

Conclusions and Recommendations

The 7 December 1996 Ghana elections took place against the background of the contentious 1992 polls. However, there were several important differences. First, the 1996 elections were held under a new Constitution, which provided the basis for a revamped Electoral Commission with attendant legislation reforming the electoral process. Second, in its preparations, the Electoral Commission took steps to instil widespread confidence that the electoral procedures would be open and fair. In the event, all political parties felt confident enough to participate fully in the elections. Third, in contrast to the split polls of 1992, the 1996 Presidential and Parliamentary polls were held concurrently.

We believe that a number of measures introduced by the Electoral Commission are worthy of special note and commendation.

Revision of the voters' register was undertaken in a methodical and transparent manner. The process involved the widest possible consultation with the public and political parties, allowing room for challenge at each step. The end product was not flawless, and indeed there is room for some further revision, especially with regard to the registration of minors, but overall the political contenders accepted the register as a valid basis for the polls. We are of the view that the new register of voters was a more credible document than its predecessor and it is important that the credibility of the register be maintained.

The introduction of voter identity cards, including photographs or thumbprints, with a computerised database as back-up, was a massive task, which did much to reduce possible fraudulent practices. The punching of a hole in the voter identity card was an effective additional step to prevent multiple voting and personation.

Although we noted that some of the ink applied to voters' thumbs on election day may have been of inferior quality we believe that the use of indelible ink should be retained as a safeguard against multiple voting.

The creation of a consultative body, the Inter Party Advisory Committee (IPAC), at which concerns of the political players could be openly discussed, did much to dispel suspicions and build confidence; we support the retention of this mechanism.

Voter education was intensive and imaginative. Through the Electoral Commission and various civic groups, the campaign to make voters aware of their rights and responsibilities and how to exercise these, reached all parts of Ghana. Our Observers were impressed with the extent of voter awareness and their interest in participating in the elections.

The use of transparent ballot boxes contributed further to enhance the confidence of voters and political parties.

We acknowledge the technical and financial assistance provided to the Electoral Commission by the international donor community as a valuable contribution to the electoral process.

Overall, the efforts of the Electoral Commission at national, regional and district levels were professional and responsible. While we heard a number of allegations concerning alleged bias, we give no credence to such suggestions. We acknowledge, however, that some political parties and/or individuals may not have entirely understood the complex procedures for registration of candidates, and believe there is room for further improvement in this area. Although we saw no evidence that the present arrangements in any way compromised the impartiality of the Electoral Commission, we noted some opinions expressed to us that the Commission should be free to take independent legal counsel. We think this worthy of further consideration.

We were particularly impressed by the transparent procedures on election day itself. While there were administrative difficulties in a number of respects, such as in the distribution of materials, we do not believe such problems were of such a magnitude as to significantly affect the process, nor to compromise the secrecy of the ballot and the overall credibility of the poll. We hope that the Electoral Commission will address the logistical problems encountered and take the necessary remedial action in future.

We were pleased to note that women actively participated in all aspects of the election process, turned out to vote in large numbers and were well represented amongst the election officials.

We commend the tireless and careful efforts of Presiding and Returning Officers and their assistants. We believe that by and large candidates' agents fulfilled their duties responsibly, and their involvement not only enhanced the credibility of the results but had a calming effect. We consider, nevertheless, that there is room for further training of both election officials and candidates' agents.

We believe that the domestic election observer groups made a significant contribution to the credibility of the electoral process and served as an example of responsible civil society.

We were particularly impressed by the transparency of the count at the polling stations, as well as by the involvement of the general public at this stage and their acceptance of the outcomes. At the same time one area that might usefully be re-examined is whether some of the detail of the returns could be simplified. Another area is whether the returns could be completed in daylight, or whether more adequate provision could be made for lighting at the count.

We were concerned over the delays in getting the results from some polling stations and over the emergence of bottlenecks in compiling results at the constituency centres. We conclude that too much devolved at this point on the Returning Officers, who were already over-tired and without technical aids. While we acknowledge the importance of the checks and balances, and the importance of obtaining undisputed returns is certainly a central issue, we feel that there is a need for improvement in the compilation process. We see undue delays in declaring results as an area of contention and a possible source of later suspicion.

A major concern of all involved in the elections was the prospect of violence in the lead-up to, during and after the poll. While some tragic incidents occurred prior to election day, political and civic leaders are to be congratulated on their responsible public stance against violent behaviour, and on the whole the elections were not marred by disturbances. Election day was peaceful overall, but we noted that there were some shortcomings in the provision of security at polling stations. We recognise this as a question of available resources, but nevertheless wish to register that this created problems of crowd control in some areas.

We are aware that Ghana has had a mixed experience in promoting a Code of Conduct for political parties and activists, and that the difficulties of enforcement led the Electoral Commission not to make this a priority for the 1996 polls. We nevertheless recommend that further consideration be given to the establishment of a legally enforceable Code of Conduct for future elections.

There are some areas where it was clear the so-called 'level playing field' was somewhat uneven. We took careful note of opposition complaints that they were at a disadvantage vis-a-vis the ruling party's financial and material resources. While this is in some degree inevitable in any democratic system, and while the prime responsibility must lie with the political parties to mobilise their own support, we consider that such steps as extending assistance with transport (as was done by the Interim National Electoral Commission in 1992) might well be reintroduced to positive effect.

Further thought might also be given to establishing appropriate distinctions between the resources of the state and those of the ruling party or parties. We note that this is a difficult area, but if agreed ground rules could be established this could help create confidence in the overall fairness of the political and electoral systems. Such ground rules, which might include either state assistance to political parties or set limits on expenditure, could be included in the Code of Conduct, in rules established by the Electoral Commission, or in legislation.

We also have reservations about the role and attitude of the media – both state-owned and independent. We commend such measures as the equal allocation of free airtime on state-owned radio and television to the political contenders, and the responsible line taken by the state-owned press in advocating peaceful elections. At the same time, and while recognising the inevitable advantage of an incumbent political leadership in making the news, we would prefer more balanced editorial policies in both the state-owned print and broadcast media.

Equally, we noted the sometimes personal, inaccurate and irresponsible nature of the

attacks which have occurred in some of the independent newspapers. While the licence practised by the independent press is clear evidence of the commendable freedom enjoyed by the media in Ghana, we recommend improved training in journalism and civic education.

We consider that the National Media Commission must be allowed to perform its designated role in developing responsible and independent print and broadcast media.

Notwithstanding the various shortcomings, we are pleased to record our conclusion that overall the conditions allowed a free expression of the will of the electors.

We are conscious of the historic importance of these elections, which have demonstrated the commitment of the Ghanaian people to democracy, pluralism and the rule of law. This commitment was borne out, for instance, by the impressive turnout on election day. The political parties, and a large number of independent candidates, were able to campaign freely, and believed that they had an opportunity to form the government. They accordingly participated fully and vigorously in the elections.

We consider that democracy in Ghana and in Africa has been strengthened by these elections. It is our hope that these elections will promote reconciliation and strengthen national unity.