

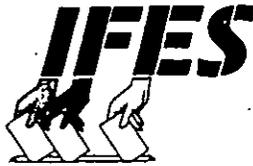
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**GHANA**

**A Pre-Election Assessment Report**

**June 1, 1992**

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## EXECUTIVE SUMMARY

From April 22 through May 8, 1992, a team from the International Foundation for Electoral Systems (IFES) composed of Laurie Cooper, Fred Hayward and Tony Lee traveled to Ghana to conduct a study of the Government of Ghana's electoral system. The team was present for the Ghanaian constitutional referendum on April 28. General comments about the registration and balloting procedure as well as recommendations are included in this report.

The transition to democratic civilian rule in Ghana is a process characterized by control. Flight Lieutenant Jerry Rawlings and the Provisional National Defence Council (PNDC) remain the obvious source of political initiatives, retaining their claim to the last word in decisions that affect the forward movement of Ghanaian policy. Members of the existing government as well as opposition parties compete for support with an understanding that the field is not completely level. Successful continuance of the transition will depend upon a better mutual understanding of the rules and a strong commitment democratic norms and values within an atmosphere of open and peaceful competition.

The prospects for free and fair elections in Ghana at the end of this year are good. The procedures, infrastructure, flourishing civic associations as well as expertise in election administration currently existing place Ghana in a better position than its West African neighbors for this transition. With so many obstacles removed, there remains the largest obstacle of assuring Ghanaian citizens, political leaders and their opposition that the election process, starting with re-registration, will be open to full participation, inspection and comment. The transparency of the process is governed in large part by the independence of the Interim National Electoral Commission

This report presents an analysis of the Ghanaian political transition, its current election policies and procedures and the team's observations and recommendations as the country prepares for presidential and legislative elections at the end of 1992. The overarching concern of IFES is with the capability of the Interim National Electoral Commission (INEC) to preside over the electoral process that will withstand domestic and international challenges, regardless of the final results. This capability can only be developed if INEC is seen by all competing political interests as a neutral, independent body, one that can make and enforce potentially unpopular or disadvantageous decisions. In its difficult position as a PNDC-appointed mediator, INEC is the only institution that can ensure some degree of fairness as members of the PNDC and opposition prepare for direct political confrontation.

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Support for the Commission in a revision of the electoral register is vital to the establishment of INEC as an independent body. The team's findings, especially on the day of the referendum, revealed that the inaccuracies in the register were numerous enough to create public suspicion of INEC. Unless specific action is taken immediately and visibly to correct the current register, Ghanaian citizens will assume that INEC does not have the authority that it should and that the PNDC is really managing the process in order to legitimize itself and justify its actions.

Chapter II, "Background to the Democratization Process," provides a frame for the Ghanaian electoral and political context. The system of elections in Ghana is not new; nevertheless it has not always been free from disruption. Chapter III, "Election Policies and Procedures," describes the mechanisms in place for the administration of the referendum and subsequent elections. Comments on each mechanism are followed by the team's recommendations. Chapter IV, "Civic and Voter Education," examines the voter education and motivation efforts to date; Chapter V, "The Electoral Framework," illustrates the Ghanaian political picture with a look at the composition of the electorate; "Election Observers," and "Elections in the Current Political Climate," Chapters VI and VII, view the prospects for free and fair elections in Ghana at the end of 1992. The "Recommendations" and "Conclusion" chapters review the IFES team's recommendations with financial notes, describe areas for United States support of the registration procedures and identify other issues that INEC will need to address as it prepares for its next elections.

## I. INTRODUCTION

Ghana, at 37 years following the end of colonial rule, is one of the oldest independent republics of sub-Saharan Africa. It has managed to evade the ethnic and religious conflicts that periodically (Sierra Leone) or chronically (Nigeria) inhibit the progress of its Anglophone neighbors. The country has produced leaders who came to personify the struggles and achievements of black people in Africa and to be symbolic of a higher consciousness on the part of black people around the world. Age did not, however, guarantee stability nor sustained improvement in the quality of Ghanaian life. During those thirty-seven years, no civilian government has existed for more than twenty-seven months. The cumulative human rights record of the Ghanaian governments, while certainly not the most brutal, is not yet exemplary. A managed economy with an unmanageable informal sector combined with international economic shocks left Ghana in 1983 at its lowest financial position since independence.

The ideology of Ghana's current leadership, led by Flight Lieutenant Jerry John Rawlings, reflects the influence of populism, socialism and nationalism; in practice, the economy has been managed in the context of an IMF/World Bank Economic Recovery Program from 1981. Flt-Lt Rawlings and the Provisional National Defence Council (PNDC) have maintained for the past ten years an intention to remain in power only until the economy recovers. The 1988-89 District Assembly elections and the creation of the National Commission for Democracy are an indication that the Rawlings government is prepared to concede to the "provisional" nature of its mandate. During the past three years, Rawlings has installed a system of local governance and provided for the drafting of a new constitution.

At the same time, opposition groups were not allowed the freedom to organize as political parties. The draft constitution includes indemnity clauses that prevent the future government of Ghana from demanding explanations from holding the PNDC responsible for its actions. This is striking, given the manner in which the PNDC demanded "accountability" from previous governments. PNDC laws that restrict many civil liberties are still on the books and were seen as threatening by the opposition. It is not clear as the ban on political parties is lifted whether the atmosphere will permit the kind of challenges to the PNDC that belong in a democratic society. Many Ghanaians with whom the team met remember the past and are skeptical about the PNDC and its Chairman's commitment to democracy.

In response to a request of the Interim National Electoral Commission, IFES sent a three-person team to conduct a Pre-Election Assessment in Ghana from April 22 to May 8, 1992. The team

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members spent almost three weeks in Accra meeting with individuals and groups involved in the election process in order to conduct an analysis of the Government of Ghana's electoral system. The mission of the team, originally to comment particularly on the procedures in place for the April 28 referendum and the level of civic education, quickly grew to include suggestions for improvement to the procedures, providing a positive if limited international observer presence and identifying several large issues that will directly affect the successful transition to democratic rule. The team was impressed by and grateful for the enthusiastic cooperation and support that it received from Justice J. Ofori-Boateng, Executive Chairman and Dr. Kojo Afari-Gyan, Deputy Executive Chairman at the Interim National Electoral Commission; Ed Birgells, the team's Program Officer at the USAID Mission, Paula Hart and especially David Appleton, First Secretary at the U.S. Embassy.

## II. BACKGROUND TO THE DEMOCRATIZATION PROCESS

Ghana has a population of about 15,893,800 people, of whom about half are under the age of 15 years. The population of Accra, the capital city, is just under one million people. About one third of Ghanaians live in towns or cities with a population of over 5000. About 50% of the economically active population work in agriculture. Ghana's geographic area is 92,100 square miles (about the size of Oregon).

In 1957, Ghana became the first black African state to gain its independence from colonial rule. During the era when the rest of colonial Africa was moving toward independence, this West African state quickly became the focus of African and international attention as Kwame Nkrumah, its first head of state, helped stimulate the hope and imagination of many observers with his dynamism and charisma.

### **Economic and Infrastructural Background**

Ghana has a primarily agricultural economy, though its mining sector plays a significant role in generating foreign exchange. In the 1960s Ghana was the world's largest exporter of cocoa, producing about 60% of the world's supply. Crops such as coffee, bananas and palm kernels are exported. It has extensive deposits of gold. Timber, bauxite, and manganese are also major exports. Ghana operates textile plants, a petroleum refinery, and several other factories producing cement, shoes, glass, and bottled beverages. The largest industry in Ghana is the Volta Aluminum Company, which uses about 60% of the electricity generated in Ghana and has the capacity to produce 200,000 metric tons of primary aluminum per year.

Ghana has two ports, both manmade, in Tema and Takoradi. Overland transportation is accomplished by railways linking Accra and Tema to Kumasi to the north and Takoradi to the southeast. Ghana possesses one of West Africa's most extensive road system; approximately one-fourth of the roads are paved, with more expected to be paved during the current five-year road development program. Electricity generated at the Akosombo Dam provides power for most of Ghana. The current expansion in distribution will include all villages with a population of 2000 or more. Akosombo coupled with the Kpong power plant enable Ghana to meet its own need and sell electricity to Togo, Benin, and Côte d'Ivoire.

At independence Ghana had one of the strongest economies in Africa. Its decline began in 1964 due in large part to the excesses and mismanagement of the Nkrumah years. The administration

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of Kofi Busia (1969-72), in spite of attempts to liberalize the economy, did not have much success although it was not in power long enough to allow its efforts to be truly tested. The Acheampong years (1972-75) exacerbated the economic decline through continued mismanagement and corruption.

The PNDC government which came to power in 1981 saw as one of its major tasks the need to bring the government expenditures under control, limit corruption and restore economic growth. It embarked on a series of economic recovery programs with strong support from the World Bank, IMF, and major donors. By 1983 there were signs of recovery with growth rates in the GDP of 8.5% for 1983/4. The rate of growth continued at 6.1% in 1989. The figure for 1990, however, was somewhat discouraging at 2.7%.

The Rawlings government was largely successful in improving the balance of payments problem primarily by reducing the imbalance of imports over exports. The continuing decline in the price of agricultural exports has hurt the recovery effort. Continued decreases in the price of gold would further damage the economy.

Inflation declined markedly from about 122% in 1983 to 10% by 1985. In 1990 it had increased to 37%, but was projected to decline once more to about 10% in 1991. While the economy remains very fragile and far too dependent on external assistance, the late 1980s and early 1990s demonstrate a marked improvement over the mismanagement, corruption, and the inconsistent productivity of the post-1964 era.

### Political Background

Following the first heady days of independence when political and economic developments seemed promising for Ghanaians under Kwame Nkrumah and the Convention People's Party (CPP), Ghana underwent a series of economic and political crises which were to grow to catastrophic proportions by 1964. The last years of Nkrumah were marked by intolerance of opposition, repression, corruption, economic decline, and political decay.

In 1966, the Nkrumah government was overthrown in a military coup led by Lt. General J.A. Ankrah. The National Liberation Council (NLC) promised a new order of freedom, honesty, and prosperity as well as an early return to civilian rule. The NLC established the Centre for Civic Education (CCE) designed to teach civic rights and responsibilities so that the citizens of Ghana

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would be prepared to participate in open competitive party politics in the not-too-distant future. In 1969 national elections were held under the auspices of the NLC. These elections pitted the Progress Party (PP) of Kofi Busia against the National Alliance of Liberals (NAL) led by K. A. Gbedemah. The PP had its roots in the Danquah and National Liberation Movement traditions and in their opposition to the CPP. Its leadership was elitist, professional, and middle class, with a strong base among the Akan ethnic groups. NAL had links to the old CPP leadership and was strongest among the coastal and border ethnic groups. Busia and the PP were victorious in this election, winning 105 of 140 seats and 60% of the popular vote.

The return to competitive politics was short-lived. In January 1972, elements of the military led by Colonel I. K. Acheampong overthrew the Busia government and installed themselves in power as the National Redemption Council (NRC). This regime was never able to get beyond its narrow base of support and depended on the clear subordination of civilians to the military hierarchy. Initially reformist, it quickly became personalistic, repressive, and corrupt. The original Council was replaced by a Supreme Military Council (SMC) made up of the commanders of the branches of the armed forces. In a final attempt to shore up the regime, Acheampong tried in the fall of 1976 to establish a Union Government (UNIGOV), a combination of civilian and military rule. That effort was strongly opposed by professional groups, students, trade unions, and much of the general population. The UNIGOV elections of 1978 were fraught with violence and repression. The final results, which showed a slim majority in favor of UNIGOV, were clearly manipulated: as results from the outlying districts came in against UNIGOV, Acheampong ordered counting stopped at individual polling stations, with the remaining ballots to be counted in Accra. The period following the election was one of turmoil and instability demonstrating the bankrupt character of the Acheampong regime. Acheampong was finally replaced by his chief of defense, Lieutenant General Fred W.K. Akuffo, whose SMC II set out in November 1978 to restore order and return the country to civilian rule, retaining the elections scheduled for June 1979.

Demanding radical reform, a group of young officers led by Flight-Lieutenant Jerry Rawlings took over the Government in May 1979, and proceeded to carry out what they saw as a "revolutionary house-cleaning" as a prelude to the previously planned elections. The Armed Forces Revolutionary Council (AFRC) was populist in focus, critical of the elitism of the past, and reformist in character. The elections were held and civilian rule returned, with the AFRC looking over the shoulders of Government, and not infrequently commenting on what were seen as regime failures.

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The election campaign of 1979 witnessed the emergence of more than a dozen parties although only three were major contenders in the elections. The major battle pitted the People's National Party (PNP) led by Hilla Limann against the Popular Front Party (PFP) led by Victor Owusu. A third major force was the United National Convention (UNC) led by A. A. Afrifa, a major participant in the overthrow of Nkrumah in 1966. The PNP drew heavily on the CPP and PFP ideological traditions; to a lesser extent the UNC drew on the Danquah/Busia traditions. The PNP was victorious with 71 of the 140 seats and Hilla Limann became President of the Third Republic. The Limann government, never able to overcome its tenuous start, was torn by internal and external conflicts. President Limann proved incapable of creating an effective political organization or halting economic decay.

Rawlings had warned that he might return if he believed that civilian rule failed. On New Years Eve, 1981, he made good on his word, forming the Provisional National Defence Council (PNDC) to run the country. Unlike his previous military intervention with the AFRC, the PNDC itself set out to transform Ghana and revitalize its economy. Given the failures of previous regimes and the staggering collapse of the economy, the PNDC was greeted with enthusiasm by most Ghanaians. Public statements of Chairman Rawlings and other leaders were populist and revolutionary. People were to be mobilized to create a new tradition of governance in Ghana based on the rank and file, the unemployed, the farmers, workers and students. This was to be a government of those who had been excluded from power and benefits of previous governments.

The PNDC moved quickly to try to restore the economy to good health. Its policies gained the respect of the international economic community, and as the economy began to improve, so too did assistance from donors, the IMF and World Bank. At a political level, the PNDC talked about responsibility and accountability. It set up tribunals to try suspected offenders and organizations to defend its gains such as the Committees for the Defence of the Revolution (CDR). Members of the CDRs in Ghana, formerly of the People's Defence Councils, were also perceived and acted as neighborhood informers, reporting counterrevolutionary activities of citizens to the tribunals. The methods of information gathering, persuasion and punishment adopted during this period were often ruthless, and some members of the PNDC now deplore the human rights abuses that characterized it. Nevertheless, the creation of CDRs was an attempt to eventually build a base for popular and democratic power and to move away from the tendency of protecting ideology through intimidation.

The PNDC government succeeded in improving the Ghanaian economy substantially by 1990, though it still remained highly dependent on external assistance. On the political front, there was extensive criticism of the centralized, authoritarian nature of the government and its violation of civil and human rights. The PNDC countered with its own efforts to create a populist, "real" democracy. Through its network of local organizations, like the CDRs, it sought to mobilize both support and changes in the political culture of Ghana. In creating the National Commission for Democracy (NCD), it worked to establish an ideological basis for the continuation of its new political order.

### The New Constitution

Since the PNDC came to power in December 1981, the issue of the type of political structure most appropriate for Ghana has been just below the surface, inherent in the implications of the term "provisional" in the name of the governing body. Debate on the issue has been fueled by both the PNDC and its opponents since that time.

### National Commission for Democracy

The National Commission for Democracy, established by initial PNDC legislation in 1981, represented an attempt to formulate a strategy for governance in Ghana based on the "objectives of the revolutionary transformation" and on an assessment of the "limitations to the achievement of true democracy" in Ghana (PNDC Law 42, 1982). The NCD began to hold discussions in various parts of the country, invite comments about governance, and try to put together what they saw as a consensus of political ideas resulting from these gatherings. One outcome of the NCD proposals was the PNDC decision to hold non-partisan local government elections in 1988 for district councils. These elections were seen as a first step in a measured process leading to a return to electoral politics. Two-thirds of the members of the District Councils were elected, the remaining third appointed by the PNDC. Local elections did not answer the call for elections at a national level nor did they stem the demand for a return to multi-party democracy.

On June 16, 1990, Rawlings stated that he was not opposed to a multi-party state if the people wanted one. By July 1991, the Catholic Bishops Conference had moved the public debate forward by suggesting in its report, "The Catholic Church and Ghana's Search for a New Democratic System", that Ghana should return to a multi-party constitution by the end of 1992.

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During 1990-91 the NCD had been holding seminars in each of the regions of Ghana in an effort "...to involve the people in working out programmes for the evolution of the country's democratic process beyond the district level." (Report, p.x.). The results of these meetings were put forth in a document entitled Evolving a True Democracy: Report Presented to the PNDC which was presented on March 26, 1991. It included recommendations about establishing a Consultative Assembly to draft a new constitution. The report listed major issues for consideration by the PNDC. These included human rights, the nature of representation, type of electoral systems, the legislature, the executive, the judiciary, an ombudsman, a code of conduct, and a variety of other issues.

Committee of Experts

By May 1991 the government had issued a statement on the NCD report. It appointed a committee of nine, the Committee of Experts, to "draw up and submit to the Council proposals for a draft Constitution of Ghana," to review previous constitutions, the NCD study, and any other material felt to be useful. (Report p. 1) This Committee worked under the leadership of S.K.B. Asante. It began work on June 11th and presented its report on July 31, 1991 entitled: Report of the Committee of Experts (Constitution) on Proposals for a Draft Constitution of Ghana. This Report presented a draft constitution with a number of innovative suggestions which included a mix of both presidential and parliamentary systems. The president would appoint a prime minister from the party with the largest number of votes. Ministers could be appointed both from within and outside parliament.

National Consultative Assembly

The Report served as a base for the deliberations of the Assembly which began its work in July 1991. The Consultative Assembly was made up of over 200 members elected and appointed from a wide range of organizations, regions, and groups. The Assembly was asked to put together the final draft constitution to be presented to the electorate in a referendum in April 1992. It placed heavy emphasis on civil liberties, human rights, and individual freedoms.

### The Constitution

Fundamental human rights are guaranteed to all people in Ghana under the new constitution (Chapter V): equality before the law, protection against detention without charge and forced labor, protection of privacy, guarantees of freedom of speech, expression, conscience, religion, assembly, and association.

The chapter on "Representation of the People" (Chapter VII) reinforces these freedoms in section 55 on political parties. People are guaranteed the right to form and to participate in political parties. Parties are guaranteed the right to express their views freely, to sponsor candidates, to disseminate information, and participate in shaping the national will. Political parties are also guaranteed access to the state owned media, with presidential candidates being entitled to equal time.

Section 55 also spells out requirements for the registration of political parties. Most of the conditions stated are designed to avoid ethnic, religious, and regional conflicts and to assure the national character of political parties. Parties are required to publish their revenues and assets. Only citizens of Ghana may contribute to political parties.

Chapter VII sets out the mechanisms for setting up the Electoral Commission and spells out its duties. It also asserts its autonomy, noting that "Except as provided in this Constitution ... the Electoral Commission, shall not be subject to the direction or control of any person or authority." (p. 44)

Other noteworthy sections of the Constitution include "Freedom and Independence of the Media" (Chapter XII) which discuss the rights and responsibilities of the media. It establishes a National Media Commission, charged with ensuring the freedom of the media, insulating the state-owned media from government, and ensuring high standards of journalism. There is also a Commission on Human Rights and Administrative Justice (Chapter 18) to investigate claims of violations of human rights, suggest remedial action, and educate the public. Civic education is provided by a National Commission (Chapter 19). The chapter on the Armed Forces states that "no person shall raise an armed force except by or under the authority of an Act of Parliament." (p.140) This would seem to outlaw para-military groups unless authorized by Parliament.

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The most controversial section of the constitution is the "First Schedule: Transitional Provisions." Part of this section deals with the orderly transfer of government business from the existing PNDC government to that instituted under the new constitution. However, sections 34-37 relate to indemnities for the PNDC. While most people seemed to agree that some indemnity was essential to encourage the military, and the PNDC in particular, to step aside (or compete on an equal footing for office under the new constitution), the blanket nature of this indemnity plus its inclusion without debate by the Consultative Assembly, has caused heated controversy. The act indemnifies not only the PNDC, but its appointees, from liability for any of their acts. According to provisions in the legislation, neither the Courts nor Parliament may challenge or modify this act.

Registration of Political Parties

The law setting the conditions for registering political parties came into effect in May 18, 1992. This law follows the general principles detailed in the "Representation of the People" section of the constitution. It permits parties to be registered provisionally within seven days of submitting an application to INEC. They may receive final certification upon compliance with the constitutional and legal regulations for parties, including listing members in all regions of the country, and having offices in at least two-thirds of the districts in each region. Party leadership must all be resident in separate districts. Parties must submit evidence of democratic manifestos/party charters. No signs, symbols or slogans may be used which may identify groups with any particular region, ethnic origin, religion or profession. In addition, no name, symbol, color or slogan may be used which identifies parties with any of the 21 proscribed political parties, including the United Party, Convention Peoples Party, Progress Party, National Alliance of Liberals, or the Popular Front Party.

A separate decree of the PNDC requires members of the PNDC as well as opposition party leaders to declare party assets to the Auditor-General. Allegations of false declarations are to be made to the Ombudsman.

Civil Liberties

The IFES team was troubled about civil rights and liberties which were not guaranteed at the time of its visit. There were also a number of repressive laws on the books which had not been repealed by May 8, ten days before political parties were to be legalized. Moreover, the constitution is not

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scheduled to go into effect until January 7, 1993. The long delay before its effective date is of special concern because many of its provisions, in particular those regarding freedom of speech, association and movement, are central to free and fair elections. These matters need to be addressed and resolved within the next few weeks of the date of this report. The legalization of political parties cannot by itself create the conditions necessary for fair, peaceful competition.

Four pieces of PNDC legislation are of particular concern. These are PNDC laws relating to preventive detention (PNDC Law 4), Habeas Corpus (PNDC Law 91), the Newspaper Registration Act (PNDC Law 211) and the Religious Bodies Registration Act (PNDC Law 221). The team was told that decrees were being reviewed by the PNDC to repeal the first three, and that revisions in the fourth had been agreed to by the Christian Council and the Catholic Bishops Conference. The first three laws create an environment hostile to free and fair elections whether or not there is an intention to use them. The preventive detention and laws providing exemption from habeas corpus protection were invoked by the PNDC within the last year.

The team is especially concerned about the need to provide guarantees of free speech, assembly, movement, and association. While PNDC members stated that these freedoms were not in doubt and that they were honor bound to respect the spirit of the constitution just approved by the voters, IFES strongly recommends that a more formal guarantee be provided to ensure the viability of the democratic. This is especially true in light of the shaky human rights record in Ghana and the high degree of nervousness among political leaders. Even if the constitution were in effect, there might be challenges of interpretation of its protection. Without formal legislation or government instrument, there is no standard upon which a plaintiff can base allegations of violations of human and civil rights. That does not bode well for successful competitive democracy.

### III. ELECTION POLICIES AND PROCEDURES

#### Referendum Observations

The constitution was approved in the national Referendum of April 28, 1992 by a 93% to 7% margin. The total was 3,409,620 "yes"; 272,855 "no." Turnout was about 44.5% of registered voters, although the IFES team suspects that this percentage would be higher if the voting register were more accurate.

