

“ELECTION 2008: PROSPECTS, CHALLENGES AND THE WAY FORWARD”

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Introduction

Ghana's Presidential and Parliamentary elections are scheduled for 7th December 2008. The elections will be conducted by the Electoral Commission (EC), the constitutional body mandated to do so. The President will be elected on the basis of a “simple plurality” (50% + 1) vote whereas the Members of Parliament will be elected on the basis of the “first-past-the-post” (simple majority) vote. 230 Parliamentary seats will be contested for broken down on regional basis as follows:

- Ashanti Region 39 constituencies
- Brong Ahafo Region 24 constituencies
- Central Region 19 constituencies
- Eastern Region 28 constituencies
- Greater Accra Region 27 constituencies
- Northern Region 26 constituencies
- Upper East Region 13 constituencies
- Upper West Region 10 constituencies
- Volta Region 22 constituencies
- Western Region 22 constituencies

Prospects

Electoral Commission

The Electoral Commission (EC) is the constitutional body responsible for the conduct of elections in Ghana. It is a “one-stop” election agency in that it is responsible for the

registration of political parties, the monitoring of their operations, the registration of voters, the conduct of elections, the declaration of results and the validation of results.

So far, there are no indications of any hiccups as far as its state of preparedness for the elections are concerned. There are however four areas which could give problems:

- Registration of voters and whether there is going to be a re-opening of the voters' register 'de novo' or there is going to be limited registration for those who have reached the voting age in the inter-election period and those who missed out during the last registration. Whichever be the case, it would appear that the EC is a little behind time.
- The EC has raised a technical problem about the non-availability of the Polaroid technology which was used to prepare the last voters register with voters' photographs in the register and whether it will still be possible therefore to prepare a register with voters' photographs this time round.
- The perennial problem of timeous release of funds for the various stages of the electoral process. For the 2004 elections, the fact that the compilation of voters' bio-data

was not done at the same time as the taking of voters' photographs generated a lot of controversy and is best avoided this time round. Resources must be made available for the two exercises to be conducted simultaneously.

- The issue of the Representation of the People (Amendment) Act (ROPAA), 2006, Act 699, and whether the Act is going to be used for the 2008 elections. This is treated as a separate subject later in this presentation.

Political Parties

There are eleven (11) registered political parties in the country. They are:

- (1) Convention Peoples Party CPP
- (2) Democratic Freedom Party DFP
- (3) Democratic Peoples Party DPP
- (4) Every Ghanaian Living Everywhere EGLE
- (5) Ghana National Party GNP
- (6) Great Consolidated Peoples' Party GCPP
- (7) National Democratic Congress NDC
- (8) National Reform Party NRP
- (9) New Patriotic Party NPP
- (10) Peoples' National Convention PNC
- (11) United Renaissance Party URP.

One party has received a provisional certificate of registration but is yet to receive a final certificate entitling it to operate as a legitimate political party:

- Reformed Patriotic Democrats RPD

One party is registered but has become moribund:

- United Ghana Movement UGM

It is most likely that only a minimum of four (4) or a maximum of six (6) of the registered political parties will field candidates for the Presidential elections. These are likely to be (in order of likelihood):

- (1) New Patriotic Party
- (2) National Democratic Congress
- (3) Convention Peoples Party
- (4) Peoples National Convention
- (5) Great Consolidated Peoples Party
- (6) Democratic Freedom Party.

One person has so far indicated his intention to contest as an Independent candidate but the history of the Fourth Republic shows that such announced Independent candidates usually drop out before the elections.

Presidential Candidates

National Democratic Congress (NDC)

The NDC was the first to elect its Presidential candidate in December 2006 in the person of Professor John Evans Atta Mills, the Vice President in the Second Government of the Fourth Republic. He was elected with an overwhelming majority out of four (4) candidates who contested. This will be the third time he is contesting as Presidential candidate, having twice lost to President Kufuor in 2000 and in 2004.

Peoples National Convention (PNC)

The PNC at its Congress held on November 30, 2007, elected Dr. Edward Mahama as its Presidential candidate. Dr. Mahama has contested and lost three times on the ticket of the PNC, in 1996, 2000 and 2004.

