

STATEMENT BY CSOs ON THE PROPOSAL TO PROCURE A NEW ELECTORAL REGISTER AND IT SYSTEM FOR THE 2020 ELECTIONS

PREAMBLE

For some time now the nation has been caught in debates about the proposal to scrap the existing biometric voters' register and associated technology infrastructure (enrollment & verification hardware and software, and datacenters & databases) and procure a totally new infrastructure for the purpose of the 2020 elections.

Needless to say, there has been disagreement from many quarters regarding this proposal.

We the Coalition of major Civil Society Organisations and key individuals under the Ghana Anti-Corruption Coalition (GACC), are of the view that this is not and should not be a war of opinions among stakeholders with political clout.

This is a controversy over plain facts and values which can be resolved by a transparent and sincere evaluation of the data and the evidence, most of it relates to Information Technology over which the EC as a body has no inherent expertise, but which IT Experts can understand and agree on. We (and our IT Experts) have thoroughly examined the Electoral Commission's submissions and found them quite defective.

Consequently, we wish to make this statement, representing the views of the undersigned, for the record.

THE ISSUES

1. Whether Ghana needs a completely new "Biometric Voters Management System", an end-to-end infrastructure comprising hardware, software, datacenters/databases and fresh mass enrollment of voters.
2. Whether, if the country does require such brand new infrastructure, new mass registration and enrollment of voters shall be required.
3. Whether the Law empowers the Electoral Commission to solely determine when to procure a totally new system.

4. Whether under the present circumstances the Electoral Commission's current procurement plan for such a system is honest, sensible and defensible.

OUR POSITION

We the undersigned submit the following observations and guided conclusions based on the known facts and consultation with experts;

Highlights

1. The EC has focused on technical issues as the major motivation for a new voters register. The Commission has mentioned the vulnerability of current systems and equipment. However, it appears that this position has been reached based on the advice of a single vendor. Similarly, procurement cost assessments have also come from a single source.

2. The EC places a lot of emphasis on STL'S purported correspondence about the costs of refurbishment and fresh procurement. The EC says that STL has offered BVRs for \$5145 brand new or \$3500 refurbished, and BVDs for \$917 brand new and \$244 refurbished. The EC should be canvassing the market for the cost of these equipment, and investigating the possibility of an open-source central software application, as Nigeria has done in recent years.

3. We believe that the EC has not demonstrated that there is a defect with the biometric data which was used as recently as 2 months ago on a nationwide scale, to necessitate spending \$70 million on mass registration. It has already conducted limited registration for the district elections and should be using that benchmark cost for the general elections limited registration. If it wishes to acquire new BVRs and BVDs, and so far it has said little to justify why it needs to do so; it can publish a transparent, well-publicized, tender to bring the costs to less than \$15 million, not the \$36 million it claims it requires. We base our figures on average BVD costs of \$160 as per our market benchmark study, and average BVR tablet costs of \$750.

4. The EC announced a fingerprint non-recognition rate (thus requiring manual verification) of 0.6% in the last District Elections and then promptly declared the BVDs to be irredeemably defective. Had the EC reached out to truly independent experts to advise it, it would have been told that a failure rate of 0.6% is rather reasonable. No biometric authentication system can offer a 100% matching accuracy under our conditions at the scale we are talking about. The EC cannot be in a position to seriously assess the quality of the existing system if it relies on the information provided by a single vendor or narrow set of vendors.

5. In summary, the EC does not seem to have undertaken a comprehensive assessment to ascertain that an entirely new system is a Hobson's choice.

Detailed Justification for our Position

1. Whether Ghana needs a completely new Electoral register and voter identification hardware and software system.

Over the years, the ELECTORAL COMMISSION has collected, updated, upgraded and cleaned up its systems to ensure improvement in the integrity of our elections. This has largely led to the conduct of broadly accepted elections which have led to changes in government.

The most contentious of these elections led to the election petition, which was ultimately unsuccessful. We can safely therefore say the EC has done fairly well in the management of its systems so far. Even its worst performance which was challenged was found to be sufficiently valid and the results therefrom upheld as valid enough to elect a President after a vigorous challenge. These were conducted with older and less sophisticated systems.

The present system the EC possesses is the most advanced of all its systems so far and possesses more features than any previous one. It has been used as recently as 2 months ago to conduct nation-wide elections with very few problems; they cannot, thus, be said to be totally useless.

It is our view that the nation does not, in the face of the present facts, need to throw out everything and acquire a totally new infrastructure when the present system can be augmented and be made capable of performing the task.

The EC alone cannot determine that the whole system is useless and saddle the nation with the cost of a new one, especially when the only foundation for its assertions are the claims of a narrow set of vendors that basic market benchmarking studies can easily disprove.

2. Whether the present voter identification hardware and software system is completely obsolete and unfit for any use, thus requiring its total abandonment in favour of a new system

The system comprises a database, which can be migrated as needs be into new electronic environments. The nature and key feature of databases essentially are that because of how they are designed, with the right programs, they can be ported, transferred, and accessed across platforms.

The present state of all database technology is that by definition they can be transferred with relative ease and do not need to be rebuilt entirely each time, at worst they will be updated with new information. With the right level of skill, the portability of data is usually simple and straightforward.

The software and operating system, which are at the heart of the system, therefore only needs upgrading to remove and include those who must be removed and included. The hardware systems can (as the EC itself admits), be procured off the shelf. Some may require replacement, but if so, truly competitive tendering is required in a limited and categorical sense.

