
Civic Election Observation and General Elections in Ghana under the Fourth Republic: Enhancing Government Legitimacy and the Democratization Process

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Introduction

This chapter argues that civil society groups actually propelled the Ghanaian democratic process forward in the post-transition period (1993-present), through domestic observation practices that frustrated electoral fraud and enhanced the credibility and transparency of electoral outcomes. This is very important for the fact that disputed and flawed elections have derailed several democratic processes in Africa and in some cases led to instability and violent conflict (e.g. Liberia in 1985, Angola in 1992, Sierra Leone in 1998, and Ivory Coast in 2000 (Agyeman-Duah 2005); among others.

Regular, free and fair elections are an integral part of democracy and of any democratization process, and this must be ensured as far as is possible. It is important that domestic election observation should take place during the electoral period (pre-election, particularly election-day, and post-election) to confer an aura of neutrality, fairness, transparency, and ultimately, legitimacy on the process. This chapter therefore contends that particularly in elections where the stakes are extremely high (as in Ghana's 1992, 2000, 2008 and 2012 elections), professional domestic observation is a highly important tool for securing acceptance of election outcomes by citizens and all stakeholders and for

imbuing new governments with legitimacy. When election outcomes are rejected as illegitimate, it is usually because the election processes themselves are regarded as unfair and not transparent. Ineffective and partial observation practices can just as easily contribute to a rejection of election outcomes or disputed elections.

Elections do not make a democracy, and one can have elections without democracy, but one cannot have democracy without elections (Bratton 1999), because elections afford participation, choice, competition, and accountability to the electorate. Free and fair elections that have widespread acceptance and confer legitimacy on a nation's leaders constitute the *prima facie* condition for democratic practice, and increases the chances of further deepening it. What this research adds to the literature is the saliency of election observation practices in the acceptance of election outcomes, and thereby their potential contribution to the consolidation of democracy in Africa.

Methodology

A qualitative and comparative analysis was employed to investigate the impact of election observation in Ghanaian elections since 1996. The study used a combination of secondary and primary research methods, supplemented published works with relevant newspaper articles, and archival documents from the Electoral Commission of Ghana, the Center for Democratic Development and other civil society organizations (CSOs). Extensive interviews were also conducted with some of the domestic election observers and representatives of CODEO that took part in the various elections.

This chapter contributes to both the empirical and theoretical meanings of democracy. At the empirical level, we are able to gain in-depth knowledge of Ghana's electoral system and the way it actually works on the ground during election periods via the practices and experiences of domestic election observers, as well as the extent to which the observers' reports enhance the legitimacy of the elections or raise doubts and questions about them. A closer look is taken at domestic election observers as their numbers and involvement in election observation have gradually eclipsed that of international observers since 1992. Their involvement inspires greater confidence in the electorate about the legitimacy or otherwise of the elections because they, domestic election observers, are seen as having a local touch and more intimate knowledge of the terrain and the people. Our findings can be used as building blocks in the accumulated lessons for other countries in Africa.

The study contributes to democratic theorizing, particularly with respect to civil society and its role in democratization. It offers another angle from which to look at civil society and its involvement in pressurizing governments to further democratize other than through public demonstrations, for example, and shows that for Africa, as well as other regions of the world, civil society can work towards

the furtherance of democracy, but not just in the conventionally known and theorized ways; namely, education, holding governments accountable, fostering communal and national identity, challenging government policy, among others.

The Concepts of Civil Society, Government Legitimacy, Democratisation, Democracy and Election Observation

The importance of civil society (out of which domestic election observers emerge) and the associational life of citizens in bridging the political participation gap outside elections, in holding officials accountable, in promoting human rights, in helping legitimate governments/states, in short, in promoting and consolidating a stable democracy, has been recognized and emphasized by several scholars (including De Tocqueville 1835/1840; Lipset 1960; Almond and Verba 1963; Diamond, Linz, and Lipset 1995). In fact, some have argued that for democracy to become sustainable, it has to grow roots in society (Meyns 1993:597). This paper examines civil society's role in helping to consolidate democratic government, and argues that this is an extremely important role that has been underemphasized in the literature.

The existence of different dimensions of civil society has also been highlighted in the literature, particularly three dimensions of it which, according to Bratton (1994), constitute the observable aspects of the theoretical concept of civil society. While the three dimensions are the material (Hegel 1821; Marx and Engels 1932), the organizational (De Tocqueville 1835/1840), and the ideological (Havel 1985), the focus in this chapter is on civil society's organizational dimension here. Following Bratton (1994) we distinguish between civil society and the state or political society. Civil society is 'public'; it is not confined to the domestic or household arena, and entails collective action whereby individuals join to pursue shared goals (Bratton 1994:56). Civil society is also distinct from the institutions of political society, such as political parties, legislatures, and elections (Stepan 1988).