The team visited a total of approximately 50 polling stations between the Greater Accra and New Juabem districts. For the most part, the process was conducted according to the directions of INEC. Procedural errors observed at specific polling stations included the following:

- Presiding Officers, other polling officials were not yet present as late as 6:45 am.
- Ballot boxes had not yet arrived by 7 am.
- Police officers were watching voters cast ballots through open windows, giving instructions on how to vote to voters while in the voting booth.
- Voting privacy area, which was originally scheduled to be inside a mosque, was cancelled and not replaced. Voters had to cast ballots in public.
- Ballots had not arrived by 10:30 in some places, by noon in others. In this case the Returning Officer had clearly not delivered any ballots throughout the district. Some stations in this district had no more than 100 ballots each and were told that that amount was an "emergency allocation."
- The process of marking the serial number of the voter on the counterfoil was inconsistent. Some polling officials did not record this number at all; some wrote the name of the elector on the counterfoil; some began the polling day recording or not recording the serial number and switched procedures.
- Voter education posters showing a facsimile of the ballot placed on the wall of the polling booth had been marked.

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- Many polling officials were members of the NCD or CDRs and wore t-shirts or other partisan clothing. Even without the insignia, their presence as officials was intimidating in some stations.
- In one polling station, counting was not done at the polling place, despite clear instructions to the contrary. The Presiding Officer responded when questioned that those were his instructions from the Returning Officer, who would pick up the ballots and take them to the District headquarters for counting.

### **The Interim National Electoral Commission**

The District Assemblies formed in 1989 were organized and their elections administered by the National Commission for Democracy (NCD). The Commission reorganized the 65 original electoral districts into 110, conducted voter registration and developed civic education materials for the elections. The Commission also supervised district committees in the development of political campaigns for assembly candidates. An estimated 65 percent of the electorate participated in the simple majority, single vote elections. Nevertheless, the district assembly election system has been criticized for its use by members of the PNDC, by extension the Committees for the Defence of the Revolution, as a further means to power monopoly, since many members of the CDRs were members of both groups.

The March 1991 report, Evolving a True Democracy: Report Presented to the PNDC, recommended that the Commission itself be reconstituted so that its representation included regional leaders as well as special interest groups, and that an organization other than the NCD be charged with the administration of elections and referenda in response to concerns expressed about the impartiality of the NCD and its ability to conduct fair elections. PNDC Law 271, dated 11 November 1991, established the office of the Interim National Electoral Commission (INEC) for the purpose of conducting the referendum, presidential and legislative elections scheduled for 1992. A copy of the law is attached to this report as Appendix A. The law defines the responsibilities of the Commission as follows:

- the conduct and supervision of voter registration for the referendum and elections;
- supervision of the elections;
- revision or replacement of the current voter register;

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- review of the boundaries of local authority areas as directed by the PNDC;
- review of the constituency delimitations for the referendum and elections;
- development and implementation of policies on citizen and resident alien identification;
- storage, distribution and collection of all election related materials and supplies;
- other activities as directed by the PNDC.

One of INEC's other responsibilities, according to the PNDC, will be the approval, registration and oversight of all political parties in accordance with the law.

The Commission is directed by an Executive Chairman, a Deputy Executive Chairman for Operations, and a Deputy Executive Chairman for Finance and Administration, plus eight additional members. Each of these positions are appointed by the PNDC. The headquarters are in Accra, with 9 other regional offices. The National Commission for Democracy continues to exist, but the law governing it has been revised to concentrate the NCD's responsibility on civic education programs and activities. The staff of INEC consists mostly of former employees of the NCD. They are career civil servants and were involved in the 1988-89 District Assembly election administration process.

While the independence of INEC is guaranteed by law, it has received criticism from the PNDC and opposition groups for situations arising as a result of the many legacies that it has inherited. For example, the voter registry and records used in the referendum are the ones used in the 1989 elections. No purge of the records to eliminate deceased voters has occurred. Similarly, the staff of INEC, consisting of many people who voluntarily left the NCD, is still associated in the eyes of the public with the NCD and the PNDC. The election calendar of presidential elections scheduled for November with parliamentary elections to follow was established by the PNDC prior to the creation of INEC. Finally, while INEC is charged with the registration of political parties, therefore also the enforcement of the political parties law, the law itself is predicated on the laws promulgated by the PNDC. The clause in the INEC establishment law which grants the PNDC authority to assign "other" duties may be interpreted to mean that the PNDC will divest itself or the NCD of those functions that could be politically charged. It may also be interpreted to mean that the PNDC retains the right to assign those duties to reflect its own policies.

### **The Electoral Register**

The Register of Voters was last compiled in 1988. An estimated 89% of the eligible electorate were registered to vote in the subsequent District Council elections. A revision of the register was undertaken in 1991, in preparation for the April 28 referendum, to extend the franchise to those who had achieved eligibility since 1988 or who had been omitted from the Register. The data for the Register of Voters are held by INEC on a Wang computer system.

The Register was compiled following public notice to advise prospective voters to visit their local polling places to complete forms of application for registration. A receipt was issued to those who registered. The place of registration was determined to be the voter's polling place. Following initial registration, a "Provisional List" was displayed at "Exhibition Places" to enable electors to check, claim or object to provisional entries, with such claims to be processed through the Magistrates courts. A system of tendered votes was established to enable a registered voter who is resident in a District other than that in which he is registered to be entered on a tendered voters list for that district. Provision was also made in the Referendum Law 1992 for proxy voting facilities for any Ghanaian resident outside the country.

### **Issues and Concerns - Voting Registry**

More than any other single factor, the problems, frustration and delays caused at any polling station were created and exacerbated by the register. The problems observed and related include the following:

- No purge had been completed for people deceased since 1987.
- Names of many people who presented registration receipts were not on the register.
- A larger-than-statistically-possible number of voters were registered.
- Names were entered more than once as a result of a software problem.
- Names were entered on the register exactly as they were given, resulting in inconsistency in the order of entering surnames, first, middle and day names. This procedure required

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INEC to include in its directions guidelines for looking up a voter's name in up to four different ways.

- Similarly, titles such as Mr., Mrs., Dr., Prof., Alhadji., Lt., etc., were entered as part of the voter's name. A significant amount of time was consumed by the necessity of looking through up to thousands of M's for voters who could have been accommodated more efficiently elsewhere in the alphabet. According to news reports at the end of the day, polling officials, looking under R, were unable to find Flt-Lt Rawlings on the register. Volunteering to help, he looked through the F's (for Flight Lieutenant); it was eventually found under J for Jerry.
- The 1991 reopening of the register provided an opportunity for those who had not registered for the District Assembly elections to register for the referendum. The reopening of the register without a simultaneous purge sometimes meant that duplicate records were made. Registration for the last election was conducted in polling stations as well as large public areas, such as at the main market, taxi stands and the airport. Many voters were able to register more than once. Those voters who registered away from their residences or traditional polling places were in many cases unable to have their names transferred to a register in a logical location. In at least one case, a husband and wife appeared on different polling place registers, though they registered together at the same place.
- There were reports that several people registered and casting ballots were not Ghanaian citizens. In one polling station, several addresses were given for houses that did not exist.

The IFES team shared these concerns with INEC and representatives of opposition groups following the polling day. INEC was quite receptive as well as helpful in its answers to the team's questions. The problems in the register were attributed to a number of factors: multiple registration by enthusiastic political activists; problems experienced in managing the merge of the 1988 Register data with the amendments compiled as a result of the 1991 revision; portions of the data not being processed at all, compromising the integrity of the updated register. The team believes that the errors it witnessed were the result of misinformation rather than a series of deliberate attempts to affect the results of the referendum. Nevertheless, widespread publicity was given to the register omissions and inaccuracies following the referendum.

Recommendation

It is imperative that a re-registration of all eligible voters be undertaken immediately to provide a consistent and comprehensive Register for the forthcoming presidential and legislative elections on November 3 and December 8 respectively. From advice received from INEC, IFES suggests that a correction of the existing register would be impractical and might by its complicated process exacerbate the situation. The result would consequently not enjoy the confidence of the electorate. The following criteria would need to be applied to ensure public confidence in the re-registration process:

- The program should be quickly designed and implemented and must maintain a high public profile.
- Wide publicity should be given to the re-registration, using all forms of media, particularly in the more distant regions of the country where print, broadcast and public notice is less effective and where traditional news dissemination should be extensively employed (such as the gong-gong or other ceremonial assembly calling device).
- The skill already demonstrated by INEC/NCD in video production of its civic education announcements on the referendum should be applied to showing the public how the re-registration and voting process works. Training in basic registration skills should be given to Registration staff via tutorials augmented by explanatory booklets and by video wherever possible and practical.
- The format of the Register must be standardized to provide, as far as vernacular styles allow, voter registration by surname or last name, with forenames and day names following. Titles other than "Nana"(chief) should not be included in the register, nor should standard forms of address be included.
- Voters upon registration should be advised that the manner in which their name appears on the registration receipt is the way the name will appear on the register. Voters should be encouraged to keep the receipt for reference at election time. The application and receipt should be printed with this information and advice.

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- Sufficient time must be allowed for publicizing the registration, conducting re-registration at polling stations at convenient times for the public on more than one day, publishing the draft register at the Exhibition Place for public inspection at convenient times, also on more than one day, and determining claims and objections made to the draft.
- A date should be set for the publication of the draft register.
- With the lifting of the ban on political parties, the opportunity exists to invite registered parties to appoint agents to attend registration centers as a final security measure.

A timetable for the early processing and completion of the re-registration must be set by INEC which will accommodate all aspects of this process, but which will end well before the beginning of the electoral processes. The IFES team is sensitive to the limited time available before these elections to complete a comprehensive re-registration program.

#### **Ballot Design and Security**

The ballot produced for the District Assembly elections and for the constitutional referendum are of similar design. The District Assembly ballot was divided into two columns, the left column listing the candidate's name and picture opposite a space for a thumbprint in the right column. After marking the ballot, the voter folds it in half first lengthwise, then widthwise, before depositing it in the ballot box. Similarly, the ballot for the referendum showed in the left column a symbol of an open book with the word "Ghana" in a pattern on the pages, all above the word "Yes"; the lower left column showed the book (with "constitution" on the cover) closed above the word "No."

The ballots for the referendum were printed, numbered consecutively and bound in books of 50. The ballot number was reproduced on the ballot and its counterfoil. The ballot was detached from its counterfoil and endorsed by the voter with an official stamp. The counterfoil was endorsed by the polling official, using the voter's registration number. Counterfoils of used ballots are secured by the Presiding Officer at the close of the poll and stored separately from the ballots.

Neither the District Assembly nor the referendum ballots had to reflect a choice between parties. The presidential and legislative elections will require more information to be presented, such as the name of the party or its initials, its colors and symbols. The ballot used in the 1990 Haitian

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elections as well as the one used in the 1989 Namibian elections (attached as Appendix B) are good examples of how this presentation may be done efficiently and comprehensively.

A larger issue is the practice of noting the voters' registration numbers on the counterfoil. During the referendum, this became a controversial issue and was viewed as a threat to secrecy. The procedure, outlined in the instruction manual for polling assistants, was followed only intermittently in the polling stations that the IFES team visited. INEC representatives informed the team that the order not to write on the counterfoil had gone out a few days prior to the referendum but had apparently not reached many stations outside Greater Accra. Some officials began the polling day marking the counterfoils and ceased marking them at noon in accordance with the wishes of the presiding officer, further confusing the voters. Other officials were seen to be marking the ballot itself or even endorsing the counterfoil with the name of the voter, making any attempt to trace the choice of a particular voter that much easier.

Two schools of thought emerged in the team's discussions with INEC regarding the marking of the counterfoil. This procedure is common practice in the United Kingdom. It is used to rectify the crime of personation (the assumption of another's identity or character with intent to defraud), allowing any illegal ballots to be removed. It is also used as a proof for tendered vote substitution (votes legally cast by electors at a polling station other than the one at which they were registered). All election officials responsible for the marking of the counterfoil or the register take an oath not to use the information that they possess regarding the voter and his or her choice in any manner inconsistent with fair and legal election procedures.

An alternative procedure, whose main goal is to control ballot box stuffing, places the burden of proof on the ballot itself. Voters are issued a ballot imprinted with a serial number on the ballot and one perforated end. Once the vote is cast, the voter delivers the ballot, enclosed in a device that conceals the voter's choice but leaves the perforated end visible, to the polling official. The official then detaches the perforated end, and the ballot is ready for deposit in the box. The serial number is present only on the detached ballot ends - not recorded next to the name of the voter.

The two systems described above were developed as a result of differing concerns. If the question is whether a person would be able to cast a ballot in someone else's name, then the first choice is more reassuring to voters. On the other hand, if the fear is that there will be more votes in the box than voters shown to have voted, then the second option provides more of a guarantee. Several

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individuals with whom the IFES team met suggested that the practice of endorsing the counterfoil at all might cast doubt in the minds of voters whether partisan elections could possibly be free and fair when such an opportunity for identifying the voter's choice exists.

Recommendations

The IFES team recommends strongly that INEC consider the possible confusion and fear caused by the endorsing of the ballot paper counterfoil with the concomitant disruption and delay, most importantly the valid fear that voters' choices can be traced, outweigh the benefit of the device in discouraging personation, the opportunity for which is generally limited in any event. This possibility of compromising the secret ballot suggests that voter registration numbers or any other identifying devices should be removed from the ballot and the voting process.

**Election Officials and Pollworkers**

The responsibilities of Returning Officers, Deputy Returning Officers, Presiding Officers and polling assistants are detailed in instructions produced by INEC. These directions were supplemented at the referendum by briefing sessions for staff. From the observations of the IFES team, a lack of consistency in knowledge and application was demonstrated by polling place officials. Some polling station inconsistencies were caused or exacerbated by failings in the supply of equipment, and more seriously, in at least one district, by the absence of ballots. Other delays occurred in the process, caused by the time consuming practice marking of both palm and thumb as well as the requirement that no part of the voter's body be visible to the polling staff while casting a ballot.

On election day, polling place presidents (Presiding Officers) and assistants are asked to be present beginning at 5 a.m. to receive ballot boxes, ballots, forms and other supplies delivered by Returning Officers. The Presiding Officer also receives the names of polling agents who are permitted to be present at the polling station. Throughout the day, the Officer, the assistants and Polling Agents, members of the police or military assigned to the station, Returning and Deputy Returning Officers, any District Chief Executive or member of INEC, and credentialed journalists are authorized to be present in the station. At 6:45, the Presiding Officer begins the opening of the polling station by showing the ballot boxes to all present, then sealing the box. The box is then placed in an area so that voters are in view of the public when they place their ballots in the box. Next, the Presiding

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Officer shows the closed envelope of ballot papers to the polling agents and everyone present, then opens the envelope.

At 7 a.m., the poll is officially open for the receipt of voters. The voter approaches the polling assistant and identifies him or herself as an eligible registered voter. Details for verifying the identity of the voters are included in the "Instructions to Polling Assistants", (Appendix C). Once the voter's identity is confirmed and located on the Register, the polling assistant reads the name and address of the voter aloud. The serial number next to the name of the voter is transcribed to the counterfoil, and the ballot separated, officially stamped and issued to the voter.

The polling assistants instruct the voter to go behind the voting screen and thumbprint the box next to his or her choice and to fold the ballot lengthwise, then crosswise, then deposit it in the box. After the voter has ink placed in an "X" on the palm, with more ink on the thumb, he or she may go behind the screen to cast the ballot. After the vote is cast, the voter walks out to and deposits the ballot in the ballot box.

Many of the urban polling stations had up to a thousand voters listed on the register. From observations made at several stations, the IFES team calculated that at the most efficient and well-equipped stations, it took an average of 1½ minutes to process one voter through the polling system. The absence of multiple voting booths meant that voters had wait in a second line to cast ballots. Those stations operating with consistent efficiency would only be able to serve 400 voters during the ten hours of the polling station operation. Persistent and prolonged delays of voters at polling stations will undoubtedly create frustration and an atmosphere for protest and disruption of procedures in a more volatile contest.

Recommendations

Presiding Officers (responsible for the oversight and management of the polling station) and Polling Assistants (responsible for processing voters through the identity verification and voting process) should be provided with basic training in their duties in particular and the Electoral Code in general. The Instruction Booklet for Presiding Officers and the leaflet for Polling Assistants should be reviewed to ensure that they are fully comprehensive. The booklet and leaflet should be combined into one document and issued to both categories of officials, so that procedural knowledge is universal and that polling is not prejudiced or delayed by the absence of a Presiding Officer. The

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amalgamated booklet should contain a list of equipment and stationery required by the Presiding Officer for checking purposes. Training and booklets should also be augmented where practical with video presentation of good electoral practice. (The videos produced for training of election officials in Haiti were run on national television as voter education announcements as well.)

Three suggestions would apply in the effort to assist voters, prevent frustrating queueing and speed the voting process for individual voters. A more comprehensive notice of allocation of voters to polling stations should be posted extensively (Form EL10). Another, less time-consuming device for marking the voter's left thumbnail and palm with indelible ink should be employed. If the marking of the thumbnail is considered essential in addition to marking the palm, the use of ink in containers into which voters place their thumbs for automatic marking should be employed. Rubber stamps bearing the prescribed mark should be used to more swiftly mark the voter's palm. Consideration should be given to the provision of voting compartments which would obscure the voter enough to ensure the secrecy of the ballot. The compartments should be sufficiently open and numerous to enable polling staff to monitor the security of the voting procedures and to speed the voting process by providing space for more than one voter to mark the ballot at one time.

Finally, prospective polling station staff should be advised that any activity undertaken in support of a candidate or a party contesting the elections, including wearing of insignia or nationally recognized partisan colors would disqualify them from their position.

#### **Vote Counting and Collection of Ballots**

At 5 p.m., the Presiding Officer declares the polling station closed, then in the presence of all authorized persons opens the ballot box, removes the ballots and begins the sorting and counting procedure. Once the count is completed, the Presiding Officer announces the results, noting them on the Declaration of Polling Station Count form and obtaining signatures from everyone present. The ballots are then replaced in the box and the box sealed with a new lock. Invalid and unused ballots are placed in an envelope. Tendered ballots are placed in another envelope. The voter register and counterfoils are placed in a separate envelope. All three envelopes are placed in a bag, the bag is sealed and then delivered to the Returning Officer by the Presiding Officer, the Polling Station Constable, Polling Agents and assistants. At the District Counting Stations, the record of counted ballot papers for each polling station is matched to the record of the number of ballot

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papers issued. The results are then passed on to the Regional Electoral Officer, who reports to the headquarters in Accra.

Recommendations

The sorting and counting of votes following the close of the poll at polling stations observed by the IFES team on the day of the referendum appeared to be lacking in precision and inadequately planned; this in turn led to delays in the transmission of ballot boxes to the District Counting Centers. At a minimum, trays for collecting the ballot papers, sorting them into groups and then into categories should be part of the supplies of every polling station. The presence of party representatives in the coming elections will help to ensure that the counting procedure is followed more consistently.

INEC should undertake a thorough review of election transport requirements to ensure adequate coverage for future elections and to ensure availability well in advance of election day. Given the limited transport resources of government, public works and municipal services, arrangements might be made with licensed operators of private transport vehicles by arranging to secure their availability at election time.

**Certification and Reporting of Election Results**

INEC installed direct telephone lines to the Communication Center in Accra for receipt of the results of the referendum ballot from each of the ten regions. Provision was made for those results, once certified by the Executive Chairman, to be passed by radio link to Black Star Square in downtown Accra, where the cumulative results were displayed on a gigantic chalkboard for the public, press and broadcast media. Limited communications generally available to INEC, especially in the more remote rural areas, accentuated by delays in the reporting process due to the lack of adequate vehicles, meant that the period during which the results were reported was prolonged - one result coming in 68 hours after the close of the polls. While acknowledging the particularly difficult physical circumstances encountered, such delays in the public declaration of results at partisan elections might throw the propriety of the counting process into doubt and provide the opportunity for intervention.

Recommendation

If INEC is to remain in its current office complex, consideration should be given to creating a more physically compact unit to comprise:

- the Executive Chairman's suite readily available for certification of District or Constituency results as they are received;
- the communications center; and
- adjacent media facilities sufficiently equipped to enable the swift transmission of results to the public as they are received.

INEC should review the availability of additional 2-way radio communications systems for the transmission of results between sensitive or particularly remote polling stations and Returning Officers, particularly in the heightened political atmosphere of the coming elections. Fax machines, where suitable infrastructure exists, dedicated to election use and especially for the transmission of clear evidence of election results between districts and Regional Centers, thence to the INEC communication centers, would both speed the transmission of results and limit the possibility or suspicion of the possibility that results had not been accurately recorded.

**Absentee Ballots**

The large number of Ghanaians working and living abroad raises the question about a procedure for absentee ballots. It was mentioned by people in NGOs, by leaders of political parties, and some officials at INEC. The problem is of greater significance in Ghana than in many other parts of the world since an estimated one million of its almost sixteen million citizens reside outside the country. The only mechanism currently available for absent voters is to designate someone to vote for them by proxy.

For those absent for a short period of time this is a viable alternative. However, this mechanism both because it jeopardizes the principle of one person one vote and because it opens the doors to potential abuse. Given the very large number of potential absent voters, the team thinks it would be useful to consider an alternative procedure like an absentee ballot because it insures that

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individual preferences are expressed directly by the voter, it limits the potential for abuse of proxy voting, and it meets the transparency requirements so vital to public confidence in national elections. Absentee ballots allow individual voters to express their preferences on ballots which are basically the same as those used at the polls on election day. Voters who expect to be absent must make their request in advance of the election.

There are a number of variations in procedures used for absentee ballots. The IFES team recommends that some form of absentee ballot be set up which is appropriate to conditions in Ghana. The time delay involved in mailing absentee ballots (given the slowness of international mail) poses one set of problems. While the team thinks this option should be available, it requires that people make requests early and that election officials print absentee ballots early enough to allow for them to be mailed and returned.

People who wish to register for absentee ballots would do so at an office of the Electoral Commission or an Embassy or High Commission abroad. If the ballots have been printed by that time, the individual could vote in advance, depositing a sealed ballot for counting on election day. If ballots are not printed at the time a request is made, they would either be mailed to the individual to be returned by mail. Absentee ballots must be received by election day. They are counted with the regular votes.

Using a slight variation, blank absentee ballots would be mailed or sent by fax from Ghana to Embassies or High Commissions where they could be mailed to requesting voters or held until election day. Results would be reported by fax and added to totals from the appropriate constituencies. Registration and voting would be limited to those meeting the normal registration requirements. Those registering abroad would do so during the normal registration period (i.e. corresponding to registration periods in Ghana).

The introduction of an absentee ballot has major advantages over proxy voting. Most importantly, it is secret and a true reflection of the will of the voter. Given the very large number of potential absent voters, the IFES team is concerned that the proxy ballot might be misused. Even if it is not misused, having a single voter cast multiple votes (depending how many proxies he or she has) is likely to cast doubts about the results and further raise anxiety about fairness. National elections will be much more meaningful if all eligible Ghanaians can vote even if they are outside the country.

#### IV. CIVIC/VOTER EDUCATION

Part of the original focus of the IFES team was on the ways in which INEC could improve its dissemination of voter information. The NCD mounted the campaign for the referendum, using effective radio spots, posters and advertising in local newspapers. For the upcoming presidential and legislative elections, a more comprehensive civic as well as voter education program should be developed. While civic education, defined as information on and encouragement to exercise citizens' rights and responsibilities to participate in a democratic society, is inherently political, INEC is currently in a position to conduct such a program in a nonpartisan manner. Newly formed political parties will need information on the rules of competitive politics; citizens will need to become accustomed to widely unfamiliar balloting procedures.

The IFES team's observations of the referendum proceedings and its conversations with polling officials, members of opposition groups, nonpartisan organizations as well as people on the street indicate an interest in participating in the current transition process combined with a skepticism regarding the sincerity of the PNDC or those leaders who would challenge it. The various errors in procedure witnessed by the team were also observed by many citizens.

