

Of the EC, BVMS and Resistance II

James Kwabena Bomfeh Jnr.*

“Vindication is in the womb of time and so is damnation” – Anonymous

INTRODUCTION AND DISCLAIMER

This is the second part of an earlier article on the programme of the Electoral Commission, EC to contract a new Biometric Voter Management System, BVMS in 2020. As it was done in the first article, a disclaimer is hereby issued. The views expressed in this piece are entirely the author’s and NOT reflective of the position of the Convention People’s Party or his position there as the chief scribe (Acting General Secretary). It is hoped that this piece will additionally help in dealing with some false claims by the resistance group(s).

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. It must be noted that the letter under reference was following up on earlier deliberations inconclusive as they may have been.

PURPOSE

The purpose of this follow-up article is to recount per records available to the writer, some aspects of the tortuous journey embarked upon by the EC to have come to this stage. There appears, in the view of the writer, a deliberate and desperate effort to present the EC as having acted in secrecy or hiding valuable information from the public. A caution here will do – **if as country, sorry to state, we do not begin to engage in sincere conversations about our problems, no effort would yield the required change. Duplicity and Insincerity have never led to progress in the life any nation.**

EC, SUBJECT TO LAW

Article 46 of the Constitution, 1992 of the Republic of Ghana is unambiguous as to the independence, limited as it may be, of the Electoral Commission. This independence has been proven over time not to be an absolute but subject to the dictates of the Constitution, 1992. There exist evidences where the EC has been directed by the Supreme Court per the dictates of the Constitution in the exercise of their mandate. No one should therefore wallow in the claims that insisting on the independence of the Commission is suggestive of making them autocratic or beyond question. The Law can and will always check the Commission.

Consistent with the author’s attitude, the EC enjoys his full support once they act consistent with the law of their creation and mandate. In 2016 when the Commission chose not to abandon the BVMS or compile a new Biometric Voters’ Register, he fully backed them. It is therefore not surprising, nor is it offending in the least that the same narrative cowardly employed by some elements of the NPP then is being employed today by some elements in the NDC to question the credibility of yours truly. Human character with integrity is like a cork

in water. No matter how hard it is pushed down, it can never be drowned. **Truth knows no change!**

PARLIAMENT, HOUSE OF RECORDS

Parliament is known as the House of Records. Indeed records are kept of proceedings in the House to the minutest detail. Opportunities are given for corrections of previous minutes at the following or subsequent sitting. Parliamentary records of December 17, 2018 on budget estimates for 2019 show in column 5165, paragraphs 3, 5 and 6 the following statements from the Minority Leader, inter alia:

The same EC, acquire BVRs, they have not; acquire BVDs, they have not. Yet, they are not able to use their budget allocation and they are asking for more. That contradicts our quest to say that give them additional resources. Mr Speaker, **they should replace the Data Centre**, improve their IT infrastructure and refurbish those equipment and prepare for those major elections.

Mr Speaker, **added to it is the matter of the bloated register. We all cry about numbers and bloated numbers. In South Korea, there is now what we call an image recognition software. If you double register, you could be detected through an IT instrument.**

The **EC should be encouraged to look for such software** so that people who double register, would be exposed by the **IT software of image recognition**. I am sure it is in other parts of the world.

The call on the EC to procure an improved system, best fit to overcome challenges of the present BVMS obviously could be read coming from the Minority Leader quoted extensively above. Is it not clear that the suggestion for a facial recognition software which is not present in the current system had the Minority Leader's endorsement? It was during this very contribution that he averred earlier in column 5163, paragraph 7, claiming erroneously that the 2016 Presidential Election results were not gazetted. Hear him:

In the deliberations of the Committee, it came to the fore that the 2016 **Presidential results have not been officially gazetted as required by law**. Therefore the EC must take immediate steps to do so. That was a response by them to a question which was posed to them.

Dissatisfied with that false claim, the Majority Leader, when called upon responded sharply in column 5167, paragraphs 5 and 6 as follows:

Mr Speaker, having said that – that is for Capex. Mr Speaker, the Hon Minority Leader related to a question that was posed to the EC when we met them at the Special Budget Committee. An issue was raised in respect of gazetting the 2016 Presidential and General Elections.

And **the response was that it was gazetted. That was an emphatic response from them**. So I do not know where the Hon Minority Leader is deriving his strength from.

