

## Of the EC, BVMS and Resistance

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*“A wrong analysis of events, and of history and circumstances have always led to the wrong or misled conclusions such as leading society to blame the robbed instead of the robber; or the victim rather than the perpetrator.” – Dr. Martin Luther King Jnr.*

### INTRODUCTION AND DISCLAIMER

Ghana’s public space has been occupied in recent times with lots of talk about the Election Management Body, EMB, Electoral Commission, EC and the Commission’s programme to contract a new Vendor for a new Biometric Voter Management System, BVMS. In this article, a disclaimer is hereby issued from the onset that the views expressed in this piece are entirely mine and NOT reflective of the position of the Convention People’s Party of which I act as the Chief Scribe (Acting General Secretary) since October, 2018 and Director of Elections since 2011. It is hoped that this piece helps in dealing with some resistance claims for closure.

On December 23, 2019 the EC wrote under the hand of the Deputy Chair (Corporate Services) to all Political Parties who are members of the Inter Party Advisory Committee, IPAC detailing a justification for their programme to acquire a new BVMS. It was a seven-page document which highlighted the history of the EC’s adoption of BVMS from 2012 to date, the challenges suffered thus far, and the necessity for a new BVMS.

### HISTORY

Historically, the authority and mandate of Ghana’s Electoral Commission have been exercised under Articles 43, 44, 45, 46 and the Electoral Commission Act, 1993; Act 451 since 1993 with limited or no use of technology. This meant that the EC relied mostly on human judgements which were susceptible to manipulations and abuses thereby questioning the integrity of election outcomes. Elections are organized on the principle of ONE PERSON – ONE VOTE.

But, without technology and solely relying on the human factor, this sacred principle was trite betrayed. Once individuals could register in multiples and stay on the register in multiple terms, automatically there could be multiple voting by same persons or a misrepresentation or identity swap voting. This had to give way for something better and reliably credible.

After the 2008 elections which travelled an extended three rounds, only for the winner (late President JEA Mills) to emerge with about 40,000 votes difference win, individuals and civil society organizations, CSOs began a conversation about technology as an enabler that could help solve the perennial controversies over voter identity.

With reluctance and tags (attacks) of ‘**intransigence**’ the Chairman of the Commission then, Dr. Kwadwo Afari-Gyan caved in to employing technology. Thus BVMS was born in and around 2012. My records show that the EC signed the contract with the Vendor, SuperLock Technology Limited, STL in December, 2011. Political Parties however became fully aware of the Vendor in March, 2012. This was when the Biometric Registration was to begin and ended in May, 2012 towards the compilation of the first (time) Biometric Voter Register for Ghana.

## **CONTRIBUTIONS (RECORD)**

It is a matter of record from both EC internal reviews and Local/International Observer Missions in Ghana that the 2012 Presidential and Parliamentary Elections were the best from inception of the 4<sup>th</sup> Republic. Despite being the first to have led to a competent seminal Presidential Election Petition in line with Article 64, that record was resultant from the credibility and capacity to track the process. There is nothing that can be done along the chain of technology that can go undetected or untraceable if the right protocols are followed.

Subsequently, the 2016 General Elections, 2018 Limited Registration and Referenda in selected places for the creation of six new regions and the very recent District Level Elections have all been seen comparatively, as an improvement notwithstanding the difficulties associated. So thus far, the introduction of the biometric system of managing our voting system has been a success insisting largely on the principle of ONE PERSON – ONE VOTE.

## **CHALLENGES**

The successes of the BVMS have not been without serious challenges. These challenges will be summarized per the letter issued on the subject by the EC. It is important to state that there have been many commentaries outside the germane issues raised by the Commission. Instead of issue by issue responses, resistant political parties and civil society organizations as well as some media houses anchoring the discussions have set their own set of questions and providing unsolicited answers. That beclouds and muddies any decent conversation.

A summary of the EC December 23, 2019 letter could be themed under five subheadings namely; **(1) the contract with STL, the technically competent Vendor manning the BVMS has an expired. (2) The EC, the owners of the BVMS lack the capacity to man or manage the BVMS. (3) Technological Equipment Hard/Soft – wares are at END OF LIFE and END OF SUPPORT. (4) Poor data capture from the beginning led to poor biometric templates stored which make them difficult to use. (5) Comparatively overbearing and unreasonable prices in maintaining or retaining the status quo as against procuring a new system.**

**(1) The contract with STL, the technically competent Vendor manning the BVMS has an expired.** So far, not a single of the various resistance responses to the EC programme has offered an alternative or even attempted a response to this particular ground. The EC has made it clear that they do not have the technical capacity to manage the BVMS. Records show how previous administrations of the Commission particularly from 2014 failed to heed to calls from STL to submit personnel for training to takeover. The present administration of the Commission inherited that problem and cannot be blamed for the Commission's incapacity to manage the BVMS. It is the writer's view that this particular argument is sufficient enough for the Commission to procure a new BVMS with the lesson never to remain incapacitated.

**(2) The EC, the owners of the BVMS lack the capacity to man or manage the BVMS.** The second grounds of incapacity can only be argued to be a very good reason for which the new procurement should have a takeover plan or schedule as part of the new contract terms. This takeover plan should contain a detail programme for training of personnel from the EC so that they can be fitted for the running of the BVMS right from the onset. Lessons must be learnt.