Convention Peoples Party (CPP)

The CPP goes to Congress on December 15 to elect its Presidential candidate. There are six aspirants but the front runners seem to be Professor Agyeman Badu Akosah, former Director General of the Ghana Health Service, Mr. George Opesika Aggudey, the 2004 candidate and Dr. Paa Kwesi Nduom, former Minister of State in the Kufuor Government.

The CPP Congress is likely to be dominated by two main issues: ideology and political alliances. The CPP sticks to its doctrinaire left-wing socialist ideology even though it is clear that globalisation and uni-polarism have made that ideology both unfashionable and impracticable. Some in the party are arguing for some accommodation with the market economy ideology, and candidates who espouse that cause, seen as more pragmatic and vote-catching, are likely to appeal to the delegates.

On political alliances, four tendencies manifest themselves in the CPP:

- The party must go solo and fight the election on its own steam;
- The party must seek an alliance with the other overtly CPP tradition parties namely the PNC and the GCPP;
- The party must seek an alliance with the NDC whose left-of-centre “social democracy” ideology is seen as a more pragmatic version of doctrinaire left-wing socialism;
- The party must seek an alliance with the ruling NPP which, though right-wing, has proved itself capable of working with some of the leading CPP personalities in government.

These tendencies will determine to a large extent which of the six candidates will emerge victorious.

New Patriotic Party (NPP)

The ruling party, the NPP, goes to Congress on December 22 to elect its Presidential candidate. 18 persons filed to contest but one has been disqualified but has an appeal pending. It is considered that only about five have any realistic chances of being elected. The incumbent President Kufuor having served out his constitutional two terms is ineligible to contest.

There are no real ideological or philosophical differences among the 18 candidates. They all give plaudits to the Kufuor administration and they all pledge to continue President Kufuor's policies and programmes. The choice among them will therefore not be on the basis of philosophy or programmes but rather on the basis of personality with a very strong dose of ethnicity thrown in.

Ethnically, the contest is seen largely as between the Ashanti and Akyem bases of the party, with the former fielding about seven (7) candidates as against the latter's three (3). The regional/ethnic breakdown of the candidates is as shown below (not in any particular order):

Ashanti Region

1. Dr. Kofi Konadu Apraku (Ashanti)
2. Dr. Kwame Addo Kufuor (Ashanti)
3. Alan John Kyeremateng (Ashanti + Fante)
4. Kwabena Agyepong (Ashanti)
5. Professor Kwabena Frimpong Boateng (Ashanti + Sefwi)
6. Kyeremanteng Boakye Agyarko (Ashanti + Krobo)
7. Dr. Adjei Barwuah (Ashanti)

Eastern Region

8. Hackman Owusu Agyeman (New Juaben/ Ashanti)
9. Dan Botwe (Akwamu)
10. Yaw Osafo Maafo (Akyem)
11. Nana Akufo-Addo (Akyem)
12. Felix Owusu Agyepong (Akyem)

Western Region

13. Papa Owusu Ankomah (Kwawu-Eastern Region)

Central Region

14. Dr. Arthur Kennedy (Fante)

Greater Accra Region

15. Professor Mike Ocquaye (Ga)
16. Jake Obetsebi-Lampitey (Ga + Dutch)

Northern Region

17. Aliu Mahama (Dagomba)

Brong Ahafo Region

18. Captain Nkrabea Effah-Dartey (Brong)

Additionally, given the heavy dosages of “monetisation” in the campaign, it is possible that those with the deepest pockets will come out the best performers, though the history of NPP Congresses does not clearly bear this out.

Parliamentary Candidates

The ruling NPP and the main opposition NDC are most likely to field candidates in all 230 constituencies. Already, the two parties have started holding their primaries in what are called their “orphan” constituencies, that is the constituencies where they do not have sitting MPs. Aside these two, the CPP and the PNC are most likely to field candidates in the majority of

constituencies. The other parties will only field candidates in constituencies where they draw their greatest strengths.