This study appropriated Draž's (1993) definition of civil society, as denoting 'the presence of a cluster of intermediary organizations/associations that operate between the primary units of society (like individuals, nuclear and extended families, clans, ethnic groups, and village units) and the state. These intermediary groupings include labour unions and associations of professionals, farmers, fishermen, women, youth and students; religious and business organizations, cultural and recreational clubs, as well as political parties' (Draž 1993:73). The study, however, excludes political parties from the definition of civil society, as political parties can contest elections and suddenly become the ruling party. Ultimately, civil society is both a repository of consent and dissent, depending on whether or not it accepts the right of a particular elite to exercise state power. So far, through the role of domestic election observers, civil society in Ghana

has, since 1996, acted as a repository of consent, although its potential to dissent is never in doubt. The concept of government legitimacy in this study simply denotes the rightness of the exercise of political power by a particular party that is duly elected to form a national government. In other words, government legitimacy exists when the citizens, particularly the electorate, perceive and accept that it is right and proper for a particular government to be in power.

The concept of democratization is used here to refer to a 'movement of a country along a continuum of change from a condition of 'authoritarian government' to one of consolidated democratic government' (Armijo 1993:20). It involves a 'movement over time from less accountable to more accountable government, from less competitive (or non-existent) elections to freer and fairer competitive elections, from severely restricted to better protected civil and political rights, from weak (or non-existent) autonomous associations in civil society to more autonomous and more numerous associations' (Potter, Goldblatt, Kiloh, and Lewis 1997:6). This definition subsumes all the attributes of Dahl's rendition of democracy or polyarchy. In his view democracy is a form of government characterized by three conditions: meaningful and extensive competition (excluding the use of force) among individuals and political parties for all effective positions of government power at regular intervals, a highly inclusive level of political participation in the selection of leaders and policies at least through regular and fair elections, such that no major (adult) group is excluded; and a level of political liberties – freedom of expression, freedom of the press, freedom to form and join organizations – sufficient to ensure the integrity of political competition and participation (see also Diamond et al. 1990; Lipset 1981; Linz and Stepan 1978; Dahl 1971; Schumpeter 1950). This definition summarizes both the procedural (regular competitive elections) qualities of democracy and its substantive norms (freedoms, equality, and universal suffrage). Most important, democracy gives leaders legitimacy and stability (c.f. Gyekye-Jandoh 2006). However, it must be noted that the pursuit of the substantive goal of democracy is a process and their attainment is a matter of degree. I examine Ghana's democratization on the basis of this procedural and minimalist definition of democracy.

Finally, election observation is usually done by one or more independent parties, typically from another country or a non-governmental organizations (NGOs), primarily to assess the conduct of an election process on the basis of national legislation and international standards. The groups or individuals rate elections to check whether they meet free and fair standards. There are domestic and international election observers. Observers do not directly prevent electoral fraud; they rather record and report any fraudulent acts. Domestic observer groups are constituted by individuals and organizations from the country hosting the election. They may be representatives of political parties or of civil society organizations that are committed to issues of democracy and human rights (Carothers 1999:26). Domestic observer groups can also be constituted

by individuals from professional associations, social service organizations, or of university student organizations (Bjornlund 2004:39). Domestic observers are able to contribute to the quality of monitoring missions because they not only understand the language and culture of the host nation; they are also well aware of the political situation in which the election is taking place (Squire 2012). The term 'election observation' is used interchangeably in this study with 'election monitoring'.

Election observation plays a vital role in assessing whether and under what circumstances elections permit the free expression of the will of the people in a variety of contexts and settings. One of the basic functions of election observation is deterring election fraud (Carothers 1997a). Accordingly, election observers have in many cases pointed out election fraud at various elections. Both domestic and international audiences make use of the information provided by election observer groups. Outside Africa, two very prominent cases are the Philippines in 1986, where US observers raised the alarm when President Ferdinand Marcos tried to steal the 1986 elections, and Panama in 1989, when the incumbent General Manuel Antonio Noriega tried to steal the elections for his handpicked presidential candidate (Carothers 1997a).

While the work of international observers is commendable, Carothers argues that it does not cure all the ills associated with elections. International observers cannot force deeply polarized political factions to cooperate with one another; they cannot offset the anti-democratic sentiments of an autocrat bent on maintaining power at all costs, or guarantee that any findings of electoral fraud will be followed by sanctions from the international community or individual nations. Most of these problems exist because election observation has attracted too many groups, many of which are amateurish in their work (Carothers 1997a; c.f. Squire 2012). The focus, however, of this chapter, is not on international observers, but on how domestic election observers can make a difference by ensuring the acceptance of electoral outcomes.

A Historical Sketch of Civil Society in Ghana

At independence in March 1957, the Convention People's Party government, led by the late Osagyefo Dr. Kwame Nkrumah under the First Republic, used its hold on power and national resources to co-opt most of the vibrant and active civil society organizations. Among them was the United Ghana Farmer's Co-operative Council (UGFCC) and the Ghana Co-operative Council. Some vocal anti-government organisations (e. g. cocoa co-operatives) were dissolved and their assets given to their competitor, the UGFCC. Similarly, worker unions that were vehemently against the co-optation by government were also silenced with the promulgation of the Industrial Relations Act which made it compulsory for all labour unions to come under the Trades Union Congress (TUC) and made it

very difficult for them to embark on industrial action without the approval of the co-opted TUC. This made it difficult for churches and businesses that were not affiliated to the CPP and the government to be heard (Drah 1993).

