



Ghana: Elections 2012

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FOREWORD

Opinions and ideas expressed in this document do not necessarily reflect the IRG views. The IRG will not be held responsible unless it was explicitly agreed.

This article is part of a series of case studies realized in the framework of the International Network for Reflection and Proposals on a Plural Approach for Constitutions' (INC) work and analyses¹, initiated by the Institute for Research and Debate on Governance (IRG).

The INC postulates that the main challenge of constitutions rests in their capability to give life to a social contract and to durably embody a dynamic political, social, and normative process integrative of the diversity of power conceptions in the elaboration, definition and practical application of constitutions. Such constitutional innovations are urgently needed in the current international context of political legitimacy crisis.

The sharing and crossing of practical experiences, such as those proposed, the world over, by the case studies, are crucial elements of the INC's innovative proposal process.

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1. www.institut-gouvernance.org/diversity.html

INTRODUCTION

Ghana's Political History and background

Ghana, a country located in West Africa, was the first nation, south of the Sahara, to attain independence from the British Colonial government. Granted independence on 6 March 1957, the country was declared a Republic on 1 July 1960. Since independence, Ghana has known a number of coup d'Etats. The first President of Ghana, Dr. Kwame Nkrumah, was removed from office through a coup d'Etat. This was followed by numerous successful removal of democratically elected governments. From 1966 to 1983, Ghana has known numerous such unconstitutional removal of elected governments through military interventions into politics.

However, in 1996, the then military government of the Provisional National Defence Council (PNDC), led by Flight Lieutenant Jerry John Rawlings, returned the country to democratic rule, conducted elections and became the elected President under the ruling National Democratic Congress (NDC), a government he led until 2000, when, after two successive terms as President, he handed over power to the opposition party, the National Patriotic Party (NPP), following an electoral process which saw the then flag bearer, John Agyekum Kuffuor, obtaining majority votes, being declared duly elected as President.

President John Kuffuor, also governed the country, as flag bearer of the NPP, for two successive terms of four years each, and through another election, peacefully handed over power to the NDC, this time headed by Professor John Evans Atta Mills. During the general elections, held on 7 December 2008, neither of the eight (8) political parties that contested the Presidential slot received a majority vote. The Electoral Commission announced a runoff scheduled for 20 December 2008, between Nana Addo Dankwa Akuffo-Addo of the NPP, the then incumbent government and Professor John Evans Atta Mills of the NDC, the then opposition party, who obtained 49.13% and 47.92% respectively of the votes cast on 7 December 2008. The round off elections saw Atta Mills emerge the winner, having obtained 50.23% of the votes. He was consequently declared President-elect, and was sworn into office on 7 January 2009.

President Atta Mills led the government until his untimely demise, whilst in office, on 24 July 2012, not long after he had been elected again as the NDC's flag bearer for the 2012 general elections.

The late President Atta Mills was replaced by John Dramani Mahama, the then Vice President, five hours after his death, and was sworn into office as President by the Chief Justice, Mrs. Georgina Theodora Wood, in the presence of members of Parliament, during a Parliamentary session, specifically convened for the purpose, in accordance with the 1992 Constitution of the Republic of Ghana, which provides, as follows:

“The office of President shall become vacant...if the incumbent dies or resigns from office...”²

The Constitution also provides that “Whenever the President dies, resigns or is removed from office, the Vice-President shall assume office as President for the unexpired term of office of the President with effect from the date of death, resignation or removal of the President”.³

Following his swearing-in as President for the unexpired term of office of President Mills, the new President Mahama took over the realm of government and declared his intention to continue with the Better Ghana Agenda, which was the late President’s mantra and main agenda in the NDC manifesto, for the people of Ghana.

At an extra-ordinary congress, held in Kumasi, on 31 August 2012, in accordance with the party’s Constitution, the NDC unanimously endorsed President Mahama as its Presidential Candidate for the 2012 Presidential election. In his acceptance speech, President Mahama pledges as follows: “I will do everything to restore the hope and confidence Prof Mills had promised you”⁴.

The Electoral Commission of Ghana

The 1992 Constitution of Ghana provided for the establishment of an Electoral Commission, with the responsibility of organizing and supervising elections in Ghana for the representation of the people of Ghana. For the purpose of public elections and referenda, the Constitution recognizes the right to vote, as a fundamental right of every citizen of voting age. It states that every citizen of Ghana, of eighteen years of age or above and of sound mind has the right to vote and is entitled to be registered as a voter. Consequently, the Constitution clearly spells out the functions of the Electoral Commission in the following terms:

“The Electoral Commission shall have the following functions –

- a) To compile the register of voters and revise it at such periods as may be determined by law;

2. See Constitution of the Republic of Ghana, 1992, Article 66 (3) (b), p. 56.

3. See Constitution of the Republic of Ghana, 1992, Article 60 (6), p. 52.

4. General News of Friday, 31 August 2012.

- b) To demarcate the electoral boundaries for both national and local government elections;
- c) To conduct and supervise all public elections and referenda;
- d) To educate the people on the electoral process its purpose;
- e) To undertake programmes for the expansion of the registration of voters; and
- f) To perform such other functions as may be prescribed by law.”⁵

The Constitution guarantees the independence of the Commission and provides that the Electoral Commission shall not be subject to the direction or control of any person or authority. In accordance with the powers vested in the Electoral Commission, to the effect that it “shall, by Constitutional instrument, make regulations for the effective performance of its functions, under this Constitution or any other law, and in particular, for the registration of voters, the conduct of public elections and referenda, including provision for voting by proxy” the Chairman of the Electoral Commission, Dr. Kodwo Afari Gyan, had the “Public Elections (Registration of Voters) Regulation, 1995 (C. I. 12)”⁶ promulgated into law for the effective discharge of the duties in relation to elections into public office and referenda in the Republic of Ghana.

The Regulation (C. I. 12), divided into Parts, provided for a) Registration of Voters, b) Challenges and Complaints, c) Provisional Voters Registration and Complaints Relating thereto, d) Offences and Miscellaneous Provisions. The Schedule to the Regulation includes Voter Registration Challenge Form, with a list of reasons, not exhaustive though, for the challenge of a voter, Report of Irregularity at a Registration Centre Form, and Notice to Person Objected To Form.

Again, on 21 February 2012, the Chairman of the Electoral Commission, Dr. Kwadwo Afari_Gyan, had another Regulation “Public Elections (Registration of Voters) Regulations 2012, C. I. 72”⁷ gazette, and thereby revoked Regulations C. I. 12⁷.

Regulations C. I. 72 sought to complement the provisions of Regulations C. I 12 in the sense that it includes, for the first time in the history of Ghana, the use of biometric information for registration of voters, Voter Registration Identification Guarantee Form, Inclusion Form, Exhibition of Voters Register; Form of Objection, Exhibition of Voters Registration; Form of Inclusion, Form for List of Persons with

5. Constitution of the Republic of Ghana, 1992, Article 45, p. 44.

6. K. Afari Gyan, Public Elections (Registration of Voters) Regulations, 1995, C. I. 12, date of Gazette notification: 28 July 1995.

7. K. Afari-Gyan, Public Elections (Registration of Voters) Regulations, 2012, C. I. 72, date of Gazette notification: 21st February, 2012; Entry into force: 23 March, 2012.

Multiple Registration, Notice to Persons against whom an Objection has been filed, Correction Form (Form of Amendment), among others.

It must be put on record that the Chairman of the Electoral Commission, Dr. Kwadwo Afari-Gyan, has been the only Chairman, ever since he was appointed, to have had the privilege and daunting task of supervising all elections in Ghana. Since 1992, Ghana has had uninterrupted democratic practice, conducting five globally acclaimed successful elections.

I. PREPARATIONS TOWARDS ELECTION 2012

The EC streamlined the conduct of the 2012 General Elections by establishing the following agenda:

1. SCHEDULE

1. Registration of voters: This was done from 24th March 2012 to 5th May 2012.
2. Mop up exercise of voter registration: 9th - 10th June 2012.
3. Exhibition of provisional voters register -1st - 10th September 2012.
4. Filling of nominations: 17th and 18th October 2012.
5. Balloting for positions on the ballot paper: 19th October 2012.
6. Training of election officials – This was an on-going exercise till the elections were conducted.
7. Distribution of materials - This was an on-going exercise till the elections were conducted.
8. Election day – In accordance with tradition, the elections were held on 7 December 2012. However, due to some difficulties experienced with biometric voter registration (bvr) equipment at some polling stations, voting was extended to 8 December 2012.

2. DISQUALIFICATION OF POLITICAL PARTIES FOR THE 2012 ELECTIONS

As part of the process to streamline the electoral process, the Commission fixed 17 and 18 October 2012 as the deadline for filing nominations for the presidential and parliamentary elections. The filings were to have been concluded by the close of business on the 18 October 2012. While some parties filed their nominations within the deadline, others did a last-minute filing, resulting in their disqualification from the electoral process.

The disqualified parties are the National Democratic Party (NDP), the New Vision Party (NVP), the Independent Peoples' Party (IPP) and the Ghana Freedom Party (GFP).

The reason for their disqualification was that they did not meet the deadline for the submission of the nomination forms. According to the EC rules nomination forms should be submitted by the close of business on the stipulated dates; and that is 5:00 pm. In actual fact, the parties concerned had gone to the EC earlier in the day to submit their nomination forms. However, the EC detected some defects on the forms and asked the parties to go and cure those defects and re-submit the forms by the close of business. The six parties failed to submit the forms at the close of business, ostensibly due to the fact that they could not cure the defects within the stipulated time-frame. They allegedly returned the forms the same day, albeit, after the close of business, hence their rejection by the EC. The decision of the EC drew a lot of reactions from the concerned parties and the electorate. While some saw the EC's action as being a correct interpretation and application of the rules and regulations governing the electoral process, others found the decision as very harsh and a denial of the democratic rights, not only of the parties involved but also the Ghanaian population. The Chairman of the NDP, Dr. Josiah Aryeh was quoted to have said the following "We are a middle frontline party comparable to any of the other political parties in Ghana today and this should persuade the EC to exercise its discretionary powers in regulating the conduct of filing flag-bearer nominations with the EC. Presently, our teeming followers nationwide are at their wits' end regarding the game the EC wants to play with our first-ever female flag bearer of a great party as the NDP. In this regard, we are calling on the EC to accept the nomination forms duly completed by the political parties"⁸

The sentiment expressed by Dr. Aryeh echoed the general feeling of some Ghanaians, especially the followers of the parties that were disqualified from the process. It was not surprising therefore that soon thereafter, three parties sued the EC over the disqualification of their respective flag bearers, praying the court, in their writ of summons, to, *inter alia*, place an injunction on the EC from continuing with the conduct of the elections. They alleged for instance that one of the bases for the disqualification, which was a mark that was not indicated on the form, was not acceptable as it infringes on their Constitutional rights. Some of the parties also contended that they had not been given any reason for the rejection of their forms. The NVP, on its part, submitted that allegations of bribery were leveled against some EC officials, the Logistics Officer and the

8. J. Aryeh, Daily Graphic, Saturday, October 20, 2012, p. 28.

Director of Elections, and as such the court should order that the bribery scandal be investigated, noting that the said officials of the EC had criminal cases being investigated by the police and hence the EC must be prevented from conducting the elections.

