

The Presidential and Parliamentary Elections in Ghana

7 December 1996

**The Report of the
Commonwealth Observer Group**



Commonwealth Secretariat

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Commonwealth Observer Group



Commonwealth Secretariat
1997

Commonwealth Secretariat
Marlborough House
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London SW1Y 5HX
Britain

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*Pictures by: Frances Howat, Ilani Isahak, Jessica Odle, Christopher Child,
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ISBN : 0 85092 497 9

Design and Printed by: Creative Base Europe Ltd.

**REPORT OF THE COMMONWEALTH OBSERVER GROUP TO THE
PRESIDENTIAL AND PARLIAMENTARY ELECTIONS IN GHANA**

7 DECEMBER 1996

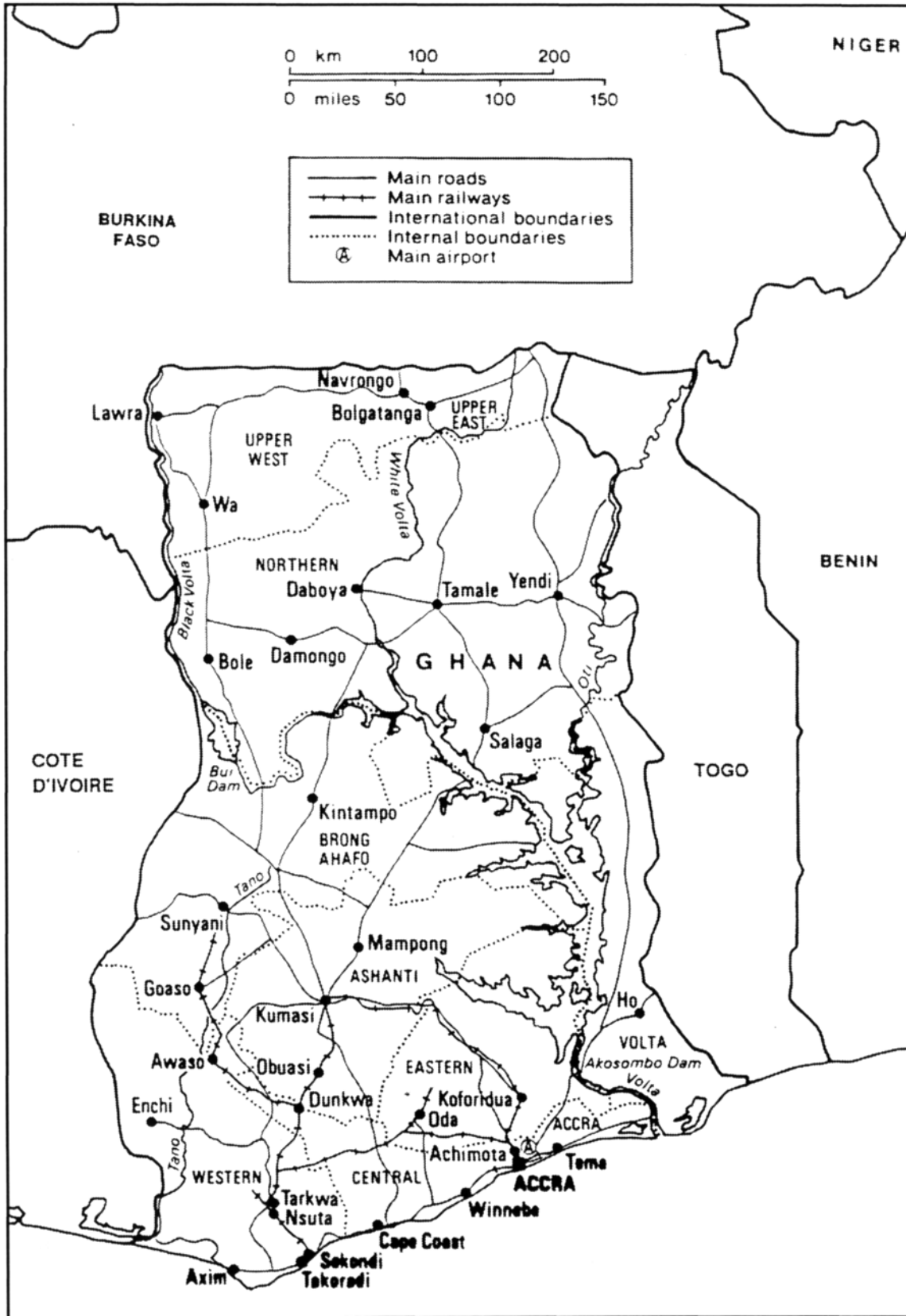
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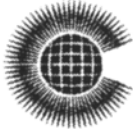
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Map of Ghana



Source: EIU Country Profile on Ghana, 1995-96, The Economist Intelligence Unit Ltd

LETTER OF TRANSMITTAL



Ghana Presidential and Parliamentary Elections, 1996

Commonwealth Observer Group

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Novotel
Barnes Road
Accra

11 December 1996

Dear Secretary-General,

We gladly accepted your invitation to participate in the Commonwealth Observer Group for the 1996 Presidential and Parliamentary Elections in Ghana. We wish to thank you for allowing us this opportunity to play a part in the consolidation of democracy in this country, in Africa and in the Commonwealth in general.

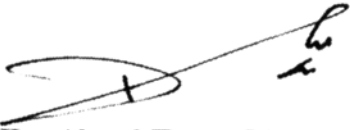
In our Interim Statement issued on 8 December 1996, we indicated that we believed that the conditions existed for a free expression of will by the electors. We now have pleasure in submitting our full report.

We wish to record our deep appreciation to the Government of Ghana, the Electoral Commission, the political parties and above all the people of Ghana for their warm welcome and their assistance to us during the course of our mission. We wish them well.

Yours sincerely,

Sir Paul Reeves
Chairman

His Excellency Chief Emeka Anyaoku
Commonwealth Secretary-General
Marlborough House
London SW1 5HX



Hon Ahmed Hassan Diria MP



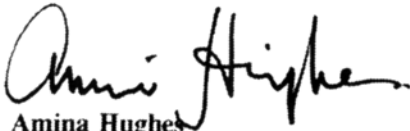
Peter Fowler



Mohammad Abu Hena



Frances Howat



Amina Hughes



Ilapi Isahak



Kate Kainja MP



Lee L Moore QC



Mr/S Moosun



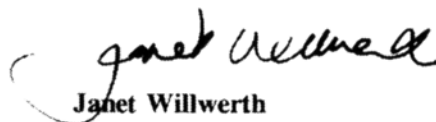
Senator Jessica C Odle



Urban A Reyes



Hon Saulo Busolo Wanambisi MP



Janet Willwerth



The Commonwealth Observer Group with the Commonwealth Deputy Secretary-General (Political) ... (from left to right, front to back): Catherine Kairija, Commonwealth Deputy Secretary-General (Political) K Srinivasan, Sir Paul Reeves (Chairperson), Amina Hughes, Urban Reyes, Ilani Isahak, Jessica Odle, Janet Willwerth, Ahmed Hassan Diria, Lee Moore, Frances Houat, Soortjundun Moosun, Peter Fowler, Mohammad Abu Hena, Saulo Busolo Wanambisi

Introduction

The presence of a Commonwealth Observer Group at the December 1996 Presidential and Parliamentary elections in Ghana followed a request on 2 September 1996 from the Government of Ghana to the Commonwealth Secretary-General. In response to that request, the Secretary-General sent a Commonwealth Secretariat Planning Mission to Ghana on 14-19 October 1996. It met representatives of all the political parties fielding candidates, as well as some which were not, and other groups with an interest in the elections. All these supported the proposal that the Commonwealth should send an Observer Group for the elections.

The Observer Group and its Terms of Reference

This Observer Group was the nineteenth election observation team organised by the Commonwealth since the October 1989 meeting of Commonwealth Heads of Government in Kuala Lumpur, Malaysia, at which it was agreed that member states could benefit from an election observer facility, as a means of strengthening democratic processes and institutions. This view was reaffirmed by Commonwealth Heads of Government at their meetings in Harare, Zimbabwe, in 1991 and Cyprus in 1993. At their most recent meeting in 1995 in Auckland, New Zealand, Heads of Government adopted the Millbrook Commonwealth Action Programme on the Harare Declaration which further underscored the importance of Commonwealth observation of elections as a means of supporting democratic processes and institutions.

It was in this context that the Secretary-General invited our Group of 14 Observers, supported by nine members of staff from the Commonwealth Secretariat, to observe the national elections in Ghana. The composition of the Group, which was led by Sir Paul Reeves, former Governor-General of New Zealand, is set out at *Annex I*.

The Terms of Reference for our Group were incorporated in the Secretary-General's letter inviting each of us to participate in the mission and were as follows:

The Group is established by the Commonwealth Secretary-General at the request of the Government of Ghana, and is supported by Ghana's political parties. It is to observe relevant aspects of the organisation and conduct of the elections in accordance with the law of Ghana. It is to consider the various factors impinging on the credibility of the electoral process as a whole and to determine in its own judgment whether the conditions exist for a free expression of will by the electors and if the results of the elections reflect the wishes of the people.

The Group is to act impartially and independently. It has no executive role; its function is not to supervise but to observe the process as a whole and to form a judgment accordingly. It would also be free to propose to the authorities concerned such action on institutional, procedural and other matters as would assist the holding of the elections.

The Group will submit its report to the Commonwealth Secretary-General, who will forward it to the Government of Ghana, to the leadership of the political parties taking part in the elections and thereafter to Commonwealth governments.

The Secretary-General's announcement of our mission on 26 November 1996 is at *Annex II*.

Method of Work

Our Group assembled in London on 26 November 1996 for a briefing by the Deputy Secretary-General (Political), Mr K Srinivasan. We left London on 27 November 1996 and arrived in Accra late that evening. The following morning, we issued an Arrival Statement (*Annex III*) at a press conference and began a series of briefings, beginning with a meeting with the Chairman of the Electoral Commission, Dr Kwadwo Afari-Gyan. Thereafter, until our deployment in the various regions on 2 December 1996, we met representatives of the main political parties contesting the

elections, non-governmental organisations including the Ghana Bar Association, Ghana Journalists' Association and women's organisations, local election observation bodies and media organisations. We also met members of other foreign observer missions and intergovernmental organisations, and representatives of Commonwealth High Commissions located in Accra.

On Saturday 30 November 1996, we had a meeting with a senior member of the Electoral Commission, Mr David Kangah (Deputy Chairman, Operations), to follow-up on points which had been raised with us during our meetings with the political parties earlier in the week. Our schedule of engagements is at *Annex IV*.

Our consultations in Accra, which were to be followed by similar discussions at the regional and local levels, provided an overview of the political situation and the state of electoral preparedness. It further allowed the Group to hear directly the views of the political parties relating to the elections and provided the opportunity to discuss the observation process with them.

On Monday 2 December we deployed, in two-person teams, to all ten regions of the country. Our Chairperson accompanied the teams deployed to the northern regions on their flight and returned later that same day. On Wednesday 4 December, the Chairperson visited the Central Region and on Thursday 5 December visited the Ashanti region. Along with our colleagues who were based in Kumasi, the capital of the Ashanti region, and the Secretariat Team Leader, our Chairperson was granted an audience with the Asantehene, the traditional leader of the Asante people. While in Kumasi, they also called on the Regional Electoral Commission.

The teams which had been deployed to the regions met regional election officials, security officials, regional representatives of political parties, other observers and various interest groups. Some teams met traditional leaders in their regions. All the teams travelled extensively throughout their designated regions in order to familiarise themselves with local conditions, assess the state of preparedness for the poll and observe the last days of the campaign. Each team reported regularly to base headquarters in Accra. Details of our deployment are at *Annex V*.

On 3 December 1996, we observed the Special Voting which took place at selected polling stations for members of the security forces and officials who on election day were to be on duty away from their own polling stations.

On election day we observed voting and the count for both the presidential and parliamentary elections, at the polling stations and at constituency centres across the country. Our teams visited more than 300 polling stations in 73 constituencies. Throughout our deployment we were guided by Observation Notes and Check Lists (see examples at *Annex VI*).

On the basis of our reports to our Accra office during deployment and our observations of the polling and the counting process, our Chairperson issued an Interim Statement at 12.30 a.m. on 8 December 1996. This was in order to register publicly and transparently the views of the Commonwealth Observer Group after the polls closed but before the outcome of the elections was known. A copy of that statement is at *Annex VII*.

Our Group re-assembled in Accra on Sunday 8 December to compile our report. We departed Ghana from Wednesday 11 December 1996. A copy of the Departure Statement issued is at *Annex VIII*.

Chapter 1

Political Background

The 1996 Presidential and Parliamentary elections were the second since the restoration of multi-party politics in 1992 and, in the case of the parliamentary elections, the first to be contested by all the major political parties since 1979. This was also the first time in Ghana's history that multi-party elections were being held for a second time in succession. They were therefore of considerable significance for the people of Ghana and the Commonwealth, which Ghana joined at independence in 1957.

Recent Political History

Since independence Ghana has had a succession of civilian and military governments. The first post-independence government, led by Dr Kwame Nkrumah, was removed by means of a military coup in February 1966. After three years under a military council a new Constitution was promulgated and at the general election of August 1969 the Progress Party won a majority of seats in the new National Assembly and its leader, Dr Kofi Busia, became Prime Minister. Three years later his government was overthrown by a second coup, the Constitution was suspended, the National Assembly dissolved and political parties abolished. In 1978 General Ignatius Kutu Acheampong, the leader of the then ruling body (the Supreme Military Council), was replaced by Lt-General Frederick Akuffo, political activity was permitted once again and elections were scheduled for June 1979.

A third coup took place on 4 June 1979, followed by the establishment of an Armed Forces Revolutionary Council led by Flt-Lt Jerry John Rawlings. However, the elections went ahead on 18 June, when the People's National Party won a majority of parliamentary seats and Dr Hilla Limann was elected President. Dr Limann's government had a short life: on 31 December 1981 Flt-Lt Rawlings seized power for a second time and assumed the leadership of a Provisional National Defence Council (PNDC). The Constitution was suspended and political parties banned.