The Nkrumah-CPP government was removed in a military coup on 24 February 1966. The National Liberation Council (NLC) did not do much to promote a free atmosphere for civil society to thrive. It eventually handed over power to the Progress Party (PP) administration in 1969 with K.A. Busia as Prime Minister under a new republican constitution. The obvious expectation was that the PP would be very liberal with civil society. Contrary to expectations, the PP government got embroiled in disputes with civil society groups, notably the TUC and the National Union of Ghana Students (NUGS) (Darkwah et al. 2006).

The PP government was removed in a military coup on 13 January 1972 by Col. Acheampong who initially formed the National Redemption Council (NRC), later the Supreme Military Council (SMC). This period perhaps saw civil society activism reaching its peak since independence even though many also got co-opted. Some politically active civil society groups emerged to challenge the UNIGOV proposal of the SMC. Notable groups include the People's Movement for Freedom and Justice, Prevention of Dictatorship, and the Third Force. The SMC was eventually removed from power in a Junior Officers uprising on 4 June 1979 and replaced by the Armed Forces Revolutionary Council (AFRC), which enjoyed considerable support from a number of anti-SMC elements. In addition, a number of civil society groups emerged supporting and defending the revolution. This includes the June Fourth Movement, New Democratic Movement and the Kwame Nkrumah Revolutionary Guard. Most of these organizations maintained their support for the AFRC until the 'second coming' of Rawlings in 1981. The military-style government of the Provisional National Defense Council (PNDC) forced a 'culture of silence' on the Ghanaian people and even on civil society. The oppressive atmosphere gave little or no room for civil society to organize and act independently.

Significantly, opposition to Rawlings' regime grew, eventually becoming a 'pro-democracy movement' that was a fusion of several distinct groups and political agendas. In August 1990, an alliance of politicians and groups that had existed in the previous three republics re-emerged, forming the Movement for Freedom and Justice (MFJ). This group received support from some professional groups such as the Ghana Bar Association (GBA), the National Union of Ghana Students (NUGS), Catholic Bishops Conference, and the Trades Union Congress (TUC). The PNDC, however, still controlled several civil society organizations. The NDC's electoral victory in 1992 and 1996 is attributed to the crucial support of these groups (Ayee 1998: 321).

The 1992 elections that brought Jerry John Rawlings to power as a civilian president marked the beginning of the 4th Republic under which Ghana has had six consecutive multi-party elections – in 1992 when the Rawlings-NDC

won; in 1996 when the NDC government won re-election with Rawlings as president; in 2000 when there was the first peaceful transfer of power from one elected government to another, in this case from the NDC to the John Agyekum Kufuor-New Patriotic Party (NPP) government; in 2004 when the Kufuor-led government won re-election; and in 2008 when a second regime handover occurred from the NPP government to an NDC government, led by Prof. John E.A. Mills, who died in office in July 2012. His Vice-President, John Dramani Mahama, who was sworn in as president via constitutional mandate, won his own mandate as president of Ghana in the controversial 2012 general elections whose results were challenged at the Supreme Court by the main opposition NPP party. The verdict of the Supreme Court on 29 August 2013 confirmed Mahama as the duly elected president of Ghana.

Of these six general elections, the stakes were particularly high in four because of the closeness of the elections, especially the contests between presidential candidates of the two major political parties in Ghana – the NDC and the NPP. Ghanaian elections have always been high stakes due to the zero-sum and winner-take-all nature. Each political party, particularly its presidential candidate, tends to believe that it must win power at all costs or lose the perks and other privileges they have enjoyed in the past or that they seek to enjoy. The contest is keenest when an incumbent president comes to the end of the constitutionally-mandated two terms of office as it creates the impression that without the advantage of incumbency the electoral competition would be fairly open for the presidential candidate of the opposition party to strive to win political power.

These extremely high stake elections tended to intensify political tension around election issues, especially regarding the possibility of a contested election outcome, and to put citizens on the edge. The 1992 elections were crucial because they marked a transition from decades of military rule to democratic-civilian rule; the 2000 elections marked the end of Rawlings' two terms in office as the first president of the 4th Republic and ushered in a period of uncertainty about whether he would willingly cede power and if so, who would accede to power. The 2008 elections also marked the end of the two-term presidency of John Kufuor of the NPP. This period also led to intense political rivalry during the succeeding elections. Finally, though the 2012 elections were to mark the second term of the Mills' (NDC) presidency, the sudden death of President Mills gave the NPP presidential candidate Nana Addo Dankwa Akufo Addo the conviction that he and his party could defeat John Mahama at the polls and terminate the NDC control of the presidency after the first term. Hence the 2012 elections were fraught with intense political acrimony, leading to a contested presidential election results followed by an election petition filed at the Supreme Court to nullify the election results announced by the Electoral Commission. Civil Society, acting as domestic election observers, contributed immensely to the peaceful outcome of those elections, including the most contested 2012 presidential election results.

Civil Society Impact on General Elections and Democracy in Ghana since 1992

The best evidence of civil society impact and the importance of observers was the sheer scale of the domestic observation effort since 1996, and Rawlings' complicated relationship with domestic observers, especially in 1996. The impact of civil society can be measured first through the dramatic growth in domestic election observation capacity of civil society over time (1992-2008). From the 1992 to the 2004 elections, the number of domestic election observers and polling stations covered by domestic observers increased, while the number of international observers decreased with each election during the same period. For example, over 4,100 domestic election monitors were trained at the national, regional and district levels, in addition to another 100 monitors, and these were deployed to about 3,100 polling stations all across Ghana, in all 200 constituencies for the 1996 general elections. This contrasted with just 200 individual domestic observers in 1992 (Gyimah-Boadi, Oquaye and Drah 2000:21).