GAZETTED 2016 PRESIDENTIAL ELECTIONS RESULTS

For the avoidance of doubt and to settle the seeming disagreement or confusion between the two Leaders of the House of Records, a search was made at the Official Publishing House of Ghana, Assembly Press for the true account. Published by Authority, No. 140, Ghana Gazette dated Wednesday, 14th December, 2016 page 3446 is Notice of Publication of a Constitutional Instrument on the Content page. On page 3446 is thus published;

NOTICE OF PUBLICATION OF A CONSITUTIONAL INSTRUMENT

The following Constitutional Instrument is published today;

Declaration of President-Elect Instrument, 2016, (C. I. 103)

A copy of C.I. 103 is in the custody of the writer. The prescription for gazetted presidential election result is contained in Article 63 (9) as: **An instrument which - (a) is executed under the hand of the Chairman of the Electoral Commission and under the seal of the Commission; and (b) states that the person named in the instrument was declared elected as the President of Ghana at the election of the President, shall be prima facie evidence that the person named was so elected.**

The said C.I. reads: **IN exercise of the power conferred on the Electoral Commission under article 63 (9) of the 1992 Constitution, this instrument is hereby made.**

NANA ADDO DANKWA AKUFO-ADDO, the New Patriotic Party (NPP) presidential candidate having, in the presidential election held on 7th and 8th of December, 2016 pursuant to Article 63 (3) of the Constitution, obtained more than fifty percent of the total number of valid votes cast, is hereby declared the President-elect of the Republic of Ghana.

Given under my hand the 12th day of December, 2016.

CHARLOTTE OSEI (MRS.)

Chairperson, Electoral Commission

Any doubter may go to the Assembly Press or Ghana Publishing House and do her/himself right by buying the Wednesday, 14th December, 2016 Ghana Gazette. I hold the belief that truth, once said, saves lengthy words. When a people determine in their hearts to go dishonest about that which is obvious, there is no amount of effort that can change such stone hearts. It would take only their own repentance of some sort or something divine as an epiphany.

MARCH 27, 2019 IPAC MINUTES

On March 27, 2019 at an IPAC meeting, the minutes show that among the members of IPAC present included **Elvis Afriyie Ankrah, Bede A. Zeideng of the NDC and Desmond Ntow of the PNC.** In that meeting which yours truly was unusually absent, on page 4 of the minutes was captured **3:0 Compilation of the new voters register** and read as follows:

In response to a question from Mr Amekah (John Amekah then of GCPP but now LPG), whether the Commission had any intention of compiling a new voters register before the 2020 Elections, the Chairperson answered in the affirmative. She explained further that in view of the biometric technology and high incidence of manual verification, it is the considered view of the Commission to bring on board current biometric technology which will include not only fingerprints identification but also the facial recognition of the voters.

She noted that the Commission was considering compiling a new voters' register to capture both fingerprint and face of voters. As a result of this the Commission was of the considered view and decision that it was not prudent to invest huge sums of money in the current obsolete technology, which would no longer be used after 2019, hence the decision to opt for the registration at the District Offices.

Moreover, because of the obvious huge financial costs associated with the procurement of new technology, it is financially prudent to undertake the limited registration with the existing equipment at the District Offices. This is because the current technology which captured only fingerprint identification was outdated and unwise to use for the mode of registration proposed.

She also stated that the cost of refurbishing the old kits was higher than procuring modern user friendly technology. None of the participants objected to this decision.

PARLIAMENTARY OVERSIGHT?

It is clear from minutes cited above that the Commission has not hidden the intention to procure a new BVMS from the stakeholders at the IPAC level. Additionally, the Commission has an internal Procurement Committee on which are two representatives from Parliament representing each side of the divide – Majority and Minority. Information available to me is that Dr Bernard Okoe Boye and Dr Dominic A. Ayine represent the Majority and Minority respectively. The EC's budget as well as procurement for each year are discussed in house before sent to the Special Budget Committee of Parliament. The Minority can therefore NOT feign ignorance of the procurement programme of the Commission unless their representative perhaps failed to live up to expectation or kept them in the dark.

Furthermore, the Special Budget Committee comprises the top echelons of the House including the leadership of both sides. Are we being told that the Minority did not know of the EC's intention to procure a new BVMS when their budget for 2020 was approved? If a different budget was approved for the EC other than the activities lined up to be undertaken, then why not resort to the application of the law or Parliament's oversight power to bring the Commission to order?

CONCLUSION

Public office holders have a duty to engage in honest conversations with the citizenry. Ghana's democratic journey has come of age with three successful regime changes at the Executive level and seven Parliamentary terms. We have had the longest surviving Constitution since independence, though the most problematic and controversial. The People of Ghana have shown the highest level of tolerance for this democratic dispensation and that must be

respected and applauded. The EC has put a case across justifying their programme for a new BVMS. It is a solid case thus laid. Let complementary views be expressed and presented in a respectable fashion. Let all democracy lovers endorse and support the EC for this initiative. Every Ghanaian, once of age, 18 years and above wherever they may be, must be ready to participate in the process when the registration starts.

May God bless our homeland Ghana and make our nation great and strong.

****The writer is the Acting General Secretary of the Convention People's Party from October, 2018 and Director of Elections since 2011. He served on the Technical Committee that shepherded the 2012 BVMS used up to date; was a member of the 2015 Electoral Reform Committee whose work was submitted in April, 2015 and presently serves on the Committee set up to investigate claims of compromised EC IT System in the 2016 General Elections.***