1992 Elections

Although a National Commission for Democracy was established in 1982 to register voters, conduct elections and delineate constituency boundaries, and a nationwide voter registration took place in 1987/88, it was only from 1991 and the establishment of the Interim National Electoral Commission that Ghana's return to multi-party democracy gathered pace. In April 1992 a new Constitution was approved by referendum and in May 1992 the PNDC lifted the ban on political activity and restored the freedom of the Press. The presidential election of November 1992 was contested by five candidates: Flt-Lt Jerry Rawlings, by then retired from the air force, won with 58.3 per cent of the vote on a 48 per cent turnout.

In parliamentary elections the following month Flt-Lt Rawlings's National Democratic Congress (NDC) secured 189 of the 200 seats, this time on a turnout of 29 per cent. However, these elections were boycotted by the four major opposition parties, which claimed that the outcome of the presidential election had been rigged by the Government. The elections to the legislature were therefore eventually contested by only three parties – the NDC and its two allies in the presidential election, the Every Ghanaian Living Everywhere (EGLE) party and the National Convention Party (NCP) – and independent candidates. The NCP won eight seats, independents two and EGLE one.

The 1992 presidential election was observed by a Commonwealth Observer Group, whose Interim Statement said that 'the conduct of the election has been free and fair'. The Group's full Report, issued some weeks later, concluded that the Group was satisfied that 'although there were aspects relating to the "playing field" that were unsatisfactory, these were not such as to provide an impediment to the point where it challenged the process as a whole.' The Carter

Center also sent observers and concluded that 'despite the occurrence of serious irregularities in the election process, what we have observed does not lead us to question the validity of the results.' There were also observers from the Organisation of African Unity and the European Union, but their missions did not issue reports.

The 1992 Commonwealth Observer Group's Interim Statement and Report were heavily criticised by the opposition parties, which also believed that the Interim Statement had been issued before the polls had closed. In fact, the Interim Statement was issued on the morning of 4 November 1992, the day after the election. This was in line with the practice that it should be published after the closure of the polls but before the announcement of the result.

We were to find that the events of 1992 and perceptions of the Commonwealth Observers' role then were still very much live issues for the opposition parties in the run-up to the 1996 elections and were deeply conscious that the activities of our own Observer Group would come under close scrutiny.

The Legacy of 1992

There were numerous specific complaints in 1992, many of which were collected together in a report produced in 1993 by the opposition New Patriotic Party entitled *The Stolen Verdict*. In particular, the opposition parties believed that the voters' register, heavily criticised by the Commonwealth and other observers, was fundamentally flawed.

Underlying the particular complaints, however, was a more fundamental issue: a deep-seated lack of trust on the part of the opposition parties in the impartiality of those responsible for managing the electoral process and profound suspicion that those in power would not hesitate to use whatever means were required to stay in power.

This lack of trust continued after 1992, although not at a sufficient level to prevent the parties from deciding to participate in the 1996 elections. It was reflected, for instance, in complaints voiced by the opposition parties well before the arrival of the Observer Group. These focused in particular on the advantages of the incumbent President and party in terms of resources and media domination which they thought meant there would not be a level playing field in either the presidential or parliamentary elections.

This distrust also accounted for an initial reluctance on the part of some opposition parties to accept that the new Electoral Commission, introduced after 1992, would manage the electoral process with impartiality. For instance, some of the parties were at first deeply suspicious of registration arrangements, the Commission's plans to use computerised scanners to process voters' details and their intention to introduce identity cards. This reflected their belief that the Electoral Commission's predecessor, the Interim National Electoral Commission (which had been responsible for managing the 1992 elections), had been biased in favour of the governing party and that the new Commission would prove equally untrustworthy. The suspicion diminished over time, and the parties later accepted the new technology and the arrangements for registration and voter identity cards, although a number of other issues were to provoke complaints from opposition parties from time to time.

On the part of the governing NDC there was concern over the allegations made by the opposition and their tone, which the NDC regarded as wholly without foundation, and at the opposition's continued questioning of the legitimacy of the Government elected in 1992.

The Political Parties

The opposition parties' boycott of the 1992 parliamentary elections meant that they were not represented in the parliament which sat until 1996. However, they continued in existence and some new parties were formed as the 1996 elections approached. At the close of nominations in September 1996 the Electoral Commission (see Chapter 2) had accepted nominations for the parliamentary elections from eight political parties. In alphabetical order these were:

- Democratic People's Party (DPP)
- Every Ghanaian Living Everywhere (EGLE)
- Great Consolidated Popular Party (GCPP)

- National Convention Party (NCP)
- National Democratic Congress (NDC)
- New Patriotic Party (NPP)
- People's Convention Party (PCP)
- People's National Convention (PNC)

Five of these parties formed electoral alliances prior to the elections, with the intention that each alliance should be represented by a single candidate in each of the 200 parliamentary constituencies and should support a common presidential candidate. The alliances were:

- The **Progressive Alliance**: The governing NDC and the much smaller EGLE and DPP parties came together in the 'Progressive Alliance'.
- The **Great Alliance**: After prolonged negotiations, the NPP and PCP united in a 'Great Alliance' with the aim of agreeing on a common list of parliamentary candidates.

This left three parties outside the two major alliances: the PNC, the NCP and the GCPP.

From the start it was clear that the Progressive Alliance would fight on its record in government. The message would be that Flt-Lt Rawlings and his party had put Ghana back on its feet and that they were developing the country effectively. To elect the opposition would be to undo all their good work; to return Flt-Lt Rawlings and the NDC for a further term would enable them to continue to make progress for the country.

For its part, the Great Alliance would stress the need for change, highlight what they regarded as the negative aspects of the performance of Flt-Lt Rawlings and his NDC Government and argue that they would be able to do better. The future of the country required the rejection of President Rawlings and the NDC and the installation of a Great Alliance government which would be able to manage government effectively and honestly. Inevitably, this implied sharp focus on the personalities involved. As the Great Alliance leader John Kufuor said of his NPP-PCP alliance, "we are not presenting a united ideology...we came together to fight the incumbency" (*New African*, November 1996).

Parliamentary Candidates

The selection of parliamentary candidates was not without difficulty for the two major alliances.

For the Progressive Alliance the main problem was that a number of NDC figures who had been passed over during their party's selection of parliamentary candidates in June decided to stand as independents (i.e., against their former party). This was one factor in the increase in the number of independent parliamentary candidates, from five in 1992 to 57 in 1996. Some political commentators believed that some of these independents had considerable local support and that this might be sufficient to weaken the NDC's prospects in a number of seats.

A more serious difficulty faced the opposition Great Alliance in that final agreement on common alliance candidates was not reached until November, well after nominations had closed. In a number of constituencies, therefore, there were two Great Alliance candidates – one for the NPP and one for the PCP – one of whom had to be persuaded to stand down in favour of the other. Often this did not occur: as deposits were paid by candidates it was legally the candidate's decision to withdraw or not, not her/his party's. Even when such agreement was forthcoming it was sometimes too late to ensure that the withdrawn candidate's name did not appear on the ballot paper since they had already been printed for that part of the country. This raised the prospect of confusion on the part of at least some voters and the possibility of wasted votes for the Great Alliance.

Presidential Candidates

There were to be three candidates in the presidential election, each supported by a vice-presidential 'running-mate': Flt-Lt Jerry John Rawlings for the Progressive Alliance (vice-presidential candidate Professor John Evans Atta Mills), Mr John Agyekum Kufuor for the Great Alliance (vice-presidential candidate Mr Kow Nkensen Arkaah) and Dr Edward Nasigrie

Mahama (vice-presidential candidate Ms Adeline Dedo-Mate) for the People's National Convention. The Great Alliance choice of Mr Arkaah as Mr Kufuor's running-mate was of particular interest since he had been Vice-President in President Rawlings's outgoing government.

Observers

As the elections approached it emerged that a number of organisations proposed to send observers. In addition to the members of the Commonwealth Observer Group, the United Nations, the Organisation of African Unity, the European Union, the National Democratic Institute (a non-governmental organisation based in the US) and several diplomatic missions accredited to Ghana intended to have a presence.

Domestic observers were provided by Ghana Alert and, on a bigger scale, by NEDEO (the Network of Domestic Election Observers), bringing together some 25 organisations, including the Ghana TUC and a number of individual trade unions, the National Union of Ghana Students, the Ghana Union of Traders and the main Christian and Muslim organisations.

Chapter 2

The Electoral Framework and Preparations for the Elections

The Constitution

The current Constitution of the Republic of Ghana came into force on 7 January 1993 subsequent to the 1992 Presidential and Parliamentary elections. This Constitution was adopted by a referendum held in April 1992. The 1996 Presidential and Parliamentary elections were therefore the first to be held under the 1992 Constitution.

A number of provisions of the Constitution are of special significance so far as elections are concerned. For instance, there are provisions which limit the President to two four-year terms, and which specify a single chamber Parliament with a life of four years. There is also a provision which requires parliamentary elections to be held within 30 days following completion of Parliament's four-year term. In the case of the President, the corresponding provision is that the election shall not be held earlier than four months nor later than one month before her/his term of office expires.

Eligibility to vote at both the presidential and parliamentary elections is based on universal adult suffrage for citizens who have reached the minimum age of 18 years.

An important characteristic of the electoral system is that while in a presidential election a successful candidate requires more than 50 per cent of the valid votes cast to win, a candidate in a parliamentary election requires only a simple majority. In the event of a tie for a parliamentary seat, a second election would be held within 30 days of the receipt by the Electoral Commission of a writ endorsed by the Returning Officer certifying that fact. In a presidential election, if no candidate secures the stipulated percentage of votes to win, a second election must be held within 21 days of the first. At the second election the candidates shall be the two who obtained the highest numbers of votes at the previous election. No minimum percentage of turnout of registered voters is required.

In 1992, parliamentary elections were held eight weeks after the presidential election. As noted earlier, the 1992 parliamentary elections were boycotted by all the opposition political parties. By contrast, the 1996 elections were held simultaneously on a day set by the Electoral Commission pursuant to Regulations made by it under the Public Elections Regulations 1996.

Article 47 of the Constitution provides that Ghana shall be divided into as many constituencies for the purpose of election of members of Parliament as the Electoral Commission may prescribe and that each such constituency shall be represented by one member of Parliament. Pursuant to this, the Commission has divided the country into 200 single-member parliamentary constituencies.

The Electoral Commission

A new Electoral Commission was established in 1993 as provided by the 1992 Constitution. Although the Electoral Commission derives its existence and authority primarily from the Constitution, its organic framework, functions and mode of operation are more extensively set out in the Electoral Commission Act 1993. This law also repealed the Interim National Electoral Commission Law 1992 under which the Commission's predecessor, the Interim National Electoral Commission, operated and under which the 1992 elections were conducted.

The Commission consists of seven members comprising a Chairman, two deputy chairmen and four other members, all of whom are appointed by the President acting on the advice of the Council of State. Both the Constitution and the Electoral Commission Act contain explicit provisions designed to secure the independence and autonomy of the Commission by not only stating that the Commission shall not be subject to the direction or control of any person or

authority in the performance of its functions, but also by giving its members security of tenure and by providing that the administrative expenses of the Commission shall be charged directly to the Consolidated Fund.

The Commission's functions include:

- the compilation of the voters' register;
- the demarcation of electoral boundaries;
- the registration of political parties;
- the conduct of all public elections and referenda as well as national party elections;
- voter education.

The Constitution requires the Commission to have an office and a representative in each of the ten regions and 110 districts into which Ghana is divided. Accordingly, there are Directors and District Electoral Officers in each of the ten regional and 110 district capitals respectively.

In the course of our work, we had the opportunity to visit not only the Commission's headquarters in Accra but also all its offices in each of the ten regional capitals, as well as some at the district level and were able to see for ourselves the arrangements being made for the security and distribution of election materials. These arrangements were also monitored by party agents.

The District Electoral Officer in effect has the general responsibility under the guidance of the Regional Director for the organisation of elections in her/his district, including the training of election officials and voter awareness facilitators. It is also her/his responsibility to ensure the safe storage of election materials, including the ballot papers, both before and after the elections and to transmit the results of the elections from that district to the Regional Director who sends them to the Commission Headquarters in Accra.

Because of the very heavy schedule of engagements of the Commission in its preparations for the elections, it was not possible for us to meet all the Commissioners as a body. Nevertheless, we were able to meet the Chairman, Dr Afari-Gyan, from whom we received a comprehensive briefing about the Commission's work, its current preoccupations and its readiness for the elections. At a subsequent meeting, we were given a supplementary briefing by the Commission's Deputy Chairman responsible for operations and received from him clarification on some of the points that had arisen during our discussions with political parties.

Voter Registration

The 1992 elections were characterised by allegations of irregularities and fraud in a number of aspects. Among these was the allegation that the electoral register lacked integrity, and many believed that it was inflated. On taking office, the Electoral Commission made a number of changes to address these allegations.

Under the authority of the Electoral Commission Act 1993 the Commission undertook a complete re-registration of voters in October 1995 using as registration centres the 20,000 polling stations where voters would subsequently be voting on election day. Initially, according to the Electoral Commission, this yielded some 9.23 million names. The lists were then exhibited at the registration centres and subjected to a period of examination by voters and political parties. This afforded registered voters an opportunity to check that their names were on the voters' register, and to correct their personal data if necessary. Interested parties could also object to the inclusion in the register of unqualified persons such as the under-aged, aliens and the deceased. It also provided an opportunity for voters to become more familiar with their polling centres.

We were informed by the Commission that there were differences of opinion among the political parties as to whether the period for registration should have been extended. In August 1996 the Electoral Commission carried out a supplementary registration for persons who, in the meantime, had attained the voting age or who for some other good reason had been unable to register in 1995. The latter included staff at Ghana's Diplomatic Missions and students living abroad.

