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WORKSHOP REPORT

Posted July 8th, 2014

West Africa Election Observers Network (WAEON)

REPORT ON THE ACADEMY HELD IN GHANA

INTRODUCTION

The Academy comprised a meeting and an exchange visit to some election stakeholders. The meeting was held on May 28, 2014 at the Airport West Hotel, Accra, Ghana. The meeting was opened by Dr. Franklin Oduro, the coordinator of Coalition of Domestic Elections Observers (CODEO), the local partner of WAEON. In his welcome address, he introduced Honorable Mahama Ayariga, the Minister for Information & Media Relations in Ghana; the Guest Speaker, Mr. Francis Oke,

the Head of Electoral Assistance Unit, ECOWAS Commission, Nigeria; Mr. Oumar Diallo, the Chairman of WAEON and Sheikh Armiyawo Shaibu, Executive Council member and CODEO focal person for WAEON. Sheikh Armiyawo Shaibu continued by referring to the theme, 'Electoral Reforms in West Africa: the Role of Citizens' Observer Groups' as laudable, significant and timely. He expressed that there is a real need for electoral reforms to strengthen the electoral processes within the sub-region, in order to guarantee the organization of peaceful, transparent and democratic elections. For example, Ghana has had relative successful elections. He also outlined some of the achievements of CODEO as having good working relationship with the Electoral Commission (EC) which has offered CODEO the opportunity to make some suggestions/input/advice to the work of the EC.

He was hopeful that WAEON member organizations that have good working relationships with the various Election Management Bodies in their respective countries will also share their experiences with them. This would be the organization of peaceful elections in their respective countries. He also announced that the network is currently working on expanding its membership by bringing on board non-member countries such as Gambia and Benin. He stated that two separate groups visited potential members in January 2014 to evaluate their work towards transparent and credible elections as well as gauge the political landscapes of the countries. The representatives of two identified groups were invited; however, the representative from Gambia had challenges and was therefore not present. The aim for reaching out to these groups in these countries was to market WAEON and to pull together all the resources, ideas and energies within the sub-region to ensure that electoral conflicts that have become protracted in the region are minimized.

Additionally, Sheikh expressed appreciation to all who have responded to the invitation and warmly welcomed participants. He was hopeful that representatives from member countries will enjoy their stay in Ghana. He encouraged participants to feel free to move around and enjoy Ghanaian hospitality because of a guaranteed security.

Mr. Oumar Diallo, Chairman of WAEON also made few remarks. He was elated that WAEON members have met with governance stakeholders to discuss issues related to reforms which will enhance the organization of elections in the sub-region. He thanked CODEO and WAEON Secretariat for creating this platform as a strategy to have participants share ideas on the chosen theme. He remarked

that the electoral system in West African countries is evidently confronted with so many problems. As a result, it is important that participants discuss the role of citizen observer groups for a better understanding in order to embark on the reforms necessary to make electoral systems better. He gave an example that in some member countries, stakeholders of elections have collaborative relationships similar to what pertain in Ghana, where the National Commission on Civic Education and the Electoral Commission have developed cordial working relationships. However, there is more room for improvement.

SPECIAL GUEST REMARKS

Hon. Ayariga, the Minister for Information & Media Relations gave his 'special guest' remarks in which he commended CODEO for their work towards the consolidation of democracy for all these years, and other stakeholders such as Kofi Annan International Peacekeeping Training Centre for helping Ghana to make strides in its electoral fortunes and moving Ghana forward. He appreciated the presence of representatives from the sub-region to discuss issues of common interests. He stated that the economies try to create differences even where they are non-existent so he looks forward to a day when all artificial barriers and borders – economic and others – will be a thing of the past in the sub-region. He said he was glad this important Academy was taking place just a couple of days after the Africa Day celebrations. Therefore, he hopes this kind and others will provide the opportunity to re-dedicate ourselves to push for a united Africa, where a common social, economic and political system would prevail. He urged all to take advantage of our size as a market and the skills that we possess to better explore resources for our continent.