Furthermore, although in 1996 when there were six international organizations comprising several monitors, in the 2000 elections there was just one umbrella international observer group, the Donors Working Group (DWG), comprising High Commissions and Embassies of donor countries in Ghana. These country representatives coordinated the conduct of the elections and helped to provide the necessary financial and material support for the successful conduct of the elections (Boafo-Arthur 2001:99,103). Notably absent were the OAU, Carter Center, the Commonwealth, and the National Democratic Institute (NDI) (Boafo-Arthur *ibid*). By the 2000 elections, there were even more domestic election observers. In fact, CSO coalitions recruited, trained, and deployed more than 15,000 observers to cover about 50 per cent of the over 20,000 polling stations during the first round of the elections. This represented a substantial increase in – in fact a tripling of – the number of monitors in the 1996 elections.

Second, the domestic observers had their presence felt in both rural and urban areas, especially in trouble spots in some constituencies during the 2000 elections. Third, during the 1996 election the Rawlings-NDC government had frowned upon the election observation activities, particularly of the Network of Domestic Election Observers (NEDEO). Although it did not ban the group or place legal restrictions on it the government remained suspicious and uncooperative.

Fourth, in 1996 and 2000 donor funding went directly to the CSOs rather than to the NDC government. In 1992, the PNDC government received almost all donor democracy-support funds. In the 1996 election year, most of those funds went to local NGOs and civic organizations rather than to the government (Gyimah-Boadi 1999). Ghana Alert received a total of \$73,000 of donor funding, of which \$38,000 came from the Danish Embassy, \$20,000 from the American

Embassy, and \$15,000 from the Canadian High Commission (NEDEO Report 1997:99). The Institute of Economic Affairs (IEA) received about \$200,000 from the United States Agency for International Development (USAID) and the National Democratic Institute (NDI), and \$50,000 from the National Endowment for Democracy (Gyimah-Boadi, Oquaye and Drah 2000:21). This massive support for CSOs shows that the donor community had recognized CSOs as making significant contributions to ensuring free and fair elections and the legitimacy of election results.

Table 1 below suggests strongly that civil society groups had gained more autonomy from government and made an impact on domestic political development especially in the latter half of the 1990s and since 2000. In the table civil society is divided into three types: private media, traditional CSOs, and newer CSOs. Private media refers to radio, television, print, with radio being the most ubiquitous throughout the country, especially in the rural areas due to the low level of literacy of many rural folk. Television and print media are important sources of information in the urban areas where many residents are literate in the English language. Traditional CSOs include long-standing professional groups such as the Ghana Bar Association (GBA), the Christian Council, and the Trades Union Congress (TUC). More recent CSOs comprise GONGOs, QUANGOs, and 'political' NGOs. GONGOs refers to government-sponsored NGOs, which abounded in Ghana in the Nkrumah era (1957-1966) and proliferated under the Rawlings PNDC/NDC regimes. These GONGOs were attempts by Rawlings to encroach upon civil society space and co-opt as many civil society groups as possible. Examples include the 31st December Women's Movement (DWM) and Mobisquads of the National Mobilization Programme, instituted in the 1980s immediately after the PNDC came to power. QUANGOs are quasi NGOs; an example is the Ghana Private Road Transport Union (GPRTU). 'Political' NGOs, according to Gyimah-Boadi et al. (2000:9), are independent policy research and advocacy institutions that aim at promoting respect for human rights and protection of democratic freedoms in particular, and in general, aim at the facilitation of democratic consolidation in Ghana. Examples include the Institute of Economic Affairs (IEA), the Ghana Center for Democratic Development (CDD-Ghana), and Ghana Alert.

Table 2.1: Indicators of Relative Civil Society Autonomy in Ghana

Civil society	Resource base (Weak, Moderate, Strong)	Level of funding independence of donors (Low, Moderate, High)	Government co-option (in terms of funding and agenda(s) pursued; Yes, No)	Mobilizational capacity (Weak, Moderate, Strong)	Regional representation and organizational strength (Weak, Moderate, Strong)
Private media (radio, television, print) (post-transition/1992-2004)	Moderate; survive on advertising and private funding (1992-2004)	High; not much funding from international donors yet (1992-2004)	No; not much dependence on government funding (1992-2004)	N/A	Strong; presence in the urban areas and regional capitals (1992-2004)
Traditional CSOs (professional groups, and religious bodies, and unions) (pre- and post-transition/1980s-2004)	Moderate resource and asset base (mid- and upper-income bracket membership base) (1980s-2004)	Moderate; many have benefited greatly from donor support, but have substantial support from membership and other local sources (1980s-2004)	No; have achieved considerable degree of autonomy from the state, and have relatively high degree of financial independence (1980s-2004)	Moderate; most have large membership base, but many lack strong links with farmers' groups and rural workers (1980s-2004)	Moderate to Strong; have offices and representatives in all ten regions of Ghana, and reasonably well-organized and generally strong on internal democracy (1980s-2004)
Newer CSOs (GONGOs, QUANGOs, and especially 'political' NGOs) (post-transition/1992-2004)	Moderate; relatively improved material and technocratic resources; but generous donor funding for pro-democracy activities (1992-2004)	Low; especially the 'political' NGOs (due to the relatively weak private sector); most of the newer CSOs do not want to depend on government (1992-2004)	No (except for GONGOs such as the DWM); however, the NDC government has tried to regulate NGOs (1992-2004)	Strong (for many GONGOs and QUANGOs); moderate for many of the 'political' NGOs which lack a wide membership base and links to rural workers and farmers (1992-2004)	Strong; large organizational structure of GONGOs and QUANGOs due to government sponsorship; moderate for 'political' NGOs which are typically based in Accra (1992-2004)