**(3) Technological Equipment Hard/Soft – wares are at END OF LIFE and END OF SUPPORT.**

What do “End Of Life” and “End Of Support” mean? They simply mean that they have either reached a terminal stage or are lifeless and there is nothing good to come out of them. Every technological innovation, be it hardware or software run on rules, protocols, regulations and licences. Limits are set at every invention either through licenses or terms. No software or hardware exists in perpetuity regarding its functioning. They go obsolete with new inventions. They suffer mortality like humans, defined right from the date of purchase or procurement. So as the EC put in their concluding statement; **“it is not a question of whether the system should be changed or not but rather a question of when? The time is now.”**

**(4) Poor data capture from the beginning led to poor biometric templates stored which make them difficult to use.** Again, so far the resistance to the EC’s claims have failed to respond to this problem. Poorly captured data and stored templates would remain so till thy kingdom come. They cannot be altered at output ends. There is only ONE solution – proper recapture of the biometric data. It is yet another reason and justification for a new BVMS. It must be emphasized here, however, that Ghanaians must insist that the EC cannot in future give another excuse for poor data capture. Ghanaians must reject becoming second fools.

**(5) Comparatively overbearing and unreasonable prices in maintaining or retaining the status quo as against procuring a new system.** Perhaps this is the weakest link as it is the most attacked, in fact, over flogged of the five summarized grounds. It is quite interesting that the issue of pricing has been made the weakest link for attack on the Commission. It is very easy to get prices on the internet for any product (not limited to technology). But surely it is not that easy to get the figures for **specified or customized requirements** by merely using search engines to surf for prices. Of all the figures bandied around as value for money, which of them used the specified requirements of the EC? And the market surveys that were done, how do they relate to what the EC specifically computed to warrant their contrary conclusions? Thankfully, there exist Financial and Accountability laws which can arrest any attempt by the Commission to siphon or waste public funds under the guise of procuring a new BVMS unjustifiably. Let the claimants pursue that line if they seriously are convinced of their claims.

The time to do and act right is always, right now! These challenges have led to system crashes at crucial times. They have led to missing crucial data which had to be recovered with capital intensive manual work. They have inadvertently led or returned us to the manual verification and high human judgements which the introduction of biometrics was aimed at minimizing to the barest if not eliminating entirely. The stakes will be too high to risk in a general election.

## **THE POLITICS**

The politics and political commentary targeted at the work of the EC have not helped the situation. Let me hasten to point out that I was one of those who had issues with the manner in which the three previous Executive Heads of the EC were removed. It was generated from among them but I hold the view that the situation could have been handled differently. However, we cannot engage in an endless debate over the same issues. Closure must be

brought at some point. It is believed that the appointment of the present Executive Heads brought such closure no matter how dissatisfying it may have seemed. Life must go on.

However, it appears that the dissatisfaction over the process has been followed with holding the Commission to ransom, citing past unrelated instances. **They have been accused of doing everything to call the elections for the sitting President as if that bogus amateurish claim has never been made.** A similar slogan with a very high pitch and tone was engineered at the last regime of the EC, accusing them of doing everything to call the elections for the former President. But today, he is a former President. What is strange and mindboggling is why anyone could be under that unsustainable impression that in today's information age, such a thing could be done and go undetected. History offers lessons. They must be imbibed.

Then enters the Vice President assuming the position of a competent Constitutional Authority to determine which rules would govern the compilation of a new Biometric Voter Register. It does not lie in the mouth of the Vice President to tell. There is an existing Law, (C.I. 91) on how to compile a biometric voter register so the Vice President and his assigns must refrain from such comments which needlessly complicate the EC's work. The Majority Leader, and Head of NIA have also made statements that poison the environment on this. It is sad that the NIA whose work if done could serve as a reference point for any consequential register of Ghana would jump into this debate instead of focusing on the delayed execution of mandate.

Demonstrations and Press Statements/Conferences are legitimate ways to express dissent or drawing attention to grievances but they have limitations when it comes to stopping the EC from embarking on any approved programmed of activities. As a demonstrator with some record, I would not contemplate deprecating demonstrations but, they become noisy without focus and coordination to overall objectives. The EC has on no occasion said that they are procuring a new BVMS because the present BVR is discredited. So those making that unfounded claim should know that there is no productivity in intellectual masturbation. Or are these demonstrations a test/rehearsal of the strength a party can garner? Or, could it also be a resource mobilizing avenue as the case might be?

#### **CAVEAT**

Technology is an enabler and NOT a PANACEA to solving electoral irregularities caused by the sole or over-reliance on human judgement without technology. After all, just having a biometric voter management system does not automatically guarantee the sacred principle of ONE PERSON – ONE VOTE. There could be manipulations of the system in many ways including programming hitches and poorly assembled hardware. There could also be a deliberate waive or suspension of the rules guiding the process such as not administering verification procedures. Administering multiple ballots at the polling booth after verification is also possible. Therefore the call for an improved biometric technology, no matter how sophisticated should be properly situated in the context of supporting the almighty controversial human factor than a replacement. The EC must resolve strongly that it is embarking on this exercise to procure a new Biometric Voter Management System with the right attitude of the making it work to near perfection. It cannot be business as usual. The old

wrong attitudes must give way for new focused driven attitudes of a positive orientation that embraces consistent and constant improvement.

## **CONCLUSION**

Ghana's democratic journey has come of age with three successful regime changes at the Executive level and six Parliamentary Terms. We have had the longest surviving Constitution since independence though problematic and controversial. The People of Ghana have shown the highest level of tolerance for this democratic dispensation and that must be respected. The EMB has put a case across justifying their programme for a new BVMS. Let us discuss the issues they have raised to enrich them rather than the attitude of trying to shoot down every point just so we can give reasons for a resistance. Nothing good or worth doing has been done without resistance. Resistance naturally, is supposed to enrich and strengthen, but NOT suffocate to kill. A solidly case has been laid. Let those with direct superior alternatives raise them and manage what is said as well as how it is said. Otherwise, let all democracy lovers endorse and support the EC for this initiative. May God bless our homeland Ghana.

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