PRINCETON UNIVERSITY

INNOVATIONS FOR
SUCCESSFUL SOCIETIES

KEEPING THE PEACE IN A TENSE ELECTION:

GHANA, 2008

SYNOPSIS

In 2008, Ghana held a peaceful run-off in a hotly contested presidential race, breaking the pattern of violence that had afflicted elections in Nigeria, Kenya, Zimbabwe and several other African countries during the same period. Since the advent of multi-party democracy in 1992, Ghana had held three consecutive elections that observers regarded as relatively free and fair. However, the 2008 presidential race generated concern. Previous elections had revealed substantial ethnic block voting, raising allegations of misbehavior by the two major parties both during the campaign and on polling day. Tensions were increased further in 2008 by the closeness of the initial ballot, which forced the country's first run-off in which the outcome was genuinely uncertain. This case study analyzes the measures taken by the Electoral Commission and other bodies to reduce the likelihood of violence, including an emphasis on transparency as a way to build trust. With the help of other groups, the commission also organized a system for identifying potential trouble spots, mediating, and building cooperation. In large part because of these efforts, Ghanaians experienced a peaceful transfer of power.

INTRODUCTION

Vincent Crabbe, a former justice of Ghana's Supreme Court and co-chairman of the Coalition of Domestic Election Observers, clearly recalled the tension that he and his colleagues experienced in 2008 as his country headed toward its fourth democratic election. "The possibility of violence was not ruled out," he observed. "We knew what was going on [and] had to take care about the possibility of

these things getting out of hand." Reflecting on the outcome of the election, he commented, "If things had gone badly, it would be to the discredit of the country as a whole. … It was a question of saving the integrity of the country."

During the preceding decade and a half, Ghana had acquired a reputation as one of Africa's better economic and political performers, but the instability of its early years still cast a shadow. After gaining

independence from Britain in 1957, the country endured three rocky decades marked by a series of military coups and counter-coups. Then-Flight Lieutenant Jerry Rawlings led a coup in 1979, briefly returned the country to civilian rule, and then seized power from the civilian government in 1981, marking the country's fifth successful military coup since independence. The economy had contracted through much of the 1970s, and Rawlings adopted substantial elements of a conventional structural-adjustment program, cutting the budget, selling public companies and liberalizing markets. Ghana's average annual growth in gross domestic product per capita increased in the late 1980s and 1990s, hit a plateau, and then rose again, more sharply, between 2005 and 2008.

In 1992, bowing to domestic and international pressure, Rawlings helped to create the basis for a multi-party system, legalizing opposition parties and announcing a date for elections. Although international observers deemed the resulting vote free and fair, Rawlings' victory in the presidential race caused opposition parties to cry foul and boycott the parliamentary polls. The end result, after a voter turnout of only 28%, was a Parliament in which Rawlings' National Democratic Congress (NDC) held nearly every seat. Thereafter, the political climate gradually improved. Four years later the opposition participated fully in competitive elections that international observers and opposition parties deemed fair even though Rawlings and the NDC were returned to power. In 2000, Rawlings surprised many by peacefully ceding power to John Kufuor of the New Patriotic Party (NPP), after Rawlings' NDC lost the election. Kufuor and the NPP went on to win the 2004 elections.

As the 2008 elections drew near, opinion surveys showed the NDC and the NPP were running neck and neck. With the presidential candidates locked in a tight race, domestic and international observers worried that the fierce competition might escalate and shatter the country's recent record of peace. The recent history of close elections on the African continent did not bode well. In 2007, presidential and parliamentary contests in Nigeria and Kenya had erupted in violence. A close and disputed outcome in the Kenyan presidential election at the end of 2007 had led to roughly 1,000 deaths. In Zimbabwe in March 2008, the incumbent president and his main challenger ran a very tight race and faced a run-off. Clashes between parties, as well as between opposition campaigners and the police, plagued the campaign. In Zimbabwe, as in Kenya, disputes about the outcome prompted international concern and the dispatch of mediators. Not surprisingly, tension gripped Ghana as the campaign period dawned.

The discovery of potentially vast offshore oil reserves increased the political stakes. Revenues would begin to flow during the next presidential term, creating opportunities for enrichment and patronage. Many worried that the "resource curse" that plagued other countries would soon strike Ghana. Daniel Armah-Attoh of the Center for Democratic Development (CDD), one of the country's most respected think tanks, characterized the elections as a fight "for who takes control of the nation's resources." While such a view was unusually stark, the frequency with which observers pointed to the still-untapped oil reserves indicated that Armah-Attoh was hardly alone in his concerns. Emmanuel Gyimah-Boadi, director of the CDD, agreed that "the allure of 'state capture' via the presidency has now been enhanced by the recent discovery of oil reserves off Ghana's western shores."