Source: Gyekye-Jandoh, M.A.A. 2006, *Explaining Democratization in Africa: The Case of Ghana*, Doctoral dissertation: Temple University

NEDEO and the 1996 General Elections

The NEDEO and its junior partner, Ghana Alert, played a crucial role in increasing public confidence in the 1996 presidential and parliamentary elections and the outcome, and in the perception of the process as free and fair. NEDEO consisted of 23 national CSOs, and was led by a retired appeals court judge and former electoral commissioner (1979-1983), Joseph Kingsley-Nyinah, while Ghana Alert was led by a renowned journalist Ben Ephson. NEDEO's CSOs included the Christian Council of Ghana, Catholic Secretariat, the Ghana Civic Coalition (GHACICO arising from the Committee on Human and People's Rights which comprised the Ghana Bar Association (GBA), Civil Servants Association (CSA), Ghana Registered Midwives' Association (GRMA), Ghana Registered Nurses' Association (GRNA), Ghana Journalists Association (GJA), Ghana National Association of Teachers (GNAT), and others. These two groups helped to mobilize much of the domestic human and material resources available for non-governmental election observation (Gyimah-Boadi 1999:413; Gyimah-Boadi, Oquaye and Drah 2000:21).

NEDEO and Ghana Alert began early preparations in July 1996, five months before the election. The advantage they had over international observers was that they were better placed to observe pre-election, election, and post-election developments (Gyimah-Boadi 1999:413). NEDEO trained more than 4,100 domestic election observers at the national, regional, and district levels, while Ghana Alert trained 100 observers, and all of them were deployed to about 3,100 polling stations – 21 per cent of the 200 constituencies – on election day, 7 December 1996 (Boafo-Arthur 2001:96; Gyimah-Boadi, Oquaye and Drah 2000:21). The observers were selected from the various civic organizations comprising the coalition, and each observer watched his or her own polling station and at least three other nearby polling stations (this was improved upon in subsequent elections).

From the Election Observers' Reports, it was clear that most polling stations opened on time; security was adequate in most places; party agents were present at most of the stations visited; and electoral officers performed their duties with diligence (NEDEO Report 1997:98). A few problems reported by observers were the inadequate election materials, poor visibility during vote counting, and a few election malpractices at trouble spots. These problems convinced the electoral observers (NEDEO and Ghana Alert) of the need to intensify voter and civic education for the future. For example, at the Gumbare polling station in the Bawku West Constituency in the Upper East region, there were 300 presidential ballot papers for 354 registered voters. In the Cape Coast constituency, an NPP counting agent was allegedly beaten up by the bodyguards of the Central Regional Minister, Mr. Valis Akyianu, at the DC Junior Secondary School at Esuekyir. The most serious problem that was reported is the incidence of child voters who had

identity cards and names on the register in Tamale, Salaga, Bimbilla, Kpandai, and Wulensi. They were actually teenagers but claimed to be 38 years old or above (NEDEO Report 1997:102). These reports show the value of having domestic election observers who understand the context, the terrain, and the people better. According to Ghana's leading daily newspaper (*Daily Graphic* 30 December 2000), local observers' reports served to improve subsequent elections.

In selecting observers, Ghana Alert and NEDEO went into the communities in which potential observers lived and cross-checked their political neutrality from both ruling party and opposition circles. Ghana Alert focused on 24 constituencies with various political flash points (between the parliamentary candidates) as well as a history of ethnic tension (in four of the main conflict areas, Bimbilla, Wulensi, Kpandu, and Salaga). These were chosen for observation at the request of the Canadian High Commission. Observers who did not know each other were paired as a further assurance of neutrality in observation and reporting. In collaboration with the EC, a checklist was designed which observers filled in at each polling station. Ghana Alert had a Command Center in Accra, which was responsible for coordinating the activities of observers, analysing completed observation forms, and analysing and publishing hourly updates based on provisional results (NEDEO Report 1997:101).

The EC cooperated fully with NEDEO and Ghana Alert, giving them access to its facilities and offices, and participating in all the training sessions for observers (Gyimah Boadi, Oquaye and Drah 2000:21). Such full and unhindered collaboration in the electoral process between the domestic observers and the EC served to deter fraud and other irregularities in the elections, while simultaneously enhancing the EC's credibility (Gyimah-Boadi 1999:414). The participation of 80,000 party and candidate agents as observers in the voter registration exercise and in the elections also bolstered NEDEO's efforts (Ninsin 2006:65).