An emerging trend in the constituencies where primaries have been held is the increased number of Ghanaians in the Diaspora who have filed and actually won primaries to contest in both the NPP and the NDC.

The issue of women is likely to prove contentious as the primaries progress. All the political parties have made promises to field as many women candidates as possible but none seems to have any definitive affirmative action policy or strategy to ensure that this happens. If the fate of women is to be left to chance like their male counterparts in the primaries, then it is not likely that the 2009 Parliament will see any substantial increase in the number of women MPs.

Challenges

Electioneering Campaigns

The campaigns are likely to be very fierce and a certain degree of violence, both intra-party (during the primaries) and inter-party (after the candidates have been chosen), cannot be ruled out. What are likely to become contentious during the campaign are the issues of:

- Abuse of incumbency;
- "Monetisation" of the political and electoral process;
- Police attitude to political public events;
- The Security Situation and the 2008 Elections;
- The role of Chiefs;
- The use of vile and insulting language;
- Media coverage of the campaigns, especially by the state media.

These will be discussed seriatim.

(i) Abuse of Incumbency

Though there is no generally agreed definition of "abuse of incumbency", it is easily recognised as the use of state facilities and resources by an incumbent Government for the purposes of prosecuting its electoral agenda.

The most flagrant abuses involve the use of state vehicles, state security apparatuses, state officials and state venues and paraphernalia.

Abuse of incumbency is normally most obscene when there is an incumbent President who is participating in the elections. For 2008, this will not be the case. It is therefore expected that accusations of abuse of incumbency will be a little muted but will nevertheless be made. Compliance with the agreed Guidelines in the Political Parties Code of Conduct will help minimise the incidence of abuse of incumbency.

Abuse of incumbency is not restricted to incumbent Presidents only. The position of the Vice President, when he is a Presidential candidate, has also come up for criticism as far as his use of state resources and facilities for campaigning is concerned. The issue came up in 2000 when the then sitting Vice President, Professor John Evans Atta Mills of the NDC was also the party's Presidential candidate, but that was only at the inter-Party level because as the sole candidate of his party at the time, there was no intra-party competition for his exploitation of his incumbency to become an issue.

Today, the Vice President's position as an incumbent has become a live issue in the NPP's intra-party competition because 8 Ministers of the President's Government have been compelled to resign to pursue their Presidential ambitions whilst the Vice President continues to enjoy all the perks and privileges of office and exploit his incumbency to the greatest advantage.

The issue is both constitutional and moral. The Constitution does not require any political office holder to resign before competing for the Presidency, but the President, possibly for moral reasons and for reasons of efficiency in government has prevailed on his contesting Ministers to resign. For that reason, some have argued that the Vice President should also resign. Here, one comes against a major snafu for the Constitution does not make provision

for the replacement of the Vice President when he resigns.

It is possible that it is in order to ensure that the intra-party playing field is made a little level for the contestants that the President has allowed the resigned Ministers to retain all or most of their privileges and facilities, if the media is to be believed.

If the incumbent Vice President should win the NPP primaries, however, then the issue of abuse of incumbency at the inter-party level could assume centre stage again. In 2000, when the NDC's incumbent Vice President (who is the current NDC Presidential candidate) was running, abuse of his incumbency was associated primarily with the use of the Presidential Jet for his regional rallies, his being accorded priority by the police in their scheduling of public events when the party's rallies coincided with those of others, the use of official vehicles and other state paraphernalia as well as his use of state security and state officials and the commissioning of projects.

At the level of Parliamentarians, abuse of incumbency manifests itself in District Chief Executives (DCEs) who want to become MPs. They clearly exploit their positions to their advantage and very often to the detriment of the incumbent MPs who are from their own parties.

Calls have been made for DCEs who want to contest as MPs to resign, but the callers have not appreciated the dilemma that the political parties face in this connection. Abuse of incumbency by DCEs becomes an issue only when the DCE and the MP are from the same political party and the DCE abuses his position to try to dislodge the MP.