Accordingly, the import of this Academy was equally significant because it focused on a very crucial matter in the lives of Africans – Elections. He stated that the continent has done well by pushing for democracy in many African countries and periodic elections are organized as a medium for citizens through universal adult suffrage to choose those who are in the helm of affairs/ leaders.

Furthermore, Africa should be commended for the strides made in establishing democratic governments and the systems instituted for the management of elections though there are some laggards on the continent. There should be a continuation of forging partnerships that enable Africans to share experiences and learn from the experiences of one another to improve upon various electoral systems by addressing the challenges that normally confront the continent.

In Ghana, for a very long time, governments have been working with civil society organizations such CODEO, Ghana Center for Democratic Development (CDD-

Ghana), other election observer groups, as well as development partners like United Nations Development Programme (UNDP). Ghana has been able to improve on its electoral systems to a point where the system was tested in the last elections (contesting elections results in the court). To this effect, the people of Ghana are proud to have progressed as a country so far. Undoubtedly, Ghana has a very credible and reliable electoral system and a number of institutions that manage an electoral system that guarantees a peaceful and credible outcome.

The honorable Minister remarked that the agenda for the Academy revealed issues of importance that each country must be mindful of whilst developing its electoral architecture. For example, Ghana has undergone many reforms in order to improve its electoral systems. He itemized a number of activities undertaken which brought about the progress made. These are moving from:

- Opaque ballot boxes to transparent ones
- Ordinary manual registration systems where each voter has the possibility of registering more than once to the systems of photo identification cards (which could not guarantee the eradication of multiple registration/voting)

The biggest challenge confronting the country now is the registration of minors (those who are below 18 years). The EC has taken steps to clean the system up but more work needs to be done to ensure that only persons who have attained 18 years get registered. For example, the EC referring to data/ personal information provided on citizens when first enrolled in school, biometric registration done under the National Health Insurance Scheme and other data capturing agencies.

In addition, Honorable Ayariga said pre-election observation activities are as equally important as elections because they enhance the credibility of the entire electoral process. He encouraged participants to show interest in monitoring pre-electoral phase.

Finally, he thanked all participants and welcomed them on behalf of government and entreated them to network beyond the conference room.

Enhancing Election Integrity in West Africa: The role of citizen election observer groups

The Guest Speaker, Mr. Francis Oke, Head of Electoral Assistance Unit, ECOWAS Commission, Nigeria, made a presentation on Enhancing Election Integrity in West Africa: The role of citizen election observer groups. In his submission, he encouraged member organizations to leverage on the mission of WAEON to make impact within the sub-region. He congratulated the network for its

achievements especially the roles member organizations have played in their various countries.

He started by indicating that integrity is a difficult concept to define but a very essential component needed in democracy and good governance. Electoral integrity implies an ethical attitude and institutionalized legal system that promote and respect free and transparent elections. Even though there are varied social and political landscapes within the sub-region, the basic tenets are the same. For example, political elite having the same competitive playing field, voters freely voting for candidates of their choice and ensuring election results reflect how voters voted. He highlighted the following as factors that ensure election integrity.

- Respect for democratic principles. For example, the principle of equality of citizens.
- Instituting code of conduct for both political candidates and their supporters.
- Elaborate and explicit electoral laws.
- Progressive capacity strengthening of electoral officials
- Transparency in the entire electoral process.

Additionally, he reiterated that general election observer missions should contribute to the strengthening of the integrity of the electoral process. This is because the sub-region has experienced protracted electoral conflicts among others so it is very prudent for both governmental and non-governmental organizations to invest in elections observation process. Some examples are the adoption of regional, continental and global legal framework for such activities. Some of them are; Additional Protocol of ECOWAS on democracy and good governance, the African Charter of Human Rights on Democracy and Good Governance, the Bamako Declaration for the Francophone . The provisions in the Additional Protocol of ECOWAS on Democracy and Good Governance, requires ECOWAS to assist any member state holding elections. Additionally, ECOWAS is supposed to deploy a pre-election monitoring mission to assess the state of preparation towards the organization of elections in a particular country before sending an observation mission to observe the entire electoral process and then report on the quality of this process.