The huge involvement of CSOs in the 1996 elections was in sharp contrast to what pertained in 1992, when just about 200 local observers were involved, a number which was woefully inadequate to deter fraud. In 1992, the electoral observation environment was dominated by the PNDC and its agencies, while international observers, including the Carter Center, African American Institute, the Commonwealth Secretariat, the OAU, and International Foundation of Electoral Systems (IFES), played a limited watchdog role (Gyimah-Boadi 1999). In 1996, international observers included the Commonwealth, European Union, the National Democratic Institute, the OAU, the UN, and the UNDP, all of which played a supplementary role in election observation (Boafo-Arthur 2001:95). NEDEO and Ghana Alert were the dominant actors in election observation, and in fact presented their own independent analyses of the political situation to the international observers before the elections.

The active roles played by NEDEO and its constituent CSOs underscored civil society's increasing ability to support Ghana's democratization process. As Ninsin (2006) has rightly argued, this was 'an invaluable contribution [which] was made by the network of domestic and foreign election monitors and observers' to the process of institution-building, particularly elections (Ninsin 2006:65). It is remarkable that in 1996, there were no significant election disputes when Rawlings won the presidential elections. A majority of the electorate accepted the outcome of the elections, and Rawlings' opponents openly congratulated him.

CODEO and the 2000 General Elections

By the 2000 national elections, the role of domestic election observers had become indispensable (Boafo-Arthur 2001:96). The uniqueness of the 2000 elections was that there were very few international observers; domestic civil society groups led the election observation process (Gyimah-Boadi 2001:73); and election observation was basically a domestic affair, undertaken by CSOs committed to sustaining democratic principles (Boafo-Arthur 2001:99).

The 2000 elections marked the first time that CODEO (Coalition of Domestic Election Observers) observed general elections in Ghana. About 24 national civil society organizations (CSOs), large membership organizations made up of nurses, journalists, teachers, religious groups, and women's and professional groups came together to form CODEO (Larvie 2009, interview). These groups embraced a wide section of Ghanaian society.¹

In contrast, there was just one umbrella international observer group, the Donors Working Group (DWG), comprising High Commissions and Embassies of foreign donor countries. They coordinated the conduct of the elections and provided the necessary financial and material support for the successful conduct of the elections (Boafo-Arthur 2001:99,103). The notable absence of the OAU, Carter Center, the Commonwealth, and the National Democratic Institute (NDI) confirmed the growing recognition, by both external organizations and domestic bodies, that Ghana had developed local capacity to ensure the credibility of the electoral process and confidence in the electoral system as a whole (Agyeman-Duah 2005:26; Boafo-Arthur 2001). Surely, domestic CSO observation was helping to enhance the legitimacy of the elected government, and this was manifested in the growing strength of civil society over time. For instance, in 1996, the NDI had opened an office with technical staff to assist the NEDEO, while the International Federation of Electoral Systems (IFES) provided extensive technical support to the EC. In 2000, CODEO was initiated and managed solely by local experts, and IFES' role was limited to a 'token expert assistance' to the EC (Agyeman-Duah 2005:26). Previous experience had shown that the involvement of international election observers was not adequate in inspiring the necessary confidence in the electoral system. Domestic election observers filled this gap;

they instilled confidence in the system (CODEO/CDD-Ghana 2001). Election observation in the 2000 general elections depicted this growing importance of CODEO. The outcome of the elections was largely accepted by the public.

The training of observers and their neutrality and objectivity in 2000 was very important in this regard. At the end of each training session, observers were asked to sign an 'Oath of Objectivity and Neutrality' to indicate their willingness to be impartial and neutral in the observation process (CODEO/CDD-Ghana 2001:7). A significant aspect of election observation is the final observers' report. In 2000, the final observers' report showed that domestic observers were important in being able to ascertain for the Ghanaian public the generally calm and peaceful manner in which the elections were conducted, the non-partisan and professional conduct of electoral officials, the diligence and vigilance of party agents, and the transparent and free nature of the process.

In Election 2000, CODEO engaged not only in election-day observation but also in observing the pre-election environment and monitoring media coverage of political party activities from May to December 2000. For the pre-election exercise, CODEO selected from the ten regions of Ghana twelve constituencies deemed to be potential trouble-spots, and sent specially trained observers to monitor the political environment there, especially to note the activities of the EC, the conduct of party primaries, the incident of violence, and signs of abuse of incumbency by the ruling NDC party. The twelve constituencies were Bolgatanga, Jirapa, Gulkpega/Sabongida, Choggu/Tishigu, Sunyani West, Bantama, Akropong Central, South Dayi, Tema East, Agona East, Agona West, and Efia Kwesimintim. The aim was to publicize the monitors' report, drawing attention to infractions and irregularities that could undermine the integrity of the elections (Agyeman-Duah 2005:25). Thus, monitoring of the pre-election environment itself was an important contribution by CODEO, as it served to alert EC officials and the political parties to the potential problems and irregularities in the election environment. Through those monitoring activities CODEO further contributed to the assurance of a level playing field for all political parties and candidates. Significantly also, the elections in most of the potential trouble-spots mentioned above were peaceful, free, and fair. This outcome is partly due to increased public awareness and intensive voter and civic education which resulted from the efforts and keen reporting of CODEO observers in the pre-election period (CDD-Ghana/CODEO 2001). All CODEO activities undertaken in pursuit of its mission were highly publicized. Press conferences were held on the eve of the 7 December general elections and the and 28 December presidential election run-off. At the press conferences, CODEO announced its programmes and readiness for the elections and sought public support for its activities. On the day after each election, two press statements were also released as preliminary statements on the conduct of the elections.