But the parties are quite delighted when the DCE and the MP are from different parties, for the party in power would then like the incumbent DCE to contest against the opposition MP, hoping that the DCE would exploit his incumbency to defeat the opposition MP.

In practical terms, the dilemma translates into the following scenario. The NPP would not like its DCEs to contest against its MPs in the Ashanti Region, its stronghold, but the NPP would very much like its DCEs in the Volta Region to contest against the MPs in the Volta Region who belong mostly to the opposition NDC. Indeed, the NPP has already conducted its parliamentary primaries in the constituencies in the Volta Region all but one of which are "orphan" constituencies and in almost all the cases, the incumbent DCEs have emerged as the party's candidates. The issue of abuse of incumbency has not been raised in those cases. But when it comes to the NPP primaries in the Ashanti Region, the issue of abuse of incumbency will surely be raised against DCEs in the region who would like to contest against the incumbent NPP MPs.

This scenario in reverse played out in 2000 when the NDC was in power and the NPP was in opposition. Thus it is not easy to make a hard and fast rule about the issue of abuse of incumbency in relation to DCEs who want to contest as MPs.

(ii) "Monetisation" of the Political and Electoral Process

"Monetisation" or "moneycracy" is the Ghanaian media coinage for what is the offence of "treating" under election regulations and "bribery and corruption" in criminal law. There has been a lot of hullabaloo about the phenomenon recently and especially in the build up to the NPP Presidential primaries.

There were concerns about "monetisation" in the build up to the NDC Congress in relation to one particular candidate which made the headlines in some newspapers.

The losing PNC Presidential candidate made thinly-veiled references to "monetisation" in that party's Congress in a post-Congress radio interview that he granted, but he did not press the point.

So far, the phenomenon of "monetisation" has not raised its head in the build up to the CPP

Congress.

"Monetisation", however, has become a major issue in the build up to the Congress of the ruling NPP, and accusations and counter-accusations have been thrown about by the candidates themselves.

"Monetisation" within the NPP takes two forms: individual expenditures by the

Presidential candidate aspirants and the cumulative expenditures by the 18 candidate aspirants who have filed to contest the NPP primaries.

At the individual level, the hypothetical expenditure of one candidate as estimated from newspaper accounts which have not been denied by his camp looks like this:

Hypothetical NPP Presidential Candidate Aspirant Expenditure: 5-Item Budget Only

Item	Amount
1. 243 Motorbikes donated to regional and constituency offices at ₦20,000,000 per motorbike (Daily Graphic of Saturday, September 1, 2007, page 13)	₦4,860,000,000
2. Estimated expenditure per constituency at ₦50,000,000 per constituency (T&T, food, hotel accommodation, per diem for members of entourage, hiring of PA systems, posters, billboards, etc)	₦11, 500,000,000
3. Rumoured "monetisation" of delegates at ₦2,000,000 per delegate for 10 delegates per constituency for 230 constituencies	₦2,200,000,000
4. Announcement of Presidential aspiration candidacy on radio and television or at rallies	₦50,000,000
5. Application, deposit and filing Fees	₦255,000,000
6. Total	₦18,865,000,000

At the cumulative level of the 18 candidates, less item 1 above which is specific to that particular aspirant, the hypothetical expenditure build up is as follows:

Hypothetical NPP Presidential Candidates Aspirants Cumulative Expenditure

Item	Amount
1. Total of ₦18,865,000,000 (6 above) – motorbike expenditure of ₦4,860,000,000 (1 above)	₦14,005,000,000
2. ₦14,005,000,000 (average expenditure per candidate) x 18 (total number of candidates)	₦252,090,000,000
3. Total Cumulative Expenditure	₦252,090,000,000

These figures are clearly on the conservative side, as individual candidates' donations of saloon cars, 4-wheel drive vehicles, corn mills and direct "monetisation" of as high as ₦20,000,000 per delegate as well as "monetisation" of regional and constituency executives and polling station chairmen have all been reported in the media and individual aspirants also claim to have made on the average two round trips of all the constituencies.

These mind-boggling expenditures clearly must have a deleterious effect on the economy.