We were also told that opening the register for the supplementary registration was not



Voter education ... reached all parts of the country: an Electoral Commission poster showing the voting procedure is displayed on a tree near the border with Burkina Faso

thought by some of the political parties to be necessary. In any event, the exercise yielded a total of 25,000 additional names. The supplementary list was subjected to the same process of public scrutiny by voters and other interested persons. The result was that on completion of the register and at the date of the elections the total number of registered voters stood at approximately 9.27 million. A copy of the register was supplied free, both in hard copy and on CD-ROM, to each political party contesting the elections.

We noted that although some doubts were expressed over the figure of 9.27 million names on the voters' register, all of the political parties with whom we had discussions seemed satisfied that it provided an acceptable basis for holding a credible election. An opinion poll with a 10,000 sample conducted in June and July 1996 by the National Commission for Civic Education (NCCE) found that over 95 per cent regarded the register as either 'acceptable' or 'very acceptable'.

The Transferred Voters' List

A more immediate concern brought to our attention by some of the opposition parties was an allegedly high incidence of voters applying to have their names transferred from the

constituency in which they had been registered to the constituency in which they would be located on election day. It was alleged that in some cases, the numbers involved were such as to raise suspicions of the transfer of votes from safe to marginal constituencies.

We were assured by the Electoral Commission, however, that each application for transfer was treated on its merits and thoroughly investigated before the name was placed on a transfer list. To guard against this facility being misused, the Commission imposed stringent conditions and restrictions on applications for transfer. Importantly, this included a residence requirement of not less than two months in the constituency to which the voter wished to transfer, and Returning Officers were under instructions to reject an application for transfer unless the applicant satisfied this requirement. Also, when it became apparent to the Commission that large numbers of applications were being received for transfers particularly between contiguous urban constituencies, it issued instructions to Returning Officers to the effect that such transfers should, as a matter of practice, not be effected if it was considered that the applicant could reasonably be expected to travel on election day to the constituency where she/he was registered in order to vote.

Other Categories of Voters

In addition to the transferred voters' list, there were other categories of voters. These included:

Special Voters

A special voting day was set aside for certain security officers, election officials and other persons who, because of their duties on election day, would be unable to vote in the constituency where they were registered. Applications for special voting were submitted through the applicant's superior officer who forwarded the applications in the form of a list which indicated the names, the voter identity card numbers and the polling stations where the applicants were registered. Upon completing the necessary checks, their names were entered on a Special Voters' List to be used as the Voters' Register for the polling station in the constituency designated by the Returning Officer for voting by special voters. At the same time, the names of the voters were to be entered on the Absent Voters' List for the polling stations where they were registered. The day appointed for voting by special voters was 3 December.

Security personnel and election officials who were on duty in their own constituencies did not need to vote on 3 December but were given certificates which enabled them to vote at the polling station where they were on duty on 7 December.

Proxy Voters

Provision was made for registered voters who, by reason of ill health or absence from their constituency could not attend in person to vote at their designated polling station on election day, needed to appoint another eligible voter to vote on their behalf (Regulation 23, Public Elections Regulations 1996). Applications for proxy voting were to be made in the prescribed form to the Returning Officer who entered the name on the Proxy Voters' List, if satisfied that the person qualified. This was then forwarded to the Presiding Officer of the polling station to which the proxy was assigned.

Voter Identity Cards

In line with regulations made by the Electoral Commission under the Constitution (Article 51), a Presiding Officer could, before issuing a ballot paper to a voter, require the person to produce her or his voter identity card. Alternatively, the voter could be required to furnish other evidence to establish that she/he was the registered voter whose name and voter identity card number and other particulars appeared in the register, and to make a declaration in the prescribed form that she/he had not already voted elsewhere.

Accordingly, every registered voter was issued with a voter identity card bearing her/his name, age, sex and a unique number. The card also bore the number of the polling station where the voter was registered and was expected to vote on election day. The latter ensured voters could be easily directed to the correct polling station. Voter identity cards were issued at



Transparency in action ... the Electoral Commission's decision to use transparent ballot boxes was one of a number of measures which enhanced confidence in the process: these were part of a consignment for the Eastern Region

the polling stations where the registration of voters was conducted. Two types of cards were issued. We were advised by the Electoral Commission that due to financial constraints photo-identity cards could only be issued to voters in the ten regional capitals and ten selected rural constituencies. The rest were issued with cards which bore the thumbprint, and not the photograph, of the voter.

We heard complaints in the course of our discussions with some political parties that every registered voter should have been issued with a photo-identity card or none at all. However, none of the parties suggested that failure to do this would in any way jeopardise the integrity of the electoral process. We also heard complaints from some political parties that under-aged persons had been included in the register.

Registration of Political Parties

The Electoral Commission is required to supervise the registration of political parties and their national party elections. We heard complaints from some of the smaller political parties that they had not been treated fairly by the Commission in this regard. One of the parties alleged, for example, that the Commission was extremely dilatory in issuing its final certificate of registration and that this had an adverse effect on its ability to participate fully in the elections. The same party also alleged that although its national elections were supervised by the Commission, they were still required to produce 220 persons, two from each of the

110 electoral divisions, to support the nomination of their potential presidential candidate.

We brought these complaints to the attention of the Commission and were satisfied with the explanations we were given: there are clear statutory provisions relating to the registration of political parties which must be complied with. For example, the Commission is bound to reject an application for registration unless it is satisfied that the party seeking registration has branches in all the regions of Ghana and in addition that it is organised in not less than two-thirds of the districts in each region. It appeared that the party in question had difficulty in meeting these requirements.

Demarcation of Electoral Boundaries

The Commission is required to review constituency boundaries at intervals of not less than seven years or within 12 months after the publication of census figures whichever is earlier. The functions of the Commission with regard to the delimitation of electoral boundaries did not generate any complaints from the political parties or from any other groups.

Nominations

The qualifications for nomination of candidates for the Presidential and Parliamentary elections remained unchanged from 1992. Thus, by virtue of section 1(1) of the Presidential Elections Law 1992, a candidate for the office of President of Ghana must be a citizen of Ghana by birth; must have attained the age of 40 years; be a registered voter; have the requisite residential qualification, and have paid all due taxes. Similar qualifications apply to parliamentary candidates, except that the applicable age requirement is 21 years.

In addition to being qualified to stand for election, whether as President or as Member of Parliament, a candidate was required to be nominated in terms of the Public Elections Regulations 1996. The relevant provisions require a presidential candidate to be nominated by not less than two registered voters resident in each of the 110 districts of Ghana on a form to be delivered to the Chairman of the Electoral Commission, as Returning Officer for the presidential election. In the case of a parliamentary candidate, the nomination paper, to be delivered to the Returning Officer for the constituency in question, must be witnessed by two electors as proposer and seconder, supported by 18 other electors and endorsed with the candidate's consent to her/his nomination. In both cases, the nomination papers had to be accompanied by the appropriate financial deposit, which would be returned if, in the case of a parliamentary election the candidate polled more than 12.5 per cent of the valid votes cast within the constituency, and in a presidential election more than 25 per cent of the valid votes cast.

At the close of nominations, papers filed on behalf of three presidential candidates and their running-mates were accepted by the Chairman of the Electoral Commission. These were as follows:

<i>Party</i>	<i>Presidential Candidate</i>	<i>Vice-Presidential Candidate</i>
Progressive Alliance (of NDC/EGLE/DPP)	Flt-Lt Jerry John Rawlings	Prof John Evans Atta Mills
Great Alliance (of NPP/PCP)	Mr John Agyekum Kufuor	Mr Kow Nkensen Arkaah
People's National Convention	Dr Edward Nasigrie Mahama	Ms Adeline Dedo-Mate

In the case of the parliamentary elections, 780 candidates were validly nominated of whom 60 were women. These candidates represented eight political parties, but also included 57 independents. The affiliations of the candidates at the close of nominations on 18 September 1996 were as follows:

Progressive Alliance	NDC	199
	EGLE	8
	DPP	22
Great Alliance	NPP	179
	PCP	116
People's National Convention		127
National Convention Party		71
Great Consolidated Popular Party		1
Independents		57

We were informed that a number of opposition candidates subsequently withdrew from the contest in favour of other alliance candidates, only after their nominations had been accepted and ballot papers had been printed. Their names therefore remained on the ballot paper with the possibility that this might cause confusion in the minds of supporters and adversely affect the electoral chances of some opposition candidates.

It was suggested to us by two of the smaller political parties that they had been unfairly treated by the Electoral Commission. For example, one of them complained that conditions imposed by the Commission made it impossible for it to file nomination papers for its potential presidential as well as for some of its parliamentary candidates. In addition, it complained that it had not been given any indication of whether the financial deposits it had paid would be returned. We raised these matters with the Electoral Commission and were satisfied with the explanations provided.

Voter Education and Training of Officials

The Electoral Commission conducted an extensive voter education campaign by radio, television, through the print media and through educational posters. One of the most illustrative posters depicted the steps at a polling station, from the voter leaving the queue to have her/his name checked on the register through to receiving a ballot paper to marking the ballot paper and placing it in the ballot box, first for the presidential and then for the parliamentary election. Samples of these posters are reproduced as *Annex XI*. The Commission also issued a pamphlet entitled *A Guide to the Voter* illustrating the electoral process.

A number of other bodies, notably the National Commission for Civic Education, a body established under the Constitution, as well as some other non-statutory voluntary bodies such as the Ghana Legal Literacy Foundation, Ghana Alert and the Network of Domestic Election Observers (NEDEO) undertook public awareness campaigns to educate citizens and local observers on their civic responsibilities, and to engender an appreciation of their rights and obligations as electors under the Constitution. These groups held seminars and training workshops throughout the country. We were told by several sources that the public was better prepared for the 1996 elections than was the case in 1992.

The Commission also undertook the training of election officials and candidates' agents and the provision of educational programmes in various local languages. To facilitate their work, the Electoral Commission published a reference manual for all election officials, *Election Officials' Manual 1996*.

Other Innovations

One of the new aspects of the 1996 elections was the use of transparent ballot boxes which could be sealed. As a measure to deter any attempt at multiple voting, the Commission also introduced the requirement that voter identity cards be perforated before a ballot paper was issued. The political parties and the general public welcomed these innovations as significant steps towards better electoral security and greater transparency.

The Commission initiated a regular meeting known as the Inter Party Advisory Committee (IPAC) involving all the political parties. All matters of common interest and concern to the parties were discussed at IPAC meetings. All parties to this arrangement acknowledged the value of IPAC in fostering trust and reducing political tension, intimidation, and politically

motivated violence. A similar arrangement was put in place at regional and district levels where Election Task Forces comprising local administrative officers, security personnel, and political parties dealt with relevant issues on an *ad hoc* basis. It is worth recalling that in its Report on the 1992 Presidential election, the Commonwealth Observer Group strongly recommended that this process of consultation between political parties should be institutionalised and placed on a formal footing.

It should be noted that the Commission had not promoted a Code of Conduct for the political parties. At the same time, we were aware that leaders of both the ruling party and the opposition parties appeared to be fully conscious of their responsibilities and consistently appealed to their supporters not to engage in acts of violence, reminding them of the need for peaceful elections.

Assistance

The Electoral Commission received assistance from a variety of sources including Britain, Canada, China, Denmark, Germany, the Netherlands and the US, as well as from the United Nations and a number of international organisations. The assistance received covered items such as transparent ballot boxes, high-frequency radio sets, motorcycles, stand-by generators, scanning machines, computer equipment and the printing of election materials. Assistance was also provided to enable candidates' agents on election day to be paid a *per diem* allowance.

Chapter 3

The Campaign and the News Media

Campaigning for the 1996 Presidential and Parliamentary elections officially began when nominations closed in September. By the time we arrived on 27 November the campaign was well under way.

Few political parties had actually produced a written policy manifesto. It soon emerged from our meetings that the opposition parties were directing their efforts to convincing voters that they were more capable managers of the apparatus of state than the incumbent administration. The main issue was whether the voters wanted to continue with Flt-Lt Rawlings and the NDC for a further term, or whether they wanted change.

Party flags, banners, posters and elaborate decorated structures of the different political parties were to be seen not only in the main urban areas but in villages throughout the country. Extensive use was made of rallies by all political parties, and we were able to visit several of these. The parties also canvassed door-to-door and made effective use of loudspeaker vans. More traditional methods were also used: in some parts of the country contingents of drummers were organised by the parties to stimulate extra enthusiasm for their campaigns.

Level Playing Field?

The opposition complained that the elections were not taking place on a level playing field. The NDC, they said, had many more financial and material resources at its disposal, and was making disproportionate and unfair use of the advantages of incumbency. An oft-quoted example was the opposition's lack of transport facilities, and it was pointed out that in 1992 the Interim National Electoral Commission had provided vehicles to the parties, whereas this had not been done in 1996. The opposition parties also alleged that official vehicles and other state resources were being misused in the Progressive Alliance's campaign.

They added that they had been unable to draw fully on contributions from their supporters in the business community as the latter had been starved of government contracts and were in economic difficulty. In the course of our travels across the country, we noted a significant disparity between the resources available to the ruling party and those at the disposal of the opposition, evidenced by the larger number of vehicles, billboards, posters, flags, T-shirts and other manifestations of the NDC campaign.

Calm Campaign?

The campaign was not without violence and tension, and there were clashes between party workers in a number of regions. Talk of the training of special 'commando' squads increased apprehension and each side charged that the other was using 'macho-men' to intimidate voters.

Our attention was drawn to the activities of the youth wings of the two main parties and the presence of 'Keep-Fit Clubs' in some regional centres. Such clubs were often affiliated to a particular party and we were told that their members would behave provocatively in the streets. This led to clashes from time to time and in one regional capital Keep-Fit Clubs were closed by the security forces in the last days of the campaign.

Considerable efforts were made by the Electoral Commission, traditional leaders, religious leaders, the security forces and the party leaders and candidates to contain violence and by and large the campaign was peaceful. One major exception was in Ashanti Region where, a week before election day the authorities in the regional capital, Kumasi, banned all political rallies within a 19km radius of the city after a youth was killed and the offices of the NDC and NPP attacked. Further tension was aroused a few days later when a truck ploughed into an NPP rally near Kumasi, killing ten people: the driver was immediately lynched.