CODEO's final observers' report underscores the importance of its role in the elections. For instance, for the 7 December general elections, 5,155 (93.7%) of the 5,500 checklists were returned by CODEO observers. CODEO observers were interested in two critical issues, among others, namely: 'was the balloting free and fair overall?' and 'did the process work satisfactorily?' Overall, 99.6 per cent of the observers reported that the balloting was free and fair, while 99.8 per cent found the process had worked satisfactorily (CDD-Ghana/CODEO 2001). For the 28 December presidential election run-off, CODEO modified its operations in addition to the deployment of 5,500 observers: two CODEO observers were deployed in each of the 200 constituency collation centres to observe the process of tallying the results from polling stations and 5,062 observers' checklists were analyzed. Over 99 per cent of the observers saw the elections as free and fair and also thought that the process worked satisfactorily (CDD-Ghana/CODEO 2001). Reports from 191 of the 200 constituency collating centres were also analyzed: 97.4 per cent of observers described the collation process as satisfactory. The observers noted that almost all the ballot boxes brought to the centre were sealed. Significantly, an overwhelming percentage of observers (95.8%) reported no recount of ballots at collating centres (CDD-Ghana/CODEO 2001).

Problems which were encountered, despite the peaceful nature of the elections, included the incidence of under-age voters at polling stations, the inability of the EC to supply adequate voting materials to a number of polling stations on time, a few reported cases of impersonation, as well as the occurrence of multiple voting at a few polling stations (CDD-Ghana/CODEO 2001:13). However, in CODEO's view these problems were not widespread enough to dent the credibility of the election results. John Kufuor of the New Patriotic Party (NPP) won the presidential election with 57 per cent of the vote, wresting power from the incumbent National Democratic Congress (NDC), whose former vice-president, Prof. John Atta Mills, polled only 43.1 per cent of the vote.

Thus, in addition to inspiring confidence in the process by helping to minimize the incidence of fraud and other irregularities, CODEO observers were also at a vantage point to see and report problems for the attention of the EC, which enabled the latter to rectify them before the next elections. The training, experience, and presence at polling stations of non-partisan observers enhanced transparency and contributed to public confidence as well as the strengthening of the electoral process (Daily Graphic 30 December 2000). That is, despite the presence of political party agents at most of the polling stations, it took the presence of local observers to give the electorate as well as political parties and their candidates the confidence that no election fraud would take place on a large scale.

CODEO and the 2004 General Elections

By the 2004 general elections, CODEO had expanded its operations to include pre-election observation that began about six months prior to the election. Pre-election observation covered political party activities, registration of voters, nomination of candidates, political party primaries, and exhibition of the voter's register. Also the number of CODEO election-day observers had increased from 5,500 in 2000 to 7,360 making it possible for CODEO to undertake several election observation and democracy-supporting activities which were beneficial to both the candidates and the electorate. For example, it embarked on a snap study of political party financing and organized a Parliamentary Candidates' Forum in 25 selected constituencies, where it trained the moderators of the forums and provided a profile of important national issues to the different candidates. CODEO also held workshops for the parliamentary candidates prior to the forums to help them build capacity, including what they were to do when they met their constituents. These forums were heavily patronized by the candidates, with the exception of those candidates who thought that the constituencies concerned were their strongholds and therefore did not appear.²

The forums were successful in the sense that both the electorate and candidates appreciated the opportunity they had to meet and dialogue on practical issues of development that were important to the electorate, such as women empowerment, welfare of the disabled, and sanitation. These forums were beneficial also because they were found to be more beneficial than political rallies that gave little or no room at all for the electorate to dialogue with competing candidates.³

There were also international observers in the 2004 elections, but they were not as many as in 1992 and 1996. The international observers were not grounded in Ghana, and their best resource first and foremost was the domestic observers. For example, the international observers interacted significantly with CODEO through the Programs Coordinator, discussing with CODEO their programme specifics and the ways in which they could embark upon it. Through its monthly reports, CODEO shared information about its pre-election activities with the international observers and the Ghanaian public at large; it shared information about good as well as bad developments observed during the pre-election observation and offered recommendations.

Despite problems encountered during the 2004 elections – disagreements, quarrels, fights, irregularities, use of abusive language – the credibility of the elections was unquestioned to a large extent, because the problems were not of such magnitude as to create any doubt in the minds of the principal stakeholders about the results (Ninsin 2006:67). CODEO affirmed this overall assessment of the presidential and parliamentary elections: 'based on the reports from our observers deployed throughout the country, the elections were generally free, fair, and transparent and the election process was satisfactory' (CODEO 2005:50).