However, the limitation to this operation is the late deployment of observers after the preparation assessment that is within 48 hours. The number of observers remains limited due to financial constraint. Also, the observers have limited knowledge about the concept of election observation and do not even visit all the

polling stations but a few sampled ones. Finally, observers leave the country within two days after the elections.

Furthermore, domestic election observer groups have proven to be playing effective roles leading to resolution of disputes related to elections: for example, reseau des ong pour des elections pacifiques et transparentes in Benin, National Election Watch in Sierra Leone, Coalition Of Domestic Election Observers in Ghana, le groupe de l' institut de Gorée in Senegal, and others in Nigeria. In order to ensure integrity of electoral process, domestic election observer groups need to observe pre-election, election and post election phases.

It is rather unfortunate that domestic election observers are faced with a number of challenges. Especially in the lusophone region (Cape Verde and Guinea Bissau), election observation is not legally permitted. This is because no one is considered neutral, civil society organizations are normally transformed into political parties and are seen organizing political rallies, and they are financially constrained so they only have limited resources for the observation exercise. In the recent elections held in Guinea Bissau, the citizen observer groups only deployed on 400 observers.

Mr. Francis Oke concluded the presentation by recommending that there should be collaboration between domestic election observer groups and international observer missions in these contemporary times. This is because domestic election observer groups have invaluable information and expertise that international observer missions do not possess since they only cover a small part the territory in their election observation activities.

This session ended with questions to pick Mr. Oke's thoughts about the relationship between ECOWAS and AU observer missions, standard election observation methodologies for ECOWAS, ECOWAS' roles in ensuring collaboration between international observer missions and domestic election observers. Regarding the relationship between ECOWAS and AU, Mr. Oke indicated that to a large extent both institutions are parallel in nature and they both deploy their missions when needed. However, ECOWAS is a sub-regional body whilst AU is regional and both institutions work differently. He also stated that methodologies are followed when need be. There is no much collaboration between international missions and domestic election observers but standard practices could be adopted.

Understanding the Issues of Reform in all Phases of the Electoral Cycle

Mr. Sulley Amadu, Deputy Electoral Commissioner of Operations (Ghana) gave a comprehensive presentation on 'Understanding the Issues of Reform in all Phases of the Electoral Cycle'. He categorized his presentation into five segments as

follows:

1. Electoral Cycles vis-à-vis electoral reforms
2. Reforms since 1992
3. Recommended reforms by the Supreme Court Justices and other stakeholders (CSOs, Political parties, individuals etc)
4. Activities of Election Management Body and the way forward
5. Impending district level elections and associated challenges

Electoral Cycles vis-à-vis electoral reforms

Each electoral cycle has three activities. These are the pre-election, election and post-election. The pre-election activities entail the preparation of the program of action comprising demarcation of electoral areas or constituencies; updating of voters' register, registration of candidates, campaign activities, among others. The election phase has to do with Election Day activities such as voting, ballot counting and collation, transfer of votes and results declaration. Actions pertaining to the post-election are debriefing sessions to conduct SWOT analysis on the entire organization of the elections. All these are properly conceptualized by examining the electoral laws.

The sources of the Electoral laws are the 1992 Constitution of Ghana, Statutes and Subsidiary Legislation. The 1992 Constitution has several provisions on electoral activities in Ghana. For example, Article 51 empowers the Electoral Commission (EC) to come out with regulations. Articles 47 and 48 spell out the period/time-frame for the EC to review electoral areas, that is, seven years after the last elections or a census has been conducted before the next elections.

Constitutional Instrument (CI) 72 on election matters used to be CI 12 but was amended in 2012. Under CI 12, voter's eligibility was not challenged but CI 72 now gives room for the proof of voter's eligibility; for example, through information on his/her enrolment in school. In the absence of any form of identity, two guarantors must sign the guarantor's form and each guarantor cannot sign for more than five persons. Additionally, CI 75 was passed in August 2012 to replace CI 15; it centers on issues regarding the conduct of elections and elections results. For example, one can petition the High Court when s/he is not happy with gazetted results for parliamentary elections within 21 days. For the presidential elections the place to seek redress is the Supreme Court.

Reforms since 1992

The commissioner stated that the EC has embarked on several reform activities. This occurs after every election to ensure improvement in future elections. Be-

low are some of the steps the EC has taken towards smooth organization of elections in Ghana.