Within the ranks for the incumbent party, the NPP, rhetoric had escalated early in the primary period. Seventeen NPP politicians had competed for the chance to be the party's

presidential candidate, shelving their official duties and spending heavily on gifts for constituents. Newspaper editorials and letters to the editor expressed concern. The record did not augur well for the campaign itself.

With Kenya and Zimbabwe as vivid warnings of the perils of closely contested elections, the Electoral Commission, civil society groups, non-governmental organizations and the international community took action to guarantee the fairness and peacefulness of the elections. The Electoral Commission placed enormous emphasis on transparency, seeking to minimize the potential for challenge wherever possible. An important non-governmental group, the Coalition of Domestic Election Observers (CODEO), conducted a parallel vote survey by tallying the vote in 1,000 polling stations across the country to check the Electoral Commission's stated results.

Attention also focused on parties and the public. Because party leaders and activists had often been behind violence that had disrupted elections in other countries, the Electoral Commission created channels for interparty dialogue, established a code of conduct that was signed by the major parties, and created a National Peace Council to help mediate disputes. Voter education also had a high priority. Although the country endured some tense moments during the campaign period, the elections concluded without disruption and peace prevailed in the period after results were announced.

THE CHALLENGE

The 2008 elections were a first for Ghana in several respects. The NDC and NPP had each experienced eight years in power and eight years in the opposition. Unlike the previous three contests, neither the president nor vice president was running for office. The NPP candidate was Nana Akufo-Addo, who was attorney general and then foreign minister under the incumbent president, Kufuor. John Atta Mills, vice president under Rawlings and the NDC standard-bearer in the 2000 and 2004 elections, returned as the NDC candidate. The prospect of victory by either side raised serious concerns. An NPP win would give the impression that the incumbent party had entrenched itself and a "winner take all" system prevailed. The NDC, out of office for eight years, might not have been willing to tolerate another term in the opposition. But an NDC victory meant that the incumbent NPP would have to give up office, with a probable loss of jobs for its supporters.

In the first round, neither presidential candidate won a majority, ensuring a run-off, while parliamentary elections delivered 115 out of 230 seats to the NDC and 107 to the NPP. Seven seats went mostly to independent candidates, with the People's National Convention winning two and the Convention People's Party picking up one. One seat remained unfilled amid concerns about irregularities.

Although it gained only one seat in Parliament, the Convention People's Party—a socialist party once led by the country's first president, Kwame Nkrumah—picked up enough of the presidential vote in the first round to prevent either major party from gaining an outright majority.

The political parties began to use some of the tactics that had precipitated large-scale violence in other African countries, including ethnic appeals, fear mongering and payoffs to voters. Gyimah-Boadi noted that "members of 'keep-fit clubs' acted in essence as vigilantes for their preferred parties and candidates and sparked violent pre-election clashes in several places, including Accra, the country's capital. During the run-up to the second round, the threats escalated." Both parties deployed these clubs, and a number of disturbances were attributed to them throughout the process.

Although Ghana did not suffer the kinds of ethnic rivalries that had been implicated in violence in Kenya, the perceived risk of discord was strong enough that the country had incorporated limits on factional parties into the 1992 constitution. The constitution required that political parties "not be based on ethnic, religious, regional or other sectional divisions" and that parties have national rather than regionally concentrated organizations.[1] Partisan alignments did not match ethnicity and ethnic boundaries perfectly, but the NDC's base of support was especially strong in Ewe-dominated communities and the country's Volta region, while the NPP pulled many votes from the Akan-dominated regions of the west and central part of the country. The Ewe and Akan ethnic groups sometimes lived inter-mixed, but the lines of division had become more pronounced during the Rawlings years, at least in electoral periods. Ransford Van Gyampo of the University of Ghana echoed the views of others when he observed that the use of ethnic appeals in politics, though not as common as in other countries, "was gradually rearing its ugly head." Van Gyampo questioned whether Ghana's political party code of conduct, which had no statutory backing, was strong enough to head off potential trouble.

Although all of Ghana's political actors paid lip service to the need for peace and the primacy of the ballot box, Kwame Ninsin, scholar in residence at Ghana's Institute for Democratic Governance (IDEG), observed that fears the country would go the way of Kenya and Nigeria were "quite significant, because the stakes were really, really high. … Political office carries a lot of privileges." There was overwhelming agreement on the part of Ghana's Electoral Commission and non-governmental organizations that in order to build acceptance of the results, they would need to make an extraordinary effort to ensure that the process was beyond reproach.