The current plan to tender an end-to-end infrastructure with vague specifications is not prudent. The suggestion that the existing database is totally useless cannot be true if it has been used 2 months ago.

3. Whether the Law empowers the Electoral Commission to solely determine when to procure a totally new system.

The law states as follows:

1992 constitution; ARTICLE 45. FUNCTIONS OF ELECTORAL COMMISSION

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' it states that the EC SHALL COMPILE. This does not suggest that the EC must create a totally new system. Indeed, the law envisages a situation where the information exists in various forms or even at various places and requires the EC NOT to re-create the information, as in collect new Primary Data at great expense, but to COMPILE the data. A compilation clearly means the EC must collate it from existing sources.

Incidentally and fortunately, there exists a national institution set up and empowered by law to collect such information for the purpose of National Identification and related uses, As set out below in the Act.

This specific national institution set up for the function of data collection, is an AUTHORITY on the subject; whereas the EC is a COMMISSION, for Elections, and not even on the subject of Data Collection. In any contention, an Authority on the subject has more legal right to perform the function than a Commission set up for a different purpose.

Below is a section of the Law setting up the National Identification Authority:

THE NATIONAL IDENTIFICATION AUTHORITY ACT, 2006 ACT 707.

2. Object and functions of the Authority

(1) The object of the Authority is to create, maintain, provide and promote the use of national identity cards in order to advance economic, political and social activities in the country.

(2) To achieve its object, the Authority shall

- (a) collect personal data;
 - (i) on citizens resident in the Republic and abroad, and
 - (ii) on foreign nationals permanently resident in the country,
 - (b) ensure the accuracy, integrity, confidentiality and security of data collected by the Authority,
 - (c) issue national identity cards to
 - (i) citizens, and
 - (ii) foreign nationals permanently resident in the country,
 - (d) make data in its custody available to persons or institutions authorised by law to access the data, and
 - (e) perform other functions ancillary to or related to the functions specified in this subsection or assigned to it under this Act or any other enactment.
- (3) National identity cards issued under this Act, shall be used in transactions which require identification.

There is therefore clearly an AUTHORITY backed by law to collect primary National Identification data, and to make it available for other state institutions such as the EC to compile from. In the past when the NIA was not functioning, the EC clearly had the justification to collect its own data, not now.

Under the present situation, The EC can clearly compile its data for the purpose of an electoral register from the NIA. This will be in perfect tandem with the law and be the most justified approach.

4. Whether under the present circumstances the propriety of procuring a totally new system can be justified.

It is our view that under the present circumstances, the expense for an end-to-end system, as opposed to a precise surgical augmentation and improvement of the existing system, is not justified. Ghana can save considerable portions of the planned expenditure in a good variety of ways as suggested above.

If even we have to spend money in collecting new data then it is the NIA which must do so and complete its database and National Identification process, which we were promised would be complete by now.

The NIA data has more detail than the EC data, so the EC should be free to work with the NIA to compile its electoral data therefrom.

Alternatively, The EC's present stores of data can be migrated onto a new system and therefore there is no need to collect entirely new information.

The proposed addition of Facial recognition is an exotic appendage which adds little after the person has been identified by fingerprint, name, location and other attributes. If the present fingerprint system doesn't identify the person, there is little the additional facial recognition can do, and if it identifies the person, the facial recognition is superfluous even if desirable.

To suggest that the addition of facial recognition is grounds for acquiring a totally new system at great expense is unjustified and totally unacceptable.

RECOMMENDATIONS

The EC should:

1. Open up the electoral register for voters to verify their names.
2. Update the existing software in ways to make it more efficient.
3. Remove names of persons suspected dead or who do not verify.
4. Work with the vendors to prime the hardware and where needed replace faulty ones.
5. Acquire new hardware to augment the existing stock and work with the existing systems.

This is the more justified approach given time and resource considerations and indeed is the most technically feasible and defensible approach compared to totally replacing the entire system at great cost and running the nation through the trauma of another voter registration exercise.

We reject the EC's informal, off the grapevine, costing of the alternatives to a full end-to-end replacement. We stand ready to debate the EC in any forum it prefers about its costing.

We need to bear in mind that the NIA has struggled to complete its exercise in 3 years, so the EC purporting to do this in less than 1 year suggests a very stressful time for everyone with no guarantees of success, but a definite requirement for huge resource expenditure.

As a nation, if there is need for collecting fresh data on citizens, the more appropriate, most lawful and financially responsible and justified approach will be to:

1. let the NIA (The legally mandated Authority for collecting national identification data) collect and process the information.
2. The NIA should then send the EC the subset of information it needs for the purpose of election.

3. The EC can then use that information to update its systems.

This way the nation moves forward and avoids the wasteful duplication of efforts at great expense

SIGNED BY THE UNDERLISTED ORGANISATIONS

Ghana Anti-Corruption Coalition (GACC)

IMANI Africa

SEND Ghana

Africa Centre for International Law and Accountability (ACILA)

Financial Accountability and Transparency – Africa (FAT-Africa)

Media Foundation for West Africa (MFWA)

Youth Bridge Foundation

West Africa Civil Society Institute (WACSI)

Citizens Movement against Corruption (CMaC)

Human Rights Advocacy Centre (HRAC)

Ghana Integrity Initiative (GII)

Commonwealth Human Rights Initiative (CHRI)

Women in Law and Development in Africa (WiLDAF)

Institute for Democratic Governance (IDEG)

Parliamentary Network Africa (PNA)

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