Questions have legitimately been asked:

- Where are all these monies coming from?
- What relationship do these expenditures bear to the known and declared incomes of the candidate aspirants?
- How are these amounts reflected, if at all, in the taxpayers' files of the individual aspirants at the Internal Revenue Service (IRS)?
- Has the IRS made any attempts to inquire into the sources of the incomes out of which these expenditures have been made and have those incomes been appropriately taxed?

Viewed as “investments” by those who may be sponsoring the candidates, a relationship can also be established between the “donations” and possible corruption. Quite apart from the possible questionable sources of the “donations”, the issue of what kind of “pay-back” the donors expect from the winner and if he is elected President has also been raised.

“Monetisation” at the inter-party level when all the political parties have elected their Presidential candidates and the campaign for the Presidency itself begins is likely to become even more disturbing since the largesse will then have to be extended to the entire electorate. Based on past anecdotal evidence, such “monetisation” could even extend to electoral officials and polling agents, thus corrupting the electoral process itself.

Clearly, “monetisation” is a phenomenon that can easily deliver Ghana's democracy to the highest bidder but so far, no answers have been found as to how to deal with it. In its consultations with democracy stakeholders in Ghana, the IEA's Democracy Consolidation Strategy Paper (DCSP) Team of Consultants received some suggestions to help minimise “moneycracy” which are likely to form part of its final report. They included the following:

- The narrow base of the Electoral College for intra-party elections (the Conference Delegates system) is what facilitates 'monetisation'. An expansion of the system to make it possible for all card-carrying members of the party to participate in intra-party elections will make “monetisation” more difficult;
- There should be legal spending limits for individuals for both intra-party and general elections as well as legal ways of enforcing the limits and sanctioning breaches thereof;
- There should be public education against “monetisation” with political parties themselves putting stress on loyalty and dedication;
- Polling agents must be appropriately trained and remunerated to avoid their being induced to “look the other way”;

- “Monetisation” of electoral officials is an even more dangerous phenomenon than vote-buying and must be carefully monitored.

The IEA has scheduled Workshops and Roundtables to discuss the dangers of “monetisation” in the course of 2008. If the Institute could be supported to increase the number of Workshops and Roundtables or possibly even hold them in all the regions, it may help in reducing the incidence of “monetisation”.

(iii) Police Attitude to Political Public Events

This problem usually arises when there is a contesting incumbent President and the police have to accord him priority in the scheduling of public events when there is a clash between a scheduled public event of an opposition political party and the President himself or an event of his party at which he will be present. If the police could be prevailed upon to appreciate that in the absence of an incumbent participating President, they should not use the presence of the President to accord priority to an event involving the President's party at which the President will be present, it should not really become a big election issue. Besides that, the police need to be properly educated on the provisions of the Public Order Act, 1994, Act 491, and especially be made to appreciate that political parties do not need their permission in order to hold public events, except that they (the police) should be given a minimum of five days' notice.

(iv) The Security Situation and the 2008 Elections

Concerns have also been expressed about the security situation in the country and how it may impact on the 2008 elections. The concerns relate to both the internal and external security situations.

On internal security, the concerns relate to the apparent upsurge in crimes of violence, especially armed robbery, highway robbery, urban pick-pocketing and what some have referred to as “contract killing”. The

atmosphere of fear induced by these crimes may not allow for an election that is free from fear and it is possible that it may even adversely affect the voter turnout at the elections.

On the external front, two concerns have been raised. First is the large influx of ECOWAS nationals, especially Nigerians, Beninois and Togolese into the country and whether these persons may not be enabled to illegally exercise the franchise to the detriment of the country's electoral system.

The other concern has to do with the country's borders. In previous elections, the Government of Ghana has managed on the quiet to have the country's borders, especially the eastern border, closed in order to prevent unregistered Ghanaians from the neighbouring countries entering the country on Election Day to cast the ballot. Given that the incumbent Government is all for the exercise of the franchise by Ghanaians in the Diaspora under the ROPAA, the puzzle is whether the borders will this time be opened to encourage as many Ghanaians as possible in the ECOWAS sub-region to register and to vote.