FRAMING A RESPONSE

At the center of the effort to respond to this challenge, though not directly involved in all initiatives, was the Electoral Commission under the leadership of Kwadwo Afari-Gyan, a man who was widely respected for his impartiality and probity. Afari-Gyan had been a prominent professor at the University of Ghana. After helping to draft the 1992 constitution and serving as deputy chairman of the Interim National Electoral Commission in the 1992 elections, in 1993 he became the Fourth Republic's first chairman of the Electoral Commission, overseeing four subsequent elections in which he and the Electoral Commission built a reputation as honest brokers. Although various political parties attempted to impugn the independence of the Electoral Commission at one time or another, their efforts appeared to gain little traction among the public. An Afrobarometer survey conducted in 2008 found that 70% of the public expressed confidence in the organization.[2]

In addition to the reputation of its chairman, the Electoral Commission had benefited since 1992 from formidable legal guarantees of its independence. Afari-Gyan described how, according to the 1992 Constitution, "certain positions on the commission must be permanent, in the sense that once you assume the position you carry on until you reach retirement age… . As a result we are not subject to summary dismissal." In addition to guaranteeing tenure, the constitution also shielded the Electoral Commission from "direction or control of any person or authority."

The Electoral Commission also enjoyed relative independence in its staffing and funding. In 2008, the commission had 10 regional offices and 148 district offices, with a total work force of more than 1,000. Afari-Gyan described how, rather than being forced to appropriate staff from other departments on

an ad hoc basis, the Electoral Commission had the "power in law to hire [its] own personnel with the collaboration of the Public Service Commission … which would determine the staffing levels and things like that. So if we wanted to hire electoral officers … once we were able to justify the need, then they said OK." The Electoral Commission did depend on the central government for appropriations, and according to Director of Operations Albert Kofi Arhin, "There have been cases where government has been late in releasing funding." Still, Afari-Gyan pointed out that the Electoral Commission enjoyed an independent budget, so that "once Parliament has approved the budget, then technically it means that we had the right to use that budget to do our work to such an extent that if we had to discharge some constitutional obligation and the government said there was no money, we could take the government to court and force the government to provide that money."

Not only did the Electoral Commission receive protection from presidential and parliamentary interference in the execution of its duties, it also had substantial legislative power to regulate the conduct of elections. The commission was empowered by the constitution and the Electoral Commission Act of 1993 to "make regulations for the effective performance of its functions under [the constitution, the 1993 law] or any other law."[3] Subject to annulment only by a two-thirds parliamentary majority and judicial review, the commission had exclusive power to determine and regulate the conduct of elections.

The Electoral Commission worked closely with the Inter-Party Advisory Committee, which it created in 1994 in response to the boycott that marred the country's first multiparty elections two years earlier. The Electoral Commission had decided that it should encourage a spirit of cooperation among political parties. According to Afari-Gyan, "after the elections we started collaborating very closely with the political parties towards creating a more congenial environment for the conduct of elections. That eventually led to the formation of what we call the IPAC, the Inter-Party Advisory Committee. Initially the idea was that we would meet once every month whether there were elections or not and discuss issues relating to elections. It proved to be a very useful organ." The committee gave smaller parties with little or no representation in Parliament a chance to voice views and concerns. According to a 2007 report by AfriMAP, the Open Society Institute for West Africa, and Ghana's IDEG, the committee had "become the most important mechanism for managing distrust among political parties."

The Electoral Commission also relied on civic groups as partners. It worked closely with three Ghanaian think tanks: the Institute of Economic Affairs (IEA), the Center for Democratic Development (CDD) and the IDEG, all established non-governmental organizations that could engage the help of network of contacts in the NGO community. All three took responsibility for aspects of public education and election monitoring. The CDD had launched the Coalition of Domestic Election Observers (CODEO) in 2000 and had continued to host the organization in its offices. CODEO operated as an umbrella for 34 civil-society organizations that helped to train and deploy thousands of election observers (4,000 in 2008). The CDD assumed responsibility for raising the money for election observation and coordinated the efforts.

Also included in the rich mix of groups responsible for managing the election was the year-old National Peace Council and its network of regional and district peace advisory councils. The government weighed a proposal to constitute these councils earlier in the

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decade and took the first steps in cooperation with the United Nations Development Programme. A 2002 resolution of African leaders at the Durban Conference on Security, Stability, Security, Development and Cooperation in Africa gave energy to the idea. In a 2006 concept paper, Ghana's then-minister of interior, Albert Kan-Dapaah, wrote, "Ghana is perceived as a stable country in a very volatile region. To sustain our stability, we must demonstrate that we have learned some important lessons from the experiences of our neighbours. While we are stable, there are myriads of conflicts, many of them violent that threaten our democracy. Our responses to these conflicts have at best been reactive."

The peace councils were designed to help monitor conflicts, promote tolerance, help mediate and build confidence, and enhance the capacity of chiefs, women, youth groups, community organizations and others to help build and maintain peace. When the National Peace Council and its network began to get off the ground in 2007, it drew on the talents of religious leaders, traditional authorities, professors, and respected politicians, including representatives of the political parties. At the time of the election, the body still lacked statutory backing, and its structure of district and regional advisory councils was only partly in place.