The Media

The state-owned Ghana Broadcasting Corporation (GBC) helped the parties to get their messages across by allowing each of the three presidential candidates ten minutes airtime each week on television and radio.

In addition, each of the political parties had:

- a weekly ten-minute party political television and radio broadcast;
- two appearances on a television news conference programme;
- a slot on a popular radio phone-in programme; and
- an invitation to take part in two television discussion programmes.

These arrangements were in line with the constitutional requirement that 'the State shall provide fair opportunity to political parties to present their programmes to the public by assuring equal access to the state-owned media.'

However, free airtime failed to tackle the problem of bias in news reporting. The National Media Commission guidelines on political reporting require that all state-owned media shall afford 'fair opportunities and facilities for the presentation of divergent views and dissenting opinions'. But the opposition parties believed that the two state-owned newspapers and the GBC – which has a monopoly of television in Ghana and the only countrywide radio network – gave a disproportionate amount of coverage to the incumbent President and his party.

The National Media Commission, which was established to promote the freedom and independence of the media, is generally considered to be ineffective. The term of its first chairman came to an end on 4 October 1996. Consequently it was inactive during the elections. Moreover, its constitutional right to appoint the head of GBC and the state newspaper group has been disputed by the Government and remains before the courts.

Leaders of the New Patriotic Party (NPP) told us that in their view the National Media Commission had no effective control over the state-owned media. They pointed out that the statutory provisions on equal airtime applied only to elections, and it was important to look back beyond the official campaign period to see the difficulty of the opposition political parties in gaining access to the state-run broadcast and print media. They said that a culture of exclusion had been in place for the past 15 years.

Television

We observed that the Progressive Alliance received more television coverage. President Rawlings and members of his Government were seen nightly on television news during the campaign performing official duties and making speeches, sometimes back-to-back with a political rally. On the evening of Friday 6 December, Flt-Lt Rawlings addressed the nation as Head of State, calling on each citizen to exercise her/his right to vote responsibly. While the Government stated that the President was carrying out his executive responsibilities, the opposition parties saw this as an abuse of office and made an official protest to the GBC as there were no similar slots for Mr Kufuor and Dr Mahama.

Officials from the People's Convention Party (PCP) told us that the state-owned broadcast media 'always finds an excuse' not to attend its political functions, arguing they did not have cameras or transport. We learnt from the GBC that its coverage was affected by a shortage of resources: there was only one television camera in each of Ghana's ten regions and they were often in disrepair, which meant news events there went uncovered.

One staff worker of Ghana television said that "if the President 'goes out' the camera will automatically follow him and the ruling party is well aware of the advantages of that." There was also a shortage of vehicles and, when they were available, they tended to be commandeered by broadcasting executives, leaving reporters and cameramen without any transport. This made them even more dependent on news material provided by the Government.

Some television editors had loaned video camcorders to officials from the other political parties to cover events that reporters could not reach. However, we were informed that this

arrangement generally did not work – the officials were not professionals and the film was usually unusable.

Radio

Ghana has several independent radio stations, which have a large and growing public following in Accra where they are based. During the campaign, radio 'hosts' interviewed many of those involved in the political process, including our Chairperson and the leaders of other international observer groups. However, the broadcasts did not reach listeners much beyond a 200km radius of the capital. The rest of the country had access only to the state-run radio, whose news bulletins in English and the vernacular were similar to those of state-run television.

Print Media

As the opposition parties saw it, the nature of the Ghanaian Press compounded the problem. Since 1992, when ownership and registration restrictions on Ghana's media were lifted ahead of that year's elections, there has developed a lively independent press. But only one opposition newspaper, *The Chronicle*, was published daily and that only during the final two weeks of the campaign. The two state-controlled newspapers – *The Daily Graphic* and *The Ghanaian Times* – are published daily.

Of all the country's newspapers, *The Daily Graphic*, Ghana's biggest selling newspaper, is the least sensationalist and its prose is measured, though its presentation often favours the Government. For instance, while a front page headline on Thursday 5 December proclaimed 'NPP, PCP Sure of Victory', adjacent to this was a coloured 'Vote NDC' box showing a sample of a presidential ballot paper and a thumb stamping the space for Flt-Lt Rawlings. It was not immediately obvious that this was a paid advertisement. At the other side of the page was a warning from the Minister of Finance that there would be an economic downturn if the Great Alliance won on 7 December.

In similar vein, on Tuesday 3 December *The Daily Graphic* reported in measured prose on the front page the clash in Kumasi between activists from the two main parties and a photograph showed damage done to the NDC party office. The reader would need to turn inside to the middle of the paper before she/he would find another photograph showing the similarly wrecked building of the NPP headquarters.

We are of course aware that a distinction must be drawn between paid political advertisements and editorial policy. In the latter respect, *The Daily Graphic* was on balance circumspect. It is important to be aware that the state-owned newspapers accounted for most, if not all, of the advertising. We were told that businesses were reluctant to invest and advertise in newspapers or magazines that might criticise the Government for fear of being targeted and excluded from official business.

As for the rest of the print media, many of the independent or 'free press' do not hide their political allegiance but rather devote their pages to attacking their opponents, notably the Government, in what might elsewhere be regarded as libellous language. We were told that the free press was more concerned with selling papers than with the actual facts of a story and that the private print media are under no obligation to provide access to any organisation.

The Ghanaian Journalists' Association (GJA) told us that although its code of ethics and that of the Private Newspaper Publishers' Association emphasise the importance of fairness these provisions were seldom observed. Some 50 libel cases were before the courts. According to the GJA, journalists had little experience of political reporting and specialist training in this field would be beneficial.

Chapter 4

The Poll and Count

The first step in the Presidential and Parliamentary elections took place on 3 December 1996 with designated polling stations opening for special voters (see Chapter 2). Our Observers were present for this exercise. There was confusion and delay at most stations because the lists of special voters had not been compiled alphabetically or in numerical order. At some stations, the list was in fact being compiled on the day. However, we believe that eventually all special voters were able to vote. The sealed ballot boxes were then kept in the custody of designated police stations, and were to be counted immediately after the polls had closed on election day.

Although the polls officially opened across the country at 7 a.m. on Saturday 7 December 1996, for many Ghanaians the day started much earlier. Long queues had already formed at polling stations when our Observers reached there around 6.30 a.m. Polling staff themselves had made their final preparations from 4.30 a.m. and, in some of the more remote areas, chosen to sleep the night at their posts.

By and large, the polls opened on time. There were, however, some instances of delay. At certain polling stations, inadequate supplies had arrived, and at others ballot papers were not distributed. But these were exceptions and the delays were seldom significant.

That the people of Ghana should have turned up by the thousands at their polling stations so early in the day was testimony of their commitment to the democratic process. Indeed,

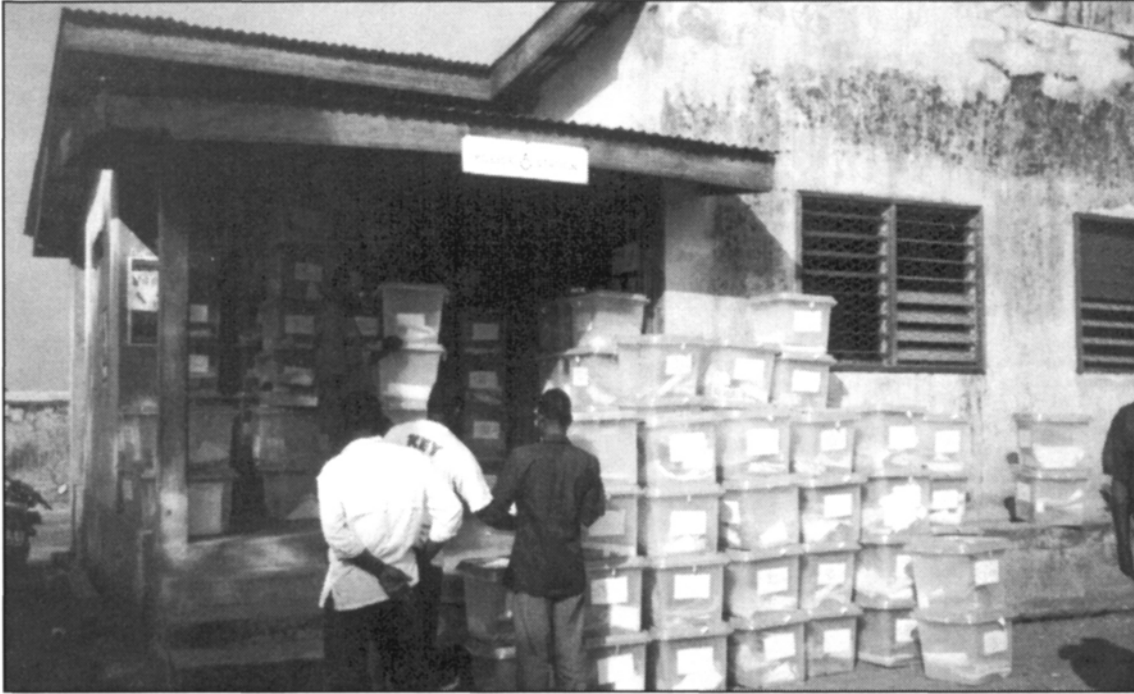
we were struck from the very outset by the patience, exuberance and keen interest of the people in the exercise of their democratic rights. The high turnout of voters was further evidence of this.

Each one of us was at a polling station to witness the procedures for the opening, some of us at rural stations and others at urban locations. We witnessed Presiding Officers following the prescribed procedures, including displaying the empty ballot boxes to the party agents and the waiting crowd before applying the seals.

Most polling stations were designated as 'temporary structures', and were sited conveniently, usually on open ground. Others were located at schools, community centres, churches, mosques and other public buildings. Most were out of doors, in space roped off for the purpose. We



Check it out! ... Commonwealth Observer Senator Jessica Odle with election officials in the Western Region, checking on election materials before their distribution to polling stations



Essential supplies ... ballot boxes and election materials awaiting distribution: police stations were used to keep essential items secure before polling day

formed the impression that the Electoral Commission had done its best to ensure that there was a polling station within easy reach of everyone; in some isolated villages this meant siting polling centres with very few registered voters. Wherever there were unusually large concentrations of population, two or more centres were established side by side.

Our experience was that the layout of polling stations was variable and did not always correspond to the circular flow chart published and disseminated widely by the Electoral Commission (see *Annex XI*). In some instances the arrangement left much to be desired. Often the space available was cramped. In some cases, the cardboard screens provided for privacy were positioned in a way which could have compromised the secrecy of the ballot. At certain stations, the candidates' agents were located too close to the booths and at others too far away. On the whole, however, the layout of polling stations was adequate, and we did not discern any deliberate attempt to undermine the integrity of the voting process.

Voters generally seemed to be familiar with the voting procedures. However, there were some who required guidance, particularly in the rural areas. The aged, the infirm and pregnant women were often taken to the front of the queue. At some polling stations in a few areas, we observed that men and women formed separate queues and that sometimes men voted ahead of women who had been waiting longer. At most stations single mixed queues were formed.



Early delivery ... Electoral Commission staff deliver ballot boxes and other vital election materials early on polling day in the Upper West Region



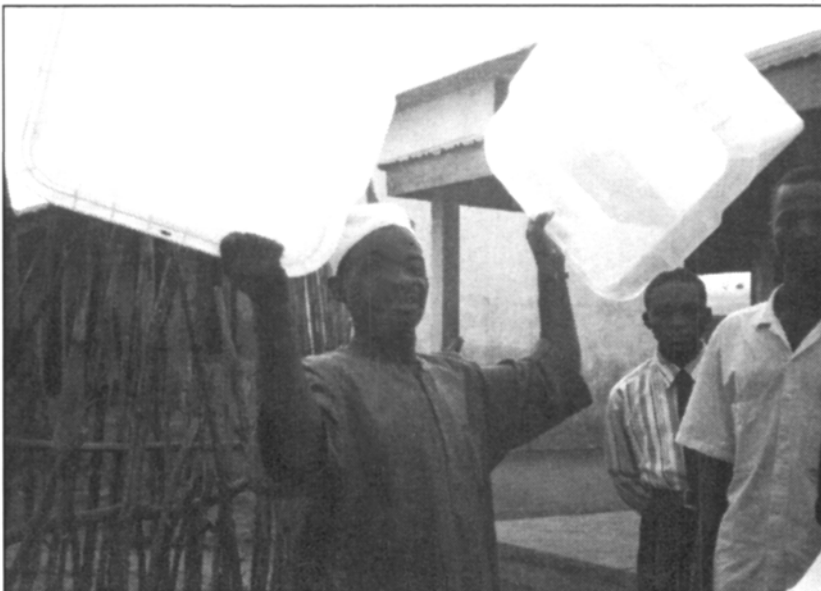
Above board ... election officials and party agents worked closely together: here they check the numbers on the books of ballot papers before voting starts at a polling station in the Northern Region

Polling staff were helpful, prompting persons to go through the prescribed course. Despite the vigilance of the polling staff, however, a few voters appear to have left immediately after casting the presidential ballot, and without waiting to vote in the parliamentary election. This was evident from a pattern of discrepancy between the numbers of presidential and parliamentary ballots issued at polling stations. This could, of course, have been a deliberate decision by certain voters but more likely occurred, in our view, out of confusion. At some polling stations, there were significant numbers of spoilt ballots. Ballots were sometimes placed in the wrong box.

At some stations, the candidates' agents and polling staff voted first, while at others first priority was given to the waiting public. At the latter, polling staff and agents voted when there was a lull in the proceedings. In a number of instances, Presiding Officers and other polling

staff were registered at other polling stations, usually nearby, and had to take turns to go and cast their votes when circumstances so permitted.