The main argument of the parties seeking redress was based on Article Seven of the EC's Electoral and Parliamentary Law, Public Elections Regulations, 1996, which deals with nominated candidates and provides as follows:

1. "Whenever the nomination paper and statutory declaration of a candidate are delivered and the deposit is paid in accordance with these Regulations, the candidate shall be considered to stand nominated, unless proof is given to the satisfaction of the returning officer of the candidate's death, withdrawal or disqualification.
2. The returning officer shall inform a candidate that his nomination is invalid where
 - a) the particulars of the candidate or the persons subscribing to the nomination paper are not valid as required by law; or
 - b) the nomination paper is not subscribed to as required by law, and allow the candidate an opportunity to make any amendments or alterations that the candidate considers necessary".

Despite the threats of court action against the EC, the later went ahead with the electoral schedule and requested representatives of the parties duly registered to ballot for their respective positions on the ballot papers.

Nana Konadu Agyeman Rawlings, flag bearer of the NDP, eventually abandoned her long-held ambition to contest the December 7 elections.

3. CLOSURE OF FILING OF NOMINATIONS

The Electoral Commission (EC) on Thursday, 18 November 2012, at the close of filing of nomination for December Presidential and Parliamentary polls cleared eight Presidential Candidates, whilst three parties and one Independent Candidate were disqualified. The Presidential Candidates for the seven parties were President John Dramani Mahama of the National Democratic Congress (NDC), Nana Addo Dankwa Akuffo-Addo of the New Patriotic Party (NPP), Dr. Michael Abu Sakara Foster of the Convention People's Party's (CPP), Dr Paa Kwesi Nduom of the Progressive Peoples Party (PPP), Mr. Hassan Ayariga of the Peoples National Convention (PNC), Mr. Akwasi Addai Odike of the United Front

Party (UFP), Mr. Henry Lartey of the Great Consolidated Popular Party (GCPP) and Mr. Jacob Osei Yeboah, an Independent Candidate.

At the close of the two-day nomination period, Dr. Kwadwo Afari Gyan, EC Chairman, declared the eight candidates duly eligible. He however cautioned the candidates that the endorsement of the nomination forms was based on the signing of the Statutory Declaration form saying, “We will now take our time to scrutinize the details provided, any false declaration is a crime and the culprit would face the full rigours of the law”

4. BALLOTING FOR POSITION ON THE BALLOT PAPER

On 19 October 2012, the parties balloted for the positions and at the end of the day, the results are as follows: President John Mahama of the NDC, position number 1, Dr. Henry Lartey of the GCPP, position number 2, Nana Akufo-Addo of the NPP, position number 3, Dr. Paa Kwesi Ndoum of the PPP, position number 4, Akwasi Addae of the UFP, position number 5, Hassan Ayariga of the PNC, position number 6, Dr. Abu Sakara of the CPP, position number 7 and Jacob Osei Yeboah, an independent candidate, position number 8.

The two major political parties in Ghana, the ruling NDC and the opposition NPP, took their positions on the ballot papers into the spiritual realm, describing their respective positions on the ballot paper as divine.

The ruling NDC, which picked the first position on the ballot paper, described it as meaning a “one-touch” victory. According to Johnson Asiedu Nketiah, the General Secretary of the party, “This is divine intervention. We said that the NDC is doing one-touch and the signs have already started showing... The one we picked means “one-touch”. We’ll not go for any second round. I’m sure the order of the results will be the same way as we picked positions on the ballot paper.”⁹

Similarly, according to Jake Obetsebi-Lampsey, the National Chairman of the opposition NPP, “The decision is the Lord’s and I thank Him for where He has placed us”,¹⁰ re-echoing the NPP’s belief in its third position on the ballot box as the operation of the Holy Trinity to secure victory. He reminded the other parties about the history of positions on the ballot paper, saying “In 2000, somebody picked number one and lost; in 2004, somebody picked number one and lost; in 2008, somebody picked number one and lost. So you leave it to the Lord. He knows what is best for you”¹¹.

9. Johnson Asiedu Nketiah, Daily Graphic, Saturday, October 20, 2012, p. 3.

10. Jake Obetsebi Lampsey, Daily Graphic, Saturday, October 20, 2012 at page 3.

11. Jake Obetsebi Lampsey, Daily Graphic, Saturday, October 20, 2012 at page 3.

For the other parties, the position on the ballot paper did not mean anything. According to Ms. Eva Lokko, the running mate to the PPP flag bearer, “The position means nothing. It is a pure administrative process to ensure order and transparency. This will not impact on anything”.¹²

The General Secretary of the PCN, Bernard Mornah also declared the stand of his party relating to its position on the ballot paper in the following words “At the end of this process, what we have to do is intensify campaigning and voter education and tell the people what to look for to vote. We are confident that at the end of the day we shall come out tops”.¹³

For the EC, however, what was important was to announce to the parties that the positions of the presidential candidates on the ballot paper would apply to the parliamentary candidates of the respective political parties, unless in the instances where some parties do not field parliamentary candidates.

12. Eva Lokko, Daily Graphic, Saturday, October 20, 2012 at page 3.

13. Bernard Mornah, Daily Graphic, Saturday, October 20, 2012 at page 3.

II. OPINION POLLS

Since the beginning of the campaign process various opinion polls have been conducted. The researches differed, but the dominant prediction is that the 7 December 2012 elections will be a hotly contested one, too close to call, between the ruling NDC, led by President Mahama and the main opposition party, the NPP, whose flag bearer is Nana Akufo-Addo.

Two results of opinion polls conducted and published in the ghanaweb indicated different results.

The first article captioned “Voters Speak Ahead of December 7, Elections” predicted that the NDC will win the elections with 53.4% of the eligible votes cast and the NPP will obtain 42.3%. The second article captioned “NPP To Win By 52%” predicted that the NDC will obtain 47.3%.

III. ENSURING FREE AND FAIR ELECTIONS

Be thus as it may, efforts have been made to ensure a free and fair Presidential and parliamentary elections, come December 7, 2012. The ruling government, civil society, churches, political parties, the press and media, the judiciary have all played their part in ensuring peaceful, free and fair elections.

1. PRESIDENTIAL PLEDGE

The President of Ghana, John Dramani Mahama, on several occasions, made a passionate appeal to Ghanaians to ensure that the elections are peaceful. He made his personal commitment to the people of Ghana and the world at large that he would do all he could, in his capacity as the Chief Executive of the country and the Commander-in-Chief of the Ghana Armed Forces, to ensure peaceful elections.

In line with his commitment to ensuring free and fair elections, President Mahama presented over four hundred vehicles, including ambulances, to the security services, to assist them in providing security, law and order during and after the December 7 presidential and parliamentary elections. The security services include the Ghana Police Service, the Ghana Armed Forces, the Ghana Immigration Service, the Prisons Service, the Ghana National Fire Service, the Customs Division of the Ghana Revenue Authority and the Bureau of National Investigations. During the ceremony the President announced that twenty thousand (20,000) security personnel will be deployed nationwide to provide security and protect the ballot on Election Day, noting that the personnel are also to protect the country's territory against external infiltration.

President Mahama reminded the security personnel of their loyalty to the Constitution and Ghanaians, urging them to be neutral and non-partisan in the discharge of their duties during and after the elections.

On his part, the Inspector-General of Police charged the police to be fair to all, saying "If we are to maintain the peace and security of this country, every policeman and woman must enforce the laws equally among all political parties and politicians, be they in government or in opposition"¹⁴.

14. P. Tawiah Quay, Daily Graphic, Friday, October 26, 2012, p.24.

2. CANCELLATION OF ELECTION RESULTS

To guarantee credibility of the process, the Chairman of the Electoral Commission (EC), Dr. Kwadwo Afari-Gyan, disclosed that election results will be cancelled if the number of ballot papers in the ballot box is more than voters verified.

He explained that this year's elections would take another dimension in consolidating the country's electoral process and ensure there is greater fairness and transparency. He said the verification machines to be used on Election Day, apart from verifying the identity of voters, would also check rigging by recording the number of people verified at each given time. As a result, at the end of the day, the number of votes cast should commensurate with the number of voters verified. This means if the number of ballots is more than the voters verified, it is tantamount to inconsistency and rigging; therefore, results from that polling station would be cancelled. Mr Afari-Gyan also emphasized that no verification, no vote, a decision he said was arrived at by the various political parties when the EC met with them. That, he said, also was in line with the law governing this year's election which said everybody should be biometrically verified before voting.

He explained that although the decision might have dire implications, human and technical, "the political parties say no" and hence the EC would ensure that. He noted that though the EC had made all humanly possible preparations, including the provision of backups, adding "it is only a fool who can go to sleep and say no machine will break down" He added that when such a situation arose, the election would be suspended until the machine was replaced on that same day, noting, "We don't trust one another and so don't want to leave the slightest room for discretion" Dr. Afari-Gyan noted that the verification machine to be used in December was the first of its kind in the world, adding, "It is specially made for Ghana." Over 26,000 of such machines have been bought, all of which use batteries.

The machines, he said, had been programmed to possess the list of the persons at a particular polling station, with the backups possessing those in a particular constituency to enable easy replacement in case of a break-down or malfunctioning".

Dr. Afari-Gyan also lamented about the number of minors in the voters register, saying the EC could not take them out of the register and stop them from voting, except the court. That, he said, was because they had gone through the statutory process. He therefore pleaded with parents, opinion leaders and other stakeholders to discourage the minors from attempting to vote to prevent any form of confusion.