The effective interplay of these various initiatives required smooth communication between the NGOs, the parties and the government. The groups most essential to this effort were the Inter-Party Advisory Committee, the Electoral Commission and the CDD. The commission and the CDD were especially active in reaching out to other internal and external groups and organizations.

GETTING DOWN TO WORK

The Electoral Commission and NGOs took early steps to prevent violence and later introduced additional measures as tensions rose. Afari-Gyan and his colleagues recognized that the circumstances of 2008 required the electoral process to be completely trustworthy. Given the tense environment and recognizing that misunderstanding and suspicion ran high, credibility had to be the first priority. The "overall challenge," said Afari-Gyan, was "how do you achieve credibly trustworthy elections?" In order to inspire confidence in the results, the Electoral Commission was deeply concerned with transparency, a concept it had implemented literally in earlier elections with the use of transparent ballot boxes.

Voter registration

The most trying part of the electoral process occurred months before the balloting, as the Electoral Commission struggled to update the voter rolls. Crabbe, the former Supreme Court justice and co-chairman of CODEO, described the process as "the biggest challenge" those involved in the election faced. The initial registration period was short—just 10 days. Later, people were given a chance to transfer registration if they had moved. At both stages, logistical problems in some locations, coupled with misunderstandings and efforts to manipulate the process for political advantage, deepened tensions.

The challenges in trying to verify eligibility to vote were legion. Confirming ages and citizenship could be extremely difficult because many people lacked birth certificates. "This is not the kind of setting where many people carry documents," Afari-Gyan said. "So in the past we did not demand birth certificates. People said what about passports? How many Ghanaians have passports? We even considered baptismal certificates. What if you're not a Christian? OK, health card— what if the person has never been to a hospital? Maybe in the future we can ask for documentary proof of people's ages, but as of now it becomes a bit arbitrary. If you don't

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take care, you will disenfranchise a lot of people."

Because the lack of documentation meant that the voter register would err on the side of inclusion, the Electoral Commission pursued two avenues to review the lists. First, it invited the parties to send monitors and asked the monitors to sign the daily accounting forms that reflected the numbers of people who registered. "In fact, any political party that cared to do so could send a representative to the registration center, stay there on a continuing basis for the entire period, and take down daily the numbers of people who have come to be registered," explained Afari-Gyan. "We have what we call a daily accounting form. The registration officer will sign that 'today so many people registered.' It will be countersigned by the agents at the end of the exercise. So they are there when we are doing the voters' register." In theory, this procedure would build trust that the rolls were reliable, making it more difficult later for parties to allege that the voter lists were inflated.

The next step was to allow community members to vet the rolls, pointing out the names of people who were not citizens. Afari-Gyan described the process: "Then we display, of course. When we've collected the information, we display the information publicly for about 10 days, and everybody can go and examine the register and can object and say, 'No, this lady is named there, this lady is not a Ghanaian'. Then finally the court will have to decide on those issues before we print the final register."

Other problems developed. The 10-day registration period was insufficient to manage the process effectively. Eager to register, applicants sometimes lined up at midnight to wait for the offices to open. Forms and photographic equipment were occasionally unavailable when needed, breeding frustration and suspicion. Civic education in the run-up to the process was inadequate, and people in

line for registration sometimes thought they were applying for identity cards rather than registering to vote.

During the registration process in the north, observers grew concerned that political parties had urged youth still below the legal voting age to register and had paid people who weren't Ghanaian citizens to apply. The police made several arrests of people alleged to have directed some of these activities. There was widespread agreement that the rolls the drive produced were inflated, and in the follow-up period as the Electoral Commission reviewed documents submitted, 349,000 names were eliminated.

Afari-Gyan was philosophical: "The borders divide people of the same stock. … When there is no physical presence of, say, the immigration authority and so on, they really don't recognize they have borders and so on. So some of them genuinely do not think they are doing the wrong thing." At the same time, he acknowledged the role of political parties in aggravating the problem. A CODEO report expressed additional concern that there was too much interference by party agents in reviewing documents and completing paperwork at several sites. European Union observers concurred.

The flaws in the process sharpened tensions, working against the commission's overall goal of reducing divisiveness. Although the parties strongly criticized the process, however, they accepted the register and allowed the election to move forward.

Moderating campaign behavior
Limiting intimidation and violence on the campaign trail was another priority. Achieving this objective required more than adherence to fair and transparent rules. In Kenya's 2007 election, the knives were sharpened long before election day. Realizing the potential for violence posed by inflammatory political rhetoric and restive youth gangs, Afari-Gyan

and civic leaders sought ways to limit provocation and induce restraint.

A party code of conduct was a conventional approach to this problem, and Ghana already had a code in place. The Electoral Commission drafted Ghana's first Political Parties' Code of Conduct, which was signed by all parties, prior to the 2000 elections. The code called on parties to cooperate with election workers and observers to ensure fair elections, discourage their partisans from electoral violations such as multiple voting, and work to eliminate violence and intimidation. Although the 2000 elections were seen as a success and a milestone for Ghana, "the 2000 code," according to Van Gyampo of the University of Ghana, "was seen as deficient on the grounds that it had no enforcement mechanism and was also limited to the conduct of political parties only on Election Day."