On the whole, the system worked well. Most Presiding Officers and their staff, generally teachers, had been well trained and were in control of the situation, applying the law when needed and showing flexibility and understanding where warranted. We



Nothing there ... an election official shows the empty ballot boxes – one for the Presidential election, one for the Parliamentary – to the voters and party agents: the boxes could then be sealed

Applying the seals ... election officials and party agents check the seals on the ballot boxes before voting begins



were pleased to note that a fair proportion of the Presiding Officers were women. There were occasional instances where the stipulated procedures were not followed. One of our Observers, for instance, deemed it advisable to remind a Presiding Officer that a hole-punch was required to perforate the voter identity card, prompting him to send someone to the District Electoral Office for the instrument, which had evidently not been supplied in the first instance. At two of the polling stations we visited, ballot boxes had been supplied without lids and the Presiding Officers had evidently not carried out checks in advance; in one instance, an improvised lid was arranged, while in the other the voting proceeded with an open box.

We came across several instances of unsealed ballot boxes. In some cases this may have been deliberate as the seals were hard to open and polling staff had not been provided with the cutting instruments required.

At several polling stations across the country difficulties were caused by the inadequate distribution of ballot papers. It is possible that the high voter turnout upset the calculations of the Electoral Commission. Contingency arrangements were made to provide additional supplies, occasionally by diverting unused stocks from other polling stations.

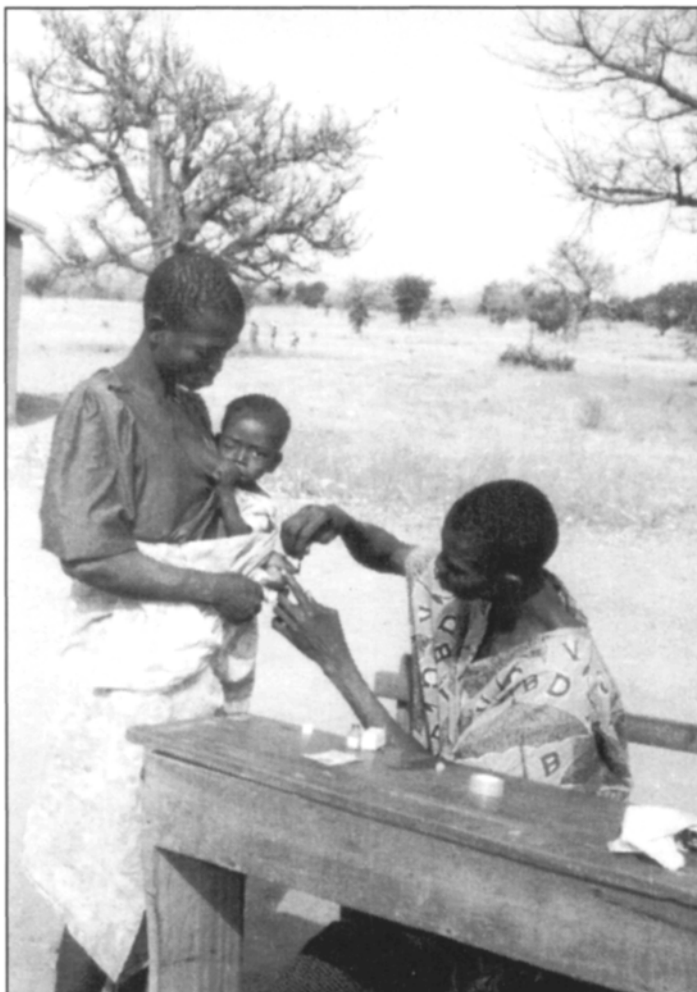
In one constituency, however, the parliamentary election was suspended because of grossly inadequate supplies of ballot papers and inability to secure replenishments. In another, the parliamentary election was not held at all due to a legal injunction arising from a dispute over nominations.

Very few cases of fraudulent voter identity cards were noticed. Discretion was invoked by Presiding Officers in cases where a voter had not brought her/his card, a situation which occasionally arose at most polling stations; in such cases, the Presiding Officer questioned the



voter so as to obtain the prescribed information and, once satisfied that all the details given matched the information on the voter registration form, the person was allowed to vote with the concurrence of the

Card check ... for the first time every registered voter had been issued with a voter identity card: at the polling station election officials examined the card and, if all was in order, the voter's name was ticked off on the register and a hole punched through the card



The ink spots ... before the ballot paper was issued indelible ink was applied to the voter's left thumbnail and cuticle, an important safeguard against multiple voting

candidates' agents. Although the electoral registers had been drawn up in numerical order, i.e., according to the number on the voter identity card, there was a separate alphabetical list at each polling station which facilitated identification of the voter.

We observed some cases of what appeared to be under-aged persons voting on election day in certain parts of the country.

Our experience of the candidates' agents varied. They were present throughout the day, with the two competing alliances better represented than the other parties or independent candidates. While many had undergone training, and several agents appeared to understand the electoral law and their own responsibilities, others seemed to be passive onlookers. Some were obviously very young.

There were cases where agents intruded too closely on the voting process. In other instances, they complained that they were too far away to observe the proceedings. At one station we witnessed agents performing the role of crowd control in the absence of any security officials.



Secret ballot ... in most cases the voting area was well screened and voters generally seemed to be familiar with the procedures

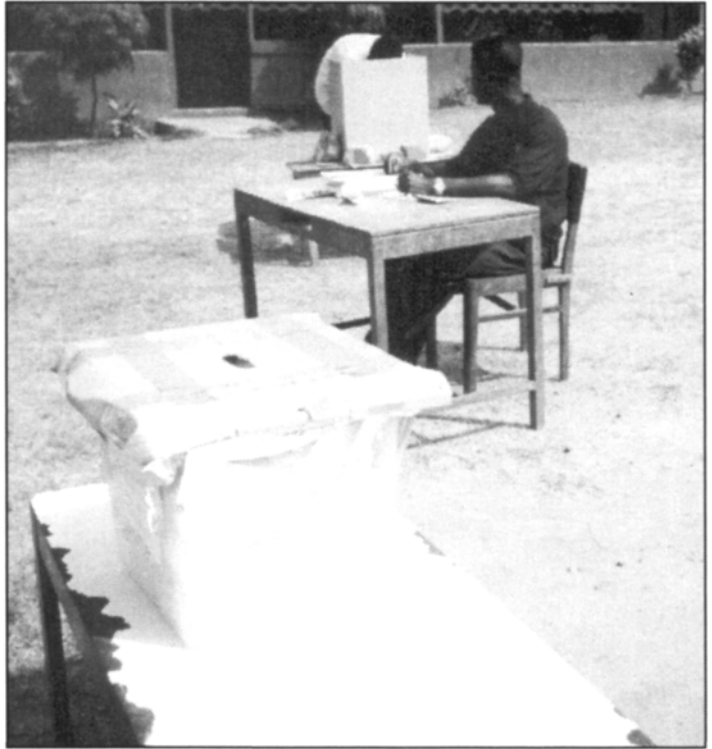
Improvisation ... at least two Accra polling stations were supplied with ballot boxes without lids: at one voting proceeded with an open box, but here an improvised lid was arranged

By and large, the candidates' agents were vigilant and played an important role in promoting the integrity of the voting and counting process. They took particular interest in transferred voters, whom they could not easily identify. The Presiding Officers consulted them whenever required and problems were usually sorted out amicably.

The various checks and balances devised for the voting appeared to work well. There was a three-pronged effort to prevent multiple voting: first, the name was ticked on the register after examining the voter identity card; second, a hole was punched through the card itself; and finally, indelible ink was applied to the left thumbnail and cuticle.

Many areas reported problems with supplies of indelible ink, which had to be replenished by the electoral authorities. Two types of ink were used by the Electoral Commission, and each polling station was meant to have supplies of both. There were isolated instances where the quality of the ink was substandard.

Security at polling stations was variable. Owing, we were told, to a shortage of personnel, not every station had a designated security guard. Security Task Forces in each region had assured us that there would be adequate security, particularly in potentially volatile areas. At more than one polling station in Accra, the absence of security guards resulted in unruly scenes, with much jostling to get to the register. In one instance, our Observers took the initiative to send their driver to the nearest police station to draw attention to the problem, and two Customs officers thereafter arrived to restore order. At another station, we learnt from the Presiding



It's in the box ... an elderly voter casts his ballot at an Accra polling station: ballot boxes were positioned in full public view

Officer that a large crowd, anxious over a delay in the opening of the station, had knocked over the polling officials' desks. Crowd control was better at stations where access could be suitably regulated.

At most rural locations, one security official was often deployed to cover two adjacent polling stations, and did so without difficulty. In some areas, there were also mobile police and military teams. The security presence was, in virtually all cases, minimal, unobtrusive and non-threatening.

Before the elections, some in the opposition parties had expressed anxieties about paramilitary forces – the so-called 'commandos' allegedly loyal to the ruling party – which would be used to intimidate the public into voting for the NDC or staying away from the polls altogether, particularly in the countryside. These 'commandos' were also allegedly on standby to intervene should the vote go against the incumbent President. Intimidation had also been feared from the so-called 'macho-men', or party thugs. We therefore kept an eye out specially for such eventualities. Though young party activists were certainly on the streets through much of the day, none of us witnessed or heard of any paramilitary or other intimidatory presence.

Another aspect of the process which served to reinforce the integrity of the poll was the very presence of observers, both domestic and international. NEDEO and Ghana Alert put a large number of domestic observers in place, usually drawn from the local areas. As already noted, a number of external observers other than the Commonwealth team, were also present. We co-operated with the other observer groups so as to maximise coverage.

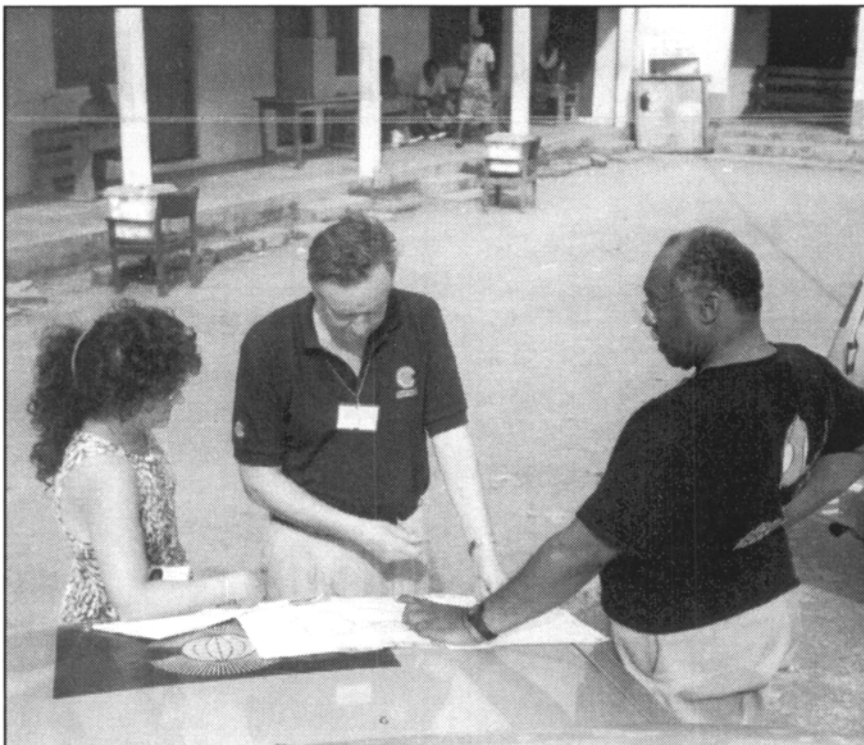
The polling was, in most areas, intense in the first hours; by 12 noon, a majority of the registered voters had exercised their franchise and there were hardly any queues thereafter, except for a late rush at a few large urban polling stations. From what we were able to gauge, the voter turnout was substantial.

As a result of the bulk of the voting taking place early in the day, most polling stations closed comfortably by 5 p.m. Where queues still existed, the prescribed procedure was followed, whereby a security guard stood at the tail of the queue at 5 p.m. so that no new arrivals could join. In our experience, all those queuing at polling stations at 5 p.m. were permitted to vote.

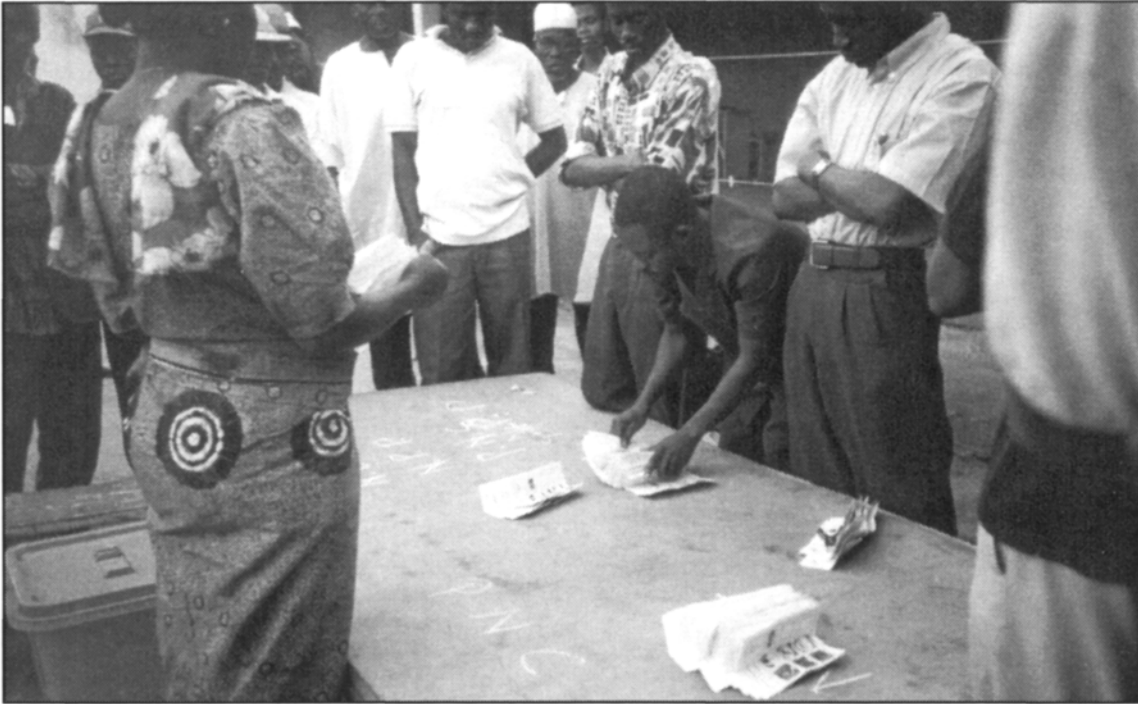
At each of the stations where our observer teams were present, once the last voter had cast her/his vote, the Presiding Officer went through the closing procedures, counting and noting the number of unused ballots and rearranging the polling station for the count.