He added that the situation was not in the interest of Ghana, especially when international organizations would be monitoring the elections. After deliberations and demonstration of how the verification machine works, most of the candidates were convinced that this year's elections would be transparent.¹⁵

3. LOSERS TO ACCEPT DEFEAT

Dr Kwadwo Afari-Gyan, the EC Chairman also said the December 2012 elections could pass off smoothly without any hitch if the rules and procedures were followed by all. He said it was difficult to experience defeat, but the reality was that someone would win and others lose in the coming elections so the losers should accept defeat, rather than contend results based on often unproven and lopsided accounts.

He said the occurrences of many underage people in the voters register was worrying especially considering the fact that some illegalities could have been organized.

Dr Afari-Gyan said candidates should ensure that their agents at the polling stations and collation centres were formalized with the EC. He said there should be no shortages of ballot papers on Election Day as each polling station would be supplied and properly documented.¹⁶

4. MULTIPLE NAMES ON VOTERS REGISTER - 20,000 EXPUNGED

The names of about 20,000 voters found to have engaged in multiple registration during the biometric voters registration have been expunged from the national voters register. "It is estimated that close to 20,000 people were involved in that fraudulent act," he said.

A Ghana News Agency (GNA) report on quoted the EC's Deputy Chairman (Operations), Mr Kwadwo Safo Kantanka, as saying, "To avoid any ambiguity on election day, a special list has been compiled for those who engaged in multiple registration to serve as evidence of their fraudulent electoral act which is criminal."

Meanwhile, the EC has fixed December 4 for special voting by those who will be on duty on election day. Constitutional Instrument (CI) 75 (21) stipulates: "A voter may apply to the returning officer of the constituency in which the voter is registered to be entered as a special voter if, as a result of election duties, the voter

15. Kwadwo Afari Gyan, General News of Tuesday, 20 November 2012.

16. Kwadwo Afari Gyan, General News of Tuesday, 20 November 2012.

will not be able to be present at the polling station where the voter is registered on the day of election “An application for special voting shall be made not later than 42 days before the polling day in the constituency of the applicant, except in the case of an applicant who is a returning officer.”

Those expected to cast the early vote include members of the Ghana Armed Forces, the Ghana Police Service, the Ghana Prisons Service, the Customs Division of the Ghana Revenue Authority, the Ghana National Fire Service, EC officials and staff of essential services.

CI 75 mandates the returning officer to ensure that the ballot boxes are sealed with the seals of the EC as well as candidates who wish to add their seals.

The boxes would be transported to safe places for storage and opened only after the main election. The returning officer is also mandated to arrange for the ballot boxes to be opened at the time of the counting of votes cast on polling day and the ballot papers “shall be counted in the same manner as those contained in the ballot boxes used on the polling day”.¹⁷

5. ESTABLISHMENT OF SPECIAL TASK FORCE TO PROTECT BALLOT BOXES

In the days leading to the election, the Police Administration formed Ballot Boxes Security Task Force to protect the transportation of ballot boxes to and from polling stations. The task force which forms part of the National Election Task Force was assigned to all polling stations throughout the country to ensure the safety of the ballot boxes. Announcing the formation of the task force, the Police Administration sounded a note of caution to anybody or group of persons who have any plans of snatching ballot boxes or have any plans to disturb the process to think twice because there would be no room for that to happen.

COP Kudalor said the police service had put in place a number of measures to ensure peaceful elections and were ready to deal drastically with such elements that plan to disturb the peace.

He hinted that reserve forces had been located at the various regional, divisional, and district headquarters as well as other strategic locations to move in to areas where disturbances may occur to restore law and order. According to him experience from other parts of the world especially in Africa, indicated that elections have the potential of degenerating into violence if not properly planned and managed and the cost of such violence was unbearable. He said it was therefore imperative that the preparations in the run up to the elections be sufficient

17. General News of Wednesday, 21 November 2012.

enough to keep the country safe, peaceful and intact before during and after the elections.

He said the National Elections Task Force has been formed with the responsibility to plan, organise, implement, monitor and co-ordinate the preparations of security agencies to create a safe environment for elections to take place. The Director General Operations indicated that a special elections secretariat had been established at the police headquarters in Accra to facilitate the planning process with a desk officer designated for planning. He said as a result of the importance attached to the exercise, each member of the Headquarters Management and Advisory Board (HEMAN) had been assigned responsibility for a particular region to ensure that planning and execution of the operations in those areas are done efficiently.

“Conscious of the fact that the success of the operations depend on careful planning and co-ordination, a formula has been adopted to aid planning at all levels of command and the total number and location of polling stations, collation centres, flash points, the local electoral commission offices and local essential service installations have been identified.” COP Kudalor asserted, “I am confident that with the preparations so far made and more importantly with God on our side we shall sail through this year’s elections once again without a hitch and Ghana once again will be victorious.”¹⁸

6. PEACE MESSAGES

Various groups and organizations organized peace walks, peace talks, musical concerts and radio programmes to educate the Ghanaian population about the importance of ensuring that the elections were conducted peacefully. Churches specifically had mass intentions, praying for peaceful elections. Generally, it was observed that Ghanaians love peace and consequently, the dominant message in these peace activities was that “Ghanaians have only one country they could call their own; hence the need for the love of one’s country to rise above political considerations.

Thus, during a breakfast church service organized to pray for peaceful elections on 7 December 2012, President Mahama called on Ghanaians to continue to pray incessantly for God’s blessings before, during and after the elections, noting that “I know that the blessings that Ghana had received over the years are not because we are so special, but because of God’s intervention and the intercessory prayers from our men of God and of course all Ghanaians”.

18. General News of Thursday, 22 November 2012.

Again, the General Overseer of the International Central Gospel Church (ICGC), Dr Mensah Otabil called on Ghanaians to take their vote more seriously as they prepare to go to the polls.

He said the electorate must see their vote as a powerful sovereignty they are handing over to individuals who want to govern the country. The ICGC head, who was addressing members of his congregation during a church service, was speaking on the theme “Your Vote.” He admonished “Voting is very very responsible...supporting a political party is not like supporting a football team. When you support a football team, you allow yourself to compete through your team; so when they win you feel good, when they lose you feel bad. This kind of support, unlike the support for a political party, does not require a person give up his sovereignty. The electorate must fully consider all the proposals on offer [by the various political parties].Go beyond party names, go beyond party adverts, go beyond party slogans, consider what party has proposed, what they have put on the table”.

Similarly, the New Patriotic Party (NPP) campaign team, in conjunction with the Ashanti Regional Council of Churches, held a praise-and-prayer festival at the Baba Yara Sports Stadium in Kumasi, asserting that the battle in the December 7 polls is the Lord’s. The praise-and-prayer festival under the theme: “Jericho Shall Fall”, was the second of its kind to be organized under the auspices of the party’s campaign team. The occasion brought together high profile personalities of the NPP including the party’s presidential candidate, Nana Addo Dankwa Akufo-Addo, and his running mate Dr. Mahamudu Bawumia, Former President Kufuor and National Chairman Jake Obestebi Lamptey among others.

It offered opportunity to the party to seek the face of God for a peaceful election and favour of God for victory. The stadium was filled to capacity with the people outside more in number than those inside. The Kumasi metropolis was painted in red, blue and white colours of the NPP, creating a massive traffic jam. Nana Akufo-Addo, who believes “the battle is the lord’s”, took the third reading from the books of Chronicle and 1st Samuel 17:47 and asked the gathering to join him in this purely spiritual exercise.

In a sermon, Rev. Dr. Steve Asante, President of the Ghana Baptist Convention, said the prayer festival is an acknowledgement by the NPP that prayer is key and that “Except the Lord builds the house, they labour in vain.” According to him, the recognition of prayer as the important factor for victory in the December polls is the right way to go. He intimated that Ghana needs leaders with integrity to ensure growth and development for a country that is poverty stricken, asking the Electoral Commission and the security to guarantee peace during and after the

polls. Rev. Asante asked Nana Addo and all members of the NPP to be on the side of integrity to secure victory, observing that the party members have always showcased uprightness and integrity. The man of God stated that the walls of Jericho came down not by bullets of guns, but by prayer and the sounding of trumpets. He requested God to be with the NPP presidential candidate as Nana Addo has shown commitment to the development of the nation.¹⁹

7. POLICE IDENTIFIES OVER 1,000 FLASHPOINTS

More than 1,000 flashpoints throughout the country, where there are likely to be some disturbances during the December 7 elections, have been identified by the Ghana Police Service.

However, the police have given an assurance that security in those areas will be beefed up to ensure peaceful elections. Effective patrolling by both police and military personnel will also be carried out in the polling stations in those areas to ensure that voters exercise their franchise in a peaceful environment.

The Inspector-General of Police (IGP), Mr Paul Tawiah Quaye, who disclosed this to the Daily Graphic in an interview in Accra said in developing plans for the provision of security during elections, the police always ensured that every polling station in the country would have at least one security man on duty on the day of the elections. Mr Quaye said the police service might either double or triple its presence in the identified potential volatile areas to police the ballot on election day. Such an arrangement, he said, would depend on the perceived gravity of the volatile situation of the area. "If the volatile situation turns to be high, patrol teams to those areas will be upgraded, while the Rapid Deployment Force will be put on standby to nip in the bud any disturbances by individuals or group of persons.

The IGP indicated that all the other security agencies in the country would be on standby to provide the needed security for all Ghanaians as they exercised their franchise during the elections. He hinted that all security activities at the various polling stations would be linked up through a dedicated communications network, saying that would also help provide assistance and protection for every security man who would be deployed.²⁰

19. General News, Monday, 12 November 2012.

20. General News of Wednesday, 21 November 2012.

8. PEACE INITIATIVE

The National Peace Council (NPC) and Manhyia Palace for the first time convened a joint high-level meeting with the presidential candidates of the December 2012 elections.

Also at the meeting are former Presidents Rawlings and Kufuor, the President of the National House of Chiefs, the Chairman of the Electoral Commission, and Inspector General of Police.

The meeting, which was aimed at getting all the presidential candidates to publicly take a collective stand against “electoral violence, impunity and injustice”, which is a recurring problem of elections in Ghana, took place at the Great Hall, Kwame Nkrumah University of Science and Technology (KNUST), Kumasi on Tuesday, November 27.

The historic meeting in Kumasi thus provided a public space within which the presidential candidates as political leaders, whose pictures appear in Appendix 1, openly and collectively took a stand against all acts of electoral violence, impunity and injustice during and after the December 2012 elections.