Ghana has a long tradition of civic education programs, sponsored by the Ministry of Information in early years, to the Centre for Civic Education in the late 1960s and early 1970s, and to the National Commission for Democracy in the late 1980s and early 1990s. A good part of this effort has been devoted to explaining the electoral system, techniques of voting, procedures for counting, and how results are translated into viable government.

The Centre for Civic Education was created in the wake of the Nkrumah era. It reflected the feeling of the members of the National Liberation Council, that people needed to be taught about their rights and responsibilities before the country could again have competitive elections. The Centre was founded on June 7, 1967 to create a foundation for multi-party democracy. Its staff made impressive strides during the pre-election period. The CCE continued to function after elections but became less active after 1971, partly because the victory of the Progress Party made many sanguine about the success of democracy.

Following the Rawlings coup of 31 December 1981, the PNDC established the National Commission for Democracy. It was designed to make Ghanaians aware of the "objectives of the revolutionary transformation of the society being embarked upon by the Council in the interest of real democracy." This effort differed somewhat from the CCE in that it envisioned a two-way flow of

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information between the Council and the people. The NCD program was designed as a prelude to the return to democracy.

In addition to the NCD, the IFES team found a number of other organizations currently involved in civic education. The Christian Council, as described in Chapter V, has been disseminating information about the Consultative Assembly, the Draft constitution and the Transitional Provisions. The National Council on Women and Development has been hosting seminars to discuss the proceedings of the Consultative Assembly, following a series of get-out-the-vote activities in preparation for the District Assembly elections. The Trades Union Congress will focus several of its seminars on analysis of the voting procedure. Finally, newer organizations such as the Committee for Human and People's Rights will be conducting civic education activities as they train election observers.

Ghana's new political parties are organizations that must not be overlooked when examining and developing civic education programs. Their best interest is in the dissemination of the messages about basic concepts of democracy, especially the concepts of personal choice and creation of alternatives if none exist. While they cannot be expected or required to provide politically neutral information, the political parties' recruitment activities can be linked to the re-registration process as well as general voter information. Working in conjunction with the groups mentioned above, political parties can effectively demonstrate dialogue, debate and interaction and create an understanding of the political spectrum.

INEC also has a valuable role to play in voter education efforts. Success in the next elections will depend upon a smooth, unimpeachable process. This will only happen if voters are universally aware of the mechanics of the process. It is essential that INEC disseminate information on law and procedural guidelines on as many levels as possible. In addition, the re-registration process, the manner in which parties are registered, and all other preparations leading to the election should be described or explained publicly.

## V. THE ELECTORAL FRAMEWORK

### Ethnicity

Ethnicity is important in Ghana as a source of identity, pride, and culture. It is openly acknowledged and is part of daily conversation and speech. Ethnicity has political and therefore electoral implications but it is not a major source of conflict. It is one among many factors which make up public perceptions about particular individuals and candidates. Ghana has had few major ethnic conflicts since independence. While some political parties have been identified by the public as more strongly linked to one ethnic group or another, such identities are neither exclusive nor decisive. No one ethnic group in Ghana is large enough to control politics. Even the Akan groups, which make up about 44 per cent of the population, are divided in ways that do not lend themselves to natural coalitions. The Ashanti, Fanti, and the Akuapem are quite distinct, often following different leaders. Other groups like the Mole-Dagbani represent 16% of the population, the Ewe 15%, the Ga 8%, the Guan 4%, and the Gurma 4%.

While the two main political tendencies have often been linked with the Ashanti and Brongs and with Ewe and Northerners respectively, these labels are very misleading. Ethnicity continues to be part of the political vocabulary in Ghana today. Some people note that Rawlings is part Ewe, others talk about the Akan base of the Busia/Danquah group, still others about the CPP as a "borders" group. Nonetheless, the two major political groupings in Ghana have historically drawn support from a broad spectrum of people of all ethnic groups. That tradition does not appear to be changing today. Ethnicity will continue to play a role in politics, much as region and origin play a role in most other democracies.

The new constitution prohibits the use of ethnicity as a basis for political mobilization. Similar rules are expected to be promulgated for the recognition of political parties once the ban on parties is lifted. Some fears were expressed to the IFES team that ethnicity would be used by one group or another to its own political advantage. That fear was most frequently tied to assertions that some parties would mobilize non-Ghanaians of similar ethnic backgrounds as supporters or even voters. The team has seen no evidence that this is the case. While the potential exists, the team does not think it is likely to be realized in a way that would have a significant effect on the outcome of elections. Nonetheless, the fears expressed are real and attention should be given to ensuring that both the fears and the potential problems are addressed and avoided.

### **Religious Organization**

Organized religion and the various traditional beliefs practiced in Ghana have a long history of involvement in the political arena. The Christian Council and the Catholic Bishops Conference, in particular, have shown a remarkable interest in bringing issues regarding democracy and governance into their teachings. The IFES team met with the Reverend David Dartey, General Secretary of the Christian Council. The Council is the coordinating organization for fourteen member Protestant and Catholic churches as well as affiliated organizations such as the YMCA, the Catholic Bishops Conference and other local church councils. The role of religion in all aspects of life is significant in Ghana. An estimated 62% of the population expresses some Christian affiliation, the rest following Muslim or traditional religion. The Christian Council has been widely recognized as an influential body for decades. Churches provide many of Ghana's people with education and development projects that the government cannot subsidize, and the opinion of the Council is respected as a result of this important societal contribution.

Since its inception, the Christian Council has effectively used its standing to criticize government activities on moral and religious grounds. In 1963, when the Council opposed the Preventive Detention Act, then-President Nkrumah created the Ministry of Religious Affairs to check the statements of the Council. The mechanism proved insufficient. The administration of General Acheampong was similarly unable to silence the Council. The Rawlings administration has been consistent in its efforts to control the Council, attempting to create its own conference of religious bodies in 1982 and 1985. Finally, during the summer and fall of 1989, the PNDC enacted Law 221, the Religious Bodies Registration Act, requiring government oversight of the activities and finances of all church headquarters. The Christian Council obtained a copy of the law to review and share with member churches. Citing discrepancies between several tenets of the law and the Universal Declaration of Human Rights, the Council submitted recommendations to the PNDC for changes in the wording of the law. To date, the Council has not registered under this Act.

The Council has been one of the major fora for dissenting opinion throughout the current period. Soon after Flt.-Lt. Rawlings came to power, the Council issued a pastoral letter asking the PNDC to cede authority to a civilian government, a "government of national reconciliation." The philosophy of the Council was and remains that 1) democracy has yet to be given a fair chance in Ghana; 2) the inexperience of military governments has cost the country in the long run. In 1982 the Council's Pastoral Letter cited events such as extrajudicial killings, confiscation of property,

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strict curfews, the arbitrary rulings of "people's tribunals", draconian economic measures, as well as increased violence by revolutionary organs to call for a dialogue between the PNDC and representatives of the people. A 1983 letter documented a government-ordered demonstration against students at Legon University. In 1985 the Council spoke out against the burglary of Busia's house by members of the military, artificial food shortages and the desperate nature of the situation in general. The voice of the Council and its members continues to be heard by the PNDC and is regarded as a unique source of coherent disagreement with PNDC policy.

During the months of durbars (traditional discussion groups) organized by the PNDC, the Council conducted its own surveys to obtain public opinion regarding the progress of democracy in Ghana. Their findings were published in a December 1990 report entitled Christian Council Response to Ghana's Search for a New Democratic System. An excerpt of the report is attached as Appendix D. Follow-up activities have included days and weeks of prayer for reflection on the basic principles of democracy and a mid-1991 seminar on "The Nation, The Church and Democracy." Recommendations from that seminar report as well as the Council Response report center on the need for the creation of an independent body to administer elections; for future District Assembly positions to be multiparty elective offices; for the separation (but not elimination) of the role of chief from political roles; and for the immediate repeal of all laws which prohibit peaceful assembly, organization and free speech.

In the weeks preceding the referendum, the Christian Council developed voter education materials for distribution to all congregants, encouraging them to take part in the process and to continue to seek information on the activities of government. The Council plans to continue this civic education activity by asking that each minister mention Ghana's current political situation and how it will be enhanced in a democratic process at some point during each church service. It is clear that the Council understands that its members are also citizens and that empowerment of citizens strengthens rather than weakens the spiritual connections between Ghanaians.

### Women

The role of women in contemporary Ghanaian society is dependent upon location and family tradition. Urban women tend to be professionals, small business owners and market merchants. Rural women tend to be farmers and processors of foodstuffs. Ghana's population encompasses ethnic groups which are matrilineal as well as patrilineal. The rate of women's education past

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elementary school betray a lingering adherence to pressures such as early marriage and pursuit of jobs to help aging parents. During the first six years of school, mandatory for all children, boys and girls attend school in equal numbers. By the time the same boys and girls reach university level, men outnumber women by more than ten to one.

There are two large organizations whose agenda focuses on the role women play in Ghanaian society, the National Council on Women and Development (NCWD) and the 31st December Women's Movement. The NCWD, established in 1975, serves as the national organ for the advancement of women's issues and as an umbrella organization for the numerous other women's groups. With offices in all ten regions, the NCWD reaches the local level through volunteer district coordinators, assisted by the regional advisory committee. Its statement of projects is attached as Appendix E.

Evaluating and increasing the role of women in the political process in Ghana begins at a different level of consciousness-raising than simply encouraging them to register and vote. The literacy rate in Ghana was identified by the NCWD as the barrier that impedes the participation of women at all levels of the political process. Any political activities that seek to include or gain support from women will have to reach illiterate women as well. Beginning in 1989, the NCWD hosted workshops open to men and women to identify and increase public awareness of issues of special concern to women. The Council also conducted workshops for women with a focus on improving their self-image.

The NCWD held rallies in its local and regional chapters to nominate members of the Consultative Assembly. A total of 20 women out of 258 Consultative Assembly members participated in the drafting of the new constitution. The 20 women were trained to function as liaisons between Assembly members and districts, down to the village level. During the liaison meetings, the NCWD addressed the many legal issues in articles related specifically to women, marriage and children.

A representative of the NCWD stated that while women are currently not involved on a more highly visible level in the opposition groups, she expected that the lifting of the ban on political parties would open doors for women interested in participating as organizers and candidates.

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The 31 December Women's Movement, a nongovernmental organization registered with the NCWD, has also sponsored rural development projects, daycare centers and public works activities. It is now using its ties in the villages to encourage women to participate in the political process. Led by First Lady Nana Konadu Agyeman Rawlings, 31 December occupies a higher public profile than the NCWD. The team heard concern expressed by opposition members that the PNDC had an advantage in any campaign because of the existing work of the 31 December Movement.

Some women with whom the team met expect that the newly registered parties will be actively seeking women's support. The NCWD and its members are accustomed to insisting that policymakers pay attention to the way in which the issues they consider will affect women. For many Ghanaian women to take part in this political transition, their basic concerns regarding economic stability and power must be addressed. The parallels between economic self-sufficiency and the ability to change government should be incorporated into civic education discussions.

### Military

The role of the military in politics in Ghana is complex. The PNDC came to power through a military coup, its chairman kept his military title, and the government itself has many of the trappings and characteristics of a military regime. The PNDC includes civilians from a wide range of Ghanaian political traditions. Some of its leading members, such as Justice Annan, maintain that the PNDC is not a military regime. The military itself is clearly distinct from the government. Nonetheless, the lines in Ghana today between military and civilian authority are much more blurred than in a civilian government. The military have been involved in five coups since Ghana became independent. To ignore their potential role in the success or failure of competitive democracy would be imprudent.

The formal military apparatus per se does not seem to be directly involved in politics, though its leaders are committed to the PNDC. The military is generally supportive of the move to a multi-party democracy, but it is not monolithic on this issue. A major civic education effort should be undertaken to inculcate democratic values and explain the rules and norms of competitive politics to the military at all levels. The team is mindful of recent military interventions in the democratic transitions in the Congo, Sierra Leone, Togo, and other states. While the issue of the military and politics is a delicate one, it is vital to confront the potential of military intervention (or a coup) directly. It is important to help officers and rank and file soldiers become aware of, and committed

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to, the norms and rules of democracy. Democracy depends on an equal commitment from the civilians and the military. The United States has much to offer as a model of civilian control of the military. For example, General Colin Powell's comments on civilian control of the military during his visit to Nigeria were covered by the press and very well received in Ghana.

Opposition leaders did not seem especially concerned about army intervention in politics, though it was a possibility they did not dismiss. The diverse composition of the military, the concern of some soldiers that the military had stayed too long in politics, and the tension in the military over the creation of para-military organizations by the PNDC were all apparent. The coup in Sierra Leone occurred during the IFES team's mission. That event had a very chilling effect on many of the Ghanaians interviewed, including several PNDC officials.

Concern was expressed in several conversations about an elite unit, armed, trained and directly under the command of the Chairman of the PNDC, otherwise known as the commandos. It is not part of the regular army. It may operate in a similar fashion to the President's Own Guard Regiment which became a personal force of President Nkrumah. Several opposition leaders expressed concern that this unit might be used to insure victory for the PNDC or the party of its choice. The team was not in a position to evaluate these concerns. It is clear that part of the problem is the shadowy nature of this unit. Public clarification of its role and function might be useful.

In addition to the commandos, several mentions were made regarding the para-military organizations set up by the PNDC, especially the Committees to Defend the Revolution (CDR). These groups are armed with automatic weapons and have been established throughout the country. Some of them worked closely with the NCD on projects such as voter registration and local government elections. Some opposition figures expressed fears that the CDRs and other para-military organizations would be used to ensure a PNDC victory, or reverse the results should the PNDC (or its allies) lose the election. Most opposition leaders called on the PNDC to disband and disarm the CDRs and other paramilitary units.

In the context of both the history of Ghana and of armed intervention in the democratic process, it would be foolish to ignore the potential threat. The IFES team feels very strongly that it is vital to include the para-military units like the CDRs in the civic education process. They must be protectors of the democratic transition. The best way to allay public fears about intervention is to

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ensure that their members understand the rules and norms of competitive party politics and become advocates and protectors of democracy as individuals, whether or not the units continue to function.

### **Opposition Groups - The New Political Parties**

The IFES team visited Ghana prior to the date on which the ban on political parties was scheduled to be lifted. Since political parties were not yet legal, it was difficult for the team to be precise about the nature, focus, and number of political groupings. In spite of the ban on political parties, there were a number of political clubs and other political organizations which were clearly functioning as pre-parties. Some of these groups were organized in support of the PNDC, some against it, others had their own agenda. There may also be new political groupings which come forward, after the ban is lifted, out of the human rights and civil rights groups.

The PNDC: The PNDC will be active in the competitive political arena in one fashion or another. Several of its leaders stated that the PNDC wanted to ensure that their achievements were not reversed. They suggested that the PNDC, or at least some of its members, would take an active role in competitive party politics. It was not clear that there would be a public announcement to this effect when the ban was lifted, but it seemed likely that some announcement would be forthcoming in the near future. In the meantime, there are several organizational bases which might serve as a foundation for a PNDC effort. These include the 31st December Women's Movement, the CDRs and the Eagles Clubs. Some people thought that PNDC political activity might also be manifested through one or more factions organized in the Nkrumah tradition, especially the National Coordinating Committee of Nkrumahists (NCCN). It is possible that some members of the PNDC might become actively involved in the political campaign outside the mantle of the PNDC.

The 31st December Women's Movement and the Eagles Clubs are very active semi-political organizations. The former is headed by Nana Konadu Agyeman Rawlings, wife of the Chairman. While most of the public activity of the 31st December Womens Movement has been development oriented, they are very political in tone. They are organized throughout the country and have clearly benefitted from the leadership of the First Lady. The Eagles Clubs seem well organized and funded. They too have set up a network of headquarters throughout the country. If press reports are any indication, they were very active holding rallies and meetings during the team's stay.

Other Political Organizations. The political forces being organized outside the PNDC can be categorized around the two main political traditions which have existed since independence. The two traditions focus around the old Nkrumah Convention People's Party (CPP) on the one hand, the Danquah and Busia traditions, on the other. Over the years, the former has included the CPP, National Alliance of Liberals (NAL), and the People's National Party (PNP); the latter, the United Gold Coast Convention (UGCC), United Party (UP), National Liberation Movement (NLM), the Progress Party (PP), and the Popular Front Party (PFP). Both groups have their factions, but for purposes of elections it is sufficient to discuss the two major tendencies recognizing that only time will tell whether or not they form parties as two single units.

The Nkrumah Tradition. There are several political organizations which grow out of the CPP and Nkrumah tradition. Among them are the Kwame Nkrumah Welfare Society, Our Heritage, the Kwame Nkrumah Revolutionary Guard, the Kwame Nkrumah Youngsters Club, and the African Youth Command. They include such old guard politicians as Kojo Botsio, Johnny Hansen and Kwesi Armah, but also a large number of younger supporters. In addition there is the group loyal to Dr. Hilla Limann, the President of the Third Republic. The CPP/Nkrumah tradition now covers a very broad ideological spectrum including some old line socialists, those more enamored of the revolutionary tradition, and some elites and businessmen with a populist bent.

The Danquah/Busia Tradition. This group is both liberal democratic and elitist. It draws heavily from the professions. It is often associated with Akan traditions, but is not an ethnic party per se. Its most recent base is the Progress Party (PP) of Busia and the Popular Front Party (PFP). Its organization, in the prelude to the referendum, was the Movement for Freedom and Justice, led by Prof. Adu Boahen. Its leadership includes a number of activists associated with earlier UP, PP and PFP activity including Victor Owusu, J.H. Mensah, and Kwame Safo-Adu. It too has a young following, many of whom are eager to break free of the older political activists.

Independents. There are a number of civic organizations which could serve as the base for new political parties. Some of these are focused on human and civil rights. As such they tend to be more critical of the PNDC than the other political traditions. Some may join with one of the two major political traditions, but others may strike out on their own as a new third or fourth force (depending on what the PNDC does). There are also some radical organizations like Kwesi Pratt's Kwame Nkrumah Revolutionary Front, the United Revolutionary Front and the New Democratic Front. While small, and currently seeming more concerned with process than product, they have

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been very active in expressing their opposition to continued PNDC rule. Pratt's group (and other sympathizers) held two demonstrations, both of which were broken up by police on the grounds that the demonstrators did not have a permit. A permit was requested in the second instance, and refused by the police.

The IFES team met with leaders from all the major political groups. Their openness and frankness bodes well for the future. All of the individuals with whom the team spoke professed a strong commitment to multi-party democracy. All expressed the hope that the process would be open and free. At the same time, all of the leaders with whom the team met (including the PNDC) expressed some degree of skepticism about the intentions of some of their opponents. The PNDC leaders were concerned about what they saw as the opportunism and irresponsibility of some opposition groups. The opposition groups were fearful that the PNDC or its allies would use non-constitutional means to try to win the election. They also complained that the PNDC had access to government resources denied other groups and asserted that government funds were being used to campaign and to gain advantage before the lifting of the ban on parties.

The IFES team saw no evidence that any political parties planned to use non-democratic means during the coming campaign. All the leaders the team talked with expressed a strong belief in democracy and a commitment to free and fair elections. Nonetheless, given the fears on both sides, it is important that the government promptly repeal a number of contentious PNDC decrees (see section on the constitution), move quickly to publish the rules and regulations for the registration of political parties, and work to ensure that the election process is transparent from start to finish. It is also important that the PNDC make clear its intention to abide by the spirit of the new constitution on the vital guarantees of freedom of speech, assembly, and movement. No political campaign can be free and fair without those guarantees.

The team cannot emphasize too strongly the need for cooperation and conciliation if competitive democracy is to succeed. As part of the process, the team recommends that the Electoral Commission set up mechanisms to hear complaints by individuals or political parties concerning practices which violate conditions necessary for free and fair elections. The Commission must also be given the power to discipline or disqualify those whose violations are egregious.

A small team of external observers could go to Ghana periodically throughout the campaign period to meet with all interested parties, monitor progress and, if there are conflicts, make suggestions

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about resolving issues which seem to be hindering progress toward democratic, free, and fair elections. In the end, the key to success will be the willingness of all political parties to abide by the rules and norms of democracy and to ensure that their followers do the same.

## VI. ELECTION OBSERVERS

The presence of international election observers at pivotal elections around the world in the past five years has served multiple purposes. Observers bring questionable, previously accepted election practices to light, exposing a dictator's last-ditch efforts to remain in power. They send a message to governments that certain types of behavior are unacceptable even in sovereign nations; that the failure on its part to administer a free, fair election can dry the flow of international aid within days of the election. In addition, the presence of observers in large numbers provides reassurance to citizens, especially in countries where violence is a characteristic of election time, that the actions of the government are being closely monitored. Any interference with the process becomes public knowledge within minutes.

Several of the opposition group members, members of the Consultative Assembly, the PNDC as well as INEC commented on the utility of international election observers. As has been mentioned previously, there is a level of wary enthusiasm for the upcoming election process. This enthusiasm is tempered by memories of the Acheampong UNIGOV election, the rapid abuse of power that grew out of the District Assemblies, and above all the history of civilian governments interrupted by military coup. International observers are welcome in Ghana in as large numbers as possible as a prevention against the kind of blatant fraud used in previous elections.

Fear was expressed by opposition leaders and human rights advocates that observers arriving only days before elections would be unable to see or prevent the most serious irregularities. An observer presence is essential throughout the campaign. The cost of maintaining observers over a six-month period, however, would be prohibitive. Furthermore, such an extended election observation project might be seen as a violation of the sovereignty of Ghana. On the other hand, as impromptu international election observers who worked to address concerns about the validity of the counting process following the Referendum, the team can see how important observers can be to the credibility of both those in power and those contending for power.

In addition to a substantial observer contingent for both the presidential and parliamentary elections, a small group of observers should make three or four short visits to Ghana during the period from the beginning of competitive party politics to the inauguration of the new constitutional government in January 1993. This team should consist of the same people throughout the campaign. These visits could be combined with technical assistance to the Electoral Commission, and thus reduce costs. They should, however, involve the same kinds of discussions with major participants that the IFES team undertook during the pre-election survey. Such continuity of observer visits over

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time would help build confidence in the process. It might also provide another mechanism for dealing with conflicts during the course of the campaign. This group would work with INEC and operate as an adjunct to its current functions. As such, the group might both strengthen its own hand and help defuse situations which could create crises threatening to the success of multi-party democracy.

While the presence of international observers for any length of time prior to the election is essential, the number of individuals who will be able to make the commitment described above is not very great. Members of the Ghanaian Committee for Human and People's Rights, Ghana Human Rights Watch, the Christian Council, the NCWD and the Trades Union Congress as well as individuals with whom the team met who expressed an interest in international observation, are organized, interested citizens who may be trained to function as official observers. While some of these organizations depend upon their nonpartisan status to maintain neutrality, other organizations or individuals would provide excellent sources for political parties as they begin to recruit observers. In addition, a small group of election observer trainers could teach a core curriculum to members of the organizations mentioned above, who themselves become responsible for the training of their respective groups.

## VII. ELECTIONS IN THE CURRENT POLITICAL CLIMATE

### History Recalled

Political competition and elections are not new experiences for Ghana in spite of the long history of military rule. With the exception of the union government elections in 1978 under Acheampong, elections have traditionally been open and fair. Charges of fraud or other irregularities are unusual. The Electoral Commission has a great deal of experience with elections in the post-independence period. A number of its current employees have served twenty years or more.

Political party competition is also not a new phenomena as it was in the Congo or Mali. Although the period of competitive politics has been relative brief, there were competitive elections in 1969, 1970 (by-elections), and 1979. While there are still large numbers of young Ghanaians who have not experienced competitive party politics, the majority of Ghanaian voters and election officials have such experience. This base of experience makes the process much more likely to be widely understood and the rules of democratic competition observed.