- The EC constantly work with Inter-Party Advisory Coalition (IPAC). There is the Regional Inter-Party Advisory Coalition (RIPAC) which does not have any legal backing but so powerful. The EC engage them as well in its activities.
- Photo ID cards for the 2000 elections
- Photo ID cards for all voters led to the amendment of Legislative Instrument (LI) 57 to CI 15 to put photos of voters in the register
- Presence of party agents at the registration center as well as the polling stations
- Transparent ballot boxes with much volume
- Biometric Voter Registration (BVR) to eliminate multiple voting
- Biometric Voter Verification (BVV)
- Increase in number of constituencies – as a result of population census

Recommended reforms by the Supreme Court Justices and other stakeholders
There are administrative and legal reforms. The administrative ones have to do with logistics and other organizational activities. The legal reforms will be dependent on national discussions on how constituency demarcation should be done and the need to have a ceiling/ cap. Justices of the Supreme Court such as Justice V. Dotse requested for the customization of the features of the “pink sheet” during election petition. Pink sheet is just the colour of the paper – hence those forms can come in any colour in any election just as in 2012, it was pink. Again, Justice Atuguba requested for the simplification of the Result Declaration Form. Another recommendation during the election petition was that the EC should be financially independent. The caliber of people recruited as returning officers or polling agents should be considered a great deal as well as providing them with adequate training.

Activities of Election Management Body and the way forward

The EC has collected and collated all the recommendations made by elections stakeholders after the election petition and will work around them. When the EC finishes putting together the document on electoral activities on the basis of these recommendations, several fora will be held to discuss the content with all stakeholders before finalized.

Impending district level elections and associated challenges

These types of elections are non-partisan and they are held every four years. The upcoming ones have been scheduled for October 2014 even though there have been financial challenges. Voter turn-out for these elections is generally low

compared to the national elections.

His presentation was climaxed with question and answer session. Participants asked generally about the collaboration between the EC, NCCE, CSOs and media in electoral activities in Ghana. Mr. Sulley indicated that there is a cordial working relationship with all these organizations because every organization plays its roles effectively to ensure a successful electoral process.

The Role of Citizen Groups in Electoral Reform in West Africa: Principles, Experiences and Issues.

This session was about experience sharing among WAEON members regarding the various roles citizen observer groups have played in their various countries. Some of the principles identified by members in their activities in their respective countries are: non-partisanship, professionalism, credibility, fairness and neutrality/impartiality in election observation activities. For example, in Sierra Leone CSOs embark on 'Campaign for Good Governance' initiative to create public awareness, after 2012 elections in Ghana, CODEO has decided to research on the issue of 'spoilt ballot papers' which became a concern to the aggrieved party that petitioned the court on the 2012 election results. Guinea is also in the process of reforming its electoral process, for example coming up with an election timetable, civic education and resourcing the EC. In the 2013 reform agenda of the EC in Mali, CSOs made some recommendations for the improvement upon the work of the EC.

On the other hand, CSOs have been confronted with a number of challenges in their work. In the case of Cote d'Ivoire, CSOs have generally been maltreated, police has invaded their premises; and their bank accounts have often been frozen. For Benin, CSOs have constantly been marginalized since the electoral plan of the country has been at a halt. Niger is looming in serious corruption perpetrated by political elites, which does not augur well for the country considering the past political records of the country. The session ended with participants learning from various sub-regional experiences.

The draft academy communiqué (see Appendix 1) was later modified and approved by all, followed by words of appreciation to the hosting organization and all involved in the design and organization of the program as well as participants by the Chairman of WAEON.

Exchange Visits

As usually done when workshops are held in member countries, WAEON members on the second day, May 29, 2014 visited a number of governance stakehold-

er institutions to familiarize themselves with their roles towards electoral reforms and democracy in general, to learn standard practices and to share experiences in the sub-region. Some of the institutions visited were; the Electoral Commission, National Commission for Civic Education, National Peace Council and Citi fm.