Invited were leaders and representatives of the political parties and their youth wings, representatives of civil society, business and trade associations, security agencies, relevant organs of the state, members of the Diplomatic Corp and media organizations.²¹

21. General News of Friday, 23 November 2012.

IV. THE ROLE OF THE MEDIA AND VOTER EDUCATION – PRINT AND ELECTRONIC

In an interview with *Africawatch Magazine* on the question of accountability, Jake Obetsebi-Lampsey, the Chairman of the New Patriotic Party (NPP), had this to say “The best choice is made by a fully informed voter population; by fully informed voters. And therefore they need to have information to be able to be fully informed and to make a wise decision. After all, at the end of the day, what happens is that we campaign to be allowed to manage the nation on behalf of the owners of the nation, which are the people. And we must make an account to them of our stewardship”²².

The Ghanaian media embarked upon a vigorous voter education programmes such as one dubbed “The Campaign Trail”, where the population was made to listen to the campaign messages delivered by the various political parties during rallies. Another programme “The Road to the Presidency” aired on television every Tuesday at 9:00 pm, gave the opportunity to the various candidates to present their policies and ideological points to the Ghanaian population. Presidential and Vice Presidential debates were held where the flagbearers and their running mates presented their manifesto to the Ghanaian population. Questions were put to them on various issues and their responses solicited and analysed by the Ghanaians. In addition movies were and songs were made and aired on the television and radio stations, with a view to educating the Ghanaian on the need to hold peaceful elections.

22. J. Obetsebi-Lampsey, *Africawatch*, October 2012, p. 9.

V. ALLEGATIONS OF VOTE BUYING

There have been several allegations of vote buying and corruption within the various parties that are contesting the December 7 general elections. Concerns have been expressed by various statesmen on various occasions, with no less a person than two former Presidents, Jerry John Rawlings and John Agyekum Kufour openly touching on these phenomena.

1. PRESIDENT RAWLINGS AND KUFUOR EXPRESS CONCERN

Delivering the Freedom and Power lecture in Accra on 24 October 2012, President Rawlings bemoaned the fact that the biggest threat to Ghana's democracy was the monetization of the electoral process. He said the election process had been so monetized that "people see election periods as harvest seasons or cocoa seasons. Our democracy and national development cannot progress if we do not counter this cancerous growth. Right from constituency primaries for party executives to regional executives and even the election of presidential candidates, huge monetary and material inducements of offensive proportions are employed to sway elections in favour of the highest bidder...If we look on as our political process is abused with monetary and material inducement as the basis of determining who wins elections at even the grassroots level, wherein lies the basis for the sacrifices many made with their lives to guarantee decent political development for Ghana?"²³

Similarly, President John Agyekum Kufuor, in a speech delivered by him during a prayer session dubbed "Jericho Shall Fall", organized by the NPP directed his corruption attacks on the ruling NDC, saying that it has resorted to desperate buying of votes in order to remain in power. He said "They are just spending money anyhow. Don't be influenced with money. Even if you give them 10 more years in government, they will still fail the country. NDC is claiming credit for schools they didn't build. Also roads they didn't build, they said they were constructed during their tenure and same applies to hospitals among others. We want someone to serve the nation. When the NPP was in power, banks were chasing you with loans. The NDC is now managing the country's finance without accounting for a penny. They are giving chiefs four-wheel drives and giving motorbikes to young men in return for their votes".

23. Jerry John Rawlings, Daily Graphic, Thursday, October 25, 2012 at page 32.

Closely linked with these complaints are a series of complains on alleged bribery of some officials of the EC. Mr. Isaac Asomaning, the Director of Elections and Mr. Emmanuel Asante Kisi, the Logistics Officer, were alleged to have collected an amount of Ghana Cedis 1,600.00 from the son of one of the presidential aspirants, Prophet Daniel Nkansah, the Founder and Leader of the New Vision Party (NVP), to assist in the registration of Prophet Nkansah as the presidential candidate of the NVP. The matter is being investigated by the Criminal Investigations Department (CID) of the Ghana Police Service.

2. VOTER ID CARDS BUYING IN THE ASHANTI

Allegations of vote buying were made in respect of the 2012 general elections. Some newspapers reported that some unscrupulous people were moving around the Ashanti Region, the stronghold of the Opposition NPP, buying voter ID cards of the people in the area. The act was said to be done clandestinely by the perpetrators and geared towards disenfranchising those that would fall prey to it. It was alleged that each ID card was sold at GH¢50 and those in financial difficulties sold theirs. This act, though not substantiated, drew serious criticisms against the ruling NDC.²⁴

3. VOTE BUYING ON LEGON CAMPUS

Another allegation of which made the rounds was that of vote buying, leveled against an NPP Parliamentary Candidate, alleged to have tactically based his campaign at the University of Ghana to induce the students with money for their votes. He was allegedly seen at the campus giving away GH¢10 to any student that came his way. When confronted, he was alleged to have said that the money was for “Koko” (Porridge) for the students.²⁵

24. General News of Sunday, 18 November 2012.

25. General News of Friday, 23 November 2012.

VI. THREATS OF MAYHEM

The electoral process witnessed some unpleasant threats of violence. The flag-bearer of the main opposition NPP, Nana Akufo-Addo was alleged to have stated during a rally earlier during the campaign period that the 2012 general Election was an “ALL DIE BE DIE” affair, meaning the NPP must win the elections at all cost. The “all-die-be-die” mantra was condemned un no uncertain terms by the Ghanaian population, including but not limited to the media, churches, civil society, as it was viewed as a declaration of an intent to use fair or foul means to win the election.

Again, he was alleged to have given an indication that his supporters would resort to cutting off parts of the country, raping women, and carrying out ethnic cleansing if President John Dramani did not hand over power to him after the December 7 elections. Addressing some retired security officers at Koforidua in the Eastern Region, he said “the Ghanaian people expect nothing less than that from our caretaker President, if a similar situation was to arise. We do not want to see a Laurent Gbagbo here in Ghana. Our country has an enviable record of smooth transfer of power after elections. In 2001, the government of President Rawlings handed over peacefully to the NPP government of President John Agyekum Kufuor. In 2009, President Kufuor, after the defeat of the NPP by the slimmest of margins in Ghana or indeed, Africa’s electoral history, handed over peacefully to the government of President Mills.”²⁶

Another NPP stalwart and Member of Parliament, Kennedy Agyepong, caused mayhem in Ghana when he declared on a Radio Station that the Ashantis should kill Gas (the people from Accra) and Ewes (the people from the Volta Region. Minutes after his speech, which incited tribal sentiments all over the country, he was arrested by the security agencies, sent to the Police station and processed before the law courts of Ghana.

Bloody clash between NDC & NPP

Political tensions reached boiling point during the election and campaigning process and witnessed near-violent clashes between party loyal. For instance, but for the timely intervention by the Police in the Efutu constituency of the Central Region, further bloody clashes would have occurred between supporters of the

26. General News of Wednesday, 21 November 2012.

NDC and the NPP. It was alleged that the NPP Parliamentary candidate of the area, Mr. Alex Afenyo Markin, was allegedly assaulted on Monday, 19 November 2012, by operatives of the NDC, who tore his trousers. The police had to step in to prevent the breakdown of law and order.²⁷

Similarly, the NPP Parliamentary candidate for the Ablekuma West Constituency, Ms. Ursula Owusu, issued a warning to supporters of the ruling NDC to the effect that she would no longer tolerate any acts of intimidation meted out to her supporters. She said “We the NPP are ready to meet the NDC boot for boot and fire for fire if they think they can continue to intimidate us to win power”. According to Ms Owusu, her main opponent; NDC Parliamentary candidate, Victoria Hammah, was behind the destruction of NPP Billboards and posters in the constituency, and said “Childish tantrums and stance like this do not impress or frighten anyone, she should grow up; we want the NDC to know that we will resist any further acts of intimidation and violence they plan and are ready to face them prior to and on election day if they dare provoke us again but we will not cast the first stone. I urge all residents of Ablekuma West to reject the destroyer and vote for a serious minded person with a proven record of service to the community and the nation”.

Meanwhile, the NDC Parliamentary candidate for Ablekuma West Constituency, Madam Victoria Hamah denied the allegations saying, “It doesn’t make sense and basic human logic that a person like myself who has an interest in this election will go and break down the Billboards of an opponent candidate, it doesn’t make sense and it is waste of time” She accused Ms. Ursula Owusu of using social media platforms to attack her personality.²⁸

27. General News of Wednesday, 21 November 2012.

28. General News of Wednesday, 21 November 2012.

VII. CAMPAIGN PROMISES AND ISSUES

By the middle of November 2012, the race to Ghana's highest political office intensified, with the main contenders, NDC's President John Mahama and NPP's Nana Akufo-Addo, travelling across the length and breadth of the country to sell themselves to the electorate. Both candidates have made a lot of promises, which they say will help transform Ghana's economy into one of the best in the world and help make life better for the citizenry. Most of the issues which constituted the campaign messages, and which were debated during the presidential debates include the following:

1. EDUCATION

NPP's Free Senior High School Policy: It is the Free SHS policy, which was aggressively and relentlessly espoused by the NPP's Nana Akufo, Addo, that was the talk of town. At least 60% of all political discussions and analyses of the December Elections centred on the Free SHS Policy.

The policy, which when implemented will make Senior High Schools free in the country, has been positively received by many Ghanaians, a situation which threatened to derail the NDC's campaign. Accordingly, the NDC, led by President Mahama himself, described the policy as populist, and a fraud, which will do more harm than good to secondary education.

While the NPP argues that instituting free SHS is necessary now in order to ensure that every child, no matter their economic background, has access to senior secondary education, the NDC is of the opinion that making secondary education free now will lead to a decline in education standards at that level. The NDC has also stated that in line with the 1992 constitution, free education must be fully implemented at the basic level before Free SHS is considered, but the NPP insisted that it must be implemented now in order to ensure that the lack of money does not hinder any Ghanaian child from going to secondary schools.

2. HEALTH

Both parties also sparred hard on health, with the NPP accusing the NDC of destroying the National Health Insurance Scheme (NHIS). The NDC rigorously denied the charge, stressing that it did a lot to improve healthcare under the Better Ghana Agenda.