Elections in Ghana traditionally have been peaceful, with voters patiently waiting for hours to vote and campaigns often taking on a holiday atmosphere. While violence is not unknown, it is not a part of the culture of elections (as in the Philippines) nor do candidates feel the need to have body guards or police protection.

### The Contemporary Scene

The traditions of fair and peaceful elections remain strong. Even the most pessimistic observers do not see the electoral process itself as the likely cause of trouble. Political leaders were confident that if the right national atmosphere prevails, elections will be open and democratic.

The team found general agreement about the quality of the leadership of the Interim National Electoral Commission (INEC), with the Chairman and his two Deputies held in high esteem by government and opposition alike. Concern was expressed about the independence of the Commission; the team concurs that the autonomy granted the Commission in the new constitution must be realized in practice if the elections of 1992 are to be meaningful.

The most serious contemporary questions about the 1992 campaign and elections focus on issues of civil and human rights. The questions of freedom of speech, assembly, association, and

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movement were foremost on the lips of opposition leaders and supporters. Related to these were human rights questions about protection from intimidation and abuse -- most importantly the right to habeas corpus and elimination of the preventive detention laws. No other issue goes to the heart of mistrust more directly than this one. Ghanaians have experienced repression so often before, whether from the CPP in Nkrumah's time or preventive detention under the PNDC, that they are both cautious and cynical about promises that these laws and traditions will be reversed prior to the elections without accompanying proof. As one leader stated on the day after the military coup in Sierra Leone, "If there are not changes, elections are a waste of time -- I would say forget it. Don't bother. You put yourself at risk unnecessarily." That is not a healthy basis on which to launch a return to multi-party democracy. Repeal of the repressive legislation plus bringing into force the human and civil rights sections of the newly approved constitution would go a long way toward improving the atmosphere and creating conditions for free and fair elections.

Related to these issues are concerns about the para-military units associated with the PNDC which were discussed earlier. The continued presence of these groups is seen in the light of a history of repression under one-party and military rule. Removing the para-military groups from the arena of competitive politics is essential. Protecting individuals from abuses of individual members of para-military organizations will be greatly enhanced if people know that they have constitutional protection from violence and intimidation.

#### **Registration of Political Parties**

The new Political Party Registration Act is expected to follow the basic principles set out in the constitution. Several PNDC leaders suggested that there would be requirements for declarations of assets. Parties will not be allowed to use the names or symbols of previously active political parties. Several members of the opposition complained bitterly about this possibility. These limits do not pose serious problems. Parties affiliated with both the Nkrumah/CPP and Danquah/Busia traditions have run under a variety of names. In fact, it may be a blessing in disguise to both traditions since factions on both sides would otherwise be vying for the various Nkrumah/CPP or Danquah/Busia labels.

### **Interim Government**

Several opposition political leaders suggested that free and fair elections could only be held under an interim government rather than the PNDC. In practical terms, it seems unrealistic to try to set up an interim government before November. Even if one were to do so, the task would divert attention and resources away from the important tasks of party formation, agenda setting, campaigning, and elections. Much more important than an interim government are the rules, norms, and procedures under which competitive party politics operate. If those are properly in place, with strong mechanisms to enforce them, free and open competition will produce a government that truly reflects the wishes of the people of Ghana.

### **Political Organizations**

Ghana was already experiencing a lively political environment even before the lifting of the ban on political parties. That can only bode well for the future. The fact that the last few months have seen an increasing tolerance of both overt political activity and a free press, in spite of legislation to the contrary, suggests that the PNDC has come to terms with the requirements of the transition to democracy. This is in sharp contrast to the situation less than a year ago in which newspapers were being banned (e.g., the Catholic Standard) and political activists imprisoned.

The IFES team was impressed by the fact that a number of human rights and civic organizations were playing an active role in the transition. Several were in the process of making contact with their counterparts in other parts of the world. The team applauds the efforts of these nongovernmental organizations as they make a substantial contribution to the democratic process.

## VIII. RECOMMENDATIONS

### Registration

It is imperative that a re-registration of all eligible voters be undertaken as quickly as possible. The quality of the current registration list is the most pressing problem, one that directly affects the success of the transition. The list suffers from deficiencies such as multiple entries, inconsistent name order, failure to record corrections, and ghost entries. No attempt has been made to purge the list of deceased voters.

The problems resulting from the registration lists were made abundantly clear to the IFES team during the referendum. In a country in which elections are viewed with cynicism and suspicions of fraud, the problems occurring on the referendum day did little to assuage them. The team estimates that up to 5% of the total number of registered voters who went to the polls were unable to be located on the register. The team also believes that the total number of registered voters listed (8,410,990) is improbable, given an estimated population of sixteen million, of whom half are under fifteen years of age. An estimate of a million erroneous entries is not inappropriate. Such inaccuracies open the list to such tampering as to affect the outcome of an election.

The list may be corrected by posting it once again and opening the register to citizens who have receipts but were unable to vote. The computer programs on which the original data was saved could be merged to construct another list. However, the problems of purging deceased voters, duplicate names and other irregularities are not solved by these methods.

The IFES team recommends that INEC conduct a complete re-registration of voters. This is the single most important task to be completed prior to the administration of truly competitive elections. INEC estimates that the total time required would be three months. International assistance to complete the re-registration process will serve several important purposes:

- It will remove a potentially contentious issue from the area of conflict.
- It will make a substantial contribution to ensuring the freedom and fairness of the forthcoming elections.

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- It will enable recently legalized political parties their first opportunity to participate in the election process. Party members are dedicated to ensuring that the register is accurate to the point of verifying names and addresses door-to-door.
- The independence of INEC will be strengthened as its resources augmented and the re-registration process placed clearly under its control.
- It will demonstrate the United States interest in the Ghanaian election process, countering the impression given the IFES team in several interviews that the US government is reluctant to support a process that could unseat a "stable", military regime.
- It will not favor one party over another. Conversely, each party will, by protecting its own interests and accounting for its supporters, enhance the integrity of the list.

In response to the team's request, INEC submitted a budget (Appendix F) for the re-registration process. Overall, the team felt that the requests were reasonable. Comments on the purchase of certain items appear following the subject headings. Except where noted, the estimates for INEC's re-registration exercise are recommended opportunities for international donor participation.

A. Registration Forms

US\$146,340

An immediate allocation of \$100,000 toward the purchase of registration forms would free up approximately one third of the costs estimated for the remainder of the supplies. An additional \$100,000 would cover the additional costs of the forms and provide assistance for such re-registration items as data entry services.

The provision of ample transportation equipment for the registration as well as for the election period is essential to the smooth functioning of the process. However, issues such as the final disposition of vehicles, accountability for actual use, and ultimate responsibility for maintenance costs make it difficult for the IFES team to recommend substantial contributions in this area.

B. Maintenance of Vehicles and Other Services

4,437,500

C. Travel, Transportation and Other Allowances

1,169,000

H. Salaries and Allowances for New Drivers

172,800

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|             |              |
|-------------|--------------|
| I. Vehicles | 5,615,000    |
| Subtotal    | \$11,394,300 |

It is hoped that sufficient assistance in other categories from friendly foreign governments will provide the financial leeway and incentive to encourage the government to assume some of the larger costs or to negotiate on behalf of INEC for the seconding of selected items.

|  |             |
|--|-------------|
| D. Data Processing Supplies                                      | 119,263     |
| E. Data Processing Project Personnel<br>(salaries, benefits etc) | 2,717,120   |
| F. Public Relations  | 13,525      |
| G. Office Equipment  | 194,750     |
| Subtotal   | \$2,849,908 |

The IFES team recommends an allocation of \$200,000 for this area of the re-registration effort. One half should go to continued printing of forms and other data processing materials; the other half towards office equipment.

The Ghanaian election infrastructure is well developed. The team received no indications that such costs as printing and design of ballots, purchasing ballot boxes or seals would not be covered without international assistance. In addition, the team strongly encourages the use of existing local materials for such items as voting booths and tables. The items identified in the INEC budget are defensible expenses; further research is indicated for the price estimates for fax machines. Several of the items mentioned in Section G are part of a well-developed infrastructure for the national election headquarters. The team found some of the estimates to be large; for example, fax machines are listed as costing over \$1000 apiece.

**Additional Support for the Election Process**

Civic Education. A comprehensive civic education and training program should be developed and disseminated in preparation for the registration as well as the elections. One project consultant would conduct the initial project design and the training of core trainers during a four-week period. This program would encompass the registration policies and procedures, while revisiting the election

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process. The civic education program should be open to partisan and nonpartisan political activists, members of church groups, women's groups and professional associations. A special segment of the program directed at members of the military is also recommended. Following the initial training, representatives of the groups listed above would be responsible for training the members of their groups.

Civic Education Project - 4 weeks

|   |          |
|---|----------|
| Consulting (24 days) @ \$320/day  | 7,680    |
| Per Diem (28 days) @ \$145/day  | 4,060    |
| Airfare (roundtrip)   | 4,000    |
| Materials (posters, video production, etc.<br>see pages 8 and 9 of INEC Budget) | 13,000   |
| Total   | \$28,740 |

Election Observers. The value of election observers in a politically charged atmosphere, such as exists in Ghana, cannot be overemphasized. The team heard repeated requests that international observers arrive to monitor the activities of the campaign as well as the processes in force on election day. While this request is justifiable in terms of an international presence in place before the day of the election, it is less than wholly practical in terms of logistics and financial support. By combining civic education with election observer training programs (because both deal with the accuracy of compliance with established election procedures), costs could be saved to allow more extended stays on the part of observers. An addition of \$70,000 to the above program would enable more trainers-of-trainers to work with local civic groups and simultaneously provide reassurance of international campaign monitoring as requested.

Pollworker Training. The errors observed during the referendum process were, in the opinion of the team, due to inconsistency in application of instructions. A comprehensive training program would reinforce lessons learned prior to and on the day of the referendum in preparation for subsequent elections; it would also provide information on any changes in procedure, such as might happen with the practice of marking the counterfoil or listing names on the voter register.

Pollworker Training - 4 Weeks

|                                  |       |
|----------------------------------|-------|
| Consulting (24 days) @ \$320/day | 7,680 |
| Per Diem (28 days) @ \$145/day   | 4,060 |

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|   |          |
|---|----------|
| Airfare (roundtrip)                         | 4,000    |
| Materials (posters, video production, etc.) | 13,000   |
| Total                                       | \$28,740 |

**Summary of Recommendations for US Assistance**

|  |           |
|--|-----------|
| Re-Registration Forms and Supplies         | \$200,000 |
| Data Processing Time                       | \$100,000 |
| Data Processing Supplies                   | \$100,000 |
| INEC Office Equipment                      | \$150,000 |
| Civic Education/Election Observer Training | \$100,000 |
| Pollworker Training                        | \$30,000  |
| Total                                      | \$680,000 |

Again, the basic infrastructure for election administration in Ghana already exists. Several donor countries have already made contributions in the areas of computer hardware and software as well as ballot paper. The team's primary concern and recommendations for US support are made with the intention of strengthening INEC as an autonomous organization.

## IX. CONCLUSIONS

### Independence of INEC

IFES recommends the distribution of information via publicity campaigns, gazettes and other media that describe INEC as an independent entity. As the official registrar of political parties as well as of eligible voters, its procedures and status must stand up to intense scrutiny. INEC can be strengthened in this effort through donor assistance and a decree effecting those aspects of the new constitution regarding its functions and autonomy.

### Civil Liberties

It is essential that the PNDC bring into force and demonstrate the civil rights and liberties guaranteed in the constitution, especially 5,7, and 12. The IFES team concurs with the new political parties and human rights organizations that the stated intentions of the PNDC to allow the pre-campaign period to run as if these laws were already in force are simply not proof positive that the old laws will not be invoked summarily. Repeal of PNDC laws 4, 91 and 211 and publicity surrounding the repeal will provide all of the citizens politically interested in the process with the assurance that they need to participate fully.

### Re-Registration Process

As stated, the condition of the electoral register was the primary problem observed in the administration of the constitutional referendum. The flaws in the register received at least as much publicity as the issue itself. It was obvious to the team that fundamental changes needed to be made to the manner in which eligible voters register. At the very least, use of a computer program to produce the lists demands the systematic, consistent entry of names into the database. With concession to the fact that surnames as such are not always easily identifiable, the system by which schools identify students could be modified for this purpose.

### Absentee Ballots

Given the controversy surrounding the current voter register, it is likely that challenges to proxy or tendered voting procedures will be issued between now and the elections in December. It is therefore recommended that a system of absentee balloting be developed to replace those systems. This change will reduce the opportunity for multiple voting.

### **Ballot Security**

The IFES team strongly recommends that a balloting system that does not rely on the marking of the counterfoil procedure be adopted. This procedure guarantees that no person may trace the choice of the voter, ensuring that each citizen's vote remains secret. The use of numbers on the ballot and counterfoil is important to enable election officials to identify illegal ballots. The risk of extra ballots in any one box is much higher than the risk that any one person or group of persons would attempt to impersonate another group of persons.

### **Transportation Support**

INEC's need for greater bureaucratic authority manifested itself in the status of its election supplies transportation arrangements. On the day before the referendum, vehicles promised previously were not yet available, resulting in the delay and absence of some supplies at certain stations. IFES recommends early and complete confirmation of transportation arrangements, with INEC having authority to second some private vehicles should government vehicles prove insufficient.

### **Reporting of Election Proceedings and Results**

Much of the support recommended for the re-registration process is applicable to the election process as well. One aspect of this support is increased communication between polling stations, district offices, and Accra headquarters. The U.S. Embassy may wish to review progress of the re-registration process with a view toward providing short-term communications assistance in the form of two-way radios, more fax machines, or temporary phone lines.

### **Long Term Election Observers**

International election observers have contributed significantly to the assurance of a free and fair election on the part of a government whose record of fair election administration is questionable during the past six years. During those years, election observers, donor governments and citizens have realized that the presence of observers on or close to election day does not guarantee improved governance in the long run. Several individuals with whom the team met expressed an interest in observers who would be present during the campaign and initial stages of the process as well as at the polls. With respect to the concept that democratic societies are unique, a certain amount of

IFES Pre-Election  
Assessment: Ghana

international assistance in the building of democratic governance institutions is needed to ensure that the practices observed on election day are not abandoned until the next election cycle as well as to ensure that the local counterparts identified to participate in the observation effort are truly participating.

### **Election Schedule**

It is the opinion of the IFES team that the presidential and parliamentary elections should be combined to save funds and to limit the disruption of or influence on the outcome of subsequent elections. This is especially important if the need for runoff elections arises.

### **Independence of INEC**

The team reiterates that the Interim National Electoral Commission should develop a process for adjudication of complaints by individuals or political parties concerning practices which violate conditions necessary for free and fair elections. The Commission must also be given the power to discipline or disqualify those whose violations are egregious.

### **Prognosis**

The political climate in Ghana in May, 1992, was one of both hope and cynicism tinged with a bit of suspicion and fear. There was the hope that the changes underway would result in free and fair elections, and the creation of a popular civilian government which would provide stability, economic progress, freedom and human dignity. The cynicism seemed to grow out of the legacy of past failures and an undercurrent of suspicion that some participants in the democratic process were neither dedicated governors nor concerned citizens. They were rather complying with external and internal demands for democracy, as an opportunity for their own well-being rather than a chance to help the people of Ghana. The IFES team was nevertheless impressed by the depth and breadth of the commitment to democracy and the dedication to create a free and competitive political climate in Ghana. Success will take deeds as well as sentiment. It will involve a level of trust that does not yet exist among the leaders of political organizations whether government or opposition. The team has suggested some steps which can be taken to bridge this gap and is confident that the ingredients for success are present in contemporary Ghana.

IFES Pre-Election  
Assessment: Ghana

Prospects for free and fair elections are good. They will be enhanced if the PNDC reasserts its commitment to civil and human rights. The IFES team believes government is sincere in its intentions. Repeal of repressive legislation, plus guarantees of the constitutional rights spelled out in Chapter V, Fundamental Human Rights and Freedoms, and Chapter VII, Representation of the People, will go a long way to creating the conditions for success. Similarly, opposition parties need to work with those in power, to ensure peaceful competition and express their criticism of government in a responsible manner. To date, the PNDC has delivered on its promises. There is every reason to believe that it will continue to do so. If all parties operate within this framework, competition can take place in an atmosphere of agreement about basic principles, norms, and courtesies.

The most significant role that the international community can play in the Ghanaian electoral process is a repeated commitment to the support of democracy and democratically legitimate institutions. A great deal of progress has been made under the Economic Recovery Program. This is the type of pressure that the international community must exert. The new constitution is one of the more far-reaching in guaranteeing basic human rights and freedoms; the message from the community must be that the new government is expected to comply with every article.

APPENDICES



A. PNDC Law 271 (Creation of INEC)

## List of Persons Interviewed

Professor A. Adu-Boahen, Movement for Freedom and Justice

Dr. Kojo Afari-Gyan, Deputy Executive Chairman of Operations, Interim National Electoral Commission

Mr. Kwamena Ahwoi, PNDC Secretary for Local Government

Nana Akufo-Addo, President, Ghana Committee for Human and People's Rights

Mr. Justice D.F. Annan, PNDC

Dr. Paul Ansah, University of Ghana, Legon

Mr. Kwesi Armah, Executive Chairman, Lex Investment and Consultancy Ltd.

Mr. P.B. Arthiabah, Head of Organization Department, Trades Union Congress

Mr. Kojo Botsio, Kwame Nkrumah Welfare Society

Mr. B.J. da Rocha, Director, Ghana School of Law

Reverend David Dartey, Secretary General, Christian Council

Dr. Florence Abena Dolphyne, University of Ghana, Legon

General Emmanuel Erskine (retired)

Alhaji Farl, Our Heritage

Mr. Michael Greenstreet, Acting High Commissioner, British High Commission

Nana Oduro Nimapaw, Deputy Executive in Charge of Finance, Interim National Electoral Commission

Mr. Seth Nunoo-Quaye, Head, International Department, Trades Union Congress

Mr. Justice J. Ofori-Boateng, Executive Chairman, Interim National Electoral Commission

Mr. Yaw Osafo-Mafo, Managing Director, National Investment Bank

Ms. Mercy Osei-Konadu, Program Officer, National Commission on Women and Development

Mr. Rex Owusu-Anisah, Legal Practitioner

Mr. Kwesi Pratt, Kwame Nkrumah Revolutionary Guard

Mr. Kofi Totobi-Quakyi, PNDC Secretary of Information

Ms. Ajoa Yeboah-Afari, Journalist

The IFES team wishes to express its gratitude to all of the individuals who took time to speak with us and accompany us during our observations but for reasons of space cannot be listed.

INTERIM NATIONAL ELECTORAL COMMISSION  
LAW, 1991

(2) Contracts entered into by the National Commission for Democracy as may be determined by the Council shall have effect as if entered into by the Commission, and all rights and obligations subsisting under such contracts shall subsist for or against the Commission as the case may be.

Interpretation.

13. In this Law unless the context otherwise requires—

"Commission" means the Interim National Electoral Commission;

"Council" means the Provisional National Defence Council;

"member of the Commission" includes the Executive Chairman and the Deputy Executive Chairmen.

Transitional provisions.

14. For purposes of the first referendum and first presidential and National Assembly elections to be conducted after the coming into force of this Law, the Voters' Register compiled under the District Assembly Elections (Registration of Voters Regulations, 1988 (L.I. 1397) as subsequently revised by the National Commission for Democracy shall be deemed to have been compiled under regulations made by the Commission established under this Law.

Make this 11th day of November, 1991.

FLT.-LT. JERRY JOHN RAWLINGS  
Chairman of the Provisional National Defence Council

Date of Gazette Notification: 6th December, 1991.

INTERIM NATIONAL ELECTORAL COMMISSION  
LAW, 1991

8 160  
[Handwritten signature]

In pursuance of the Provisional National Defence Council (Establishment) Proclamation, 1981, this Law is hereby made:

1. There is hereby established, for the purposes of this Law, an Interim National Electoral Commission (hereafter in this Law referred to as "the Commission").

Establishment of Interim National Electoral Commission.

2. (1) The Commission shall consist of—

- (a) an Executive Chairman;
- (b) two Deputy Executive Chairmen responsible for Operations and Finance and Administration respectively; and
- (c) not more than eight other members at least one of whom shall be a woman.

Appointment of Executive Chairman, Deputy Executive Chairmen and other member of the Commission.

(2) The members of the Commission shall be appointed by the Council.

(3) The Executive Chairman shall enjoy the terms and conditions of service of a Justice of the Court of Appeal and the Deputy Executive Chairmen shall enjoy the terms and conditions of service of Justices of the High Court; except that the terms and conditions in either case shall not include the terms and conditions relating to retiring awards.

(4) The other members of the Commission shall be appointed on such terms and conditions as the Council may determine.

(5) Whenever the Executive Chairman of the Commission dies, resigns, is removed from office or is absent from Ghana, or is by reason of illness unable to perform his functions, the Council shall appoint one of the Deputy Executive Chairmen to perform his functions until the resumption of office of the Executive Chairman or until the appointment of a new Executive Chairman as the case may be.

3. The Commission shall be responsible for—

- (a) the conduct and supervision of the registration of voters for all public elections and referenda;
- (b) the conduct and supervision of all public elections and referenda;
- (c) the revision or replacement of all registers of voters existing before the commencement of this Law;
- (d) the review of the boundaries of the areas of authority of unit committees, town, area, zonal, urban and sub-metropolitan district councils and district, municipal

Functions of the Commission.



Thomas  
DESULME

PNT

1



Fritz  
SIMON

INDEPENDANT

2



Marc  
BAZIN

ANDP

3



René  
THEODORE

MRN

4



Jean Bertrand  
ARISTIDE

FNCD

5



Richard Vladimir  
JEANTY

PARADIS

7



François  
LATORTUE

MODELH  
PRDH

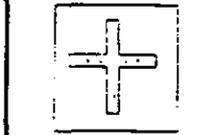
8



Sylvio  
CLAUDE

PDCH

10



Hubert  
DE RONCERAY

MDN

11



Volvic Rémy  
JOSEPH

MKN

12



Louis  
DEJOIE

PAIN

14



BILTEN  
PREZIDAN  
REPIBLIK  
DAYITI

ELEKSYON

1990

B. Examples of Haitian and Namibian Election Ballots

REPUBLIK DAYTI  
ELEKSYON  
1990

BULEN- 500 1,250

DEPATMAN NODES

SIKONSKRIPSYON VALYE

KOMIN KARIS

1ERE SEKSYON KOMINAL BWA KAMEL

# KASEK

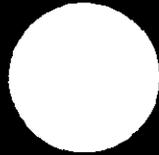
Pierre  
Merelus

Calixte  
Lucianna

Mondestin  
Adecat

**PAIN**

14



Cetoute  
Severe

Volcous  
L. Jacques

Jean  
Oremus

**INDEPENDANT**

363



|  |         |   |  |
|--|---------|---|--|
| AKSIE CHRISTELIK<br>NASIONAAL                        | ACN     |    |  |
| CHRISTIAN DEMOCRATIC<br>ACTION FOR SOCIAL<br>JUSTICE | CDA     |    |  |
| D.T.A. VAN NAMIBIË                                   | DTA     |    |  |
| FEDERAL CONVENTION OF<br>NAMIBIA                     | FCN     |    |  |
| NAMIBIA NATIONAL<br>DEMOCRATIC PARTY                 | NNDP    |    |  |
| NAMIBIA NATIONAL FRONT                               | NNF     |  |  |
| NATIONAL PATRIOTIC<br>FRONT OF NAMIBIA               | NPF     |  |  |
| SWAPO-DEMOCRATS                                      | SWAPO-D |  |  |
| SWAPO OF NAMIBIA                                     | SWAPO   |  |  |
| UNITED DEMOCRATIC<br>FRONT OF NAMIBIA                | UDF     |  |  |

Stem slegs vir  
een party.