The Institute for Economic Affairs, an NGO comprising influential and respected Ghanaians, had worked with the Electoral Commission and the parties to revise the code for the 2004 elections, but as 2008 approached, the continuing need for an enforcement mechanism attracted more attention. The IEA called together the political parties to update the code, this time adding regulations to limit abuse of incumbency and providing for national and regional enforcement bodies. The revised code bound the parties to non-inflammatory behavior, banned defamation and "provocative, derogatory and insulting attacks," and established regional boards with the power to reprimand violators publicly.

Observers worried that the measures were still insufficient, however. The enforcement bodies had no statutory authority. Van Gyampo predicted that the code would prove impotent, because the enforcement bodies had no formal legal powers, merely being able to invite political party representatives to receive

reprimands, and the people who served on the enforcement bodies had almost no public profile and were thus unable to make up for their lack of formal power with moral authority.

The IEA worked to publicize the code and build a general public norm for acceptable behavior. It received help from the National Commission for Civic Education, a constitutionally mandated agency separate from the Electoral Commission. Van Gyampo recalled, "We … [explained to] the electorate that this is the document that your own people have signed and pledged to go by, to make sure that the election is incident-free." The IEA also sought to enforce compliance by sending delegations of IEA members to speak with politicians who appeared to violate terms of the code. In some areas where tensions between the two parties were running high, the IEA orchestrated events at which local party leaders would re-sign and re-commit themselves to the code of conduct.

As it became clear that the campaign would be hard-fought and the vote would be extremely close, it also became clear that the Political Parties' Code of Conduct would not eliminate the temptation to seize an electoral advantage by whatever means necessary.

Voter outreach and education

Voter education went beyond the mechanics of how to cast a ballot. It emphasized the need to reduce violence and focused the candidates' attention on practical issues voters cared about. The Electoral Commission and the National Commission for Civic Education were heavily involved in educating voters about the basics of how to register, find a polling place and vote. In consultation with the Electoral Commission, Ghana's main think tanks and several civic groups helped extend these efforts.

The Center for Democratic Development launched a series of education programs in

slums and areas that were identified as high-risk, with extreme poverty, high unemployment and large youth populations. They aimed these programs at disaffected young people, who were frequently recruited by local leaders to disrupt the rallies of the opposing party and harass observers and party workers. During these programs, the CDD staff warned communities about of the dangers of ethnic violence. They illustrated their admonitions with footage of the Rwandan genocide as an example of the type of violence caused by sectarianism. They also talked with residents, asking for people's own perceptions of the actions or practices that might trigger conflict.

At the same time, the Institute for Democratic Governance ran education programs of its own, hosting public forums entitled "Disputed Elections and their Consequences in Kenya and Nigeria: Lessons for Ghana." The four events took place in Accra but were broadcast throughout the country by a major radio station that had helped set up the discussions. The forums hosted speakers such as Election Commission Chairman Afari-Gyan, Chief Justice Georgina Wood of Ghana's Supreme Court, leaders of the national police, and visitors from Nigeria and Kenya. The speakers warned about practices in the pre-election period that boded ill, including the "keep-fit clubs" and the formation of ethnically aligned student groups on campuses. The visitors shared their experiences in Nigeria and Kenya.

The IEA also sponsored nationally televised debates among the presidential and vice-presidential candidates of the four parties with parliamentary representation: the ruling New Patriotic Party, the National Democratic Congress, and the much smaller Convention People's Party and People's National Convention. The debates were the first in which all major candidates participated. Two presidential debates were held prior to the December elections, one in late October in Accra and another in mid-November in Tamale, a major secondary town. The vice-presidential candidates debated in late November in Cape Coast.

The IEA sought commitments from the candidates and then published a list of participants in the media in order to lock the parties into their agreements. The IEA then wrote to civil society organizations and placed advertisements in newspapers to solicit questions. Prior to the oral debates, questionnaires were sent to the candidates asking them to explain their policy positions. A nine-member committee, composed mainly of prominent members of civil society, selected the questions for candidate questionnaires and the debates, and determined a number of other organizational details (debate times and locations, moderators, format, etc.).[4] The IEA then provided the candidates' responses to the press, which published them. In the days before the debates, the IEA conducted rehearsals with representatives of the political parties to smooth out any problems and ensure everyone understood the rules.

The people who designed the presidential debate format aimed to focus candidates on policies rather than personalities. University-based adviser Van Gyampo said, "Hitherto, politics had been based on personality attacks, insults. Now this debate provided a platform that forced the presidential aspirants to engage the electorate in dialogue over issues."