3. ECONOMY

The economy also came into focus, with the NDC touting, strong economic growth and what it said was the most sustained single-digit inflation in the nation's history. The NDC also pointed out that the general living conditions among workers in the country have improved tremendously due to implementation of the Single Spine Salary Structure, which it said raised the wage bill from about GHC2.4 billion to nearly GHC7 billion. The NPP however rejected the view that the economy is better, noting the cedi has had a phenomenal decline against the dollars, while, according to the party, single-digit inflation is not reflecting in the prices of goods and services.²⁹

The campaign promises and the electoral process led to beliefs by the main parties that they were the favourites to win the election. The Presidential Candidate for the NPP for instance said that the NDC should step aside for a competent NPP. He cautioned Ghanaians to vote for a government that has the vision to invest in its people and ensure rapid socio-economic development and in his opinion, that government is the NPP. He therefore promised that his government was going to invest in factories for the production of materials and items the nation requires to develop, noting that the NDC had failed to continue the works of the Kufuor administration. Citing examples such as the increase in the price of premix fuel for fishermen in the country, he announced that he was going to bring back the Ministry of Fisheries once elected into office. He further announced that under his government, he would ensure all politicians would be removed from the administration of the fishing industry in Ghana to ensure the development of the industry.

On the role education played in the evolution of the world's developed economies, Nana Addo promised to send Ghana along a similar route with the introduction of his proposed free SHS.³⁰

President Mahama, on his part, called on the people of Ghana to see him as the leader who can best unify the nation and accelerate development of the country. In his campaign messages, he told Ghanaians that the NDC had distinguished itself as a development-oriented organization, within their first term of government. According to him, this makes it right for the people to vote for him and the NDC for another term, to enable them continue developing the country. He was optimistic the NDC would win the election.³¹

29. General News of Sunday, 25 November 2012.

30. General News of Monday, 26 November 2012.

31. General News of Sunday, 25 November 2012.

Madam Ernestina Naadu Mills, wife of the late President John Atta Mills made her voice heard by making an impassionate appeal to Ghanaians to vote for President John Mahama on 7 December. She recounted how her husband's dream of transforming the country's economy was cut short by death, and urged Ghanaians to vote for President Mahama to continue the Better Ghana Agenda of the late President. She declared "I trust John Mahama to deliver a Better Ghana for all Ghanaian".

The religious also made their position clear. Very Reverend father Joseph Ernest Arthur, the St. Francis de Sales Cathedral Administrator called on Ghanaians to vote for a leader with the right qualities to rule the country. He said the time had come for Ghanaians to allow God, who is the maker of heaven and earth to select the right leader to rule the country, adding that "it is the Lord who makes rulers and leaders".

Fr Arthur said the difference between the Kingship of Jesus and that of earthly kingship is that Jesus' leadership was predicted, presented, proclaimed and universal whiles earthly kingship is restricted to a particular jurisdiction and called on political leaders to always endeavour to be truthful and faithful to their followers. He said in this crucial time of the elections, political party leaders should be mindful of what they tell the electorate, stressing that if their campaigns were not properly conducted it could spark trouble.

Fr Arthur urged all to continue to pray for the nation and all political leaders to ensure that the December polls were conducted in a peaceful and incident free atmosphere and that all should also accept the leader that God would select for the Country.³²

32. General News of Monday, 26 November 2012.

VIII. CONCERNS ON VIOLENT FREE ELECTIONS

Before the 7 December elections were held, the entire population of the Republic of Ghana became apprehensive of the happenings in the country, some fearing that the elections would degenerate into nation-wide violence, as the stakes had become very high. Some journalists decided to serialise articles on the Rwandan genocide as a way of sensitizing Ghanaians about the dangers of lawlessness and impunity. In one of such articles, Dr. Kofi Apraku Konadu, Chairman of the Security Council of the NPP, wrote an open letter to the Minister of Interior. I feel obliged to reproduce the entire letter as it gives a clear picture of the apprehensions mentioned earlier. It says:

“Dear Interior Minister,

With less than two weeks to election 2012, many Ghanaians are deeply concerned about the lack of clear cut transparent election security plans that will assure us of the peace we all so ardently desire. A crescendo of voices rising from religious bodies, non-governmental organisations, traditional rulers, academics, students, businesspeople, professionals, workers and others throughout Ghana are demanding peace from political parties participating in this years’ Presidential and Parliamentary Elections.

In response, many parties have pledged their commitment to peaceful, violence free elections. The New Patriotic Party’s commitment to a peaceful election is unshakeable and unambiguous. It is worthy to note however, that primary responsibility for ensuring and sustaining the peace before, during and after the election is primarily an internal security matter within the constitutional mandate of the Ghana Police Service.

It is in that context that the NPP deems it necessary to state unequivocally that the entire country’s consistent and constant calls for peace depend on demonstrably fair and impartial policing of the electoral processes before, during and after December 7, 2012.

The traditional role of the Police in election 2012 has become even more crucial in the light of the Electoral Commission’s reaction to alleged security infractions that may have contributed significantly to tilting the scales in some voting areas in the 2008 Presidential and Parliamentary elections. When provided copious evidence of electoral violence consistent with an agenda to deprive NPP polling agents and monitors of access to certain polling stations in a region declared

virtually 'no go' for the NPP, the Electoral Commissioner maintained that vote validity from his perspective did not include an evaluation of potential criminal violence.

Needless to say, this statement literally construed could mean getting the vote onto the Electoral Commission's desk in any way possible. Coming from a political culture where not so long ago, the mere sight of a security uniform could send shivers of fear through entire communities, complicated by a sense of regime security where the security services appear unwilling to police the governing party, there is a growing sense of alarm that the NDC is planning and preparing to execute measures to maximise their votes and minimise that of their opponents, especially the NPP through any means, foul means not excepted.

Most of the NDC diabolical plans that were rumoured to happen during the registration period in Ashanti and the Brong Ahafo regions indeed happened. Today, it is again rumoured that the Ashanti, the Eastern, and the Brong Ahafo regions, perceived to be the traditional strongholds of the NPP, would be subjected to all kinds of violence, intimidation, harassment and electoral manipulations, including cutting off electricity supply, shortage of voting materials and supplies, late start of voting, and other administrative delays, all calculated to reduce voter turnout in these regions on election day.

Judging by the accuracy of the rumours in respect of the voter registration, every peace loving Ghanaian must take these rumours seriously and demand of the Ministry of Interior that they do not happen. Given the Electoral Commission's position that it will accept and tally results irrespective of how the numbers are procured, it is imperative that the Police hierarchy assures all Ghanaians that it is not only up to the task of providing a fear free election but that it is prepared to also clamp down hard on any acts aimed at marring the beauty of the democratic electoral process, no matter the source of the potential disturbance.

Unfortunately, that appears not to be the case so far. In Akwatia, NDC thugs masquerading as Jihadists unleashed mayhem on their political opponents and destroyed personal property in broad daylight in the presence of hundreds of Police Officers who did not act to maintain the lawful peace because the goons belonged to the ruling Party, the NDC. Similarly, in Chereponi, an armed man caught on national television shooting at NPP supporters who was arrested and sent to the Police Station has had no charges pressed or any action taken against him. Again, in the Atiwa Constituency bye-election, the NDC National Women's Organizer deliberately drove her vehicle through a crowd of NPP supporters, injuring several people who were hospitalised for several months. She was neither arrested nor prosecuted.

The registration exercise witnessed massive acts of unprovoked violence. In Greater Accra, NDC party activists roamed the streets of Odododiodio constituency with impunity, brandishing machetes and other offensive weapons, in the presence of the Police and intimidating people and disrupting the registration process, ultimately assaulting an NPP Parliamentary Candidate. All this happened in broad day light, and yet no one was apprehended, arrested, or prosecuted. Similar acts of violence, intimidation and harassments were also recorded at Trobo Amasaman, Krowor, Klottey Korle, and Dome Kwabenya in the Greater Accra region.

In the Ashanti Region, out of thirty nine constituencies, ten recorded episodes of violence, intimidation and harassments over the registration period. In Brong Ahafo, twelve constituencies out of the twenty four constituencies recorded various forms of violent incidents. Similar acts of violence and intimidation were recorded in the Volta, Eastern and the Northern regions. Most of these attacks against NPP supporters were duly reported to the police but not a single case was vigorously investigated, and prosecuted.

The Biometric Registration exercise gave many opportunities for the Police to test their readiness. Unfortunately, events then gave very little reason to grow confidence in the ability of the Police Service to collectively protect every person and party organisation involved in the election. Too many incidents of too little too late being done about major acts of violence and impunity instigated by identifiable people puts the integrity of the Police on line. Interestingly, whenever a Police Officer in the line of duty has acted impartially, the Police hierarchy have not always given clear backing and affirmed the authority of such Officers. In Tafo-Pankrono, the District Police Commander was in turn commended and then publicly chastised and disowned by the Police hierarchy for taking a bold stance against motor cycle riding macho men whose sole object was the disruption of the registration exercise.

Such is a situation that reflects selective justice. Selective justice is no justice and therefore unbecoming of a desire for peace. Allegations filed by the NDC against the NPP are acted on with alacrity. For example, at Asutifi South, Asunafo South and Tain constituencies in the Brong Ahafo region, NPP Parliamentary Candidates were immediately arrested by the Police when their NDC counterparts filed Police reports alleging registration violations. Several similar incidents of selective justice were recorded in the Ashanti region.

The danger of continued selective application of justice in a volatile political environment of heightened competition, demands that the Police Service rise above the fray, break decisively with the negative culture of politicization of state

security agencies and approach the upcoming elections with complete professionalism as the only way to meet the aspirations of public calls for peaceful elections.

It is in that context that this letter is written. The NPP, as a major participant in the election and identifying with the fears and anxieties of millions of Ghanaians, demands sound, impartial and effective policing from now till after the election. The Police Service, in its leadership of electoral security must demonstrate an unshakeable commitment to impartiality and send strong signals that the macho menace will not be tolerated. This will go a long way to ease the fears of Ghanaians and ensure a violence free and fair election.

From media reports, the Police Service appears to have inaugurated election security task forces. The Armed Forces are also reported to be providing some support. What we, as participating political parties are not being told is how the on-going arrangements will assure national security on Election Day even if not before. This statement is because the run in to the Election Day has not been distinguished by confidence boosting policing. Very recently, it was reported that a young man was brutalised, assaulted at Tetteh Quarshie Interchange by several persons associated with the NDC. Upon arriving at the Airport Police Station, an Aide to the President, Mr. Baffoe Bonnie is reported to have driven in and secured the release of the NDC thugs whilst the bleeding victim was locked up for several hours and denied medical attention in spite of strenuous efforts to get him some valid medical care.