Stem deur 'n  
X te maak in  
die vierkant  
teenoor die  
kenteken van  
die party vir  
wie u wil stem.

Vote for one  
party only.

Record your  
vote by a X in  
the square  
opposite the  
symbol of the  
party for which  
you wish to  
vote.

C. Referendum Election Instructions To Presiding Officers/Polling Assistants

RESTRICTED



# REFERENDUM ELECTIONS

*(ELECTORAL PROVISIONS) REGULATIONS 1992*

## INSTRUCTIONS TO POLLING ASSISTANTS

*ISSUED BY: —*

INTERIM NATIONAL ELECTORAL COMMISSION

For Official Use Only

April, 1992

## INSTRUCTIONS TO POLLING ASSISTANTS

These instructions set out the procedure which should be followed by Polling Assistants when a voter presents himself to them.

### 2. Procedure for Voting.

1. A voter desiring to record his vote will present himself at the polling station earmarked for the purpose. The Polling Assistant in charge of the Register of Voters will check the name of the voter against the Register of Voters and carry out other formalities in connection with the voting. In so doing, he will observe the following procedure:-
  - (a) ask the voter for his name and town or village and his house number or house owner's name;
  - (b) examine the Register to ascertain whether the voter's name is in it;
  - (c) if in doubt, ask the voter any questions in English or the local vernacular as may be appropriate in order to satisfy himself that the voter is the same person as that whose name appears in the Register;
  - (d) if satisfied that the voter's name is in the Register, that his name is not on the Absent Voters' List, and that he has not already voted, make a mark against his serial number and name in the Register;
  - (e) read aloud the number, name, address and description of the voter as recorded in the Register;
  - (f) write the voter's serial number in the register of voters on the counterfoil of the ballot paper (not on the ballot paper itself) and issue to him ballot paper bearing the symbols of each of the issues in the Referendum after he has stamped it with the official mark;
  - (g) tell him to go to the screened compartment or booth to thumbprint the space next to the symbol of the issue of his choice, and fold the ballot paper making sure he does not soil the paper;
  - (h) before a voter leaves his table and before such voter casts his vote, the Polling Assistant must paint the base and the tip of the nail of the left thumb, and mark X in his left palm with indelible ink.

This is to prevent multiple voting at the election. Therefore, if a voter comes to his table, wanting to vote, and the Polling Assistant finds that his left thumb has got a mark of the same colour as the indelible ink, the Polling Assistant will know that the voter has already voted. The Polling Assistant should report such a voter to the Presiding Officer immediately.
  - (i) The Polling Assistant should thereafter ask the voter to hold the ballot paper to the view of the public and to walk to the ballot box to cast his vote.

### 6. General.

1. If a Polling Assistant is in doubt whether an intending voter is really the same person as appears on the Register, he may ask the voter the following questions (In English or Vernacular):-

- (a) "Are you the person whose name is in the register of voters as follows (reading the entry in the register?)"
- (b) "Have you already voted at the present election at this or any other polling station?"

At the request of a Polling Representative, a Polling Assistant must put these questions to the voter. If the voter answers "YES" to (a), and "No" to (b), he should be given a ballot paper. If he answers "No" to (a), or "Yes" to (b), the Polling Assistant should not allow him to vote.

2. If a voter spoils his ballot paper (e.g. by spilling ink over it, or by tearing it), the Polling Assistant should report immediately to the Presiding Officer who will issue the voter with another ballot paper after collecting the damaged one from him.

### CHECKING THE REGISTER

3. It is very important for Polling Assistants to search the Register thoroughly before informing an intending voter that his name is not on it. Polling Assistants should remember that the spelling and classification of names on the Register are not always accurate. Many registered voters are illiterate. The applications were completed on their behalf and the spelling may not be the one commonly used. For example, "KWABENA" may sometimes be spelt as "KOBINA" or "COBDINA".
4. Therefore, when a voter gives a Polling Assistant his name, the latter should ensure that the former gives his full name. The Polling Assistant should search under the voter's surname first, and then search under each of his other names, and under every possible spelling.
5. The following are some examples:-
  - (a) A voter says his name is ATTA KWABENA. His surname may be taken as either "ATTA" or "KWABENA". There is no fixed rule. Search under "ATTA" first, and then under "KWABENA". If the name is not found, look under "C" (ATTA COBDINA) and then again under "ARTHUR KWABENA". (ATTA is sometimes anglicised as ARTHUR).
  - (b) A voter says his name is AGYEMAN OSEI BONSU. It is impossible to say which is the surname here, and a search should be made under "A", "O" and "B".
  - (c) A voter says his name is MARTIN KYEREH. Look under "M" and "K" - and then under "C", CHEREH. "KY" is sometimes changed to "CH".
  - (d) A voter says his name is KWAME PETER. Although "PETER" is usually "a Christian Name", in this case it can be taken as a surname and the name may well be found under "P".
6. If a Polling Assistant is in any doubt about any matter, he should ask the Presiding Officer for instructions. The Presiding Officer's decision is final.

RESTRICTED



# REFERENDUM, 1992

INSTRUCTIONS TO PRESIDING OFFICERS

ISSUED BY

THE INTERIM NATIONAL ELECTORAL COMMISSION

For Official Use Only

MARCH, 1992

**REFERENDUM ON THE DRAFT CONSTITUTION  
FOR GHANA, 1992.**

**INSTRUCTIONS TO PRESIDING OFFICERS**

Presiding Officers must read these Instructions and the Instructions to Polling Assistants and Polling Agents carefully. If in doubt, they may refer to the Referendum Regulations, 1992 and the Referendum Law 1992.

**Duties**

**Reg.7**

1. The Presiding Officer is in complete charge of his Polling Station. His principal duties are:-

- (a) Responsibility for the ballot boxes, ballot papers and all other materials used for voting at his polling station.
- (b) He is also required to help people whose names are in the electoral roll for his polling station to record their votes.

**Setting up a Polling Station**

**Reg.6**

2. When the Presiding Officer has been briefed by the Returning Officer in charge of the District in which his polling station is, the Returning Officer will give him all the necessary materials for the poll, with the exception of tables, chairs, a clock, a lamp and a screen, which the Presiding Officer will be expected to borrow locally. He must check all the materials which will be supplied to him by the Returning Officer to make sure he has the correct quantities. The Presiding Officer should then go straight to his polling station and get it ready. The Returning Officer or his Deputy will come to inspect it before polling day. The presiding Officer must draw a line all round the building housing his polling station. This line should be 50 yards from the building. The area enclosed in this line will be the Presiding Officer's area of authority. The Presiding Officer must show the line to the Returning Officer when he comes to inspect the polling station.

He must put up the notices entitled "Polling Station Here" and "Polling Station There" in the area or village and on the building housing the Polling Station, and also Form R.7 which gives the issues, their numbers and colours/symbols where the head of the queue of voters will be. He must provide tables and chairs for the Polling Assistants and himself, and a screened compartment (or a separate room) where voters may be searched.

## OPENING THE STATION

### Reg. 9 Polling Agents

3. The Returning Officer will give the Presiding Officer the names of two Polling Agents for each issue who will attend his Polling Station. The Polling Agents are required to show their appointment cards signed by the Returning Officer to the Presiding Officer. If some or all of the Polling Agents are late, the Presiding Officer must not wait for them. He must start his work.

### Reg. 19 Ballot Boxes

4. At 6.45 a.m. the Presiding Officer is expected to open the Polling Station to the public. The ballot boxes must be shown to the public, so that they may see that they are empty. He must close the lid firmly and seal it down by placing a pull tile seal through the holes in each pair of lugs at the front of the box. The slide covering the slot in the lid should also be sealed to the left-hand lug at the top so that the slot is open. The ballot box should then be placed in the view of the public for the receipt of ballot papers.

5. The ballot box should not be placed too high off the ground; a small person should look down onto the box.

### Ballot Papers

6. The Presiding Officer must show the sealed packet of ballot papers to the Polling Agents and open it in their presence.

### Reg. 21 Procedure

7. The voters should approach the Polling Assistants one or two at a time (the Constable will control this). The Polling Assistants will check the names of the voters against the register and, after satisfying themselves that the names of such voters are not on the Absent Voters' List, give them ballot papers. This procedure is set out in the "Instructions to Polling Assistants" which you must read carefully. If any difficulty arises in finding the name of a voter the Presiding Officer must deal with such a voter himself, so that the flow of voters is not impeded.

### Hindering voters

8. If persons who are not registered or who have already voted stand in the voting queue with the object of preventing registered voters from exercising their right to vote or of delaying the progress of voting, they commit an offence. The Presiding Officer should instruct the Police or Military Officer attached to his station to remove the offender from the station. Similar treatment should be meted out to someone who stays too long at the Polling booth and refuses to leave it.

### Spoilt ballot papers

Reg. 24

9. A voter may accidentally damage his ballot paper (e.g. by tearing it or making it dirty). If this happens, the Presiding Officer must take it and cancel it by running his pencil across it and mark it "Spoilt ballot paper". He must then tell the Polling Assistant to give the voter another ballot paper. The spoilt ballot papers should be put in the envelope provided for the purpose.

### Personation

10. A voter may be challenged by one of the Polling Agents on the ground that he is committing the offence of personation (this means pretending to be someone whose name appears on the register whether that person is alive or dead or is fictitious person). If this happens, the Presiding Officer should take the following action:-

- (a) ask the challenger if he is prepared to substantiate the charge in a court of law. If he is not, then that is the end of the matter. If he is so prepared then the Presiding Officer must
- (b) ask the voter if he admits the charge. If he does admit the charge, the Presiding Officer should complete Form R.10, hand it to the Constable, and ask him to take the voter under arrest to the Police Station (unless it is far away or further offences seem likely, then he should wait until the end of polling). If the voter has not voted, the Presiding Officer should not allow him to do so. If the challenge is made after the voter has voted, the Presiding Officer should write the words "Protested against for personation" against the voter's name on the register.
- (c) if the voter does not admit the charge, he must be allowed to vote. But after he has voted, the Presiding Officer must write the words "Protested against for impersonation" against the voter's name in the register. The Presiding Officer should then complete Form R.10 and instruct the Constable to take the voter under arrest.
- (d) If the Presiding Officer is sure that a Polling Agent is challenging with absolutely no good reason, he is entitled not to order the arrest of the voter. He must, however, record the challenge and let the Polling Agent sign it. The Presiding Officer must still write the words "protested against for impersonation" against the voter's name in the register.

- (e) The Presiding Officer or one of his Polling Assistants may have been the Registration Assistant for the area. If so, he should be able to look out for personation. If any of the Referendum Officials recognises that an applicant for a ballot paper is not the voter he claims to be, the Presiding officer may take the action set out in (b) without any challenge being made by a Polling Agent.

one  
 hand  
 after  
 voting

12. If an applicant for a ballot paper has indelible ink on the base and tip of his left or right thumb nail and the mark X on the lower part of his right or left palm, the Presiding Officer must question him closely, in the presence of the Polling Agents and the Constable, if possible. If he has voted before (either in that Polling Station or another), he has committed the offence of multiple voting. If a Polling Agent decides to challenge him or if the Presiding Officer decides that he has reasonable cause to believe that the voter has committed that offence, the Presiding Officer should hand him over to the Police.

**Tendered Votes**

11. When a voter arrives at the Polling Station, the Presiding Officer may find that someone else has already voted in the voter's name. If this happens, the Presiding Officer should ask that voter in English or Vernacular this question:

- (a) "Are you the person whose name is in the register of voters as.....(reading the entry in the register)? "If the voter answers "no", he must not be allowed to vote. He should be asked to leave the Polling Station forthwith (unless there is some reason for ordering his arrest for personation).
- (b) If he answers "yes", the Presiding Officer should ask him: "Have you already voted at the present referendum at this or any other Polling Station "If he again answers "yes", he must not be allowed to vote. He must either be requested to leave the Polling Station forthwith or ordered to be arrested as he would appear to be committing the offence of multiple voting.
- (c) If he answers "no" to the second question, he must be asked to complete the declaration in Form R.17. He should thereafter be given a tendered ballot paper to enable him to cast his vote. The Presiding Officer should direct the voter to go through the voting process in the polling booth and come back to him. Instead of the tendered ballot paper being put into the ballot box, it will be given to the Presiding Officer. The Presiding Officer will put the tendered ballot paper into an envelope (marked with the identifying mark of the issue of the voter's choice) after he has endorsed the ballot paper with the name of the voter and the voter's special number in the register. The Presiding Officer should then write the voter's name and his special number in the register on the Tendered Votes List (Form R.14). He must tell the voter what he has done and ask him to go. The Presiding Officer must ensure that no one sees the Tendered Votes List or knows how a voter casts his tendered ballot.

**Voters who should not have been registered**

What?!

13. It is possible that a Polling Agent may complain that a voter was not qualified to be registered. Even if this is true, it is too late to stop such a voter from voting. If his name is in the register, the Presiding Officer has no authority for refusing him a ballot paper. He should however put the words "Protested against as ineligible" against the voter's name in the register. However, if the Presiding Officer is satisfied that the voter is not registered and therefore not entitled to vote, he should instruct the Police Constable present to arrest him as the voter may be committing the offence of unauthorized voting.

**Blind and physically handicapped voters**

14. Blind, paralysed or other physically handicapped voters may be brought to the Polling Station to record their votes. The Presiding Officer should on no account go to their houses. **Inspection of Polling Booths**

15. The Presiding Officer should inspect the screened compartment at two hourly intervals, or oftener if he thinks it necessary. The inspection should be conducted when there is no voter there. He should take one Polling Agent from each side with him whenever he goes to the booth.

**Searching**

16. A complaint may be made that an elector at a Polling Station has a ballot paper concealed on his person. If this happens, the presiding Officer must hand the complainant a Form R.12 to complete on which he must state his grounds for so believing. If the written complaint shows that the person making the complaint is relying on what some one has told him or on a rumour, he should be asked to produce a person with first-hand knowledge. If this evidence is not produced within a reasonable time (say half-an-hour), the Presiding Officer would be justified in disregarding the complaint. If he is satisfied that the grounds are

reasonable, he should instruct the Police Officer at the Polling Station to arrest and search the person (if a male) or order the person to be searched (if a female) by a female. A Police Officer or a special Constable has power to search by virtue of sections 8 and 10 of Act 30 (Criminal Procedure Code). If the Presiding Officer has reasonable grounds for believing that an elector has a ballot paper concealed on his person without authority, he should make a statement on Form R.12 and direct that the suspect be arrested and searched.

17. Before an elector is searched, the Presiding Officer should inform him that he is suspected of having ballot papers concealed on his person and that he is liable to be arrested on this ground. The search must be conducted in private and in a place set aside by the Presiding Officer. If after the search it is considered that an offence has been committed, the voter should be detained until it is possible to take him to a Police Station. If, on the other hand, after the search it is considered the complaint is unfounded, the Presiding Officer must immediately effect or order the release of the suspect. Part II of Form R.12 should be completed by the Presiding Officer if he is satisfied that there are reasonable ground for arrest and search. Part III should be completed if an arrest and search are carried out. No action should be taken on Part IV by the Presiding Officer but by the Police when the elector is taken to a Police Station.

18. The Presiding Officer may be held responsible if he causes the wrongful arrest of an innocent person. He must therefore carefully investigate complaints before he decides to cause the arrest and search of a person against whom a complaint has been lodged. It must be emphasised that the Presiding Officer should at all times ensure that nothing is done to impede expeditious voting by electors. When the Polling Agents of any issue have made about six unfounded and frivolous complaints against electors, the Presiding Officer should report to the Deputy Returning Officer or Returning Officer, who may direct that no further complaints from that issue's agents should be entertained. Where it is impossible for the Presiding Officer to get in touch with the Deputy Returning Officer or Returning Officer, he may, on his own responsibility, refuse to hear further complaints from the agents concerned.

Reg. 25

#### Admission to Polling Station

19. The Presiding Officer must allow the following persons to enter his Polling Station:-

Polling Assistants and Polling Agents;

Policemen or Military men on duty;

The Returning Officer, and Deputy Returning Officer;

The Regional Administrative Officer;

The District Chief Executive; Administrative Officer

The Members of the Interim National Electoral Commission or officers authorised in writing by the Commission.

Journalists may be allowed entry if they produce identity cards from their newspaper or authority from the INEC. The Presiding Officer must keep out everyone else unless he thinks that such a person has lawful reason to be admitted. The number of people in the Polling Station must be kept as small as possible.

#### Reg. 24 Voting hours

20. The poll is to be taken between the hours of seven in the morning and five in the evening. No vote must be put in a ballot box outside voting hours, even though the voter joined the queue during voting hours.

#### Handing over to a relief

21. If the Presiding Officer is relieved so that he ceases to be Presiding Officer, he should complete Form R.11 and see that his relieving officer signs and returns it before he leaves the Polling Station. It is not necessary to do this if the Presiding Officer has to leave the Polling Station for a minute or two. He should just tell one of the Polling Assistants to take over. Such a Relieving Officer cannot order someone to be arrested, or excluded or removed from the Polling station. When voting is slow, the Presiding Officer can take the place of his Polling Assistants in turn so that they can get rest or food.

#### Packing up

22. Punctually at 5 p.m., and not before, the Presiding Officer must close the Polling Station, and then take the following action, in the presence of the Polling Agents who are present:-

(a) Remove the ballot box and place it on a large table.

(b) Open the ballot box in the open.

(c) Remove the ballot papers cast for the issues at the referendum from the box and count them.

- (d) After the count, announce the results and then sign a declaration in the Form R. 19 with the representatives of the issues or their Polling Agents, stating the total number of registered voters allotted to the Polling Station and the number of votes recorded at the referendum in favour of each issue. The Presiding Officer should thereafter put all the ballot papers cast at the referendum back in the ballot box, close it and seal it, so as to prevent the ballot box being opened without the seal being broken.
- (e) Put the unused and spoilt ballot papers together in an envelope and close it (there is no need to seal).
- (f) Put the marked copies of the register and the counterfoils of the used ballot papers in a separate envelope and close it.
- (g) Put the tendered ballot papers, the Tendered Votes List, and the declaration made by voters who asked for tendered ballot papers in a separate envelope and close it. If there has been no tendered vote, write "None" on the Tendered Votes List and sign it.
- (h) Place the envelopes containing these documents in the bag provided; twist braided wire tightly round the neck and seal with a lead seal and clamp with the sealing clamp. The interested persons, if present, or their agents should also be permitted to seal the bag with their seals if they so wish.
- (i) Complete the "Ballot Papers Account" in Form R.8.
- (j) Take the bag, the Ballot Paper Accounts and the sealing clamp to the Returning Officer or Deputy Returning Officer who will be collecting the box for the Polling Station.

#### Other materials

23. The Presiding Officer should also deliver the other materials-pencils, ink-pads, etc., to the Returning Officer or Deputy Returning Officer who is assigned to collect the ballot boxes. The Returning Officer should tell the Presiding Officer what he wants him to do with the screens and other materials borrowed locally.

#### Escorting the boxes

24. Where, for some reason, the Returning Officer has instructed the Presiding Officer to convey the ballot box and the referendum documents to him at the District Counting Centre or at a place some distance away, the Presiding Officer must retain personal custody of the ballot box and the documents and take all possible precautions to prevent their being tampered with. He must request the Constable, the Polling Agents and the Polling Assistants to accompany him. He must not give any Polling Agent an opportunity to say that he left with the box without him (unless, of course, the Polling Agent is absent through his own fault). The Presiding Officer must not ask the Constable to carry the ballot box. The Constable must be free to escort the team properly. The Returning Officer must have told the Presiding Officer when, where and to whom he must hand over the ballot box and papers. He must try not to be late.

#### GENERAL

##### The position of the Presiding Officer

25. The Presiding Officer must remember that he is in sole charge of his Polling Station. He must not let the Polling Agents dominate him. He is empowered by law to regulate the admission of voters in such manner as he may think fit. If any person misconducts himself at the Polling Station, the Presiding Officer can order the Constable (or any other person, provided he gives him his orders in writing) to remove him from the Polling Station and to arrest him if he comes back. But he must not prevent a person who misconducts himself from voting if such a person is entitled to vote.

##### Advice

26. If any matter arises on which the Presiding Officer requires advice he should telephone or send a message to the Returning Officer or Deputy Returning Officer in accordance with his instructions to him.

D. "Christian Council Response to Ghana's Search for A New Democratic System"

*The Constitution*

CHAPTER FIVE

FUNDAMENTAL HUMAN RIGHTS AND FREEDOMS

*General*

PROTECTION  
OF FUNDAMENTAL  
HUMAN  
RIGHTS AND  
FREEDOMS.

12. (1) The fundamental human rights and freedoms enshrined in this Chapter shall be respected and upheld by the Executive, Legislature and Judiciary and all other organs of government and its agencies and, where applicable to them, by all natural and legal persons in Ghana, and shall be enforceable by the Courts as provided for in this Constitution.

(2) Every person in Ghana, whatever his race, place of origin, political opinion, colour, religion, creed or gender shall be entitled to the fundamental human rights and freedoms of the individual contained in this Chapter but subject to respect for the rights and freedoms of others and for the public interest.

PROTECTION  
OF RIGHT TO  
LIFE.

13. (1) No person shall be deprived of his life intentionally except in the exercise of the execution of a sentence of a court in respect of a criminal offence under the laws of Ghana of which he has been convicted.

(2) A person shall not be held to have deprived another person of his life in contravention of clause (1) of this article if that other person dies as the result of a lawful act of war or if that other person dies as the result of the use of force to such an extent as is reasonably justifiable in the particular circumstances —

- (a) for the defence of any person from violence or for the defence of property; or
- (b) in order to effect a lawful arrest or to prevent the escape of a person lawfully detained; or
- (c) for the purposes of suppressing a riot, insurrection or mutiny; or
- (d) in order to prevent the commission of a crime by that person.

*The Constitution*

14. (1) Every person shall be entitled to his personal liberty and no person shall be deprived of his personal liberty except in the following cases and in accordance with procedure permitted by law —

PROTECTION  
OF PERSONAL  
LIBERTY.

- (a) in execution of a sentence or order of a court in respect of a criminal offence of which he has been convicted; or
- (b) in execution of an order of a court punishing him for contempt of court; or
- (c) for the purpose of bringing him before a court in execution of an order of a court; or
- (d) in the case of a person suffering from an infectious or contagious disease, a person of unsound mind, a person addicted to drugs or alcohol or a vagrant, for the purpose of his care or treatment or the protection of the community; or
- (e) for the purpose of the education or welfare of a person who has not attained the age of eighteen years; or
- (f) for the purpose of preventing the unlawful entry of that person into Ghana, or of effecting the expulsion, extradition or other lawful removal of that person from Ghana or for the purpose of restricting that person while he is being lawfully conveyed through Ghana in the course of his extradition or removal from one country to another; or
- (g) upon reasonable suspicion of his having committed or being about to commit a criminal offence under the laws of Ghana.

(2) A person who is arrested, restricted or detained shall be informed immediately, in a language that he understands, of the reasons for his arrest, restriction or detention and of his right

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to a lawyer of his choice.

(3) A person who is arrested, restricted or detained —

- (a) for the purpose of bringing him before a court in execution of an order of a court; or
- (b) upon reasonable suspicion of his having committed or being about to commit a criminal offence under the laws of Ghana, and who is not released,

shall be brought before a court within forty-eight hours after the arrest, restriction or detention.