(v) The Role of Chiefs

Chiefs are constitutionally debarred from participating in active party politics, but they are so influential that they are an indispensable part of the process of campaigning. For example, it is practically impossible for a political party to try to campaign in a traditional area without first calling on the chief. The problem arises with how the chief receives the particular political party and what he says at the function. Those two activities often reveal the political sympathies of the chief and arouse the ire of the other political parties. The tendency of chiefs to organise traditional durbars in honour of some candidates is also often interpreted to mean active participation in party politics but again without an incumbent President in the 2008 race, it is expected that the practice will be reduced to the barest minimum.

(vi) The Use of Vile and Insulting Language

The tolerance level among the political parties for vile and insulting language seems to be very high and has not normally provoked any crisis. The worst reaction is normally the use of retaliatory vile and insulting language; the unspoken rule seeming to be that "ugly noises" from political platforms are tolerable. However, the Political Parties Code of Conduct frowns on the practice and it will be in order for the parties to be reminded of it.

(vii) Media Coverage of the Campaign

The concern with media coverage has been with the state media which has always been accused of bias in favour of incumbent Governments. In the First Government of the Fourth Republic, the NPP actually took the GBC to court for biased coverage in favour of the then ruling NDC Government. In a most seminal judgement, the Supreme Court ruled in the case of New Patriotic Party v. Ghana Broadcasting Corporation [1993-94] 2 GLR 354 that there should be equal access for all political parties, big or small, to the state-owned media. This test will come under strain during the campaign and should be one of the areas that election monitors should pay close attention to.

Funding of Political Parties

The arguments for state funding of political parties have all been made. The President has made a commitment to it. The EC has held countrywide consultations on it. The Ghana Political Parties Programme (GPPP), comprising the four (4) political parties with representation in Parliament and which is facilitated by The IEA, has had a consultant prepare draft legislation on it which has been the subject of two stakeholders' consultations. The 4 major features of the draft Bill are:

- The sources of funding for the 'Political Parties Fund';
- The formula for the distribution of the Fund;
- The criteria for qualification to benefit from the Fund; and
- The body to be responsible for the management of the Fund.

The EC has convened a meeting of the IPAC and reached a consensus for the draft Bill to be pushed to the next stage of processing. The expectation of the political parties is that the Bill will be passed in time for them to receive some financial support for the 2008 elections, but this is not possible since it has not been factored into the 2008 Budget which has already been presented to Parliament. However, it is still possible for it to be taken on board in a 2008 Supplementary Budget if one is envisaged for the 2008 financial year, which will normally be presented to Parliament in July/August.

Polling Agents

Ghana's electoral processes involve the registration of voters, the inspection of the voters' register, the voting itself, the counting of votes, the declaration of results and the resolution of election petitions. At each of these stages in the process, there are responsibilities for the Returning Officer, the Presiding Officer, the Polling Assistant, the District Electoral Officer, the security officers, the polling agents and the judge.

With the exception of the polling agent, all of the above officers are officials of state, working with or for the EC, one state security agency or the other or the Judiciary. Yet the polling agent, who is the agent of the political party, plays the most delicate role in the whole process. His vigilance or laxity can make or mar an entire election. If a candidate or a political party is not able to recruit an agent or pay an agent well, he could very easily compromise his position.

There is anecdotal evidence of agents who have abandoned their positions in the course of the voting, or who have been paid to abandon their positions in order to allow for ballot boxes to be stuffed with already thumb-printed ballot papers; of illiterate agents who can neither read nor write figures or words and are therefore completely useless as agents; of agents who through ignorance or because they are paid, sign blank forms only for figures to be fabricated over their signatures; and of agents who have been forced to flee from their positions.

All of these identify the polling agent as the "Achilles Heel" of the electoral process and argue for support for political parties to enable them recruit and pay effective polling agents who are appropriately literate, competent, vigilant, bold, dedicated and incorruptible. The situation in which some political parties are able to pay their polling agents \$500,000 per day while others struggle to pay even \$5,000 per day; where some political parties serve their agents at post sumptuous meals for breakfast, lunch and dinner for the day while some struggle to afford even one sachet bag of water for the day, all detract from the evenness of the electoral playing field.