Furthermore, every day, reports of violence against NPP supporters from across the country, are received, many of which are reported to the Police but are disregarded. In Sefwi Wiawso of the Western region, NPP supporters at the Sefwi Wiawso Womens Nurses Training College who were attacked during the biometric registration were again beaten mercilessly during the visit of the President to the town on an unproven allegation that one student had thrown water at the President. One of the students had to be evacuated to the Okomfo Anokye Teaching Hospital in Kumasi. Incidents of unprovoked acts of violence, intimidation, and harassments, and provocations by NDC supporters against NPP supporters have been recorded in Yendi, Nandom, Navrongo, Nadowli/Kaleo, Dafflama/ Busie/Issa, Sissala East and so on.

Increasingly, some constituencies are been declared “no go” areas to the NPP. Asutifi South is one such constituency. As recent as November 9th NPP constituency executives, including the Chairman, Oppong Appiah, Organizer, Musa Isaka, and senior member of the Party, Mrs. Cecelia Amaoh, a former Ambassador were attacked for distributing bicycles to NPP supporters without

any provocations by tugs led by Abdulai Naba, the brother of Collins Dauda, the Member of Parliament for the constituency and also the Parliamentary Candidate. The tugs seized seven bicycles and destroyed them instantly. The matter was reported to the Dadieso Aba police station. Like the many others listed above, no arrest has been made.

In the current situation, a significant confidence booster ahead of the election would be a closed door briefing of all the participating political parties. Questions that need to be addressed include the role of the Special Forces, the leadership and authority of Regional and District Security Committees, REGSEC and DISEC respectively, the conduct of security personnel at polling stations and the integrity of the early ballot to be cast by Election Day workers. Again, the situation whereby District Chief Executives and Metropolitan Chief Executives, who may be Parliamentary Candidates in this year's elections also head the District Security Committee DISEC and the Regional Minister who heads REGSEC, should not be tolerated since these individuals have vested interests in the decisions made by these Committees.

In that regard, best practice during the NPP era, to avoid such conflict of interests, was to enable and empower district and regional police commanders serve as the respective chairmen of the security committees. It is important that the Police Service engage the parties in these matters to enable consensus and assure Ghanaians of Police Service capacity to ensure peaceful, free and fair elections.

Going forward, the NPP believes that the Police Service and indeed, the other security agencies supporting the Election Task Force have as much of a stake in free, fair and peaceful elections as has the entire population. A security posture that advises and adopts a 'hands off' approach to the ruling NDC party election machine does not guarantee the peace. Instead, the Police have a chance to proudly deepen institutional credibility and capacity locally and worldwide by putting the law above all persons and party colours. Such an approach can only bring glory as the true choice of the people will be legitimised by the fairness of the election environment which can only be assured by the quality of policing.

Indeed, it may be time to demystify issues bordering on National Security and the Inspector General of Police may have the singular honour and historical recognition of leading the process of inclusive democratic policing of the ballot. The 4th Republican Constitution supports such a process given that the security agencies are under civilian control in a framework that emphasises that the maintenance of National Security is a shared responsibility involving all citizens but spearheaded by the State's Security Agencies. That is why with less than

three weeks to the elections, the NPP is urging the Police hierarchy to invite the major participating parties to at least inform them of broad plans, programs or actions to be put in place to ensure peaceful elections.

Once again, the NPP pledges to work fully with all the security agencies in order to accomplish a shared national security strategy to protect lives and property for peace and prosperity. Selective justice or political discrimination in the administration of justice in our country should be done away with and there is no better time to start than now. Thank you.”

**Signed by Dr. Kofi Konadu Apraku,
Chairman of the NPP Security Committee.**

IX. TOWARDS A CREDIBLE ELECTION

A Former United Nations Secretary-General, Mr Kofi Annan, asked Ghanaians to make the 2012 general election further proof that the country is a true African success story whose best days are yet to come.

In an exclusive letter to the Daily Graphic, he said, “Beyond party differences, there is the greater national interest at stake. After the elections, we shall have to work together across party lines to pursue the development of our country. Much remains to be done to ensure a better future for children. We cannot afford to let them down.

He explained that since 1992, Ghana, above all its electoral issues, had conducted five elections and seen two peaceful transfers of power between parties and made the country become a byword for electoral success and political stability in Africa. “As a result we are an open country, with a vibrant press and an active civil society. Investors, from home and abroad, applaud this stability which creates a sound investment climate. We can be proud of this record”.

Mr. Annan said the 2007 disastrous elections in Kenya which brought a huge setback to its economy, reputation and future should serve as an example to Ghanaians to ensure that the December 7 polls become peaceful. “We must keep this experience in mind as we head to the polls. All Ghanaians-young and old, women and men - have a part to play in this democratic exercise. Whether as officials or journalists, policemen or judges, party members or voters, we must strive to ensure that these elections are respectful, transparent and peaceful. This willingness of the loser to accept defeat gracefully and the victor to show respect for the losing side is one of the hallmarks of a stable democracy”. He opined that “While most countries today hold regular elections, many do not meet the criteria of elections with integrity. As a result, each election becomes a potential flashpoint rather than a moment of national debate, reflection and, ultimately, unity.”³³

33. General News of Monday, 26 November 2012.

X. COST OF ELECTIONS

Reports indicate that an estimated amount of GHC 549 million has been spent by the country's political parties on all forms of advertisements and inducements aimed at wooing the electorate to vote for them in the Presidential and Parliamentary elections. The monies were allegedly spent on advertisements, promotions, billboards, vehicles, motorbikes and bicycles.

According to investigations conducted by The Finder Newspaper, about GHC 350 million were spent on advertisements on television, radio and newspaper while billboards consumed about GHC 21 million mainly in the Greater Accra Region. About GHC 120 million is said to be spent on vehicles, including four wheel drives, for party supporters and opinion leaders, while an estimated GHC 50 million were spent on various types of inducements on voter canvassers and voters. The inducements include motorbikes, bicycles, T-shirts and souvenirs, among others.

The Finder in April this year put political party expenditure on advertisements and other promotional materials for 2008 Presidential and Parliamentary elections at GHC128 million, based on figures supplied by media houses and agencies. It concluded that "this year's figure, therefore, represents a huge climb over the 2008 figures and is likely to be the highest election spending in the country's history."³⁴

34. General News of Tuesday, 27 November 2012.

XI. FINAL MOVE TOWARDS PEACEFUL ELECTIONS

1. PRESIDENTIAL CANDIDATES PLEDGE PEACE

Various institutions and stakeholders took decisive steps to ensure that peace prevails before, during and after the elections. At a meeting jointly convened by the National Peace Council (NPC), the Institute for Democratic Governance (IDEG) and the Manhyia Palace, the presidential candidates contesting the December 7 polls pledged to work towards peace before, during and after the elections. They also pledged to educate their supporters on the need for them to refrain from all acts that had the potential to disturb the relative peace being enjoyed in the country. The candidates made the pledge at an event at the Great Hall of the Kwame Nkrumah University of Science and technology in Kumasi on Tuesday, 27 November 2012. During the said event, they also signed a peace pact known as the “Kumasi Declaration”.

The meeting was on the theme “Promoting peaceful elections and justice”, with the aim to getting the candidates to publicly take a collective stand against “electoral violence, impunity and injustice”, which were a recurring problem of elections in Ghana. Throughout the year and even much earlier, fear of electoral violence as a major threat to the upcoming December general elections had been growing.

In attendance at the Kumasi event were the Asantehene, Otumfuo Osei Tutu II, the Chief Justice, Mrs Georgina Theodore Wood, former Presidents J.J. Rawlings and J.A. Kufuor, the President of the National House of Chiefs, Prof. Naa Nabila, the Inspector-General of Police, Mr. Paul Tawiah and members of the National Peace Council.

In the declaration, the presidential candidates said they recognised that free, fair and violent free elections depended on the political parties. They further pledged as follows, inter alia: “We shall strengthen the organization capacities of our members to control themselves. We shall take a definite stance against electoral violence and impunity because they were acts which were detrimental to the peace and welfare of the country. That ahead of the forthcoming elections, we shall forcefully and publicly speak out against violence... and seek to collaborate with the police service. We shall conduct political campaigns in a manner that

will enable the police to perform their roles to enforce the law... and pledge to hold ourselves accountable as peers.”³⁵

2. PROMOTING PEACEFUL ELECTIONS AND JUSTICE

Various actors in the political arena made speeches aimed at ensuring peaceful. President John Mahama pledged his commitment to a violence-free election because he had been a man of peace who had led by example. He said “I have avoided any inflammatory comments against any of my opponents and have gone the extra mile to communicate to my team to take a cue from my character and communicate as decently as they can”. He said he was sure the 2012 election will consolidate Ghana’s credentials as probably the best democracy in the world. “On the world stage at the UN general assembly, I called on the international communities that were interested in monitoring and observing our elections to feel free to do so. A few of them have turned down the invitation because they say Ghana’s democracy has matured and there is no need to supervise the election. Our government has worked hard to create an environment to have a peaceful and successful election. We have provided the resources that the Electoral Commission needs to be able to conduct elections without any hitch”. On his part, the flagbearer of the Progressive Peoples’ Party (PPP), Dr. Paa Kwesi Nbuom also vowed that his party would play by the rules of the game in the December polls. He noted that the PPP sits on the foundation of peace and have educated all members to be decorous in their speech. He further stated that “We must also recognise that free and fair elections do not just happen on the day of voting, it is something that must happen throughout the year. We want also to confirm that our party will continue on the cause of peace and ensure that the stability we enjoy in this country is protected.”

Mr. Jerry John Rawlings, former President of the Republic of Ghana also called on the two leading political parties contesting the December elections to exercise restraint in their actions in order to ensure a peaceful election, come December 7 2012. He noted that though from a “social psychological stand view”, there was an imminent clash between the two parties, it was important that the “clash, even if it’s going to take place, does not end up in a manner that creates conflict and antagonism”. He called on Ghanaians not to “take our peace for granted” because there have been “uncomfortable levels of tension and indeed, several instances of violence and threat. We have to be thankful to God that some of these have not ignited into full blown conflict” He appealed to

35. General News of Wednesday, 28 November 2012.

the security agencies to be “professional, impartial and forthright in the execution of their duties” and called on the Judiciary to resolve all electoral disputes swiftly to give the process credibility”.