The first debate, moderated by professor Kwame Karikari of the University of Ghana School of Communications Studies and journalist Cyril Acolatse, had a simple format. A question was put to all four respondents, each of whom (in random order) was given two minutes to respond. After criticism of the format in the first debate, the second debate, moderated by professor Ivan Addae Mensah, former vice chancellor of the University of Ghana, and radio reporter Israel Laryea, gave

the candidates more time to respond and interact with one another. The debates were broadcast live on multiple television and radio stations. The IEA also helped translate summaries into various local languages used in Ghana, for broadcast the following day on radio and television. The vice-presidential debates, though lower profile, were also broadcast live on state television and carried elsewhere.

Policing

Despite the effort made to ensure that the parties and the populace would behave well during the vote, the risk of violence remained. The Electoral Commission worked with a special National Election Security Task Force to plan how to police the campaign period and the election itself. Ghana's Inspector General of Police convened leaders of the police, military, customs and immigration to work together on security. Although the police service took the lead in the task force, it was assisted by the armed forces, National Security, the Bureau of National Investigations, the Fire Service, the Immigration Service, and the Customs, Excise and Preventive Service. Patrick Timbillah, director general in charge of operations for the national police, supervised coordination with the Electoral Commission. The task force met regularly with the political parties and traditional and religious leaders through the consultative groups the Electoral Commission and civic groups had established. It organized regional task forces in September, to help coordinate security at the local level.

The security task force joined with the Electoral Commission to examine patterns of violence in previous elections as well as more recent outbreaks of trouble. After identifying several hundred likely hotspots, the task force drew up national, regional and district-level plans as part of a comprehensive security strategy. It developed contingency plans for various scenarios in which unrest or serious election violations might occur. Mock election exercises involving Electoral Commission staff and security personnel took place in selected constituencies in mid-November to test preparedness. Throughout the period, security personnel worked with other groups to watch for early warning signs of violence and take steps to address potential flash points. The task force also sought to work with the media and sponsored radio and television ads that encouraged citizens to wait at home for election results, aiming to avoid problems that could result from large groups of people in the streets.

Despite the coordination efforts, security suffered lapses, and the participants did not always agree with some of the policies adopted. For example, the task force allowed security personnel to carry firearms at election events, although some of the domestic and international observers worried that carrying weapons would intimidate voters.

Election Day procedures

Electoral Commission Chairman Afari-Gyan was convinced that transparency would help build party confidence in results and damp violence. As a result, the commission decided that on Election Day, instead of transporting all ballots to a central point for counting, tabulation would take place at each of the country's 22,000 polling centers. Representatives of the main political parties, domestic observers organized by CODEO and international monitors would keep a watchful eye on the process. The party representatives, along with local poll workers, would certify the results before they were sent to the central election headquarters, where other party agents would observe the tallying of the final results.

The revised party code of conduct set out clear procedures for handling disputes at polling places. Any complaint about the

process at the polling station would go first to the party agent, who would then turn it over to the presiding officer for resolution. If the person bringing the complaint felt the presiding officer did not address the concern, then he or she could take the matter to court later. The aim of the provision was to reduce the rancor that had sometimes flared at polling places in the past, when crowds had besieged the poll workers with challenges, distracting them from their work, or fought with other voters.

As in past elections, the commission used transparent ballot boxes. Early in his tenure, Afari-Gyan had noted that people suspected ballot boxes arrived "already stuffed with papers." The poll workers opened the box to show people that nothing was inside, but that step did not seem to reduce concern. As a result, with the agreement of the parties, the Electoral Commission had switched to transparent ballot boxes.

The commission also agreed to allow CODEO to conduct parallel vote tabulation at some of the polling places. With technical support from the National Democratic Institute (NDI) and funding from the U.S. Agency for International Development, CODEO chose 1,070 of Ghana's 22,000 polling stations, distributed evenly across the 10 regions and within regions across constituencies, to create a representative sample of the national vote for the presidential election. (With an average of only five polling stations selected in each constituency, the parallel vote procedure could not be used to check parliamentary results). At each polling station, one of the 4,000 observers CODEO deployed reported the results and, using a Short Message Service (SMS)-based system set up with assistance from the NDI, rapidly and efficiently updated CODEO's central tally of the vote. The effort generated a sample of roughly 420,000 votes from across Ghana, and an estimate of the results. The estimate would

be useful in checking irregularities caused by any effort to interfere with the central count in Accra. The SMS system had other uses, too. On Election Day, observers could send reports back to CODEO's central headquarters with short codes corresponding to various situations, giving CODEO a real-time picture of any challenges or irregularities that cropped up.[5]

The Electoral Commission cooperated with CODEO in the project. CODEO's Crabbe noted, "Somebody from CODEO was in the control room at the Electoral Commission all the time, so we knew what was going on there."

