage of political parties to the NPP party and its ministers and 24 per cent to NDC. The remaining 25 per cent was afforded to the president. A total of 54 per cent share of Radio Uniiq's news reporting of political actors was of the NPP compared to 33 per cent of NDC and 13 per cent to the president. The content of the state-owned newspaper, the Ghanaian Times, also followed similar trends.

The private television broadcasters, Metro TV and TV3, provided greater balance in their news coverage. In Metro TV's news bulletins, NPP received 51 per cent share of coverage

with the NDC afforded 45 per cent and the president four per cent. A similar pattern characterised the news coverage of TV3 with the NPP receiving a 52 per cent share of coverage, the NDC 39 per cent and the president nine per cent. The private radio stations that have been monitored continued to provide wide coverage of the two candidates and their parties and their phone-in programmes and panel discussions allowed wide ranging debate, which at times included some harsh criticism from party supporters of one or other of the parties. The print media also reported the activities of the two presidential candidates widely though at times editorial support was evident for either one of the two parties in their news features.

VOTER EDUCATION

There was criticism from civil society groups and other stakeholders that the lack of voter education led to the relatively high number of rejected ballots in the first round of elections. In the Ghanaian context the total of 2.37 per cent of rejected ballots is perceived to be high. The Electoral Commission reacted to this problem and made efforts to extend its voter education activities in the media. The National Commission for Civic Education was also more pro-active in voter education for the run-off election, but this remained inadequate. However, due to the limited time to initiate these programmes and financial restraints there was a failure to reach all levels of society and particularly local communities at grass roots level.

CIVIL SOCIETY

The largest domestic observer organisation, the Coalition of Domestic Observers, maintained the 4,000 strong group of observers that it deployed for the 7 December 2008 elections. The Civic Forum Initiative deployed 400 of its observers on election day. A range of international observation missions also returned to observe the second round election including the Economic Community of West African States (ECOWAS), the Pan African Parliament, African Union, the Commonwealth and the Carter Center. As was the case in the 7 December 2008 elections, civil society organisations also played an important role in publicly calling for a peaceful election, and supporting the Electoral Commission's work by expressing confidence in its ability to ensure the election was organised transparently and effectively.

POLLING, COUNTING AND TABULATION

The large majority of polling stations observed opened on time which was an improvement compared to the 7 December 2008 elections. Generally all material required for voting and polling staff was present on opening to ensure voting started on time. The only major technical problem on polling day was in Tain constituency, Brong Ahafo, where logistical and operational failures led to the suspension of the election with the agreement of the political parties. There were some isolated attempts to disrupt polling and some incidents of violence, but these were contained by the large number of security forces that were deployed on election day.

Overall, voting was conducted in a calm manner and the process was well organised. Polling procedures in 98 per cent of polling stations visited by EU observers were assessed as satisfactory or positive. Polling staff were committed and overall acted professionally in polling stations visited. Efficient processing of voters, use of controls and safeguards by polling staff and the secrecy of the vote were also assessed as very good or good in over 90 per cent of polling stations visited. EU observers assessed the overall environment for polling positively. On special voting day, 23 December 2008, there was an increase in the number of voters in some constituencies which was a source of complaint by the NDC. The process of special voting was otherwise similar to the first round.

Whilst the overall environment on election day was calm there were some exceptions to this. Both the parties claimed that their party agents were intimidated in the strongholds of their opponents. This led to the NDC instructing its agents in Ashanti to refuse to sign the result sheets at polling stations regardless of the quality of the polling there. Closing was also assessed as fair to good in all polling stations visited and the transfer of ballots to collation centres was carried out without major incident. Immediately following the close of polling, counting commenced at all polling stations in clear sight of party agents and election observers. Counting was mostly conducted in a calm and orderly environment with procedures mainly followed.

AGGREGATION OF RESULTS OF THE 7 DECEMBER 2008 PRESIDENTIAL AND PARLIAMENTARY ELECTIONS

Following the presidential and parliamentary elections on 7 December 2008 the aggregation of results was not conducted to the same generally high standards as other components of the elections in the first round. EU observers reported that in many cases procedures were not fully complied with and overall the quality assurances in a number of collation centres were not properly managed. There was a lack of crowd control and no regulation as to whom could enter the collation centres and who could not. In some collation centres the ballot boxes were not securely stored and this led to a number of incidents and tensions at the centres themselves mainly between party agents. In most centres visited by EU observers polling officials failed to sign the handover documents and the form filling process was neglected. The high degree of transparency was however, maintained at collation centres. Generally, although the process lacked procedural clarity and the safeguards that were put in place for the handover of results neglected it was accepted by stakeholders as adequate in the large majority of cases. The Electoral Commission acknowledged these problems and initiated further training for its staff to ensure improvements for the run-off.

RESULTS OF THE 7 DECEMBER 2008 ELECTIONS

Constituency results from 228 of the 230 constituencies for the parliamentary election have been released. The NDC has won the largest number of parliamentary seats with a total of 114, NPP candidates won 107 seats, the People's National Convention (PNC) two, Convention People's Party (CPP) one and independent candidates four seats. The results of two parliamentary constituencies have been delayed due to election day incidents that

disrupted the process and subsequent legal action taken by losing candidates. The results have, however, been generally accepted throughout the country. There are some exceptions that are being contested by losing parliamentary candidates in the relevant constituencies (see below).

COMPLAINTS AND APPEALS

The results of the parliamentary election are not yet official as they have not been published in the official Gazette. Nevertheless, there have been seven petitions filed by parliamentary candidates at the High Court challenging parliamentary results in Ablekuma South and Ayawaso Central (Greater Accra), Asutifi South (Brong Ahafo Region), Awkatia (Eastern Region), Mfantiman West (Central Region), Sefwi Wiawso (Western Region) and Sissala East (Upper East Region). The two in Greater Accra and the one in Western Region have been temporarily withdrawn due to technical shortcomings in the submissions as they were filed prematurely before the final results were published in the Gazette.

In Asutifi South and Akwatia constituencies losing candidates have filed for court orders that have delayed the release of results. In the first constituency, of Asutifi South, the Electoral Commission has refrained from declaring the parliamentary results because of a submission to the Court challenging the results of two polling stations. In the second constituency of Akwatia the Court has been asked to order that the re-election in six polling stations which was planned by the Electoral Commission be deferred. The Electoral Commission has decided to suspend the parliamentary election in these two constituencies until the rulings have been made. The NPP parliamentary candidate, Asamoah Boateng, is seeking an order for a recount of the entire constituency of Mfantiman West on grounds that the aggregation of results was not completed in line with legal provisions.

The European Union Election Observation Mission (EU EOM) continues to observe the aggregation of results and will follow any complaints and appeals process before reaching its final conclusions.

The EU EOM wishes to express its appreciation to the Government of Ghana and the Electoral Commission of Ghana for their cooperation and assistance in the course of the observation. The EU EOM is also grateful to the Delegation of the European Commission to Ghana and the International Organization for Migration for their support throughout.

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