Similarly, former President John Agyekum Kufuor called on all Presidential candidates contesting the December general elections to submit to the choice of the electorate. He said “Anybody wanting to lead us must submit to our choice, we must vote for him or her to become President just like when we get fed up with him, we go again to vote to take him out of power to put another person there”. He added that it is necessary to safeguard the peace of the country because “from history, people have done a; sorts of things to secure power. Some will kill, some will lie, some would do anything, buy to get the power ... but power belongs to the people. If at the end of the day, the vote is not secured this way, if substantial numbers of people will begin to feel that they have been cheated one way or the other, I assure you the grumbling might degenerate into untold difficulties for the entire nation”³⁶.

3. CATHOLIC BISHOPS URGE POLITICAL PARTY LEADERS TO ACCEPT ELECTION RESULTS

The Ghana Catholic Bishops Conference also called on the leadership of all political parties to exhibit a high sense of statesmanship to accept the outcome of the December 7, 2012 polls as declared by the EC.

The call came on the heels of the historic signing of a peace pact by the eight presidential candidates in Kumasi on Tuesday that committed them to avoid all manner of acts, including impunity, injustice and violence, that could throw the country into confusion before, during and after the elections.

In a pastoral letter on the forthcoming general election, the bishops advised political leaders and their supporters “to be magnanimous in victory and gracious in defeat. Losing candidates and parties in a free and fair election should not find it difficult to concede or accept defeat. Good losers are peacemakers. Good losers also command respect,” the letter said, and reminded the leadership of political parties that it was only when power stood under God’s blessing that it could be trusted. “Invariably, losing parties become the minority in Parliament to serve as a check on government policies and performance through constructive criticism. Both the minority and the government should have one common aim, which is the realisation of the common good of Ghanaians, and, therefore, respect the declaration by the EC.”

³⁶. General News of Wednesday, 28 November 2012.

The Catholic Bishops declared a week of prayers and Holy Mass to be offered from December 1 to 8, 2012 for peaceful elections at all Marian shrines, churches and outstations. “While admitting the fact that successive elections have always been an improvement on previous ones, and that Ghana is gradually becoming adept at credible elections and transitions, it also stated that emerging challenges in the current political environment are beginning to undermine our confidence. We cannot overlook the various incidents of seizure and destruction of ballot boxes, assault on security agents and electoral officials, intemperate language and physical attacks on political opponents which occurred during the last elections and have characterised our political discourse lately, the letter concluded³⁷.

37. General News of Thursday, 29 November 2012.

XII. ELECTION DAY – 7 DECEMBER 2012

1. VOTING DAY, DECEMBER 7 DECLARED A PUBLIC HOLIDAY

The Ministry of the Interior declared Friday, 7 December 2012 a statutory public holiday to enable voters to cast their votes to elect a President and 275 new Parliamentarians. However, given that some technical difficulties were encountered on the first day of voting, the exercise continued on 8 December 2012, in some selected areas of the country where the glitches occurred. The breakdown in the biometric voting system experienced in some areas meant that the citizens were unable to cast their votes on 7 December 2012.

2. DECLARATION OF ELECTION RESULTS

Following the completion of the electoral process, the Chairman of the EC declared the results during a nation-wide broadcast in the following words:

“Ladies and gentlemen, based on the results given, I declare John Dramani Mahama president-elect,” Electoral Commission Chief Kwadwo Afari-Gyan told journalists.³⁸ The details of the results as announced are as per Appendix 2.

This declaration angered members of the main opposition NPP party, as they tried to impress upon the EC to delay the declaration of the results, on allegations that there were irregularities in the collation of the results. In a statement issued by the NPP and signed by the General Secretary of the party, the NPP expressed its disagreement with the results as declared by the EC. The statement is hereby reproduced for ease of reference:

“The Chairman of the Electoral Commission, Dr Afari Djan, this evening made a declaration on the December 7 presidential election, declaring President John Mahama as the winner with 50.70% of the valid vote.

As the New Patriotic Party leadership made it clear to him earlier this evening, in a meeting requested by us and called by the National Peace Council, with the other political parties in attendance, we have serious reservations about the validity of what the Chairman of the Electoral Commission has done in declaring results that, by the evidence, do not reflect the mandate of the required majority of the Ghanaian electorate.

³⁸. General News of Sunday, 9 December 2012.

The National Chairman of the Party has accordingly convened an emergency meeting of the National Executive Committee of the NPP on Tuesday December 11 to lay out the steps that the party will take in light of these events.

In the meanwhile, we are calling upon all NPP members and supporters to remain calm.”³⁹

On Monday, 10 December 2012, the Chairman of the EC, in exercise of the powers conferred on the Electoral Commission under Article 63 (9) of the 1992 Constitution of the republic of Ghana gazette the declaration of Ghana’s President-elect, as Constitutional Instrument 80, Declaration of President-Elect, Instrument, 2012. The date of gazette notification was 11 December 2012.

39. General News of Monday, 10 December 2012.

XIII. ELECTION OBSERVERS' REPORTS ON 2012 ELECTIONS

The EC invited observers to monitor the 2012 General Elections. Their observations are as follows:

1. THE ELECTORAL INSTITUTE FOR SUSTAINABLE DEMOCRACY IN AFRICA (EISA)

The EISA deployed a twenty five member Election Observer Mission to the 2012 Ghana Presidential and Parliamentary Elections. The EISA Election Observer Mission was led by Mr. Ahmed Issack Hassan, the Chairperson of the Independent Electoral and Boundaries Commission, Kenya, assisted by the Deputy Mission Leader, Mr. Vincent Tohbi, Director of Programmes at EISA. The members of the Mission were drawn from Civil Society Organisations (CSOs) and Electoral Management Bodies (EMBs) from thirteen countries namely Burundi, Canada, Ivory Coast, Kenya, Liberia, Libya, Madagascar, Nigeria, Sweden, South Africa, South Sudan, Tanzania and Zimbabwe.

The deployment of the mission was consistent with EISA's mission of "the promotion of credible elections, citizen participation and the strengthening of political institutions for sustainable democracy in Africa". The EISA mission was equipped with high tech computer tablets which it used to transmit information regarding the pre-voting, voting and post-voting processes from its various teams across the country to the Mission Command Centre located at the Movenpick Hotel in Accra in real time.

The Mission noted significant efforts made by the Ghanaian electoral stakeholders to improve the voter registration through adopting biometric technology in a bid to enhance the credibility and integrity of the voters register. The 2012 elections were therefore a litmus test on the newly adopted biometric voter registration which produced new voter ID cards. The EISA Mission commends the enthusiastic and generally peaceful participation of the Ghanaian citizens in the elections. In its interim report, the EISA concluded as follows "The Mission would like to congratulate the people of Ghana for their overall peaceful conduct during the electoral process thus far. Though there have been challenges relating to the verification of voters before voting and late delivery of materials in some areas, the Mission

concludes that the 2012 Ghana elections met regional, continental and international standards for credible and transparent elections”.⁴⁰

2. THE COALITION OF DOMESTIC ELECTION OBSERVERS [CODEO]

The CODEO described the results declared by the EC as a true reflection of how Ghanaians voted. The Co-Chair of CODEO, Justice VCRAC Crabbe made this information known when he the CODEO made a declaration of its Parallel Voters Tabulation (PVT) results known during a press conference held in Accra. He noted that the results of the CODEO were consistent with the results declared by the EC. He emphasised that “in this election, it is Ghana and Ghanaians who have won and it is not an exclusive victory for any party or candidate”. He explained that the PVT was conducted to help scientifically and independently verify the accuracy of the official result of the presidential election declared by the EC, a method which he said was first used successfully in the Philippines in 1986 and later replicated successfully in other African countries such as Madagascar, Malawi, Uganda, Sierra Leone, Zimbabwe and Zambia.

3. THE AFRICAN UNION (AU) OBSERVER MISSION

The head of the AU monitoring team, Mr. Olusegun Obasanjo, who also has an oversight responsibility for the ECOWAS monitoring team described the elections as free and fair. He therefore advised the closest contenders not to go to court to contest the results declared by the EC, due to the transparent, free and fair manner in which the elections were conducted.

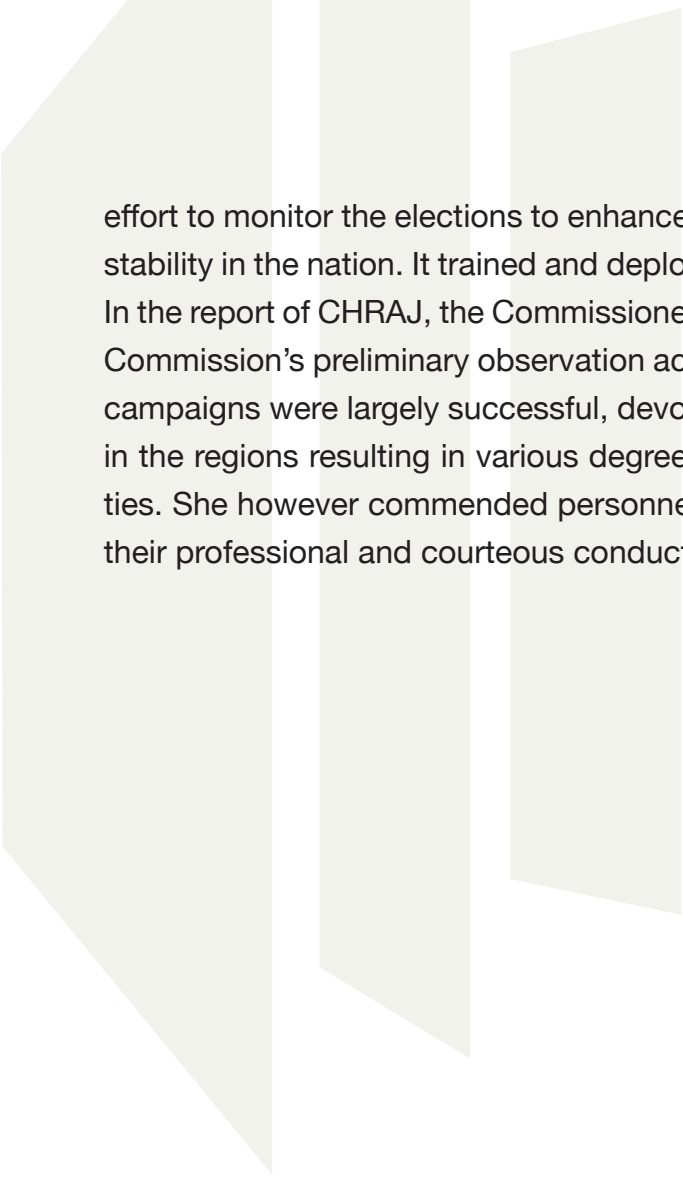
4. THE ECONOMIC COMMUNITY OF WEST AFRICAN STATES (ECOWAS)

Observer Mission: The Head of the ECOWAS observer mission, Mr. Olusegun Obasanjo expressed certainty that the outcome of the 2012 elections results is credible.