The count generated enormous interest and many members of the public congregated for

it. The presidential count was conducted first, with the relevant ballot boxes emptied on a table and the votes separated into piles for the three candidates, with the candidates' agents watching each ballot closely. Particular interest was shown by the agents in spoilt ballots and, in some instances, they prevailed upon the Presiding Officer not to reject a ballot, pointing out that the voter had made a reasonable indication of her/his choice. Once the votes had



Plans are useless, but planning is essential ... international observers co-operated to ensure that there was no duplication of coverage: Commonwealth Observer Peter Fowler (centre) and colleagues from the National Democratic Institute of the US confer on their routes for the remainder of polling day



The count ... Observers were impressed by the transparency of the count, which was done at the polling stations, watched by party agents and often by large crowds

been separated by candidate, the Presiding Officer or one of the other members of the polling staff counted each ballot audibly, with the crowd joining in at various stages. The end of the count was marked by spontaneous jubilation among the supporters of the winning candidate. The entire process was then repeated for the parliamentary votes. One of our teams also observed the counting of special votes.

The process of counting had its merits and demerits. On the negative side, it was slow and tedious, and took the better part of two hours in most instances, meaning that much of the count was conducted after dusk. Various arrangements were made for lighting; where electricity was unavailable, hurricane lamps, kerosene lanterns, or even candles were used. At one polling station our Observers turned on the headlights of their vehicle to facilitate the count. Some of the polling stations were hardly conducive to such a sensitive operation; space was often cramped, made worse still by the crowds of onlookers, and the wind sometimes blew ballots off the table. In one case, a Presiding Officer took it upon himself to carry out the count at another venue, as he did not believe the polling station was suitable.

While there was usually a security official present, it is doubtful whether a sole and unarmed person could have been able to control a situation of breakdown in law and order had this occurred. In some areas, armed soldiers were posted at polling stations during the count. The presence of the public in large numbers



The morning after ... although unofficial results were broadcast by radio, there were long delays before the official results were displayed on the scoreboards in Accra and other main towns

enhanced the transparency of the count. Much excitement was generated by the process, and inevitably some tension. Generally, however, a spirit of camaraderie seemed to prevail among the candidates' agents.

After the count, Presiding Officers went through the laborious process of filling in the various returns. Sometimes, the number of ballots did not tally; discrepancies between the parliamentary and presidential votes at the same polling station added to confusion. Generally, the candidates' agents on the spot accepted the results and signed the return sheets. In a few cases, however, they argued and wrangled and some results were subsequently challenged during the compilation of returns at constituency centres.

After the count at polling stations, and because Electoral Commission vehicles were very limited in number, we observed returns and ballot boxes transported to constituency centres by various means – police vans, buses, taxis, boats, bicycles and other forms of transport were employed; some boxes were physically carried by polling staff. We understand that some did not arrive till the following day, as polling staff at very remote polling stations had been advised to sleep overnight at their posts. The scene at many of the constituency centres we visited was rather disorganised, with Presiding Officers reporting to the Returning Officer one by one, taking an agonisingly long time. Thereafter began the equally long process of aggregating the tally manually. As a consequence, at most centres there were no signs of any results emerging by midnight.

That night and the next morning, large crowds gathered at 'scoreboards' erected in the district and regional headquarters, as well as at Independence Square in Accra, to learn the results. They were all to be disappointed. As late as the evening of Sunday 8 December, only a handful of results had been posted on the boards. All this while, however, the GBC was broadcasting unofficial returns from constituencies across the country and the media, both domestic and international, were confidently predicting the eventual results.

The Electoral Commission told us that results were taking a long time to come through for various reasons, including the non-receipt of results from remote polling stations and challenges made to some results. This caused considerable delay in the declaration of the results. The Chairman of the Commission emphasised that the results would only be declared once they had been duly certified.

On Wednesday 11 December 1996 the Chairman of the Electoral Commission officially declared that Flt-Lt Rawlings had been re-elected as the President of Ghana, winning 57.2 per cent of the valid votes cast, against 39.9 per cent for his nearest rival, Mr Kufuor. The turnout had been 76.8 per cent in the 197 constituencies from which results were available. In the parliamentary elections, of the 195 constituency results then available the NDC had won 130 seats, the NPP 59, the PCP five and the PNC one.

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.

Acknowledgements

We wish to express our profound appreciation to the people of Ghana for the warm and hospitable reception afforded to us at such a critical juncture in the consolidation of their democratic process. Wherever we went we were deeply touched by the welcome extended to us.

We wish to pay tribute to the Chairman of the Electoral Commission, Dr Afari-Gyan, and his fellow Electoral Commissioners, Regional Directors and electoral officials, who worked tirelessly to fulfil the demanding and challenging duties of the elections with admirable professionalism.

We particularly appreciated the co-operation of the political parties, the members of the Press and non-governmental organisations and individuals who found time in the most demanding circumstances to meet us and share their opinions and concerns.

Our warmest tribute we must reserve for the people of Ghana who, by turning out peacefully and in such large numbers on election day, did their country proud and served so ably the cause of democracy.

We also wish to extend our appreciation to the Commonwealth Secretary-General, Chief Emeka Anyaoku, for inviting us to participate in this important mission. Finally, we are pleased to record our thanks to the Secretariat staff for their unflagging and skilled support which did so much to assist us to fulfil our mandate.

Annexes

ANNEX I

Composition of the Commonwealth Observer Group

The Rt Reverend Sir Paul Reeves (New Zealand – Chairperson)

The Rt Rev Sir Paul Reeves is a former Governor-General and Primate and Archbishop of New Zealand. He was made a deacon in 1958 and became a priest two years later. From 1966-69 he was lecturer in church history at St John's Theological College in Auckland and later became Director of Christian Education in the Diocese of Auckland. In 1971 he was appointed Bishop of Waiapu, where he served for eight years before becoming Bishop of Auckland. He was Archbishop from 1980-85 and Governor-General from 1985-90. In 1990 he was appointed Anglican Church Representative to the United Nations. Sir Paul has been on several Ecumenical/Church missions. He recently chaired the Fiji Constitution Review Commission. In 1994 he served as Deputy Chairman of the Commonwealth Observer Group to the elections in South Africa. Sir Paul was educated at Victoria University of Wellington, St John's Theological College, Auckland, and St Peter's College, Oxford.

Ambassador Ahmed Hassan Diria, MP (Tanzania)

Mr Ahmed Hassan Diria has been a Member of Parliament since 1990, and Chairman of the Foreign Relations Committee from 1996. Between 1954-58 he was Labour Officer and Deputy Secretary-General of the Federation of Labour Zanzibar and a Member of the Central Committee of the Afro-Shirazi Party. From 1964-65 Mr Diria was District Commissioner of Pemba and Assistant Administrator-General of Zanzibar. He subsequently joined his country's diplomatic service and served as Ambassador in several countries in Africa, Asia and Europe. Mr Diria has held several ministerial positions in Tanzania, including in the Ministry of Foreign Affairs and International Co-operation; the Ministry of Labour, Youth and Development; and the Office of the President of the United Republic of Tanzania. In 1966 he received the 1st Collar of the Nile from President Nasser of Egypt, and in 1989 was granted the title of 'Right Honourable' by Pope John Paul II. He was also decorated by the President of South Korea in Seoul in 1993.

Mr Peter Fowler, CMG (Britain)

Mr Peter Fowler completed his diplomatic career in August 1996 after three years as British High Commissioner to Bangladesh and five-and-a-half years as Minister and Deputy High Commissioner in New Delhi. Previously he had served in Hungary, Portugal, India, the German Democratic Republic, as a member of the British delegation to the Comprehensive Test Ban Negotiations (Geneva) and in London in various positions. Since retirement he has been associated with NGOs in Bangladesh and Britain and has joined the board of Cairn Energy plc. Mr Fowler was educated at Nunthorpe Grammar School, York. After completing National Service in Cyprus he read history and political philosophy at Trinity College, Oxford.

Mr Mohammad Abu Hena (Bangladesh)

Mr Mohammad Abu Hena is Chief Election Commissioner of Bangladesh. After a short career as a teacher in government colleges and at Dhaka University he joined the civil service of what was then Pakistan in 1963 and held various senior positions. In 1989 he was appointed Secretary to the Government of Bangladesh and served as Secretary, Local Government Division. In 1991-93 he was appointed as Bangladesh's Ambassador to Japan and the Philippines. On his return to Bangladesh he served as Secretary of the Ministry of Jute, Secretary of the Ministry of Fisheries and Livestock and later as a member of the Planning Commission. In April 1996 Mr Hena was appointed Chief Election Commissioner and supervised his country's national elections held on 12 June 1996. Mr Hena joined the Scout movement at the age of 13 and is currently the International Commissioner of

Bangladesh Scouts. He has been honoured by the World Scout Organisation with the 'Bronze Wolf', the highest world Scout award.

Ms Frances Mary Howat (Australia)

Ms Frances Mary Howat is the Australian Electoral Officer for New South Wales and has many years experience in public sector management, complemented by her previous experience as a social worker and a qualified psychologist. Ms Howat joined the Australian Electoral Commission from the New South Wales Department of Local Government, where she was employed as Assistant Director. In May 1994, following a Public Inquiry, Ms Howat was appointed Administrator of the Burwood Council – a position she held until the local government elections in September 1995. From January to June 1996, Ms Howat was appointed General Manager of Randwick City Council, at the request of the elected members, to implement major managerial and structural reform. Ms Howat holds the degrees of BSc in Social Studies, Master of Arts and Master of Jurisprudence (to be conferred in 1997).

HE Mrs Amina Hughes (Zimbabwe)

HE Mrs Amina Hughes is currently her country's Ambassador to the Nordic Countries. A teacher by profession, she has specialised in the teaching of children with learning difficulties (University of Rhodesia). Ambassador Hughes became a Senator in 1985 and later a Member of Parliament, serving as Deputy Minister of Transport and National Supplies. Ambassador Hughes is a member of the Commonwealth Parliamentary Association and has attended CPA conferences in Britain, Australia and Malaysia as well as a number of regional conferences. She was responsible for organising the Commonwealth Speakers' Conference in Harare and has held many executive positions, including Secretary-General of the World Women Parliamentarians for Peace (WWPP) and Board Member for the International Fund Sport for the Disabled. Ambassador Hughes serves many charitable organisations and has a special interest in advancing the development of women.

The Hon Ilani Isahak, MP (Malaysia)

The Hon Ilani Isahak is a Justice of the Peace and has been a Member of Parliament since 1990, when she became the sole woman opposition member of the House of Representatives. She was re-elected in the Malaysian general election in 1995 and has since joined the ruling National Front coalition. Ms Isahak was educated at the University of Malaya and the Islamic International University. She has practised law since 1976, has held important positions in the National Front and in the opposition Semangat 46 and was an active member of Malaysia's youth movement. She has extensive experience in general and by-elections in Malaysia.

The Hon Catherine Kainja, MP (Malawi)

A former Minister of Education, the Hon Catherine Kainja joined the civil service in 1974 as a teacher and college lecturer and was later appointed National Inspector of Schools. In 1982 Ms Kainja worked for the United Nations as a Liaison and Programme Officer. Following a break for further studies in Canada, Ms Kainja returned to Malawi and joined the University of Malawi where she was appointed head of an academic department. In 1992 Ms Kainja was appointed Minister of Education. She is currently a Member of Parliament, a researcher and consultant in policy, education, nutrition and social development. She has travelled widely on various missions and in July 1996 led a delegation on a goodwill mission to Rwanda.

HE Mr Lee Llewellyn Moore, QC (St Kitts and Nevis)

HE Mr Lee Llewellyn Moore has had a distinguished career as a lawyer and statesman. Mr Moore was Attorney-General of St Kitts and Nevis from 1971-79, Premier from May 1979 to

February 1980, and Leader of the Opposition from 1980-84. He has been President of the St Kitts-Nevis Trades & Labour Union since 1978. He was previously a legal practitioner, public relations officer to the Premier of St Kitts and Nevis and a law lecturer. Mr Moore was educated at King's College London and in 1963 was elected President of King's College Students' Union. He was called to the Bar at The Honourable Society of the Middle Temple in 1963. Mr Moore is currently Permanent Representative to the United Nations.

Mr Justice Soorujnundun Moosun (Mauritius)

Mr Justice Soorujnundun Moosun is the Chief Electoral Commissioner of Mauritius. He was a member of an international observer mission which observed the Romanian elections in May 1990, a delegation which carried out an electoral law study mission to Senegal in 1990 (both organised by the National Democratic Institute) and the Commonwealth Observer Group to the 1991 Parliamentary Elections in Bangladesh. He also served as an Organisation of African Unity observer at Tanzania's elections in 1995 and in 1993, again for the OAU, helped to organise the elections to the Congo's Legislative Assembly. Mr Moosun was called to the Bar at Lincoln's Inn in 1968 and after some years as a magistrate and as presiding magistrate in the Intermediate Court joined the Electoral Commission in 1983.

Senator Jessica Odle (Barbados)

Senator Jessica Odle was appointed a government senator in 1994. She previously served as public relations officer for the Barbados Labour Party and is currently the Vice-President of the Women's League. A cosmetologist by profession, Senator Odle is also an educationalist and has taught in Brazil, Nigeria, the United States and the Caribbean. She was educated at the Foundation Girls School in Barbados and the London College of Fashion.

Mr Urban Reyes (Belize)

Mr Urban Reyes is Chief Elections Officer of the Belize Elections and Boundaries Commission and is responsible for organising all elections in that country. Mr Reyes was previously a lecturer in Computer Sciences at the University College of Belize. He has also worked with NGOs in Belize and is currently President of the UN Association of Belize.

