

Announcement:

IMANI petitions CHRAJ to investigate EC for breaking the law.

This morning, I directed that IMANI files a petition to the Commission on Human Rights and Administrative Justice to investigate the Electoral Commission of Ghana for constitutional, statutory, and administrative breaches in respect of its conduct in the infamous “firesale of electoral equipment for scrap” scandal. The public may find a copy of the petition here: <https://tinyurl.com/33e7ycrx>

My colleagues and I at IMANI have been gravely concerned by the Electoral Commission (EC) of Ghana’s handling of the nation’s scarce resources in the discharge of its duties, which conduct we believe amounts to “misappropriation”, “wastage”, and “misuse” of said resources. At a time when the nation cannot service its debts and is in the midst of a tight IMF-supervised fiscal regime, such egregious conduct cannot be tolerated.

In our petition, we lamented that the EC’s conduct in the premature retirement and eventual disposal of tens of thousands of laptops, digital cameras, printers, scanners, and fingerprint verifiers, has been motivated by a conflict between its duties under various laws to judiciously apply the resources of this country for the good of the citizenry, on the one hand, and its tendency to take decisions favourable to various commercial vendors and transactors, on the other hand.

Furthermore, we stated our belief that the EC’s most recent conduct has been necessitated by a need to curtail transparency and accountability, and thus was motivated by a collective conflict of interest and potential corruption. By its actions, it is attempting to erase inventory records and physical evidence of the blatant falsehoods it has told over the last four years regarding the purchase history of expensive electoral equipment.

We asserted our longstanding claim that the EC’s electoral equipment is a portfolio of multiple items, bought and refurbished at different intervals between 2011 and 2019. That portfolio does not uniformly date to 2011 or 2012 as the EC has falsely and persistently claimed, and could thus not be so uniformly obsolete as to warrant a firesale to mysterious bidders, who have kept the prime portions for themselves and discarded the rest to be used as scrap. Ghana cannot continue to be milked in this fashion.

Some of these devices cost more than \$3000 each, and together are worth tens of millions of dollars. At worst, they should have been donated to other government agencies that routinely buy similar machines at great cost to the state or transparently sold through a properly regulated public tender under the strict rules of the Public Procurement Act to ensure strict value for money.

Furthermore, the equipment in question contains sensitive voter information, including polling records and biometric data, that could be reassembled for nefarious purposes by devious actors to harm citizens and/or undermine Ghana’s public elections in some shape or fashion.

We do not believe that the EC and its commercial counterparties in these transactions complied with the highest standards of data handling and protection required in the transfer and/or disposal of such sensitive equipment. At any rate, none of them had the requisite certifications to be trusted with such a task.

I have also directed a possible referral of the matter to the Office of the Special Prosecutor for a specialised corruption risk assessment suited to the unique capabilities of that agency. Should this be done, IMANI will update the public, as it would if any additional actions are contemplated, or information received.

We hope that the institutions we are investing our hopes in shall not fail Ghanaians.

Franklin Cudjoe,

Executive Director, IMANI Center for Policy & Education.

Context

In 2020, the EC embarked on a process to procure a brand-new set of equipment, software, ancillaries, and other items to replace the country's extant technological infrastructure for public elections, particularly various biometric devices, computer gadgets, datacenters, and communications systems.

For ease of reference, we shall list the principal elements of the biometric and computing components of this technological infrastructure and adopt the EC's term for referring to them collectively as the BVMS (Biometric Voter Management System) in the rest of this document. The most relevant components of the BVMS are:

- Biometric Verification Devices (BVDs): handheld equipment for authenticating the biometric credentials of a human voter (usually at a polling station, during voting, or at an exhibition center, following a registration exercise).
- Biometric Voter Registration kits (BVRs): a set of equipment usually including laptops or notebooks, high-resolution cameras, scanners, and (sometimes) printers.
- ABIS Software: a set of algorithms for maintaining the integrity of biometric data by preventing duplicate entries and ensuring unique identification of voters.
- Databases and datacenters: Physical locations and computer servers for hosting various software systems and voter records and data.

This petitioner - IMANI Center for Policy & Education (IMANI) - opposed this procurement action after carefully examining the claims of the EC contained in various public statements. In particular, the EC claimed that the existing BVMS was obsolete because it was procured and/or has been in use since 2011.

IMANI rejected the "obsolescence" claim because it had come by information to show that the EC had, until 2020, operated a policy of buying new devices to replace faulty or degraded ones, and thus the portfolio of BVMS components dated from different points of time. Most critically, there were many BVDs and BVRs that had been bought after 2011, some as late as 2018 and 2019. The entire EC's portfolio of BVDs and BVRs could not be truthfully said to date from 2011, and therefore obsolete.

Even in a single BVR, for instance, one component (such as a digital camera) could be old or faulty, whilst within the same set another component (such as a fingerprint scanner or laptop)

could be brand new and in perfect working order. In such instances, the EC's customary practice had, until 2020, been to replace the old or faulty component in the set without tampering with the other components. And, certainly, without discarding the entire BVR set.

Supported by the government of the day, the EC in 2020 proceeded to procure a new BVMS, including tens of thousands of BVDs and thousands of BVRs, at great cost to the nation, instead of replacing components of the BVRs that may be faulty beyond repair, or genuinely unserviceable, and BVDs that were faulty beyond repair or genuinely unserviceable, as the Electoral Commission has done in times past.

The procurement process for the BVRs and BVDs was marked by controversy, attracting additional criticism from IMANI, including allegations of bid-rigging, manipulation, and the "engineering" of preferred outcomes. The Chair of one procurement cycle even saw the need to resign from his role.

The procurement process for the ABIS software was shrouded in considerable secrecy, and thus attracted similar criticism from IMANI for a seeming inflation of costs.

This was the context when in 2024, IMANI's vigilant monitoring of the EC led to the discovery that thousands of BVMS components have been found in a recycling plant in Accra owned or operated by a company called Electro Recycling Ghana.

Following IMANI's public reactions, the EC has issued a stream of responses that have served to heighten our suspicions that the EC's actions amount to a breach of the Code of Conduct of Public Officers.

We posit that the EC's approach to disposing of these electoral items was partly dictated by a need to suppress inventory records and to evade accountability, in light of the spirited campaign by civil society activists in 2020 to debunk the EC's claims that the equipment in question all date from 2011, and are therefore obsolete, and partly by a need to facilitate undue commercial profiteering by the beneficiaries of the EC's disposal methods. The abuse of public resources and power for private gain is the universally acknowledged definition of corruption.

Ultimately, the EC's conduct in this affair breaches the high standards expected of such a major constitutional body, and constitutes other infractions of laws, regulations, and standard protocols relating to the management of electoral systems, data protection, and public financial management.

May 6, 2024

Board Members: Mr. Sam Poku(Chairman), Dr. Tony Oteng-Gyasi, CEO, Tropical Cable & Conductor Limited,Capt. (Rtd) Budu Koomson, CEO, Nexus Consulting. Franklin Cudjoe, President, IMANI