5. THE COMMISSION ON HUMAN RIGHTS AND ADMINISTRATIVE JUSTICE (CHRAJ)

The CHRAJ, as part of its mandate to promote and protect the fundamental human rights and freedoms joined other civil society organizations in a broad

⁴⁰. General News of Sunday, 9 December 2012.



effort to monitor the elections to enhance the credibility and maintain peace and stability in the nation. It trained and deployed 335 observers on the Election Day. In the report of CHRAJ, the Commissioner, Ms. Laretta Vivian Lamprey, said the Commission's preliminary observation across the country indicated that political campaigns were largely successful, devoid of incidents except few occurrences in the regions resulting in various degrees of injuries and other isolated casualties. She however commended personnel from EC and the security services for their professional and courteous conduct during the elections.

XIV. CONTESTING THE ELECTION RESULTS

Following the claim by the New Patriotic Party (NPP) that there was “Systematic Stealing” during the presidential and parliamentary elections, the Chief Justice Georgina T. Wood established two public complaints secretariats in anticipation of post-2012 election petitions.

True to its words, the NPP, on Friday 28 December 2012, filed its petition at the Supreme Court, pursuant to Article 64 (1) of the 1992 Constitution of Ghana, which stipulates, inter alia, that “The validity of the election of the President may be challenged only by a citizen of Ghana who may present a petition for the purpose to the Supreme Court within twenty one days after the declaration of the result of the election in respect of which the petition is presented”.

The plaintiffs in the suit are the NPP’s presidential candidate Nana Addo Dankwa Akufo-Addo, his running mate Dr. Mahamadu Bawumia and the National Chairman of the NPP, Mr. Jake Obetsebi-Lampsey.

The respondents to the suit are incumbent President John Dramani, and president-elect during the December 2012 elections and the Electoral Commission of Ghana, represented by its Chairman, Dr. Kwadwo Afari-Gyan. The plaintiffs sought to indicate that the alleged irregularities recorded during the elections favoured the NDC, noting that 24,000 of the pink result sheets from some polling stations indicated that those were enough to affect the result.

The reliefs sought by the NPP are a declaration by the Supreme Court as follows:

1. That John Dramani, the 1st Respondent in the petition, was wrongfully declared President-elect of the Republic of Ghana;
2. That Nana Addo Dankwa Akufo-Addo, the 1st Petitioner in the petition, rather was validly elected President of the Republic of Ghana;
3. Consequential orders as the Supreme Court may deem fit.

This petition was filed in the belief that the Supreme Court has the power to invalidate the result of the election and declare another candidate the winner.

This belief is motivated by Article 64 (2) of the 1992 Constitution which stipulates that “A declaration by the Supreme Court that the election of the President is not valid shall be without prejudice to anything done by the President before the declaration”.

Furthermore, Section 19 of PNDC law 284, the Representation of the Peoples’s Act, states that a court can declare that a named person did not win an election

but another person did, meaning that the Supreme Court, in this case, has an absolute power to invalidate results of the election.

In accordance with the provisions of the Supreme Court Rules (CI 74), on 2 January 2013, Quashie-Idun and Co, Counsel for the EC, entered appearance on behalf of the Electoral Commission and on 3 January 2013, Lawyers for President Mahama filed an appearance on his behalf.

In its defence to the petition, the EC maintained that “the petition is without merit” and accordingly prayed the Supreme Court to dismiss it. The EC also denied any irregularities and electoral malpractices as well as working deliberately to unlawfully assist President Mahama to win the poll and consequently prayed the Supreme Court to “order the petitioners to give particulars of the polling stations in which the violations, irregularities and malpractice are alleged to have occurred”.

On 3 January 2013, the National Democratic Party, filed a motion at the Supreme Court seeking to join in the petition against the EC’s declaration of President John Dramani as winner of the December 7 and 8 2012 Presidential poll. According to the NDC, its decision to join the matter was predicated on the fact that the President was elected on its ticket and therefore there was the need for the party to join in the matter.

The EC however conceded that “the figure 14,158,890 registered voters stated in the declaration of results was an error occasioned by picking the wrong figure. The number of registered voters which should have been picked was 14,031,793, which was duly posted on the EC’s website, adding that “In this context, it is important to emphasise that this error has no bearing whatsoever on the total votes cast in the election and, consequently, the valid votes obtained by each candidate. The error would only affect the voter turnout percentage and change it from 79.43 per cent to 80.15 per cent”.

On Thursday, 10 January 2012, the Supreme Court sought to hear the application filed by the NDC to join the petition challenging the declaration of John Dramani as the President-elect. During the hearing of the preliminary joinder motion, lawyers for the NPP protested the composition of the bench, arguing that the 9-member bench composed of Justices W. A. Atuguba, presiding, Rose C. Owusu, Sophia A. B. Akuffo, P. Baffoe Bonnie, Julius Ansah, S. O. Adinyira, Jones V. M. Dotse, Anin-Yeboah, and Vida Akoto-Bamfoe, was skewed against them. The Supreme Court therefore adjourned the hearing of the preliminary motion *sine die* and asked the petitioners to file a formal objection with the court. On Wednesday, 22 January 2013, the Supreme Court of Ghana granted, by a 6-3 majority decision, the joinder motion brought before it by the governing NDC, seeking to be joined to the election petition filed by the opposition NPP.

This ruling paves the way for the substantive matter in which the petitioners are alleging fraud in the December 2012 polls to be heard.

XV. SWEARING-IN OF THE PRESIDENT-ELECT

Meanwhile, as is the tradition, the President-elect, John Dramani, was sworn-in on 7 January 2013, a ceremony which was attended by several leaders, including Presidents Goodluck Jonathan of Nigeria, Faure Gnassingbe of Togo, Mahamadou Issoufou of Niger, Blaise Compaore of Burkina Faso and Alassane Ouattara of la Cote d'Ivoire. Also in attendance was President Thomas Boni Yayi, in his capacity both as President of Benin and Chairman of the African Union as well as the two former Presidents of Ghana, President Jerry John Rawlings and President John Agyekum Kufuor.

The National Party of the NPP directed the party to boycott the inauguration ceremony. However, former President John Agyekum Kufuor attended the ceremony in his capacity as a former President of the Republic of Ghana. Even though his decision to participate in the inaugural ceremony attracted a lot of criticism from party faithfuls, on grounds that his participation would compromise the party's petition pending before the Supreme Court, his Spokesperson issued a statement indicating that "His presence at the inauguration will be without prejudice to his party, the NPP's stance to boycott the ceremony or of his full support for the party's petition at the Supreme Court impugning the declaration of the December 2012 elections as announced by the Electoral Commission"⁴¹.

In an interview after the swearing-in ceremony, former Secretary-General of the United Nations, Kofi Annan had this to say "We are all very pleased that Ghana's democracy is maturing, it is taking hold and the people believe in the democratic rotation of leadership. This is something that Ghanaians should hold dear and it is an example that I hope other African countries would emulate."⁴²

41. Frank Agyekum, Daily Graphic, 4 January 2013 at page 3.

42. Kofi Annan, General News of Monday 7 January 2013.

APPENDIXE



ELECTORAL COMMISSION OF GHANA

Election Results

Sunday, 9 December, 2012

No	Name of Candidate	Votes Obtained	Percent Votes	Rank
1	JOHN DRAMANI MAHAMA (NDC)	5,574,761	50.70	1
2	NANA ADDO DANKWA AKUFO-ADDO (NPP)	5,248,898	47.74	2
3	PAPA KWESI NDUOM (PPP)	64,362	0.59	3
4	DR. HENRY HERBERT LARTEY (GCPP)	38,223	0.35	4
5	AYARIGA HASSAN (PNC)	24,617	0.22	5
6	MICHAEL ABU SAKARA FOSTER (CPP)	20,323	0.18	6
7	JACOB OSEI YEBOAH (IND)	15,201	0.14	7
8	AKWASI ADDAI ODIKE (UFP)	8,877	0.08	8
	Total Valid Votes	10,995,262		
	Total Rejected Votes	251,720		
	Total Votes Cast	11,246,982		
	Total Registered Voters	14,158,890		
	Total Constituencies	275		
	TurnOut(%)	79.43		

BIBLIOGRAPHY

- Kwadwo Afari-Gyan, Public Elections (Registration of Voters) Regulations, 1995, C. I. 12.
- Kwadwo Afari-Gyan, General News of Tuesday, 20 November 2012.
- Frank Agyekum, Daily Graphic, 4 January 2013, p. 3.
- Kofi Annan, General News of Monday 7 January 2013.
- Josiah Aryeh, Daily Graphic, Saturday, October 20, 2012, p. 28.
- Johnson Asiedu Nketiah, Daily Graphic, Saturday, October 20, 2012, p. 3.
- Eva Lokko, Daily Graphic, Saturday, October 20, 2012, p. 3.
- Bernard Mornah, Daily Graphic, Saturday, October 20, 2012, p. 3.
- Jake Obetsebi Lamptey, Daily Graphic, Saturday, October 20, 2012, p. 3.
- Jake Obetsebi Lamptey, Africawatch, October 2012, p. 9.
- Jerry John Rawlings, Daily Graphic, Thursday, October 25, 2012, p. 32.
- Paul Tawiah Quaye, Daily Graphic, Friday, October 26, 2012, p. 24.

BIOGRAPHIES

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Constant K. Hometowu is currently a Lawyer and Head of Judicial Unit of the International Criminal Tribunal for Rwanda (ICTR). He worked as a Prosecutor for the Ghanaian Immigration Services and gave training within the Immigration Services. He recently acted as a consultant to the Communitarian Justice Court to the ECOWAS.

Constant K. Hometowu holds several degrees in Law and an Executive Master Degree in Business Administration from the Eastern and Southern African Management Institute (EASMI) in partnership with Maastricht School of Management (MSM). He is currently a PhD candidate at MSM preparing a thesis on “Justice dispersion and judicial reform: a case study of the Ghana judicial service”.

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