The 1996 elections have been proclaimed to be one of the most successful because in those elections, the IFES and DANIDA provided support to the polling agents of the political parties and therefore reports of incidents of rigging were very few. A similar programme of support to pay and feed all polling agents of all candidates and political parties is a precondition for ensuring free and fair elections in 2008.

Election Monitoring

There seems to be a perception that Ghana's democracy has matured and therefore external election monitoring for the 2008 elections may not be necessary. This will be a very grave error. The 2008 elections are seen as a make or break election. It will break the deadlock between the NPP and the NDC each of which has won two elections since the dawn of the Fourth Republic. It could also mark the first time that an election in the Fourth Republic would be without a sitting President or Vice President. It will therefore be very keenly contested and the results could become highly disputable. The presence of foreign observers will go a long way to assuage fears, lower the political temperature and facilitate the acceptance of the election results.

Election monitoring is a Fourth Republican phenomenon in Ghana. Starting initially with foreign observers only, it now involves local and NGO/CSO observers as well.

Unfortunately, the process of election observation has been concentrated on Election Day activities, namely the ballot, counting of votes and declaration of results.

This method of election monitoring has serious drawbacks. First, it erroneously conceives of free and fair and free from fear democratic elections as a one-stop activity. It hides the various nuances and pre-election activities which sometimes have an even greater impact on the elections than the physical act of casting the ballot itself. In effect, it is incapable of discovering and drawing attention to several undemocratic pre-election practices which affect the credibility of the elections far more than the voting day events.

Second, perceptions of undemocratic pre-election practices lead to scepticism about the neutrality of election observers and monitors and the sincerity of their post-election verdicts. The criticisms are further strengthened by the fact that the one day monitoring and observation has restricted coverage that is inevitably dictated by time and geographical space.

Some of the pertinent pre-election activities and events that affect the credibility of the elections and therefore should be seriously monitored to prevent inevitable inter-party animosity and political tension in order for the final results to gain general acceptability include the following:

- Preparation of a credible election register and therefore the need for some form of monitoring of the voters' registration exercise;
- The manner of political parties' campaigning; their access to resources for campaigning; the opportunities for them to campaign without let or hindrance; and the use or abuse of incumbency;
- Media coverage of political party activity and especially compliance of the state-owned media with the constitutional injunction to ensure "free and equal access" to all political parties to their media;

- Compliance with the rules and regulations governing the electoral process itself.

Foreign and domestic election monitoring and observation will therefore be crucial in the 2008 election, but it should not be restricted to Election Day activities only. The observers and monitors should be in the country early enough for them to be able to pass judgement on all or some of the issues that have been raised above.

Danger Signals The Representation of the People (Amendment) Act (ROPAA)

The ROPAA, 2006, Act 699, is an early warning conflict signal which must be a source of concern to all Ghanaians as well as friends of Ghana. It provides for the registration of Ghanaian citizens abroad at their places of abode overseas to enable them vote in public elections and referenda at those places.

Both the incumbent Government and the opposition parties took different positions on the Act. The Government considered the previous Representation of the People Law, 1992, PNDCL 284, as discriminatory against Ghanaians overseas and a violation of the constitutional rights of all Ghanaians to vote, while the opposition took issue with it on grounds of possible logistical and administrative and operational difficulties.

The ROPAA has nevertheless been passed and it is now left for the EC to come out with Regulations for its implementation. But the EC's view is that several matters which ought to have been resolved by Parliament but were not are posing serious implementation challenges. They include the following:

- Eligible countries for registration and voting;
- Should the ROPAA be applied to all public elections in Ghana? These would include Presidential, Parliamentary, District Assembly and Unit Committee elections;
- The responsible electoral body in the foreign countries where the centres are to be opened;

- Determination of the Ghanaian citizenship of the foreign-based applicants;
- The method of voting to be used in the various foreign countries;
- How to ensure compliance with the constitutional requirement that the ballot must be counted in the presence of agents of the candidates and the political parties;
- How to deal with the problem of the different time zones.