The Hon Saulo Busolo Wanambisi, MP (Kenya)

The Hon Saulo Busolo Wanambisi was educated at the University of Dar es Salaam, Tanzania, where he graduated in 1985 with a Masters Degree in Political Science. He has been a member of the Kenyan parliament (Webuye Constituency) since 1995. A university lecturer by profession, Mr Wanambisi was Assistant Lecturer at the University of Nairobi, Kenya, from 1992-94.

Ms Janet Willwerth (Canada)

Ms Janet Willwerth graduated from Dalhousie University in Halifax, Nova Scotia, in 1975 with an LLB. She joined the public service of the Province of Nova Scotia after graduation and specialised in municipal law, becoming Municipal Elections Officer in 1988. In 1991 she became Chief Electoral Officer (Acting) of the Province of Nova Scotia. Ms Willwerth served as a Commonwealth Observer to the elections in South Africa in 1994.

SECRETARIAT SUPPORT STAFF

Mr J P Sheppard	Team Leader
Mr Michael Fathers	Media Adviser
Mr Richard Nzerem	Assistant to Observers
Mr Amitav Banerji	Assistant to Observers
Mr Christopher Child	Assistant to Observers
Dr Henry Kaluba	Assistant to Observers
Mr Roy Rodriguez	Assistant to Observers
Ms Lorna McLaren	Assistant to Observers
Mrs Ruth Nile	Administrative Officer

ANNEX II

Commonwealth News Release of 26 November 1996



Commonwealth News Release

96/64

26 November 1996

Commonwealth to Observe General Elections in Ghana

A team of 14 Commonwealth Observers, together with a supporting team from the Commonwealth Secretariat, will be present in Ghana for the Presidential and Parliamentary Elections which are to be held on 7 December 1996.

In making the announcement today, Commonwealth Secretary-General Emeka Anyaoku said that the Commonwealth was responding to a request from the Government of Ghana for a Commonwealth Observer Group to observe the Presidential and Parliamentary Elections. A planning mission from the Commonwealth Secretariat which visited Ghana in October established that there was widespread support for a Commonwealth presence during the elections.

The Commonwealth team for Ghana will be led by **Sir Paul Reeves**, former Governor-General of New Zealand. The other observers will be:

Hon Ahmed Hassan Diria MP
Member of Parliament, Tanzania

Mr Peter Fowler CMG
Former Diplomat, Britain

Mr Mohammad Abu Hena
Chief Election Commissioner, Bangladesh

Ms Frances Howat
Electoral Officer, Australia

HE Ms Amina Hughes
Diplomat, Zimbabwe

Hon Ilani Isahak MP
Member of Parliament, Malaysia

Hon Catherine Kainja MP
Member of Parliament, Malawi

.../2

HE Mr Lee Moore
Diplomat, St Kitts and Nevis

Mr Justice Soorujnundun Moosun
Chief Electoral Commissioner, Mauritius

Senator Jessica Odle
Parliamentarian, Barbados

Mr Urban Reyes
Chief Elections Officer, Belize

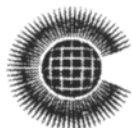
Hon Saulo Busolo Wanambisi MP
Member of Parliament, Kenya

Ms Janet Willwerth
Chief Electoral Officer, Canada

The Group will be supported by a nine-member team from the Commonwealth Secretariat, led by Mr Jon Sheppard, Director of the Political Affairs Division.

Note to Editors:

The mission to Ghana will represent the 19th election observed by the Commonwealth since October 1990, including most recently elections in St Kitts and Nevis, Tanzania, Sierra Leone and Bangladesh. These observer missions are to be seen in the context of a decision taken by Commonwealth Heads of Government to support the promotion of democracy in a number of ways, including through observation, on request, of elections in member states.

ANNEX III**Arrival Statement of 28 November 1996**

Ghana Presidential and Parliamentary Elections, 1996

Commonwealth Observer Group*News Release***Arrival Statement by the Commonwealth Observer Group**

We are pleased to be here in Ghana at this time to observe these important elections. We have come in response to a request from the Government of Ghana to the Commonwealth Secretary-General, Chief Emeka Anyaoku, for the Commonwealth to observe the Presidential and Parliamentary Elections on 7 December 1996. This request has been endorsed by all the major political parties involved in the elections.

Our Group has been drawn from 14 Commonwealth countries. We each serve in our personal capacities and not as representatives of the countries, governments or the organisations to which we may belong. Our objective is to observe the organisation and conduct of the elections in accordance with the laws of Ghana, and to form an impartial judgment based upon our observations.

We have no executive role. On completion of our task we will present a report to the Commonwealth Secretary-General, who will make it available to the Government of Ghana and to the political parties taking part in the elections, and thereafter to all Commonwealth governments.

We consider our role in observing these elections as part of the Commonwealth's commitment to strengthening the democratic process in member countries. In carrying out this mission we will remain in close touch with the political parties, the Electoral Commission, and others involved in the election exercise. We look forward to being briefed on the preparations for the poll, and to travelling to many parts of the country before and on polling day.

We consider it an honour to be here at this juncture and hope to assist in whatever ways we can in Ghana's political and democratic development.

Note to Editors

The Commonwealth Observer Group to Ghana has established an office at the Novotel, Accra. For further information please contact Michael Fathers (Press Officer). Tel: 667546 and ask for room 108.

ANNEX IV**Schedule of Engagements****Thursday 28 November**

- 1030 Arrival Press Conference, Novotel Hotel, Accra
- 1500 Briefing by Dr Kwadwo Afari-Gyan, Chairman, Electoral Commission
- 2000 Dinner for Dr Afari-Gyan, Novotel Hotel

Friday 29 November

- 1045 People's Convention Party: Mr Seth Abloso (General Secretary) and Alhaji Mohammed Farl (Vice-Chairman)
- 1145 National Convention Party: Mr Kwame Agyei-Sakyi (General Secretary), Mr Francis Goodwyll (Deputy National Treasurer), Mr Emmanuel Asante-Asare (Chief Protocol Officer) and Mr Samuel Akkan (Administration Officer)
- 1230 Great Consolidated Popular Party: Mr Dan Lartey (Leader), Mr John Thompson (General Secretary), Mr Kofi Abban (National Organiser) and Mr Agble Kpor (Treasurer)
- 1430 New Patriotic Party: Mr Peter A Adjetey (National Chairman), Ms Ama Busia (National Vice-Chairperson), Mr Daniel Botwe (Director, Operations and Research), Mr J O Obetsebi-Lamptey (Chairman, Publicity Committee)
- 1600 National Democratic Congress: Mr Vincent Asiseh (Press Secretary) and Dr Tony Aidoo (Director of Research)
- 1730 Democratic People's Party: Mr Dan Markin (General Secretary) and Mr Emmanuel Duku-Woode (Member, National Executive Committee)
- 1900 Briefing by Commonwealth Heads of Mission at Labadi Beach Hotel, Accra, hosted by Mr R O Wallang (Acting High Commissioner for India) and also attended by HE Mr Ian Mackley (British High Commissioner), HE Mr John Schram (Canadian High Commissioner) and Mr P J Riley (Acting High Commissioner, South Africa)

Saturday 30 November

- 0900 Representatives of the Network of Domestic Election Observers (NEDEO): Justice Kingsley-Nyinah (Chairman, Advisory Board), Dr Baffour Agyeman-Duah (Project Director), Rev Dr Abraham Akrong (Chairman, Reporting Committee) and Alhaji Alhasan Abdulai (Member, Media Committee)
- 1045 People's National Convention: Dr Nii Noi Dowuona (General Secretary) and Mr S K Yiborku (Deputy General Secretary)

- 1200 Bar Association: Mr William Boafo (National Secretary)
- 1400 Mr David Kangah, Deputy Chairman (Operations), Electoral Commission
- 1645 Ghana Journalists' Association: Mrs Gifty Affenyi-Dadzie (President) and Mr Bright Kwame Blewu (General Secretary)
- 1745 Ghana Broadcasting Corporation: Mr Cyril Acolatse (Editor-in-Chief, Radio News) and Mr G Kwawu (Television Production)
- 1930 Chairperson's Reception for Observers and invited guests, Novotel Hotel

Sunday 1 December

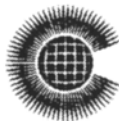
- 1100 National Council on Women and Development: Mrs Ayiku Christian Wilson, Mrs Mariam A Tackie, Mrs Sherry Ayittey and Mrs Stella Bentsi-Enchill
- 1200 Discussion with Mr Victor Butler (UNDP Observers Co-ordinator) and representatives of the National Democratic Institute: Mr Earl Shinhoster (Ghana Field Director) and Ms Antoinette Pearson (Programme Officer for West Africa)
- 1330 Deployment briefing and distribution of Observers' material

ANNEX V**Deployment of Commonwealth Observers**

REGION		LOCATION
Greater Accra	Sir Paul Reeves (Chairperson) Hon Saulo Busolo Wanambisi MP Mr J P Sheppard Ms Lorna McLaren	Novotel Hotel Accra
Ashanti	HE Mrs Amina Hughes Hon Ahmed Hassan Diria MP	Hotel Georgia Kumasi
Brong Ahafo	Mr Mohammad Abu Hena Mr Justice Soorujnundun Moosun	Catering Rest House Sunyani
Central	Ms Janet Willwerth HE Mr Lee Moore	Sanaa Lodge Cape Coast
Eastern	Hon Ilani Isahak MP Mr Michael Fathers	St James' Hotel Koforidua
Northern	Mr Urban Reyes Mr Christopher Child	Las Hotel Tamale
Upper East	Mr Peter Fowler Dr Henry Kaluba	Catering Rest House Bolgatanga
Upper West	Ms Frances Howat Mr Roy Rodriguez	Uplands Hotel Wa
Volta	Hon Catherine Kainja MP Mr Richard Nzerem	Woezor Hotel Ho
Western	Senator Jessica Odle Mr Amitav Banerji	Planters' Lodge Takoradi

ANNEX VI

Check List for Polling Station Visits and Observation Notes for Poll and Count



Ghana Presidential and Parliamentary Elections, 1996

Commonwealth Observer Group

CHECKLIST FOR POLLING STATION VISITS

Name of Observer(s):.....

Constituency:

Polling Station:

Time of Arrival:

Time of Departure:

Voters in Queue: Rate of Processing:

1. **Opening of Poll:** On time? Procedures followed?
No/Yes No/Yes
Details:
2. **Layout and Facilities:** Good? Adequate? Poor?
3. **Polling Staff:** Efficient? Satisfactory? Poor?
4. **Security Presence:** Discreet? Intrusive? Oppressive?
5. **Complaints by Party Polling Agents:** No/Yes Details:
6. **Complaints by Voters:** No/Yes Details:
7. **Presence of unauthorised persons:** No/Yes Details:
8. **Atmosphere at Station?** Orderly? Tense? Chaotic?
9. **Secrecy of Ballot:** Assured? Poor? Uncertain

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10. Voting:

(a) Personation attempts alleged: No/Yes

Details:

(b) Multiple voting attempts alleged: No/Yes

Details:

(c) Women deterred from voting: No/Yes

Details:

11. Closing of Poll: On time? Numbers still in queue?
Procedure followed? No/Yes

12. The Count: Are procedures being observed? No/Yes

13. Apparent fairness overall: Good? Acceptable?
Questionable?

14. Other Comments:



Ghana Presidential and Parliamentary Elections, 1996

Commonwealth Observer Group

OBSERVATION NOTES FOR POLL AND COUNT

PART A

The Observers may focus particular attention on the following aspects of the conduct of the election:

THE CAMPAIGN

1. Balance of TV/radio election coverage and extent and nature of access by the parties (e.g. allocation of time for political broadcasts and advertisements).
2. Print media: nature of coverage and extent of access by the political parties.
3. The tone and content of material put out by the political parties, access to printing facilities?
4. The conduct of political meetings/rallies (permits for public meetings?)
5. The conduct of house-to-house canvassing of voters.
6. Nature, scale and effectiveness of Election Commission and other voter education on radio and television, in the print media and by other methods.
7. Activities/measures to encourage the participation of women.
8. Access to funds and sources of funds.
9. Has there been violence/intimidation and/or tolerance and restraint?
10. In general, has the campaign been conducted according to standard democratic norms?

THE POLL

1. The location of polling centres.
2. Distances travelled by voters to polling centres, particularly in rural areas.
3. The procedure followed at the opening of the poll.
4. The length of time voters wait to cast their votes.
5. The adequacy or otherwise of facilities at polling stations and their state of readiness.
6. Availability of adequate supplies, eg, ballot papers, official stamps and stamp-pads, indelible ink, etc.
7. The performance of electoral officials at the polling centres/booths visited.
8. The procedures in place to ensure proper security of ballot papers, ballot boxes and official seals.
9. Arrangements to facilitate voting by women.
10. The steps taken to ensure that the secrecy of the ballot is assured.
11. The general atmosphere at the polling centres/booths visited.
12. Access of party agents and observers to polling centres and the performance of party agents.

THE COUNT

1. Inspection of seals.
2. The process of reconciling the number of people who voted with the number of ballots cast.
3. The determination of invalid ballots.
4. The facilities for candidates and their representatives to witness and verify the count and overall transparency.
5. Access by domestic and international observers.
6. The conduct of electoral officers.
7. The collation and transmission of results information to constituency and higher levels.

PART B

Questions that may be put:

BEFORE POLLING DAY

1. Was the Voters' Register compiled in a satisfactory way? Were people missed out? Were the names of dead people or "phantom voters" included?
2. Who are the election officials? How were they chosen? Are voters confident that they will be impartial?
3. Is the person in the street satisfied with arrangements? Will he/she vote? If not, is he/she afraid to do so? Were there any attempts to discourage/encourage the participation of women and were they effective?
4. Have all parties been able to campaign freely? Has the campaign been free of intimidation, etc? Have all parties had full access to the mass media?
5. Is there freedom to advertise and distribute posters, leaflets, etc?