(4) Where a person arrested, restricted or detained under paragraph (a) or (b) of clause (3) of this article is not tried within a reasonable time, then, without prejudice to any further proceedings that may be brought against him, he shall be released either unconditionally or upon reasonable conditions, including in particular, conditions reasonably necessary to ensure that he appears at a later date for trial or for proceedings preliminary to trial.

(5) A person who is unlawfully arrested, restricted or detained by any other person shall be entitled to compensation from that other person.

(6) Where a person is convicted and sentenced to a term of imprisonment for an offence, any period he has spent in lawful custody in respect of that offence before the completion of his trial shall be taken into account in imposing the term of imprisonment.

(7) Where a person who has served the whole or a part of his sentence is acquitted on appeal by a court, other than the Supreme Court, the court may certify to the Supreme Court that the person acquitted be paid compensation; and the Supreme Court may, upon examination of all the facts and the certificate of the court concerned, award such compensation as it may think fit; or, where the acquittal is by the Supreme Court, it may order compensation to be paid to the person acquitted.

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15. (1) The dignity of all persons shall be inviolable.

(2) No person shall, whether or not he is arrested, restricted or detained, be subjected to —

- (a) torture or other cruel, inhuman or degrading treatment or punishment;
- (b) any other condition that detracts or is likely to detract from his dignity and worth as a human being.

(3) A person who has not been convicted of a criminal offence shall not be treated as a convicted person and shall be kept separately from convicted persons.

(4) A juvenile offender who is kept in lawful custody or detention shall be kept separately from an adult offender.

16. (1) No person shall be held in slavery or servitude.

(2) No person shall be required to perform forced labour.

(3) For the purposes of this article, "forced labour" does not include —

- (a) any labour required as a result of a sentence or order of a court; or
- (b) any labour required of a member of a disciplined force or service as his duties or, in the case of a person who has conscientious objections to a service as a member of the Armed Forces of Ghana, any labour which that person is required by law to perform in place of such service; or
- (c) any labour required during any period when Ghana is at war or in the event of an emergency or calamity that threatens the life and well-being of the community, to the extent that the requirement of such labour is reasonably justifiable in the circumstances of any situation arising or existing during that period for the purposes of dealing with the situation; or

RESPECT  
FOR HUMAN  
DIGNITY.

PROTECTION  
FROM SLA  
VERY AND  
FORCED  
LABOUR

*The Constitution*

- (d) any labour reasonably required as part of normal communal or other civic obligations.

17. (1) All persons shall be equal before the law.

(2) A person shall not be discriminated against on grounds of gender, race, colour, ethnic origin, religion, creed or social or economic status.

(3) For the purposes of this article, "discriminate" means to give different treatment to different persons attributable only or mainly to their respective descriptions by race, place of origin, political opinions, colour, gender, occupation, religion or creed, whereby persons of one description are subjected to disabilities or restrictions to which persons of another description are not made subject or are granted privileges or advantages which are not granted to persons of another description.

(4) Nothing in this article shall prevent Parliament from enacting laws that are reasonably necessary to provide —

- (a) for the implementation of policies and programmes aimed at redressing social, economic or educational imbalance in the Ghanaian society;
- (b) for matters relating to adoption, marriage, divorce, burial, devolution of property on death or other matters of personal law;
- (c) for the imposition of restrictions on the acquisition of land by persons who are not citizens of Ghana or on the political and economic activities of such persons and for other matters relating to such persons; or
- (d) for making different provision for different communities having regard to their special circumstances not being provision which is inconsistent with the spirit of this Constitution.

(5) Nothing shall be taken to be inconsistent with this

EQUALITY AND FREEDOM FROM DISCRIMINATION.

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article which is allowed to be done under any provision of this Chapter.

18. (1) Every person has the right to own property either alone or in association with others.

(2) No person shall be subjected to interference with the privacy of his home, property, correspondence or communication except in accordance with law and as may be necessary in a free and democratic society for public safety or the economic well-being of the country, for the protection of health or morals, for the prevention of disorder or crime or for the protection of the rights or freedoms of others.

PROTECTION OF PRIVACY OF HOME AND OTHER PROPERTY.

19. (1) A person charged with a criminal offence shall be given a fair hearing within a reasonable time by a court.

FAIR TRIAL.

(2) A person charged with a criminal offence shall—

- (a) in the case of an offence other than high treason or treason, the punishment for which is death or imprisonment for life, be tried by a judge and jury and —
  - (i) where the punishment is death, the verdict of the jury shall be unanimous; and
  - (ii) in the case of life imprisonment, the verdict of the jury shall be by such majority as Parliament may by law prescribe;
- (b) in the case of an offence triable by a Regional Tribunal the penalty for which is death, the decision of the Chairman and the other panel members shall be unanimous;
- (c) be presumed to be innocent until he is proved or has pleaded guilty;
- (d) be informed immediately in a language that he understands, and in detail, of the nature of the

- offence charged;
- (e) be given adequate time and facilities for the preparation of his defence;
  - (f) be permitted to defend himself before the court in person or by a lawyer of his choice;
  - (g) be afforded facilities to examine, in person or by his lawyer, the witnesses called by the prosecution before the court, and to obtain the attendance and carry out the examination of witnesses to testify on the same conditions as those applicable to witnesses called by the prosecution;
  - (h) be permitted to have, without payment by him, the assistance of an interpreter where he cannot understand the language used at the trial; and
  - (i) in the case of the offence of high treason or treason, be tried by the High Court duly constituted by three Justices of that Court and the decision of the Justices shall be unanimous.
- (3) The trial of a person charged with a criminal offence shall take place in his presence unless —
- (a) he refuses to appear before the court for the trial to be conducted in his presence after he has been duly notified of the trial; or
  - (b) he conducts himself in such a manner as to render the continuation of the proceedings in his presence impracticable and the court orders him to be removed for the trial to proceed in his absence.
- (4) Whenever a person is tried for a criminal offence the accused person or a person authorised by him shall, if he so requires, be given, within a reasonable time not exceeding six months after judgment, a copy of any record of the proceedings made by or on behalf of the court for the use of the accused person.
- (5) A person shall not be charged with or held to be guilty of a criminal offence which is founded on an act or omission

that did not at the time it took place constitute an offence.

(6) No penalty shall be imposed for a criminal offence that is severer in degree or description than the maximum penalty that could have been imposed for that offence at the time when it was committed.

(7) No person who shows that he has been tried by a competent court for a criminal offence and either convicted or acquitted, shall again be tried for that offence or for any other criminal offence of which he could have been convicted at the trial for the offence, except on the order of a superior court in the course of appeal or review proceedings relating to the conviction or acquittal.

(8) Notwithstanding clause (7) of this article, an acquittal of a person on a trial for high treason or treason shall not be a bar to the institution of proceedings for any other offence against that person.

(9) Paragraphs (a) and (b) of clause (2) of this article shall not apply in the case of a trial by a court-martial or other military tribunal.

(10) No person who is tried for a criminal offence shall be compelled to give evidence at the trial.

(11) No person shall be convicted of a criminal offence unless the offence is defined and the penalty for it is prescribed in a written law.

(12) Clause (11) of this article shall not prevent a Superior Court from punishing a person for contempt of itself notwithstanding that the act or omission constituting the contempt is not defined in a written law and the penalty is not so prescribed.

(13) An adjudicating authority for the determination of the existence or extent of a civil right or obligation shall, subject to the provisions of this Constitution, be established by law and shall be independent and impartial; and where proceedings for determination are instituted by a person before such an adjudicating authority

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cating authority, the case shall be given a fair hearing within a reasonable time.

(14) Except as may be otherwise ordered by the adjudicating authority in the interest of public morality, public safety, or public order the proceedings of any such adjudicating authority shall be in public.

(15) Nothing in this article shall prevent an adjudicating authority from excluding from the proceedings persons, other than the parties to the proceedings and their lawyers, to such an extent as the authority —

- (a) may consider necessary or expedient in circumstances where publicity would prejudice the interests of justice; or
- (b) may be empowered by law to do in the interest of defence, public safety, public order, public morality, the welfare of persons under the age of eighteen or the protection of the private lives of persons concerned in the proceedings.

(16) Nothing in, or done under the authority of, any law shall be held to be inconsistent with, or in contravention of, the following provisions —

- (a) paragraph (c) of clause (2) of this article, to the extent that the law in question imposes upon a person charged with a criminal offence, the burden of proving particular facts; or
- (b) clause (7) of this article; to the extent that the law in question authorises a court to try a member of a disciplined force for a criminal offence notwithstanding any trial and conviction or acquittal of that member under the disciplinary law of the force, except that any court which tries that member and convicts him shall, in sentencing him to any punishment, take into account any punishment imposed on him under that disciplinary law.

*The Constitution*

(17) Subject to clause (18) of this article, treason shall consist only —

- (a) in levying war against Ghana or assisting any state or person or inciting or conspiring with any person to levy war against Ghana; or
- (b) in attempting by force of arms or other violent means to overthrow the organs of government established by or under this Constitution; or
- (c) in taking part or being concerned in or inciting or conspiring with any person to make or take part or be concerned in, any such attempt.

(18) An act which aims at procuring by constitutional means an alteration of the law or of the policies of the Government shall not be considered as an act calculated to overthrow the organs of government.

(19) Notwithstanding any other provision of this article, but subject to clause (20) of this article, Parliament may, by or under an Act of Parliament, establish military courts or tribunals for the trial of offences against military law committed by persons subject to military law.

(20) Where a person subject to military law, who is not in active service, commits an offence which is within the jurisdiction of a civil court, he shall not be tried by a court-martial or military tribunal for the offence unless the offence is within the jurisdiction of a court-martial or other military tribunal under any law for the enforcement of military discipline.

(21) For the purposes of this article, "criminal offence" means a criminal offence under the laws of Ghana.

20. (1) No property of any description, or interest in or right over any property shall be compulsorily taken possession of or acquired by the State unless the following conditions are satisfied —

- (a) the taking of possession or acquisition is neces-

ssary in the interest of defence, public safety, public order, public morality, public health, town and country planning or the development or utilization of property in such a manner as to promote the public benefit; and

- (b) the necessity for the acquisition is clearly stated and is such as to provide reasonable justification for causing any hardship that may result to any person who has an interest in or right over the property.

(2) Compulsory acquisition of property by the State shall only be made under a law which makes provision for —

- (a) the prompt payment of fair and adequate compensation; and
- (b) a right of access to the High Court by any person who has an interest in or right over the property whether direct or on appeal from any other authority, for the determination of his interest or right and the amount of compensation to which he is entitled.

(3) Where a compulsory acquisition or possession of land effected by the State in accordance with clause (1) of this article involves displacement of any inhabitants, the State shall resettle the displaced inhabitants on suitable alternative land with due regard for their economic well-being and social and cultural values.

(4) Nothing in this article shall be construed as affecting the operation of any general law so far as it provides for the taking of possession or acquisition of property —

- (a) by way of vesting or administration of trust property, enemy property or the property of persons adjudged or otherwise declared bankrupt or insolvent, persons of unsound mind, deceased persons or bodies corporate or unincorporated in the course of being wound up; or

- (b) in the execution of a judgment or order of a court; or
- (c) by reason of its being in a dangerous state or injurious to the health of human beings, animals or plants; or
- (d) in consequence of any law with respect to the limitation of actions; or
- (e) for so long only as may be necessary for the purpose of any examination, investigation, trial or inquiry; or
- (f) for so long as may be necessary for the carrying out of work on any land for the purpose of the provision of public facilities or utilities, except that where any damage results from any such work there shall be paid appropriate compensation.

(5) Any property compulsorily taken possession of or acquired in the public interest or for a public purpose shall be used only in the public interest or for the public purpose for which it was acquired.

(6) Where the property is not used in the public interest or for the purpose for which it was acquired, the owner of the property immediately before the compulsory acquisition, shall be given the first option for acquiring the property and shall, on such re-acquisition refund the whole or part of the compensation paid to him as provided for by law or such other amount as is commensurate with the value of the property at the time of the re-acquisition.

21. (1) All persons shall have the right to —

- (a) freedom of speech and expression, which shall include freedom of the press and other media;
- (b) freedom of thought, conscience and belief, which shall include academic freedom;
- (c) freedom to practise any religion and to manifest

GENERAL  
FUNDAMEN-  
TAL FREE-  
DOMS.

## *The Constitution*

- such practice;
- (d) freedom of assembly including freedom to take part in processions and demonstrations;
- (e) freedom of association, which shall include freedom to form or join trade unions or other associations, national and international, for the protection of their interest;
- (f) information, subject to such qualifications and laws as are necessary in a democratic society;
- (g) freedom of movement which means the right to move freely in Ghana, the right to leave and to enter Ghana and immunity from expulsion from Ghana.

(2) A restriction on a person's freedom of movement by his lawful detention shall not be held to be inconsistent with or in contravention of this article.

(3) All citizens shall have the right and freedom to form or join political parties and to participate in political activities subject to such qualifications and laws as are necessary in a free and democratic society and are consistent with this Constitution.

(4) Nothing in, or done under the authority of, a law shall be held to be inconsistent with, or in contravention of, this article to the extent that the law in question makes provision —

- (a) for the imposition of restrictions by order of a court, that are required in the interest of defence, public safety or public order, on the movement or residence within Ghana of any person; or
- (b) for the imposition of restrictions, by order of a court, on the movement or residence within Ghana of any person either as a result of his having been found guilty of a criminal offence under the laws of Ghana or for the purposes of ensuring that he appears before a court at a later

## *The Constitution*

- date for trial for a criminal offence or for proceedings relating to his extradition or lawful removal from Ghana; or
- (c) for the imposition of restrictions that are reasonably required in the interest of defence, public safety, public health or the running of essential services, on the movement or residence within Ghana of any person or persons generally, or any class of persons; or
- (d) for the imposition of restrictions on the freedom of entry into Ghana, or of movement in Ghana, of a person who is not a citizen of Ghana; or
- (e) that is reasonably required for the purpose of safeguarding the people of Ghana against the teaching or propagation of a doctrine which exhibits or encourages disrespect for the nationhood of Ghana, the national symbols and emblems, or incites hatred against other members of the community;

except so far as that provision or, as the case may be, the thing done under the authority of that law is shown not to be reasonably justifiable in terms of the spirit of this Constitution.

(5) Whenever a person, whose freedom of movement has been restricted by the order of a court under paragraph (a) of clause (4) of this article, requests at any time during the period of that restriction not earlier than seven days after the order was made, or three months after he last made such request, as the case may be, his case shall be reviewed by that court.

(6) On a review by a court under clause (5) of this article, the court may, subject to the right of appeal from its decision, make such order for the continuation or termination of the restriction as it considers necessary or expedient.

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PROPERTY  
RIGHTS OF  
SPOUSES.

22. (1) A spouse shall not be deprived of a reasonable provision out of the estate of a spouse whether or not the spouse died having made a will.

(2) Parliament shall, as soon as practicable after the coming into force of this Constitution, enact legislation regulating the property rights of spouses.

(3) With a view to achieving the full realisation of the rights referred to in clause (2) of this article —

- (a) spouses shall have equal access to property jointly acquired during marriage;
- (b) assets which are jointly acquired during marriage shall be distributed equitably between the spouses upon dissolution of the marriage.

ADMINISTRATIVE  
JUSTICE.

23. Administrative bodies and administrative officials shall act fairly and reasonably and comply with the requirements imposed on them by law and persons aggrieved by the exercise of such acts and decisions shall have the right to seek redress before a court or other tribunal.

ECONOMIC  
RIGHTS.

24. (1) Every person has the right to work under satisfactory, safe and healthy conditions, and shall receive equal pay for equal work without distinction of any kind.

(2) Every worker shall be assured of rest, leisure and reasonable limitation of working hours and periods of holidays with pay, as well as remuneration for public holidays.

(3) Every worker has a right to form or join a trade union of his choice for the promotion and protection of his economic and social interests.

(4) Restrictions shall not be placed on the exercise of the right conferred by clause (3) of this article except restrictions prescribed by law and reasonably necessary in the interest of national security or public order or for the protection of the rights and freedoms of others.

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EDUCATIONAL  
RIGHTS.

25. (1) All persons shall have the right to equal educational opportunities and facilities and with a view to achieving the full realisation of that right —

- (a) basic education shall be free, compulsory and available to all;
- (b) secondary education in its different forms, including technical and vocational education, shall be made generally available and accessible to all by every appropriate means, and in particular, by the progressive introduction of free education;
- (c) higher education shall be made equally accessible to all, on the basis of capacity, by every appropriate means, and in particular, by progressive introduction of free education;
- (d) functional literacy shall be encouraged or intensified as far as possible;
- (e) the development of a system of schools with adequate facilities at all levels shall be actively pursued.

(2) Every person shall have the right, at his own expense, to establish and maintain a private school or schools at all levels and of such categories and in accordance with such conditions as may be provided by law.

26. (1) Every person is entitled to enjoy, practise, profess, maintain and promote any culture, language, tradition or religion subject to the provisions of this Constitution.

CULTURAL  
RIGHTS AND  
PRACTICES.

(2) All customary practices which dehumanise or are injurious to the physical and mental well-being of a person are prohibited.

27. (1) Special care shall be accorded to mothers during a reasonable period before and after child-birth; and during those

WOMEN'S  
RIGHTS.

*The Constitution*

periods, working mothers shall be accorded paid leave.

(2) Facilities shall be provided for the care of children below school-going age to enable women, who have the traditional care for children, realise their full potential.

(3) Women shall be guaranteed equal rights to training and promotion without any impediments from any person.

CHILDREN'S  
RIGHTS.

28. (1) Parliament shall enact such laws as are necessary to ensure that—

- (a) every child has the right to the same measure of special care, assistance and maintenance as is necessary for its development from its natural parents, except where those parents have effectively surrendered their rights and responsibilities in respect of the child in accordance with law;
- (b) every child, whether or not born in wedlock, shall be entitled to reasonable provision out of the estate of its parents;
- (c) parents undertake their natural right and obligation of care, maintenance and upbringing of their children in co-operation with such institutions as Parliament may, by law, prescribe in such manner that in all cases the interest of the children are paramount;
- (d) children and young persons receive special protection against exposure to physical and moral hazards; and
- (e) the protection and advancement of the family as the unit of society are safeguarded in promotion of the interest of children.

(2) Every child has the right to be protected from engaging in work that constitutes a threat to his health, education or development.

(3) A child shall not be subjected to torture or other cruel, inhuman or degrading treatment or punishment.

*The Constitution*

(4) No child shall be deprived by any other person of medical treatment, education or any other social or economic benefit by reason only of religious or other beliefs.

(5) For the purposes of this article, "child" means a person below the age of eighteen years.

29. (1) Disabled persons have the right to live with their families or with foster parents and to participate in social, creative or recreational activities.

RIGHTS OF  
DISABLED  
PERSONS.

(2) A disabled person shall not be subjected to differential treatment in respect of his residence other than that required by his condition or by the improvement which he may derive from the treatment.

(3) If the stay of a disabled person in a specialised establishment is indispensable, the environment and living conditions there shall be as close as possible to those of the normal life of a person of his age.

(4) Disabled persons shall be protected against all exploitation, all regulations and all treatment of a discriminatory, abusive or degrading nature.

(5) In any judicial proceedings in which a disabled person is a party the legal procedure applied shall take his physical and mental condition into account.

(6) As far as practicable, every place to which the public have access shall have appropriate facilities for disabled persons.

(7) Special incentives shall be given to disabled persons engaged in business and also to business organisations that employ disabled persons in significant numbers.

(8) Parliament shall enact such laws as are necessary to ensure the enforcement of the provisions of this article.

30. A person who by reason of sickness or any other cause is unable to give his consent shall not be deprived by any other

RIGHTS OF  
THE SICK.

## The Constitution

person of medical treatment, education or any other social or economic benefit by reason only of religious or other beliefs.

### Emergency Powers

EMERGENCY  
POWERS.

31. (1) The President may, acting in accordance with the advice of the Council of State, by Proclamation published in the *Gazette*, declare that a state of emergency exists in Ghana or in any part of Ghana for the purposes of the provisions of this Constitution.

(2) Notwithstanding any other provision of this article, where a proclamation is published under clause (1) of this article, the President shall place immediately before Parliament, the facts and circumstances leading to the declaration of the state of emergency.

(3) Parliament shall, within seventy-two hours after being so notified, decide whether the proclamation should remain in force or should be revoked; and the President shall act in accordance with the decision of Parliament.

(4) A declaration of a state of emergency shall cease to have effect at the expiration of a period of seven days beginning with the date of publication of the declaration, unless, before the expiration of that period, it is approved by a resolution passed for that purpose by a majority of all the members of Parliament.

(5) Subject to clause (7) of this article, a declaration of a state of emergency approved by a resolution of Parliament under clause (4) of this article shall continue in force until the expiration of a period of three months beginning with the date of its being so approved or until such earlier date as may be specified in the resolution.

(6) Parliament may, by resolution passed by a majority of all members of Parliament, extend its approval of the declaration for periods of not more than one month at a time.

(7) Parliament may, by a resolution passed by a majority of all the members of Parliament, at any time, revoke a declara-

## The Constitution

tion of a state of emergency approved by Parliament under this article.

(8) For the avoidance of doubt, it is hereby declared that the provisions of any enactment, other than an Act of Parliament, dealing with a state of emergency declared under clause (1) of this article shall apply only to that part of Ghana where the emergency exists.

(9) The circumstances under which a state of emergency may be declared under this article include a natural disaster and any situation in which any action is taken or is immediately threatened to be taken by any person or body of persons which—

- (a) is calculated or likely to deprive the community of the essentials of life; or
- (b) renders necessary the taking of measures which are required for securing the public safety, the defence of Ghana and the maintenance of public order and of supplies and services essential to the life of the community.

(10) Nothing in, or done under the authority of, an Act of Parliament shall be held to be inconsistent with, or in contravention of, articles 12 to 30 of this Constitution to the extent that the Act in question authorises the taking, during any period when a state of emergency is in force, of measures that are reasonably justifiable for the purposes of dealing with the situation that exists during that period.

32. (1) Where a person is restricted or detained by virtue of a law made pursuant to a declaration of a state of emergency, the following provisions shall apply —

- (a) he shall as soon as practicable, and in any case not later than twenty-four hours after the commencement of the restriction or detention, be furnished with a statement in writing specifying in detail the grounds upon which he is restricted

PERSONS  
DETAINED  
UNDER EMER-  
GENCY LAWS.

## *The Constitution*

- or detained and the statement shall be read or interpreted to the person restricted or detained;
- (b) the spouse, parent, child or other available next of kin of the person restricted or detained shall be informed of the detention or restriction within twenty-four hours after the commencement of the detention or restriction and be permitted access to the person at the earliest practicable opportunity, and in any case within twenty-four hours after the commencement of the restriction or detention;
  - (c) not more than ten days after the commencement of his restriction or detention, a notification shall be published in the *Gazette* and in the media stating that he has been restricted or detained and giving particulars of the provision of law under which his restriction or detention is authorised and the grounds of his restriction or detention;
  - (d) not more than ten days after commencement of his restriction or detention, and after that, during his restriction or detention, at intervals of not more than three months, his case shall be reviewed by a tribunal composed of not less than three Justices of the Superior Court of Judicature appointed by the Chief Justice; except that the same tribunal shall not review more than once the case of a person restricted or detained;
  - (e) he shall be afforded every possible facility to consult a lawyer of his choice who shall be permitted to make representations to the tribunal appointed for the review of the case of the restricted or detained person;
  - (f) at the hearing of his case, he shall be permitted to appear in person or by a lawyer of his choice.
- (2) On a review by a tribunal of the case of a restricted or

## *The Constitution*

detained person, the tribunal may order the release of the person and the payment to him of adequate compensation or uphold the grounds of his restriction or detention; and the authority by which the restriction or detention was ordered shall act accordingly.