The first visit was to Citi fm. The acting Chairman, Mr. James Lahai introduced the WAEON delegation after which he gave a brief profile of the network, the major activities undertaken so far and their overall mission. . The operations manager indicated that Citi fm covered the pre-election and election stages of the 2012 elections in Ghana. They had a flagship program called ‘Campaign Trail’ in all the 10 regions of Ghana to promote grass root involvement in the electoral cycles. In doing so, Citi fm partnered with CDD-Ghana to get data on the economy to inform the public in order to vote on issues. They also sent out trained observers to observe the elections because it was a priority for the station.

The meeting at the Electoral Commission was insightful for the WAEON delegation because they were educated on the composition of the Commission, nature of appointment, tenure of office, activities and roles that are played to ensure peaceful, competitive and credible elections. The Chairman stated that the Commission is an independent institution and not subject to any authority in the performance of its constitutionally mandated roles even though it discusses matters of importance with for example CSOs, Inter-Party Advisory Committee (IPAC), community-based organizations.

WAEON members also visited the National Peace Council (NPC) to get acquainted with the range of activities it undertakes in contributing to peace and security in Ghana. The delegation was educated on the structure, objectives and mission of NPC. The personnel of NPC encouraged WAEON members to make calls of such an institution in their various countries to guarantee peace, security and sanity in their political landscape/ discourse.

Finally, a visit to the NCCE provided WAEON members firsthand information on the mandate, establishment, and tenure, relationship between NCCE and EC in the performance of its roles. The Commission underscored the importance of such an organization since it is involved in a holistic education of the citizenry on social, economic and political issues among others in order to guarantee an orderly society.

Appendix 1

Communique

Call on Citizens Observer Groups in West Africa to champion Electoral Reforms by West Africa Election Observers Network (WAEON)

The members of the West Africa Election Observers Network (WAEON) (a coalition of non-partisan citizen observation groups in 11 West African countries, namely: Burkina Faso, Cote D'Ivoire, Ghana, Guinea, Liberia, Mali, Nigeria, Niger, Senegal, Sierra Leone and Togo) met at a training workshop in Accra, Ghana, from the 28th May, 2014 to share experiences on the role Citizens Observer Groups play in electoral reforms in West Africa.

Members of WAEON observed that although the West African sub-region has in the past two decades seen widespread (re) introduction of regular competitive multi-party elections in many states, the conduct of elections in many African States have been characterized by numerous challenges which have rendered election outcomes disputable/ contested. WAEON urges elections stakeholders – electoral administrators, political parties, citizen election observer groups and other key election actors to address the gaps from competitive elections to safeguard the credibility and integrity of future elections. Furthermore, we are concerned with the reform activities ongoing in a number of countries such as Ghana, Nigeria, Senegal, and Togo among others. Members of WAEON reaffirmed their faith in the march of democracy in our countries and the contributions of our organizations which are leading to reforms and resolve to continue the struggle until West Africa has come under free, stable democracy.

WAEON calls on all governments in West Africa to demonstrate greater commitment towards consolidating democracy in their countries by implementing fully the tenets of the African Charter on Democracy, Elections and Governance. Accordingly, we congratulate the member states of the African Union who have ratified the African Charter, notably Mauritania, Ethiopia, Sierra Leone, Rwanda, Burkina Faso, Ghana, Lesotho, Zambia, South Africa, Guinea, Chad, Niger, Guinea-Bissau, Nigeria, Benin, Togo, Cameroon, Malawi, Mali and Sudan. We encourage the African countries that have not yet signed and ratified the Charter to do so as a matter of urgency.

We also invite all African stakeholders and supporters of democracy, notably civil society organizations and national legislatures, to take up the challenge of popularizing the Charter and advocating for the ratification and its subsequent implementation.

WAEON also wants to take this opportunity to encourage the people and govern-

ment of Ghana to collectively work together on the needed electoral reform agenda in order to cement their commitment towards credible elections, good governance and democracy.

Finally, WAEON calls on international institutions such as the ECOWAS, AU and UN to amplify the need and importance of ratifying and implementing the Charter as a way of contributing to the strengthening and consolidation of democracy on the continent.

Accra, May 28, 2014.

Oumar Diallo

Chair, WAEON