OVERCOMING OBSTACLES

As the process moved forward, the Electoral Commission and its allies sought to reduce tensions. Concern about manipulation of the voter rolls by the political parties continued to fuel suspicion and anger. In late October and early November, when the Electoral Commission gave people a brief opportunity to transfer registration if they had moved, there were again signs of party interference. The demand for transfers was quite high, especially in areas where the two main political parties fought close races. Throughout the period, the commission continued to review and amend the voter rolls in response to concerns, but it lacked time to display final registers for comment.

The security task force also had to make continual readjustments and plan new strategies. As many Ghanaians had predicted, violence simmered in several areas, especially the north and the Volta area. Occasionally disputes threatened to boil over and undermine fairness. A CODEO official recalled that when the CDD's Gyimah-Boadi went to Volta, "they wouldn't allow him to go to the polling stations." People thought he came from outside the area, and the encounter threatened to grow violent. "Then someone passed by and said something to Boadi in the

local language, and Boadi replied in the same language," the official said. "Still he couldn't approach the polling station." The police asked him to the police station or to leave the area.

When Election Day arrived on 7 December, security was tightened significantly, although there was not enough manpower to maintain a permanent presence at each of the 22,000 polling stations. CODEO reported that about a third of the polling places lacked a police presence on Election Day.

The civic groups monitoring the election also worried about the tenor of media coverage. CODEO co-chairman Crabbe noted that the important newspapers and media outlets were committed to fair play, and their stance helped damp divisiveness. However, there were exceptions, especially in the privately-owned press. The country's Media Commission issued election-reporting guidance in advance of the campaign period. It also used its limited powers to investigate accusations of false or unbalanced reporting and demand that newspapers print apologies if found guilty.

The Media Commission had pursued similar action against FM radio stations that had broadcast inflammatory and false reports in the 2004 election. However, it had limited ability to enforce its decisions.

The Electoral Commission convened the Inter-Party Advisory Committee to help resolve problems, although some observers felt it could have done so more often. The commission also enlisted other organizations to help reassure the parties and voters about the fairness of the process. Occasionally it reached out to international groups to find solutions or to serve as intermediaries between groups. For example, a delegation from the Carter Center visited after the registration difficulties surfaced and made recommendations to overcome some of the problems that had emerged.

ASSESSING RESULTS

The announcement of the election results brought no relief from the worries about possible violence. The Electoral Commission released the final count just before the constitutional deadline. In a race contested by eight parties, 69% of eligible voters cast ballots. Neither the NPP candidate nor the NDC candidate garnered the 50% majority required. In tense circumstances, the Election Commission scheduled a run-off for 28 December in all but one constituency, where voting would take place in early January.

Tensions immediately escalated. Gyimah-Boadi, director of the Center for Democratic Development, suggested that with so much at stake in the presidential run-off, the "two contestants considerably revised their campaign strategies for the second round of voting. Both the NDC and the NPP resorted to negative and non-issue-based campaigning."

Political parties rented halls for press conferences. As they did so, crowds gathered and sometimes threatened to become aggressive. Rhetoric escalated. One broadcast station aired accusations that the Electoral Commission had rigged the vote. Many in Ghana worried that clashes might take place between crowds of party activists gathered outside the commission's offices during the two-day tabulation of the presidential run-off votes, or leading up to the by-election in the single constituency several days later.

Election administrators and civic groups shifted into overdrive, fearing that tensions might escalate. The Electoral Commission quickly replaced poll officers who had not followed proper procedures. They briefed officers on the procedures and forms required for the run-off. They offered to expand facilities but dropped the idea after opposition from the political parties. The security task force added 1,000 more police to polling places and deployed soldiers at strategic locations around the capital.

The announcement of results from the run-off vote was delayed until after the 2 January special vote in the constituency where logistical problems had arisen. In the interim, the leaders of the incumbent party, the NPP, went to the Accra Fast Track High Court to prevent the release of any results pending an investigation of alleged violations in the Volta region. After the court denied the motion, the party filed again to block announcement of results on other grounds. Public figures spoke out against these efforts, urging NPP leaders to follow prescribed procedure and bring complaints to the Electoral Commission after the election.

When the commission released the run-off results, NDC candidate John Atta Mills emerged as the winner, with 50.23% of the vote. However, a peaceful conclusion remained uncertain because the commission had rejected 2.5% of the ballots—more than the margin of victory—on the grounds that irregularities made them impossible to count. In 2004, the Electoral Commission had rejected a similar number of ballots, but it had expected a reduction in spoiled papers as a result of civic education campaigns designed to address past problems. The narrowness of Mills' victory margin made the rejected ballots a potential source of conflict. The question in many minds was whether the NPP would accept the result and step down.

President Kufuor helped to defuse the situation when he urged parties to accept the outcome and to send any complaints to the courts after his successor was sworn in. The election ended peacefully.