(3) In every month in which there is a sitting of Parliament, a Minister of State authorised by the President, shall make a report to Parliament of the number of persons restricted or detained by virtue of such a law as is referred to in clause (10) of article 31 of this Constitution and the number of cases in which the authority that ordered the restriction or detention has acted in accordance with the decisions of the tribunal appointed under this article.

(4) Notwithstanding clause (3) of this article, the Minister referred to in that clause shall publish every month in the *Gazette* and in the media—

- (a) the number and the names and addresses of the persons restricted or detained;
- (b) the number of cases reviewed by the tribunal; and
- (c) the number of cases in which the authority which ordered the restriction or detention has acted in accordance with the decisions of the tribunal appointed under this article.

(5) For the avoidance of doubt, it is hereby declared that at the end of an emergency declared under clause (1) of article 31 of this Constitution, a person in restriction or detention or in custody as a result of the declaration of the emergency shall be released immediately.

## *Protection of Rights by the Courts*

33. (1) Where a person alleges that a provision of this Constitution on the fundamental human rights and freedoms has been, or is being or is likely to be contravened in relation to him, then, without prejudice to any other action that is lawfully

### *The Constitution*

available, that person may apply to the High Court for redress.

(2) The High Court may, under clause (1) of this article, issue such directions or orders or writs including writs or orders in the nature of *habeas corpus*, *certiorari*, *mandamus*, prohibition, and *quo warranto* as it may consider appropriate for the purposes of enforcing or securing the enforcement of any of the provisions on the fundamental human rights and freedoms to the protection of which the person concerned is entitled.

(3) A person aggrieved by a determination of the High Court may appeal to the Court of Appeal with the right of a further appeal to the Supreme Court.

(4) The Rules of Court Committee may make rules of court with respect to the practice and procedure of the Superior Courts for the purposes of this article.

(5) The rights, duties, declarations and guarantees relating to the fundamental human rights and freedoms specifically mentioned in this Chapter shall not be regarded as excluding others not specifically mentioned which are considered to be inherent in a democracy and intended to secure the freedom and dignity of man.

*The Constitution*

CHAPTER SEVEN

REPRESENTATION OF THE PEOPLE

*Right to Vote*

42. Every citizen of Ghana of eighteen years of age or above and of sound mind has the right to vote and is entitled to be registered as a voter for the purposes of public elections and referenda.

RIGHT  
TO VOTE.

*Electoral Commission*

43. (1) There shall be an Electoral Commission which shall consist of —

ELECTORAL  
COMMISSION.

- (a) a Chairman;
- (b) two Deputy Chairmen; and
- (c) four other members.

(2) The members of the Commission shall be appointed by the President under article 70 of this Constitution.

44. (1) A person is not qualified to be appointed a member of the Electoral Commission unless he is qualified to be elected as a member of Parliament.

QUALIFICA-  
TIONS, TERMS  
AND CONDI-  
TIONS OF SER-  
VICE OF  
MEMBERS OF  
ELECTORAL  
COMMISSION

(2) The Chairman of the Electoral Commission shall have the same terms and conditions of service as a Justice of the Court of Appeal.

(3) The two Deputy Chairmen of the Commission shall have the same terms and conditions of service as are applicable to a Justice of the High Court.

(4) The Chairman and the two Deputy Chairmen of the Commission shall not, while they hold office on the Commission, hold any other public office.

(5) The other four members of the Commission shall be

*The Constitution*

paid such allowances as Parliament may determine.

(6) If a member is absent or dies, the Commission shall continue its work until the President, acting on the advice of the Council of State, appoints a qualified person to fill the vacancy.

FUNCTIONS  
OF EL.EC-  
TORAL COM-  
MISSION.

45. The Electoral Commission shall have the following functions —

- (a) to compile the register of voters and revise it at such periods as may be determined by law;
- (b) to demarcate the electoral boundaries for both national and local government elections;
- (c) to conduct and supervise all public elections and referenda;
- (d) to educate the people on the electoral process and its purpose;
- (e) to undertake programmes for the expansion of the registration of voters; and
- (f) to perform such other functions as may be prescribed by law.

INDEPENDEN-  
CE OF THE  
COMMISSION.

46. Except as provided in this Constitution or in any other law not inconsistent with this Constitution, in the performance of its functions, the Electoral Commission, shall not be subject to the direction or control of any person or authority.

CONSTITUEN-  
CIES.

47. (1) Ghana shall be divided into as many constituencies for the purpose of election of members of Parliament as the Electoral Commission may prescribe, and each constituency shall be represented by one member of Parliament.

(2) No constituency shall fall within more than one region.

(3) The boundaries of each constituency shall be such that the number of inhabitants in the constituency is, as nearly as possible, equal to the population quota.

(4) For the purposes of clause (3) of this article, the number of inhabitants of a constituency may be greater or less

*The Constitution*

than the population quota in order to take account of means of communication, geographical features, density of population and area and boundaries of the regions and other administrative or traditional areas.

(5) The Electoral Commission shall review the division of Ghana into constituencies at intervals of not less than seven years, or within twelve months after the publication of the enumeration figures after the holding of a census of the population of Ghana, whichever is earlier, and may, as a result, alter the constituencies.

(6) Where the boundaries of a constituency established under this article are altered as a result of a review, the alteration shall come into effect upon the next dissolution of Parliament.

(7) For the purposes of this article, "population quota" means the number obtained by dividing the number of inhabitants of Ghana by the number of constituencies into which Ghana is divided under this article.

48. (1) A person aggrieved by a decision of the Electoral Commission in respect of a demarcation of a boundary, may appeal to a tribunal consisting of three persons appointed by the Chief Justice and the Electoral Commission shall give effect to the decision of the tribunal.

(2) A person aggrieved by a decision of the tribunal referred to in clause (1) of this article may appeal to the Court of Appeal whose decision on the matter shall be final.

49. (1) At any public election or referendum, voting shall be by secret ballot.

(2) Immediately after the close of the poll, the presiding officer shall, in the presence of such of the candidates or their representatives and their polling agents as are present, proceed to count, at that polling station, the ballot papers of that station and record the votes cast in favour of each candidate or question.

(3) The presiding officer, the candidates or their represen-

APPEALS  
FROM DECISIONS OF  
COMMISSION.

VOTING AT  
ELECTIONS  
AND REFERENDA.

*The Constitution*

tatives and, in the case of a referendum, the parties contesting or their agents and the polling agents if any, shall then sign a declaration stating —

- (a) the polling station; and
- (b) the number of votes cast in favour of each candidate or question;

and the presiding officer shall, there and then, announce the results of the voting at that polling station before communicating them to the returning officer.

(4) Subject to the provisions of this Constitution, an issue for determination by referendum shall not be taken to be determined unless at least thirty-five percent of the persons entitled to vote at the referendum voted and, of the votes cast, at least seventy percent voted in favour of the issue.

ELECTION OF CANDIDATES.

50. (1) Subject to the provisions of this Constitution, where at the close of nominations and on the day before a public election —

- (a) two or more candidates have been nominated, the election shall be held and the candidate who receives the largest number of votes cast shall be declared elected; or
- (b) only one candidate is nominated, there shall be no election and that candidate shall be declared elected.

(2) Where for the purposes of a public election two or more candidates are nominated but at the close of the nominations and on the day before the election, only one candidate stands nominated, a further period of ten days shall be allowed for nomination of other candidates, and it shall not be lawful for any person nominated within that period of ten days to withdraw his nomination.

(3) Where at the close of nominations under clause (2) of this article only one candidate stands nominated, there shall be no election and that candidate shall be declared elected.

*The Constitution*

(4) Where at the close of nominations, but before the election, one of the candidates dies, a further period of ten days shall be allowed for nominations; and where the death occurs at any time within twenty-five days before the election, the election in that constituency or unit shall be postponed for twenty-one days.

51. The Electoral Commission shall, by constitutional instrument, make regulations for the effective performance of its functions under this Constitution or any other law, and in particular, for the registration of voters, the conduct of public elections and referenda, including provision for voting by proxy.

REGULATIONS FOR ELECTIONS AND REFERENDA.

52. There shall be in every region and district a representative of the Electoral Commission who shall perform such functions as shall be assigned to him by the Commission.

REGIONAL AND DISTRICT REPRESENTATIVES OF COMMISSION.

53. The appointment of officers and other employees of the Electoral Commission shall be made by the Commission acting in consultation with the Public Services Commission.

APPOINTMENT OF STAFF OF COMMISSION.

54. The administrative expenses of the Electoral Commission including salaries, allowances and pensions payable to, or in respect of persons serving with the Commission, shall be charged on the Consolidated Fund.

EXPENSES OF COMMISSION CHARGED ON CONSOLIDATED FUND.

*Political Parties*

55. (1) The right to form political parties is hereby guaranteed.

ORGANIZATION OF POLITICAL PARTIES.

(2) Every citizen of Ghana of voting age has the right to join a political party.

(3) Subject to the provisions of this article, a political party is free to participate in shaping the political will of the people, to disseminate information on political ideas, social and

economic programmes of a national character, and sponsor candidates for elections to any public office other than to District Assemblies or lower local government units.

(4) Every political party shall have a national character, and membership shall not be based on ethnic, religious, regional or other sectional divisions.

(5) The internal organization of a political party shall conform to democratic principles and its actions and purposes shall not contravene or be inconsistent with this Constitution or any other law.

(6) An organisation shall not operate as a political party unless it is registered as such under the law for the time being in force for the purpose.

(7) For purposes of registration, a prospective political party shall furnish the Electoral Commission with a copy of its Constitution and the names and addresses of its national officers; and shall satisfy the Commission that—

- (a) there is ordinarily resident, or registered as a voter, in each district of Ghana, at least one founding member of the party;
- (b) the party has branches in all the regions of Ghana and is, in addition, organised in not less than two-thirds of the districts in each region; and
- (c) the party's name, emblem, colour, motto or any other symbol has no ethnic, regional, religious or other sectional connotation or gives the appearance that its activities are confined only to a part of Ghana.

(8) A political party shall not have as a founding member, a leader or a member of its executive, a person who is not qualified to be elected as a member of Parliament or to hold any other public office.

(9) The members of the national executive committee of a political party shall be chosen from all the regions of Ghana.

(10) Subject to the provisions of this Constitution, every

citizen of voting age has the right to participate in political activity intended to influence the composition and policies of the Government.

(11) The State shall provide fair opportunity to all political parties to present their programmes to the public by ensuring equal access to the state-owned media.

(12) All presidential candidates shall be given the same amount of time and space on the state-owned media to present their programmes to the people.

(13) Every candidate for election to Parliament has the right to conduct his campaign freely and in accordance with law.

(14) Political parties shall be required by law —

- (a) to declare to the public their revenues and assets and the sources of those revenues and assets; and
- (b) to publish to the public annually their audited accounts.

(15) Only a citizen of Ghana may make a contribution or donation to a political party registered in Ghana.

(16) A member of an organisation or interest group shall not be required to join a particular political party by virtue of his membership of the organisation or group.

(17) Subject to the provisions of this Chapter, Parliament shall by law regulate the establishment and functioning of political parties.

56. Parliament shall have no power to enact a law to establish or authorise the establishment of a body or movement with the right or power to impose on the people of Ghana a common programme or a set of objectives of a religious or political

CHAPTER TWELVE

FREEDOM AND INDEPENDENCE OF THE MEDIA

FREEDOM AND RESPONSIBILITY OF MEDIA.

162. (1) Freedom and independence of the media are hereby guaranteed.

(2) Subject to this Constitution and any other law not inconsistent with this Constitution, there shall be no censorship in Ghana.

(3) There shall be no impediments to the establishment of private press or media; and in particular, there shall be no law requiring any person to obtain a licence as a prerequisite to the establishment or operation of a newspaper, journal or other media for mass communication or information.

(4) Editors and publishers of newspapers and other institutions of the mass media shall not be subject to control or interference by Government, nor shall they be penalized or harassed for their editorial opinions and views, or the content of their publications.

(5) All agencies of the mass media shall, at all times, be free to uphold the principles, provisions and objectives of this Constitution, and shall uphold the responsibility and accountability of the Government to the people of Ghana.

(6) Any medium for the dissemination of information to the public which publishes a statement about or against any person shall be obliged to publish a rejoinder, if any, from the person in respect of whom the publication was made.

RESPONSIBILITY OF STATE-OWNED MEDIA.

163. All state-owned media shall afford fair opportunities and facilities for the presentation of divergent views and dissenting opinions.

LIMITATION ON RIGHTS AND FREEDOMS.

164. The provisions of articles 162 and 163 of this Constitution are subject to laws that are reasonably required in the interest of

national security, public order, public morality and for the purpose of protecting the reputations, rights and freedoms of other persons.

165. For the avoidance of doubt, the provisions of this Chapter shall not be taken to limit the enjoyment of any of the fundamental human rights and freedoms guaranteed under Chapter 5 of this Constitution.

MEDIA RIGHTS AND FREEDOMS TO BE ADDITIONAL TO FUNDAMENTAL HUMAN RIGHTS.

166. (1) There shall be established by Act of Parliament within six months after Parliament first meets after the coming into force of this Constitution, a National Media Commission which shall consist of fifteen members as follows —

NATIONAL MEDIA COMMISSION.

- (a) one representative each nominated by
  - (i) the Ghana Bar Association;
  - (ii) the Publishers and Owners of the Private Press;
  - (iii) the Ghana Association of Writers and the Ghana Library Association;
  - (iv) the Christian group (the National Catholic Secretariat, the Christian Council, and the Ghana Pentecostal Council);
  - (v) the Federation of Muslim Councils and Ahmadiyya Mission;
  - (vi) the training institutions of journalists and communicators;
  - (vii) the Ghana Advertising Association and the Institute of Public Relations of Ghana; and
  - (viii) the Ghana National Association of Teachers;
- (b) two representatives nominated by the Ghana Journalists Association;
- (c) two persons appointed by the President; and
- (d) three persons nominated by Parliament.

(2) The Commission shall elect its own Chairman.

FUNCTIONS OF THE COMMISSION.

167. The functions of the National Media Commission are —

- (a) to promote and ensure the freedom and independence of the media for mass communication or information;
- (b) to take all appropriate measures to ensure the establishment and maintenance of the highest journalistic standards in the mass media, including the investigation, mediation and settlement of complaints made against or by the press or other mass media;
- (c) to insulate the state-owned media from governmental control;
- (d) to make regulations by constitutional instrument for the registration of newspapers and other publications, except that the regulations shall not provide for the exercise of any direction or control over the professional functions of a person engaged in the production of newspapers or other means of mass communication; and
- (e) to perform such other functions as may be prescribed by law not inconsistent with this Constitution.

APPOINTMENT OF BOARD MEMBERS OF STATE-OWNED MEDIA.

168. The Commission shall appoint the chairmen and other members of the governing bodies of public corporations managing the state-owned media in consultation with the President.

APPOINTMENT OF EDITORS.

169. Editors of the state-owned media shall be appointed by the governing bodies of the respective corporations in consultation with the Public Services Commission.

STAFF OF COMMISSION.

170. The Commission shall appoint the officers and other

employees of the Commission in consultation with the Public Services Commission.

171. The administrative expenses of the National Media Commission, including salaries, allowances and pensions payable to or in respect of persons serving with the Commission shall be charged on the Consolidated Fund.

EXPENSES OF COMMISSION CHARGED ON CONSOLIDATED FUND.

172. Except as otherwise provided by this Constitution or by any other law not inconsistent with this Constitution, the National Media Commission shall not be subject to the direction or control of any person or authority in the performance of its functions.

INDEPENDENCE OF COMMISSION.

173. Subject to article 167 of this Constitution, the National Media Commission shall not exercise any control or direction over the professional functions of a person engaged in the production of newspapers or other means of communication.

INDEPENDENCE OF JOURNALISTS.

light of the social developments of the last decade, and produce a new Constitution that would reflect our present circumstances.

The convening of a Constituent Assembly was to form part of a general programme to return the country to constitutional/civilian rule.

2

A MEMORANDUM TO THE GOVERNMENT OF THE  
PROVISIONAL NATIONAL DEFENCE COUNCIL.

FROM:  
THE CHRISTIAN COUNCIL OF GHANA

ON:  
"GHANA'S SEARCH FOR A NEW DEMOCRATIC SYSTEM OF GOVERNMENT"

PREAMBLE:

As servants of GOD ALMIGHTY entrusted with the leadership of the Church of JESUS CHRIST in this country, and called, also to be co-partners with GOD in His continuing creation, we, the Christian Council of Ghana, the Heads of whose Member Churches have appended their signatures below are, accordingly, dedicated to GOD'S TRUTH AND JUSTICE. We cannot but be concerned with the socio-political, economic and other issues which affect our country.

As a free association of some of the major Christian Churches whose membership is spread throughout Ghana, the Christian Council has always taken a non-partisan position on political issues. Nevertheless, we deem it our duty to encourage our Membership to express their political opinions freely and responsibly, and to ensure that those views and convictions are heard and duly respected.

It is for these reasons that we give thanks to the ALMIGHTY GOD for the opportunity He affords us to examine our political situation in Ghana again. We furthermore appreciate the atmosphere created by the Government of the Provisional National Defence Council (P.N.D.C.) which has stimulated the search for a new democratic form of government for our country, and to which the Christian community has appropriately responded.

The Christian Council is aware that the Church in Ghana has a prophetic role to play, in witnessing to the truth in all matters affecting the welfare of our people, and a sacred responsibility to create a suitable climate for reconciliation and, thereby promote understanding and forgiveness. It is in this way that bitter revenge may be avoided, and a calm and peaceful return to a Constitutional Democracy ensured, for the spiritual and moral well-being, and the material prosperity, of the sovereign people of Ghana.

In accordance with its objective of enabling its member Churches, and their several congregations, to express their political beliefs and aspirations freely and responsibly, the Christian Council in October and November, 1990, initiated a FORUM for discussion throughout its constituencies, and a SEMINAR also, as machinery for the examination of that national question, and collation of those opinions and sentiments on the new quest for democracy.

THIS MEMORANDUM therefore represents the CONSENSUS emerging from the processes set in motion. We accordingly state that consensus as follows. We implore the PNDC Government to acknowledge and respect these opinions as the voice, and will of our people, and ensure urgent action on these recommendations:

#### Steps Towards Restoration of Civilian Rule:

1. We urge that after staying in power for almost ten (10) years now, the Government of the Provisional National Defence Council should take immediate steps to return the country to Civilian Rule under an administration fully mandated by, and accountable to the people of Ghana, not later than December, 1992.

2. In that regard, therefore, the PNDC Government must LIFT THE BAN ON PARTY POLITICAL ACTIVITY, by the end of January, 1991, as an essential and assuring step towards the attainment of that Constitutional Democratic Administration.

3. To that end, we recommend that the appropriate LEGISLATION be immediately promulgated setting the scene, and the right atmosphere, for the FORMATION OF POLITICAL PARTIES of the people's own free choice. Each one of those political parties should be

truly national in character, broad-based and also cut across religious and ethnic lines.

4. We urge, also, that political prisoners under detention, and all those being held under various forms of political restraints, be immediately and unconditionally released and discharged. And that a GENERAL AMNESTY be immediately declared in favour of Ghanaian refugees and exiles abroad.

5. We wish to stress that, in the interest of peace, harmony, stability and goodwill in the country, all legislations that suppress, inhibit and curtail the people's human rights: freedom of speech, expression, association, worship, etc. must be abrogated.

6. We urge that a CONSTITUENT ASSEMBLY composed of Representatives of such identifiable groups as formed part of previous Constituent Assemblies, supplemented by other bodies which have, subsequently, emerged be established, by the end of March, 1991:

a) to write a NEW CONSTITUTION for the Nation, using our Constitutions of 1969 and 1979, together with any other relevant ones, as working papers;

b) to continue to incorporate the principles of the 1948 United Nations Declaration of Human Rights in the Constitution.

7. As a prerequisite for preparations towards the formation of Political parties, and the setting up of the Constituent Assembly, we advise that an independent and autonomous Electoral Commission be re-established:

a) Such a re-establishment shall also serve to demonstrate the PNDC's good intentions of returning the country to Democratic Civilian Rule.

b) The State shall allocate to the re-established Electoral Commission, adequate funds and logistic support, to facilitate the discharge of its electoral functions.

c) It is expected that adequate legislative and administrative precautions will be taken to eliminate electoral frauds and malpractices, in aid of free, honest and fair elections and referenda.

d) To this end, we urge that our electoral processes shall be held throughout the country simultaneously on one fixed and certain

date; fragmented, or scattered, elections encourage electoral frauds, and malpractices.

c) All our elections should be SECRET, and through the BALLOT BOX by universal adult suffrage.

#### Constitutional Proposals:

8. The consensus was that the 1969 and 1979 Constitutions were widely acceptable and should be adopted as the basic Constitutional documents for review.

9. The independence of the press must be guaranteed in the Constitution. To achieve this, we also recommend that the country's PRESS AND MEDIA BE PRIVATISED, to operate independently of Government's involvement and control. The Government shall, therefore, neither own, nor run any Newspaper in the country. Where the Government desires to inform, or to advertise to the general public, it shall do so through its own Gazette, Press Releases and Conferences, and Periodic Bulletins. On the other hand, Political Parties may own Newspapers, Magazines etc. It is recognised that the Radio and Television at this stage in Ghana's development cannot be privatised and therefore should be organised under independent corporations, and substantially funded by the state.

10. We further advocate that an independent PRESS COMMISSION be established, under the country's constitution, to oversee the affairs and concerns of the press and other mass media, newspaper licencing laws etc.

11. We urge that the JUDICIARY of this country be competent, free and independent, to be able to safeguard the honour and esteem of justice, liberty and of law. This independence must be guaranteed in the Constitution.

12. We acknowledge that our Traditional Chiefs should carry around them an aura of honour and statesmanship. This should put them above partisan politics, to preserve the reverence due to their exalted office:

a) It is the consensus, furthermore, that our Traditional Rulers continue to serve the nation through the various Houses of

Chiefs. They may also be appointed either to the Council of State, or to such other organs of State as shall not compromise the awe and reverence due them.

b) We advise that the Government exercises no right of involvement in the selection or destoolment of our Chiefs. To guarantee the integrity and independence of our Chiefs, serious consideration should be given to restoring some traditional independent sources of funding the stools and skins. Government funding of Chiefs should be restricted to expenses incurred in attending public meetings and functions on behalf of the nation.

13. We urge that the independence of the Church and other religious bodies be guaranteed in the Constitution to ensure the freedom of worship envisaged in the United Nations Declaration on Human Rights.

14. We acknowledge that the DISTRICT ASSEMBLIES have come to stay as essential elements in the administration of the state:

a) We nevertheless urge that membership to them should be through universal adult suffrage and mainly on party political lines and that they should have a life-span of four (4) years, and be re-structured to exclude from their membership, Government-nominated candidates.

b) The District Assemblies should also not be Electoral Colleges for Parliament.

c) No District Assemblyman should be a member, simultaneously, of both the District Assembly and of the National Parliament.

d) The office of the District Secretary should be elective, and his functions determined by the Constitution.

15. We acknowledge that as citizens of Ghana, our Military, Police and Civil Servants ought not to be excluded from exercising their political rights. But where they seek political office, we urge that they must first resign their office and position.

16. We advise that an OMBUDSMAN be appointed under the Constitution, of the status of a Justice of the Superior Court of Judicature. He should have Regional offices under his administration,

with the requisite independence, and facilities, to be effective in the discharge of his functions.