Although the EC itself has not raised it, the issue of the cost of the Diaspora voting looms large as the elections approach. Already, the Government has had to have recourse to HIPC funds to finance the international study tours of EC on Diaspora voting. Given that 40% of Ghana's election bill is funded by donors, cost of the Diaspora voting must be of legitimate concern to Ghana's development partners.

The better view about the ROPAA seems to be that it should not be implemented, at least not for the 2008 elections, but should await the finalisation of the National Identification exercise which will provide a more reliable basis for identifying Ghanaians worldwide. If it has to be implemented at all costs, however, then the numerous administrative, logistical, financial and operational challenges must be resolved to assure the integrity of the elections and to avert post-elections contestations and protracted litigation.

As a country, we should even count ourselves lucky if the disputation should be restricted to protestations and litigation only. The real fear is that the protestations could flare up into post-election violence and conflict which may not be easily controlled.

The Role of Ghana's Development Partners

Ghana's development partners have a role to play to ensure that the 2008 elections are free and fair, free from fear and that the results are generally acceptable to all. Their Missions in the country should take an interest in the various stages of the electoral process and advise

appropriately within the framework of the IPAC whose meetings they attend.

The Missions have indeed been invaluable participants in the IPAC process, and this must continue. In particular, the EC may be encouraged into calling IPAC meetings more frequently and more regularly and into tabling all contentious issues for discussion and consensus building before implementation.

Resource constraints will definitely be a feature of the electoral process. Pledges of electoral support, if not already made, must be made early and delivered early to enable the EC keep to its time schedule. Of particular importance is the need to ensure that this time round, the collection of the bio-data of voters and the taking of their photographs are done simultaneously. The usual constraint is the limited number of cameras which hopefully donors will help the EC overcome.

The development partners should encourage foreign observers and monitors to attend the elections. As already mentioned, 2008 is a make-or-break election and the presence of foreign observers and monitors will go a long way to guarantee fair elections and general acceptability of the election results.

The Way Forward

There is every opportunity for the 2008 elections to be peaceful, smooth, free and fair and for the results to be generally acceptable to all. To ensure that this happens, however, the following measures must be underscored:

- The Election Time Table must be released early by the EC;
- The issue of a 'de novo' or restricted registration must be quickly decided by the EC;
- The technical issue of the type of voters' register to be compiled must be timeously resolved;
- Government must ensure the timely release of election funds;
- Abuse of incumbency should be avoided especially as there is no incumbent President in the race;

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- Strenuous efforts must be made by civil society and the political parties themselves to minimise the incidence of “monetisation”;
 - A security environment must be created that is conducive to free and fair elections and to elections that are free from fear;
 - The media must be encouraged to be fair and unbiased in their reportage of political and electoral campaign events;
 - The state-owned media in particular must respect the constitutional injunction for them to grant equal access to all political parties;
 - The Political Parties Funding Bill must be passed in time for the parties to benefit from some state resources for the elections. Failing that, the convention that has developed in the Fourth Republic under which the Government through the EC allocates campaign vehicles to all participating parties in the elections must be observed;
 - Support for the training and remuneration of polling agents is critical;
 - Foreign observers and monitors must be present at the elections;
 - The EC must announce its final position

early on whether the ROPAA is to be implemented for the 2008 elections.

Ghana's development partners must also take keen interest in all the processes before, during and after the elections. In particular, the development partners must take keen interest in and pay attention to the following:

- Registration of voters;
- Electioneering Campaigns;
- The need for foreign observers for election observation and monitoring.

The development partners must also consider support for the following:

- The usual support for general election expenditure;
- Specific support for the polling agents of political parties, including support for their training and remuneration on Election Day.

Finally, the development partners must consider the ROPAA as an early warning signal for possible conflict if a decision is taken to implement it for the 2008 elections. Unofficial signals from the EC however suggest that it may not be implemented in 2008.

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