ON POLLING DAY

1. Before polling starts, are the ballot boxes empty? Are they properly sealed? Are all procedures being adhered to?
2. Are all parties represented at polling stations? Are they satisfied with the process?
3. Are voters apparently voting freely? Are they enthusiastic? Do they talk freely? Do they exhibit signs of fear or intimidation?
4. Do voters and election officials understand the procedures properly? If not, are the procedures being explained fully and impartially? Are attempts being made to suggest how voters should vote?
5. Does the turnout indicate that women have been deterred from voting?
6. Is only one person at a time being allowed into the voting booth?
7. How long are voters waiting to vote? If a long time, are some being put off? Is there queue jumping?
8. Will all parties be represented at polling centres throughout voting and count? Are party polling agents adequately trained and vigilant?
9. Will foreign observers have free access to all stages of the process?
10. Is the security presence effective/oppressive?

THE COUNT

1. Are the boxes kept safe until opened? What measures are taken to protect Special Votes? Are all parties present at opening?
2. Does the number of used ballot papers tally with the record of those who voted?
3. Are the papers counted properly? Are counting agents present? Are they satisfied with the procedure of the count? Is the collation and transmission of results being carried out properly?

ANNEX VII**Interim Statement of 8 December 1996**

Ghana Presidential and Parliamentary Elections, 1996

Commonwealth Observer Group*News Release*

8 December 1996 : 0030

Interim Statement by The Chairperson, Sir Paul Reeves

The Commonwealth Observer Group, consisting of 23 eminent persons and support staff has been in Ghana for the last ten days and some members of our group have been here longer. After thorough briefings our members were deployed to every region of Ghana for about a week.

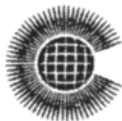
On election day our observers visited nearly three hundred polling centres across the country. We were present when the polls opened and when they closed. We also stayed to observe the count. Where we visited was entirely our own decision and the logistical support for our Group was provided solely from the resources of the Commonwealth Secretariat.

These elections mark an important advance in the democratic process in Ghana. Overall they have been well planned, organised and conducted. It is significant that all parties were determined to contest the elections/and they did so vigorously. By turning out in large numbers, peacefully and patiently, the people of Ghana have demonstrated their commitment to the democratic future of their country. We believe that the conditions existed today for a free expression of will by the electors.

This statement is issued while the constituency results are being compiled. We will later be submitting a comprehensive and considered report to the Commonwealth Secretary-General who will then make it available to the Government of Ghana, the Electoral Commission and all the political parties that have taken part in the elections.

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ANNEX VIII**Departure Statement of 11 December 1996**

Ghana Presidential and Parliamentary Elections, 1996

Commonwealth Observer Group*News Release*

11 December, 1996

**Departure Statement by Sir Paul Reeves
Chairman of the Commonwealth Observer Group**

The Commonwealth Observer Group arrived in Ghana on 27 November and leaves today having completed its observation of the Presidential and Parliamentary elections.

During this time our 23 members travelled extensively and were present in the last week of the campaign in all Ghana's 10 regions for special voting and on election day. We met representatives of the Electoral Commission, the leading political parties, the broadcast and print media, non-governmental organisations and interested groups, and many Ghanaians across the country.


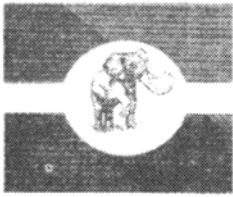
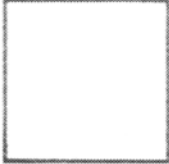










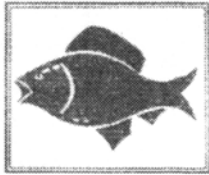

We were deeply impressed with and wish to commend the strong commitment of the people of Ghana to the democratic process. We believe this was a credible election which reflected the will of the people. With the election now behind them we urge all the political parties, whether in government or in opposition, to work for national reconciliation, for the further consolidation of democracy, and for the greater benefit of their country.

We are grateful to have had this opportunity to serve our fellow Commonwealth citizens in support of the Commonwealth's fundamental values. We wish to express our appreciation to all those Ghanaians who have assisted us in our work and for the many kindnesses extended to us.

Our report will be submitted to the Commonwealth Secretary-General Chief Emeka Anyaoku who will then make it available to the Government of Ghana, the Electoral Commission and to all the political parties that took part in the elections. It will then be available to the general public.







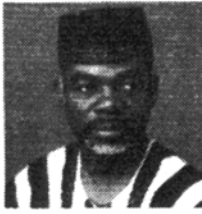


ANNEX IX

Sample Ballot Paper, Parliamentary Elections, 7 December 1996

010801		010801	
PARLIAMENTARY ELECTIONS: 1996 GREATER ACCRA REGION KLOTTEY-KORLE	PARLIAMENTARY ELECTIONS: 1996 GREATER ACCRA REGION KLOTTEY-KORLE		THUMB PRINT IN BOX BELOW ↓
	CANDIDATE	SYMBOL	
	 Gilbert Quartey	 NPP	
SAMPLE	 Tei Okunor	 IND.	
	 David Lamptey	 NDC	
	 Adolf Lutterodt	 PCP	
	 Kwame Nyarko Akuffo-Mensah	 IND.	

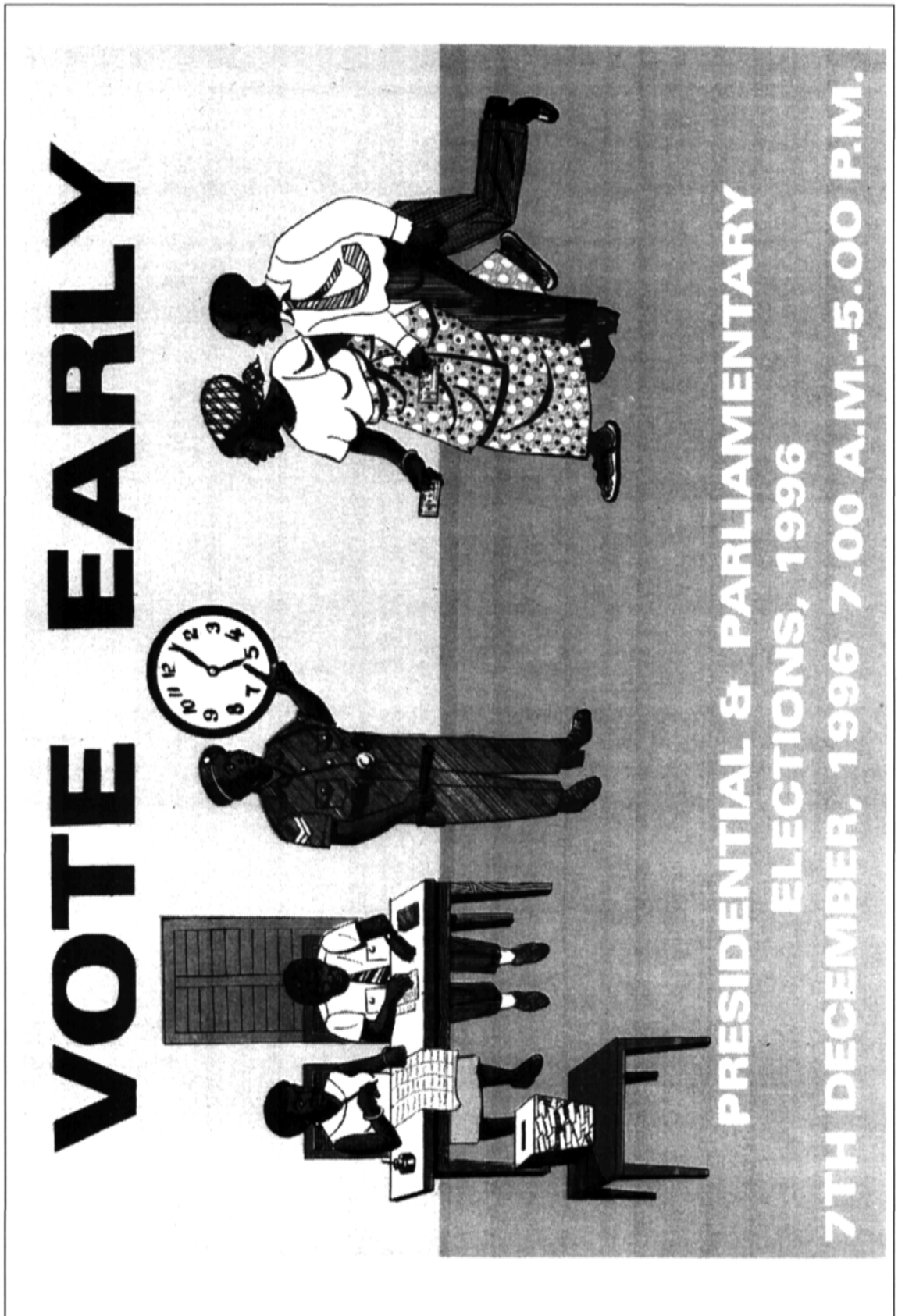
ANNEX X

Sample Ballot Paper, Presidential Election, 7 December 1996

9042101		9042101	
PRESIDENTIAL ELECTION, 1996	PRESIDENTIAL ELECTION, 1996		THUMBPRINT IN BOX BELOW ↓
	CANDIDATE	SYMBOL	
SAMPLE	 J. J. RAWLINGS	 NDC	
	 J. A. KUFUOR	 NPP	
	 E. N. MAHAMA	 PNC	

ANNEX XI

Electoral Commission Voter Education Posters



VOTING IS FOR EVERY ADULT



**PRESIDENTIAL AND PARLIAMENTARY
ELECTIONS, 1996**

**7th DECEMBER 1996
7,00am - 5,00pm**

THUMBPRINT YOUR BALLOT PAPER CORRECTLY CORRECT MARKING OF BALLOT

PICTURE	SYMBOL	PLACE THUMBPRINT IN BOX



WRONG MARKING OF BALLOT



BALLOT UNMARKED



VOTED FOR MORE THAN ONE CANDIDATE



SELECTED CANDIDATE UNCERTAIN



VOTER CAN BE IDENTIFIED

PRESIDENTIAL AND PARLIAMENTARY ELECTIONS

7 DECEMBER 1996 7am to 5 pm

ELECTORAL COMMISSION OF GHANA

PHOTOGRAPH BY: J. K. ...

ANNEX XII**Electoral Commission Code of Conduct for Election Observers*****Policy on Election Observation
and
the Election Observers' Code of Conduct***

(Issued by Electoral Commission of Ghana)

Policy on Election Observation**Introduction**

The Electoral Commission welcomes you as an observer in the 7th December 1996 Presidential and Parliamentary Elections. The observation of an election is a serious undertaking. The Commission and people of Ghana trust that you will perform your duties faithfully and in accordance with the policy and code of conduct laid out in this brochure.

Election Observation Policy

1. An observer shall have the right to enter any polling station or constituency centre throughout Ghana to observe the packing and transporting of election materials, the voting process and the counting of votes at the polling stations, and the collation of election results at the constituency centres.
2. Accreditation for purposes of observing the presidential and parliamentary elections shall be given to organisations recognised by the Commission.
3. Any organisation seeking accreditation shall file an application with the Commission, giving the following information:
 - (a) the names, addresses and phone numbers of the organisation and its principal officers;
 - (b) the name, address and phone number of the person put in charge of the observation exercise;
 - (c) an undertaking that the organisation will abide by the laws, regulations, policies, and code of conduct governing the election and its observation;
 - (d) an undertaking that the organisation will take reasonable steps to ensure that its proposed observers are well versed in the rules, regulations, and procedures which govern the conduct of election observation;
 - (e) a list of all persons who will serve as observers and their photographs (approx. 3 cm wide x 3.5 cm long).
4. Unless the Presiding Officer otherwise permits, access to a polling station shall be limited to a total of four (4) observers per polling station at any one time.

Observers should identify themselves to the Presiding Officer at each polling station visited.
5. Unless the Returning Officer otherwise permits, access to a constituency centre for purposes of the collation of results shall be limited to two (2) observers from each accredited organisation.

6. No observer shall be allowed access to any polling station or constituency centre:
 - (a) unless he or she is wearing the official identification issued by the Commission;
 - (b) if he or she is carrying, wearing or in any manner displaying any identification of a political party or candidate contesting the election.
7. The Commission or its representative may cancel the accreditation of any organisation or individual where, in the opinion of the Commission or its representative, the organisation or individual has:
 - (a) failed to comply with a lawful instruction, direction or order issued by or on behalf of the Commission; or
 - (b) demonstrated publicly a bias in favour of a particular candidate or political party; or
 - (c) hindered or obstructed any election official in the conduct of his or her duties; or
 - (d) infringed the Code of Conduct for Election Observers published by the Commission.
8. An organisation sponsoring observers shall be entirely responsible for all costs in assisting its observers in the performance of their duties.

Election Observers' Code of Conduct

The object of the Code of Conduct as prescribed by the Commission is to ensure that:

- (a) election observation is done with integrity and transparency; and
 - (b) election officials are left alone to do their work.
1. An observer shall not offer advice or give direction to or in any way interfere with an election official in the performance of his or her duties.
 2. An observer shall not touch any election material or equipment without the express consent of the Presiding Officer at a polling station or the Returning Officer at the constituency centre.

Observers may not involve themselves in the conduct of the election.
 3. An observer or observer organisation shall maintain strict impartiality in the course of observing the election and shall at no time indicate or express any bias or preference for any political party or candidate contesting the election.
 4. An observer shall not carry, wear, or display on his or her person any electioneering material or any article of clothing or any insignia denoting support for or opposition to any party or candidate contesting the elections.
 5. An observer shall not carry or display arms or any offensive weapon during the conduct of his or her duties as an observer.

6. An observer shall take reasonable steps to substantiate every statement or information provided in connection with the conduct of the elections. If any statement cannot be substantiated, the observer's report shall state that he/she was unable to verify the truth of the statement or information.
7. An observer shall comply with any lawful directive issued by or under the authority of the Commission, including an order to leave a polling station or a constituency centre given by the officer in charge of the place.

Failure to follow a lawful directive is a violation of Ghanaian law.

ISBN : 0 85092 497 9

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