17. We advise that an independent organisation be established to enlighten the people on democracy, government, and their rights and responsibilities and true patriotism. The need has never more been urgent, than now, for the emergence of true leaders who fear God and respect the rights and sensibilities of the people of Ghana. For this reason, we submit that respect for law, and commitment to discipline, good order, and justice in the country must be promoted at all levels of our Ghanaian society, because these are conducive to peace, stability and harmony.

This must be seen as being consistent with the Christian's witness in the promotion of the Kingdom of God and His Righteousness on earth.

**18. CONCLUSION:**

We pray therefore, that the HOLY SPIRIT of the LIVING GOD who has graciously sustained and preserved this country, may lead all of us in the paths of truth, humility, brotherliness and understanding, to work hard with tolerance and fearless honesty, towards a just, peaceful and prosperous country. It is our earnest prayer also, that this Nation shall then be filled with the Glory of God, even as the waters cover the sea.

Respectfully submitted,

Signed by Heads of Member Churches:

| <u>Name</u>                   | <u>Church</u>             | <u>Signature</u> |
|-------------------------------|---------------------------|------------------|
| 1. Rt. Rev. D.A. Koranteng    | Presbyterian Church ..... |                  |
| 2. Rev. F.W.B. Thompson       | Anglican church.....      |                  |
| 3. Rt. Rev. K. A. Dickson     | Methodist Church.....     |                  |
| 4. Rev. (Maj.) W.A.K. Agbenya | E.P. Church.....          |                  |

|                           |                         |
|---------------------------|-------------------------|
| 5. Rev. S. T. Okrah       | Menonite Church.....    |
| 6. Mr. David Acquah       | Society of Friends..... |
| 7. Rev. Francis W. Sey    | A.M.E. Church.....      |
| 8. Rt. Rev. Paul K. Fynn  | Lutheran Church.....    |
| 9. Col. M.Y. Obiri        | Salvation Army.....     |
| 10. Rev. Kojo Osci-Wusuh  | Baptist Convention..... |
| 11. Rev. Dr. G.N. Zormelo | A.M.E. Zion Church..... |
| 12. Bro. Yeboah Korce     | Feden Church.....       |
| 13. Rev. J. Yenn-Batah    | C.M.E. Church.....      |
| 14. Rev. Fr. K.J.A. Labi  | Orthodox Church.....    |

AFFILIATED ORGANIZATIONS

|                        |               |
|------------------------|---------------|
| 15. Mr. A. A. Sarkodee | Y.M.C.A. .... |
| 16. Mrs. Kate Parkes   | Y.W.C.A. .... |

Signed.....  
 Rev. David A. Dartey  
 (General Secretary)  
 CHRISTIAN COUNCIL OF GHANA  
 17th December, 1990

F. INEC Budget - Request to Donors

REGISTRATION OF VOTERS AND EXHIBITION OF VOTERS REGISTER

S T A T I O N E R Y

| DESIGNATION  | AREA OF OPERATION | NUMBER REQUIRED | UNIT COST | TOTAL COST.   | PERIOD | REMARKS<br><i>US\$1 = 400 cedis</i> |
|--|-------------------|-----------------|-----------|---------------|--------|-------------------------------------|
| 1. Registration Forms  | Districts         | 100,000 bklets  | 600.00    | 60,000,000.00 | 1 mth  | \$150,000                           |
| 2. Insertion of name or correction of particulars in Voters Register |                   | 40,000          | 8.00      | 320,000.00    | 11     | \$ 800                              |
| 3. Objection to insertion of name in Voters Register                 |                   | 40,000          | 8.00      | 320,000.00    |        | 800                                 |
| 4. Person objected to  |                   | 40,000          | 8.00      | 320,000.00    |        | 800                                 |
| 5. Registration Centre Here  |                   | 19,000          | 12.00     | 228,000.00    |        | 670                                 |
| 6. This is the Exhib. Centre for the Register of Voters              |                   | 19,000          | 35.00     | 665,000.00    |        | 1,663                               |
| 7. To Exhibition Center Pointer to the Left                          |                   | 65,000          | 10.00     | 650,000.00    |        | 1,625                               |
| 8. To Exhibition Centre Pointer to the Right                         |                   | 65,000          | 10.00     | 650,000.00    |        | 1,625                               |
| 9. To Registration Centre Pointer to the Left                        |                   | 65,000          | 10.00     | 650,000.00    |        | 1,625                               |
| 10. To Registration Centre Pointer to the Right                      |                   | 65,000          | 10.00     | 650,000.00    |        | 1,625                               |
| 11. Ball Pens - Blue   |                   | 54,000          | 50.00     | 2,700,000.00  |        | 6,750                               |
| 12. Ball Pens - Red  |                   | 11,000          | 50.00     | 550,000.00    |        | 1,375                               |
| 13. Endorsing Ink  |                   | 40,000          | 220.00    | 8,800,000.00  |        | 22,000                              |

S T A T I O N E R Y

| DESIGNATION              | AREA OF OPERATION | NUMBER REQUIRED | UNIT COST | TOTAL COST    | PERIOD | REMARKS |
|--------------------------|-------------------|-----------------|-----------|---------------|--------|---------|
| 1. Twine Balls (Hemp)    |                   | 1,000           | 860.00    | 860,000.00    |        | 2,150   |
| 2. Brown Paper           |                   | 100             | 11,000.00 | 1,100,000.00  |        | 2,750   |
| 3. Ruled Foolscap Sheets | Hqrs/Region       | 200 reams       | 2,500.00  | 500,000.00    |        | 1,250   |
| 4. Office Pins           | - do -            | 500 pkts        | 250.00    | 125,000.00    |        | 313     |
| 5. Office Clips          | - do -            | 500 "           | 150.00    | 750,000.00    |        | 1,175   |
|                          |                   |                 | TOTAL     | 79,838,000.00 |        | 199,595 |

REGISTRATION OF VOTERS AND EXHIBITION OF VOTERS REGISTER  
RUNNING AND MAINTENANCE OF OFFICIAL VEHICLES AND OTHER SERVICES

3.

| DESIGNATION              | AREA OF OPERATION | NUMBER REQUIRED | UNIT COST    | TOTAL COST      | PERIOD   | REMARKS  |
|--------------------------|-------------------|-----------------|--------------|-----------------|----------|--|
| Fuel                     | All Districts     | 80,000gals      | 900.00       | 72,000,000.00   | 2 months | 200 vehicles 50 gals a week for 8 weeks              |
| Engine Oil               | All Districts     | 1,000           | 3,000.00     | 3,000,000.00    | 2 "      | 200 vehicles @ 10 gals for the period                |
| Gear Oil                 | " "               | 1,000           | 3,000.00     | 3,000,000.00    | 2 "      | 200 vehicles @ 10 gals for the period                |
| Brake Fluid              | " "               | 1,000           | 1,500.00     | 1,500,000.00    | 2 "      | 200 vehicles @ 10 litres per vehicle for the period. |
| Servicing of vehicles    | All Districts     | 200             | 30,000.00    | 60,000,000.00   | 2 "      | Maintenance cost per vehicle for the period          |
| Hiring of boats & canoes | Some Districts    | 30              | 50,000.00    | 15,000,000.00   | 10 days  | use in river areas @ ₦50,000.00 per day              |
| Hiring of tractors       | " "               | 24              | 50,000.00    | 18,000,000.00   | 15 "     | muddy roads area @ ₦50,000.00 per day.               |
| Helicopter service       | " "               | 5               | 1,000,000.00 | 5,000,000.00    | period   | movement of staff and materials to remote areas.     |
|                          |                   |                 | TOTAL        | ₦177,500,000.00 |          | ₦4,437,500   |

T & T AND OTHER ALLOWANCES

4.

| DESIGNATION  | AREA OF OPERATION        | QUANTITY | UNIT COST | TOTAL COST     | PERIOD   | REMARKS   |
|--|--------------------------|----------|-----------|----------------|----------|---|
| Commission Members   |                          | 11       | 60,000    | 1,320,000.00   | 2 months | Policy and supervision  |
| Senior Staff   | Headquarters             | 10       | 40,000    | 800,000.00     | 2 "      | Planning, coordinating & supervision of exercise.   |
| Regional Officers  | All regions              | 10       | 40,000    | 800,000.00     | 2 "      | Planning, coordinating & supervision of exercise at the regional level.                         |
| Other Snr. staff at  | Headquarters/<br>Regions | 25       | 30,000    | 1,500,000.00   | 2 "      | Assist in general implementation of the programme.  |
| District Officers  | Districts                | 120      | 20,000    | 4,800,000.00   | 2 "      | Co-ordinating activities at Districts level.  |
| Commission drivers and drivers of commandeered veh.        | "                        | 200      | 15,000    | 6,000,000.00   | 2 "      | Movement of personnel & materials.  |
| Information Services Dept. crew (commentators and drivers) | "                        | 80       | 15,000    | 2,400,000.00   | 2 months | Publicity   |
| Office support staff                                       | Headquarters & Regions   | 100      | 15,000    | 3,000,000.00   | 2 months | Secretarial and other Admin. Services.  |
| Registration Assistants                                    | Reg. Centres             | 10,000   | 14,000    | 252,000,000.00 | 1 month  | Registration of voters  |
| Exhibition Assts.  | Exh. Centres             | 18,000   | 700       | 126,000,000.00 | 2 wks    | Exhibition Prov. voters registers.  |
| Revising officers  | Districts                | 120      | 15,000    | 1,800,000.00   | 2 wks    | Settlement of voters registers.   |
| Accommodation & Meals                                      | "                        | 30       | 10,000    | 4,500,000.00   | 15 days  | Commission Member/Headquarters personnel visiting regions & districts to monitor the exercises. |

T & T AND OTHER ALLOWANCES

| DESIGNATION                        | AREA OF OPERATION        | QUANTITY | UNIT COST | TOTAL COST                   | PERIOD   | REMARKS  |
|------------------------------------|--------------------------|----------|-----------|------------------------------|----------|--|
| DEC'S DISTRICT ELECTION COUNCILS   | Districts                | 550      | 10,000    | 11,000,000.00                | 2 months | Allowance for Dist. Elect. C'ttee Members.   |
| Accommodation, meals and transport | "                        | 240      | 6,500     | 3,120,000.00                 | 2 days   | District Officers & DEC's Members 4,000 for accommodation, 1,000 for meals per day.          |
| Imprest                            | Headquarters and regions |          |           | 14,500,000.00                | 2 months | £100,000 each for 120 districts, £150,000 each for 10 regions & £1 million for Headquarters. |
| National Service Per.              | HQ & Regions             | 200      | 15,000    | 6,000,000.00                 | 2 "      | Data collection & proof-reading.   |
| Transport allowance                | District                 | 18,000   | 1,300     | 23,400,000.00                |          | Refund of T & T to Reg. Assistants for briefing.   |
| Accommodation & meals              | Regions                  | 20       | 7,000     | 4,200,000.00                 | 30 days  | Accommodation & meals for Reg/Dep Officers. trekking to districts to supervise exercise.     |
| Field Officers (Tech)              | HQ/Reg/Dist.             | 20       | 20,000    | 800,000.00                   | 2 mths   | Repair of electronic gadgets and assisting district officers.                                |
|                                    |                          |          |           | <b>TOTAL</b> 2467,940,000.00 |          | <b>\$1,169,000</b>   |

DATA PROCESSING REQUIREMENTSCOMPUTER STATIONERY

|   |                            |                  |
|---|----------------------------|------------------|
| 300 Cartons; 2-ply (60 G)<br>size 11 x 15   | - at ₡25,300<br>per carton | = ₡ 7,590,000.00 |
| 30 cartons: 3-ply<br>size 14 7/8 x 11   | - at ₡28,000 per<br>carton | = 840,000.00     |
| 400 cartons: 3-ply<br>Voters Register pre-printed<br>forms size 14 7/8 x 11                       | - at ₡42,500 per<br>carton | = 17,000,000.00  |
| 450 cartons: 1-ply<br>size 11 x 15<br>70 grammes  | - at ₡19,500 per<br>carton | = 8,775,000.00   |
| 50 cartons: 1-ply<br>size 11 x 15<br>70 grammes continuous<br>forms for Voters Register<br>Covers | - at ₡28,500               | = 1,425,000.00   |

DISK PACKS

|   |   |              |
|---|---|--------------|
| Four (4) Disk Packs (300) Megabytes each<br>@ 475,000 | = | 1,900,000.00 |
|---|---|--------------|

WANG COMPUTER RIBBONS

|                           |   |              |
|---------------------------|---|--------------|
| 500 pieces at ₡7,500 each | = | 3,750,000.00 |
|---------------------------|---|--------------|

COMPUTER TAPES

|   |   |              |
|---|---|--------------|
| 50 Computer Tapes (canister type)<br>size 2400ft. at ₡20,500 each | = | 1,025,000.00 |
|---|---|--------------|

WANG DISKETTES

|  |   |            |
|--|---|------------|
| 30 boxes 5 1/4" DS DD @ ₡8,000 per box | = | 240,000.00 |
| 20 boxes (8") DS DD @ ₡8,000 per box   | = | 160,000.00 |

OTHER ITEMS

|  |                        |                |
|--|------------------------|----------------|
| 100,000 single sheets size<br>11" x 15" - 120 gramme for use<br>as back cover for the Voters<br>Register | at ₡50.00 per<br>sheet | = 5,000,000.00 |
|--|------------------------|----------------|

TOTAL FOR SUPPLIES

₡ 47,705,000.  
US \$ 119,263

ESTIMATES FOR PROCESSING OF VOTERS' DATA

|   |   |               |
|---|---|---------------|
| Data capture of 10 million voters at C5.00 per record.      | = | 50,000,000.00 |
| 5 Task Force members allowance at 100,000 each for 4 months | = | 2,000,000.00  |
| 3 programmers at C50,000.00 per month for 4 months          | = | 600,000.00    |
| 75 Data Control Assistants at C20,000 each for 4 months     | = | 6,000,000.00  |
| 12 Supervisors at C20,000 each for 4 months                 | = | 960,000.00    |
| 8 Computer Operators at C35,000 each for 4 months           | = | 1,120,000.00  |
| 5 Labourers at C10,000.00 each for 3 months                 | = | 300,000.00    |

T O T A L

|                           |             |
|---------------------------|-------------|
| <u>C 108,685,000.00</u>   | ₹ 2,717,120 |
| <del>108,685,000.00</del> |             |

PUBLIC RELATIONS

| DESIGNATION                                 | AREA OF OPERATION | NUMBER REQUIRED | UNIT COST               | TOTAL COST   | PERIOD   | REMARKS  |
|---|-------------------|-----------------|-------------------------|--------------|----------|--|
| Radio/TV discussion/<br>interviews/magazine | Regional          | Eng./Radio/TV   | Radio-20,000            | 3,440,000.00 | 2 months | 40 TV discussion programmes in 6 languages 32 Radion discussion programmes in 6 languages. |
| Production of Jingles<br>for Radio/TV       | National          |                 | 40,000.00 per<br>jingle | 240,000.00   | 30 days  | For selected jingles<br>for 6 radio languages  |

PUBLIC RELATIONS

| NO.   | DESIGNATION           | AREA OF OPERATION | NUMBER REQUIRED   | UNIT COST               | TOTAL COST   | PERIOD   | REMARKS  |
|-------|-----------------------|-------------------|-------------------|-------------------------|--------------|----------|--|
| 1.    | Scriptwriters         | Headquarters      | 5                 | 20,000.00<br>per person | C200,000.00  | 2 months | Honorarium for scriptwriters of Folk Theatre for period.         |
| 2.    | Drama Directing Staff | Headquarters      | 2                 | 20,000.00<br>per month  | 80,000.00    | 2 months | Allowance to Directors of drama programmes.                      |
| 3.    | Artistes              | Headquarters      | 15                | 15,000.00<br>per person | 450,000.00   | 2 months | Honorarium for performing artists for the period                 |
| 4.    | Drama on Radio/TV     | Headquarters      | 20<br>Productions | 50,000.00<br>per shot   | 1,000,000.00 |          | 4 English and 16 selected vernacular productions for the period. |
| TOTAL |                       |                   |                   |                         | 5,410,000.00 |          | ₱ 13,525   |

| NO. | DESIGNATION                               | AREA OF OPERATION                      | NUMBER REQUIRED                    | UNIT COST                                   | TOTAL COST    | REMARKS   |
|-----|---|--|------------------------------------|---|---------------|---|
| 1.  | Facsimile Machines                        | Districts/<br>Regions/<br>Headquarters | 15                                 | <sup>\$400<sup>00</sup></sup><br>950,000.00 | 14,250,000.00 | For quick communication of election results from Districts and Regions to headquarters.   |
| 2.  | Telephones                                | Regions/<br>Headquarters               | One<br>PABX<br>Board<br>(Complete) |   | 25,000,000.00 | PABX telephone capable of taking ten lines with one hundred and fifty extensions for both internal and external communication.      |
| 3.  | Electricity Generator                     | Headquarters                           | 1                                  | 10,500,000.00                               | 10,500,000.00 | Standby generator for power outage Necessary for uninterrupted work by the computers and to cater for Commissions power requirement |
| 4.  | Calculators                               | Districts/<br>Regions/<br>Headquarters | 150                                | 40,000.00                                   | 6,000,000.00  |   |
| 5.  | Office Safe                               | Regions/<br>Headoffice                 | 14                                 | 950,000.00                                  | 13,300,000.00 | For use in offices in Regions and Headquarters.   |
| 6.  | Electric/<br>Thermal<br>Binder            | Headoffice                             | 5                                  | 1,200,000.00                                | 6,000,000.00  | For binding of reports and pamphlets.   |
| 7.  | Document Shredders                        | Headoffice                             | 3                                  | 950,000.00                                  | 2,850,000.00  | For the destruction of confidential & top secret documents no longer needed.  |
| 8.  | Moore Business<br>for Decollator<br>284 B | Head Office                            | 1                                  |   |               | To be used in decollating printed registers.  |
|     |   |  |                                    | TOTAL                                       | 77,900,000.00 | <del>21,000,000.00</del> \$194,750  |

ESTIMATE FOR REGISTRATION  
SALARIES AND ALLOWANCES OF NEW DRIVERS

| NO. | DESIGNATION             | AREA OF OPERATION               | NUMBER REQUIRED | UNIT COST                             | TOTAL COST     | PERIOD    | REMARKS  |
|-----|-------------------------|---------------------------------|-----------------|---------------------------------------|----------------|-----------|--|
| 1.  | Salaries and Allowances | Headquarters/<br>Regions/Dists. | 144             | ₱40,000.00<br>per month<br>per driver | ₱69,120,000.00 | 12 months | Salaries and allowances<br>of drovers for 144<br>vehicles. |
|     | TOTAL                   |                                 |                 |                                       | ₱69,120,000.00 |           | \$172,800  |

REGISTRATION OF VOTERS & EXHIBITION  
OF VOTERS REGISTER

SUMMARY OF ESTIMATES

|   |   |                        |                                 |
|---|---|------------------------|---------------------------------|
| STATIONERY  | - | C79,838,000.00         |                                 |
| RUNNING COST OF OFFICIAL VEHICLES<br>AND OTHER SERVICES | - | C177,500,000.00        |                                 |
| T & T AND OTHER ALLOWANCES                              | - | C467,940,000.00        |                                 |
| DATA PROCESSING REQUIREMENTS                            | - | C108,685,000.00        |                                 |
| PUBLIC RELATIONS  | - | C5,410,000.00          |                                 |
| SALARIES AND ALLOWANCES OF DRIVERS                      | - | C69,120,000.00         |                                 |
| OFFICE EQUIPMENTS                                       | - | C77,900,000.00         |                                 |
| GRAND TOTAL   |   | <u>C986,393,000.00</u> | <del>\$ 20,465</del> 24,659,820 |

VEHICLES

|   |   |                   |              |
|---|---|-------------------|--------------|
| 110 Cross Country vehicles @ ₦12,000,000.00 each    | - | ₦1,680,000,000.00 |              |
| 5 30-seater buses @ ₦20,000,000.00 each             | - | 100,000,000.00    |              |
| 13 pick-up vehicles @ ₦9,000,000.00                 | - | 63,000,000.00     |              |
| 3 7-tonner Trucks for Headquarters @ ₦22,000,000.00 | - | 66,000,000.00     |              |
| 13 saloon cars @ ₦7,000,000.00                      | - | 91,000,000.00     |              |
| 15% back up spare parts                             | - | 246,000,000.00    |              |
|   |   | <hr/>             |              |
| TOTAL   |   | ₦2,246,000,000.00 | ₦ 56,150,000 |

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G. Ghana Constitution - Chapters 5, 7 and 12



REPUBLIC OF GHANA

DRAFT  
CONSTITUTION  
OF THE  
REPUBLIC  
OF  
GHANA

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1992



## ERRATA

1. Page 47. Article 51 Marginal Notes "REGULATOINS" to read "REGULATIONS"
2. Page 62. Article 74(2) "envoysaccredited" to read "envoys accredited"
3. Page 91. Article 126 Marginal Notes "Mode or" to read "Mode of"
4. Page 93. Article 128 Marginal Notes "Composition and Mode of Exercise of Power of Judiciary" to read "COMPOSITION OF SUPREME COURT AND QUALIFICATIONS OF ITS JUSTICES"
5. Page 121. Article 183 No Marginal Notes "CENTRAL BANK" inserted
6. Page 142. Article 215. Marginal Notes "Terms and Conditions of Service of Commissioners" to read "DELEGATION OF FUNCTIONS"
7. Page 155. Article 255(1b)—"DistrictChief" to read "District Chief"
8. Page 158. Article 260. Marginal Notes "OFFICER" to read "COMMISSION"
9. Page 166. Article 274. Marginal Notes "HOUSE" to read "HOUSE"
10. Page 168. Article 276. Marginal Notes "COUEFS BIT" to read "CHIEFS NOT"
11. Page 172. Article 283. Marginal Notes  
"IMMUN TIES" to read "IMMUNI- TIES"

152. Appointment, Allowances and Removal of Lower Court  
or Tribunal Panel members.

*The Judicial Council*

153. Judicial Council  
154. Functions of Judicial Council

*Miscellaneous*

155. Retiring Awards of Superior Court Justices  
156. Judicial Oath  
157. Rules of Court  
158. Other Officers and Employees of Courts  
159. Regulations by Chief Justice  
160. Fees of the Courts to form part of Consolidated Fund.  
161. Interpretation

**CHAPTER TWELVE**

**FREEDOM AND INDEPENDENCE OF THE MEDIA**

162. Freedom and Responsibility of the Media  
163. Responsibility of State-owned Media  
164. Limitation on Rights and Freedoms  
165. Media Rights and Freedoms to be Additional to  
Fundamental Human Rights.  
166. National Media Commission  
167. Functions of the Commission  
168. Appointment of Board Members of State-owned Media  
169. Appointment of Editors

- 170. Staff of Commission
- 171. Expenses of Commission charged on Consolidated Fund.
- 172. Independence of Commission
- 173. Independence of Journalists

## CHAPTER THIRTEEN

### FINANCE

#### *General*

- 174. Taxation
- 175. Public Funds of Ghana
- 176. The Consolidated Fund
- 177. Contingency Fund
- 178. Withdrawal from Public Funds, etc.
- 179. Authorisation of Expenditure
- 180. Expenditure in Advance of Appropriation
- 181. Loans
- 182. Public Debt
- 183. The Central Bank
- 184. Foreign Exchange Dealings

#### *Statistical Service*

- 185. Statistical Service
- 186. Statistical Service Board

#### *The Auditor-General*

- 187. The Auditor-General

#### *The Audit Service*

- 188. The Audit Service
- 189. The Audit Service Board