REFLECTIONS

Looking back on the process, observers agreed that the electoral process had succeeded and provided a model for others to study. The European Union's observation report declared, "There were relatively few incidents of violence during both rounds of elections, and in nearly all of the country a peaceful environment was maintained." Violence did break out at a few dozen polling stations and in some other settings, and election observers reported that police sometimes declined to arrest and prosecute members of the get-fit clubs or other partisan youth groups that were often the source of trouble. But while the election was not problem-free, the foresight and cooperation of the Electoral Commission, the political parties, the security task force and civic groups had prevented Ghana from following the path of Kenya, Zimbabwe and other countries.

According to reports from the Coalition of Domestic Election Observers, nearly all tallies from polling stations (94% in the first round, 95% in the presidential run-off) received the signature of both party agents. And party agents asked for recounts at only a small percentage of polling stations (5% in the first round, 8% in the presidential run-off), indicating a high degree of consensus and cooperation. Because parties signed their acceptance of the results at every stage, it would have been extremely difficult to challenge the overall result.

The results of the parallel vote tabulation were nearly identical to the official tally. In the first round, the tally was within 1% of the official results, while in the presidential run-off the tally deviated by only .06% for each candidate. According to Vincent Crabbe, co-chairman of CODEO at the time, this "contribution in validating the process was of fundamental importance," as it made the results more secure against challenge.

Although it was just getting off the ground as the election approached, the new Peace Council played a significant role in containing violence. The council and its regional advisory groups were especially effective during the two weeks between the general election and the run-off vote, when tensions ran high. Kwame Ninsin of the

Institute for Democratic Governance shared the view of international observers like the Carter Center that, "when the Peace Council intervened … [the political elites] listened." Although the incorporation of religious leaders in the group was important, CODEO's Crabbe pointed out that the traditional leaders were particularly effective, given their longstanding legitimacy: "President, prime minister, government—it is something which we have, as it were, 'received,' but we also have our indigenous systems, and to a very great extent they still work."

In his position as head of the Electoral Commission, Kwadwo Afari-Gyan showed acumen that helped as well, particularly toward the end of the run-off. In the strongholds of the parties, especially those of the ruling New Patriotic Party, there were incidents in which party agents and third-party observers were barred from overseeing balloting. Voter turnouts in some of the NPP-dominated areas were implausibly high, in the view of some observers. As a result, the reported margin of victory probably understated the NDC's success. A report by the German Institute for Global and Area Studies pointed out how Afari-Gyan engaged in tough tactics with the NPP, noting that, "at the height of the disputed run-off, [Afari-Gyan's] strategy appears to have been to call the bluff of the NPP by accepting the questionable results from Ashanti [an NPP-dominated area] and then pointing out that these were not enough to overturn the majority that had been chalked up by Mills. When the NPP insisted that the Tain constituency, where there had been no voting, could still affect the outcome, he again called the party's bluff and agreed not to declare the result until the election had been re-run there." Had the election results favored the NPP—a matter of only 41,000 votes—there was little that the Electoral Commission could have done, short of re-running polling in every district for which both parties did not validate the results.

Because the many different steps Ghanaians almost certainly had a joint effect in producing a generally peaceful election, the impact of any single strategy is difficult to measure. The level of restraint may have had roots in the character the presidential candidates and the former presidents from each party displayed in accepting the results and in urging calm. In addition, the underlying level of conflict in Ghanaian society was lower than it was in countries like Kenya at the time. Still, the multifaceted Ghana story remains instructive for other countries with new multi-party systems.

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[1] *Constitution of the Republic of Ghana* (1992), article 55 clause (4) and clause (7) section (b).

[2] Afrobarometer Survey, Ghana March 2008, available at http://afrobarometer.org/index.html

[3] *Constitution of the Republic of Ghana* (1992), article 51.

[4] The members included Ransford Tetteh (President of the Ghana Journalist Association), Odeneho Gyapong Ababio II (President of the National House of Chiefs), H.E. Cardinal Peter Appiah Turkson (Archbishop of Cape Coast), Doris Archampong (Greater Regional Director of the National Commission for Civic Education), Maulvi Wahab Adam (Ameer and Missionary In-Charge of the Ahmadiyya Muslim Mission), Yaw Baah (Deputy Secretary-General of the Ghana Trades Union Congress), Jean Mensa (Administrator of the IEA), Brigadier Gen. Francis Agyemfra, and Akuamoah Boateng (Chairman of the Political Broadcast Monitoring and Complaints Committee).

[5] Operational details of the Parallel Vote Tabulation are based on CODEO's post-election report, and details of the SMS system in particular are based on a paper by Nathaniel Myers, M.P.A. candidate at the Woodrow Wilson School, title "Text-Messaging for Election Monitoring: Lessons from Ghana and Elsewhere."

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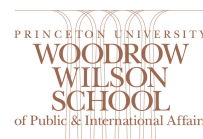
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