CODEO's success in election observation was due to several factors. First, it endeavoured to be as objective and non-partisan as possible through the quality of observation by its agents in the field; the credibility enjoyed by the CSOs forming the Coalition (many of which have a long and tested image as CSOs); and from the calibre of its leadership - Justice V.R.A.C. Crabbe and Professor Miranda Greenstreet who are its joint chairpersons. Next was CODEO's strict adherence to a set of principles that guided recruitment, training, screening, and deployment of observers. First was its policy to recruit local observers from their own communities and districts/regions ensured that its volunteers were known by the people who might work as poll workers or as supervisors. For example, CODEO prefers that a person who is going to observe in the Ashanti region should come from that region. This principle won the confidence and trust of the electorate. The second principle CODEO strictly adheres to is the one that requires that the civic body sending the volunteers should know and be able to vouch for their knowledge of the environment, of the electoral system, of their own districts or regions, and their familiarity with candidates of political parties. This principle was not difficult to enforce because most of the volunteer observers were either head teachers, executive members of the Ghana Trades Union Congress or other member CSO, doctors, lawyers, and others who were at the management or supervisory level of their respective careers. One key criterion by which an observer is chosen is that he or she must be influential and respected by his or her community.⁴ Where the volunteers are recommended to be trained as observers CODEO conducts a serious check on whether they are actively partisan (e.g. whether they are seen with candidates or party officials) or non-partisan.

The third principle is that once observers are sent by the civic organizations that recommended them, CODEO conducts thorough interviews at the Secretariat in Accra before finally recruiting them. It must be noted that CODEO is more interested in observing how the elections process runs, not who wins, in order to safeguard the democratic process.

While the first three CODEO principles involve the recruitment, training and screening of observers, the fourth principle is concerned with the actual observation by the observers it has deployed. Compared with the 2008 elections when CODEO embarked upon both strategic and random deployment, in the 2004 elections, it undertook strategic deployment only. Strategic deployment means that CODEO did not go to all polling stations; rather, in its bid to deter fraud and raise the confidence level of voters, it identified historically-proven hot spots (from previous elections) mainly polling stations, in certain constituencies and regions.

CODEO's sources of funding in 2004 were again primarily from the donor community. While these sources were varied, the main source of funding was the United States Agency for International Development (USAID). The Fredrich

Naumann Foundation, as well as the UNDP (United Nations' Development Program) and CIDA (Canadian Development Agency), also helped with some funds. The funding process works this way: the Ghana Center for Democratic Development (CDD-Ghana), which is CODEO's parent organization, writes a proposal for funding and discusses it with CODEO. If funding is approved by a donor, it is given in the name of both CDD-Ghana and CODEO. CDD-Ghana manages the funds, disburses and accounts for the use of the money to the donor. Most of CDD-Ghana's fieldwork is done through CODEO.⁵

Significantly, there was an increase in funding for CODEO between 2000 and 2004, due primarily to the increase in the number of CODEO observers in 2004 (by almost 2,000). CODEO received more funding for the 2004 elections observation than it did in 2000. This increase in funding helped make a difference in the scope and effectiveness of CODEO's election observation practices, as it was able to observe more polling stations than in 2000.

CODEO and the 2008 General Elections

The 2008 general elections, held on 7 December 2008, constituted a major test of Ghana's burgeoning democracy. This is because for the first time in Ghana's political history, the two major political parties, the ruling New Patriotic Party (NPP) and the opposition National Democratic Congress (NDC), having each exercised presidential office and parliamentary dominance for two terms (of eight years), vied seriously for another stint in the Executive Office and a majority in Parliament. While both parties worked hard to win the elections, in reality, only one party could win the general elections. It was therefore crucial that the outcome of the elections be regarded as legitimate.

Electorals outcomes usually depend on the actual election processes, which must therefore be seen as free, fair, and transparent, in order to confer any semblance of legitimacy on the winner of the presidential election as well as winners of parliamentary majority. In 2008, the three main purposes of election observation were well served because the observers trained by the EC and the Ghana Center for Democratic Development (CDD-Ghana) Election Monitoring Mission complied with all the expectations of duty as well as the instructions embedded in the Code of Conduct for Election Monitors. This Code stipulates that 'monitors will maintain strict impartiality in the conduct of their duties and will, at no time, publicly express or exhibit any bias or preference in relation to national authorities, parties, candidates, or ... any issues in contention in the election process... monitors will not interfere in the electoral process, and may raise questions with election officials and bring irregularities to their attention, but they must not give instructions or countermand their decisions' (CDD Election Monitoring Mission Document 2008:15-16). In addition, monitors are to 'remain on duty throughout election day, including observation of the vote

count, and if instructed, the next stage of tabulation monitors will comply with all national laws and regulations, and will exhibit the highest levels of personal discretion and professional behaviour at all times' (CDD Election Monitoring Mission Document 2008:16). The effectiveness of domestic election observers helped to confer legitimacy on the election process, by preventing widespread fraud and cheating.

Equally important was the recognition, by political parties, the Electoral Commission (EC), civil society organizations (CSOs), and the donor community, of the importance of the 2008 elections. This recognition was underscored particularly by the EC's publication in December 2007 of a Framework for Domestic Election Observation. The purpose of the Framework was to 'ensure that the way domestic election observers go about their work is consistent with internationally acceptable standards of election observation' and to strengthen the democratization process by, among other things, calming particularly the nerves of the public and opposition politicians who were distrustful of the government (EC Framework 2007:7). The Framework was used to educate domestic election observers and the public on what election observation entails, what to observe, how observers are to comport themselves and also gather facts, and interpret facts. They were further taught the skill of report writing. These constitute important election observation practices that if carried out well, can enhance the credibility of any elections. Most important, the EC put premium on accreditation of all election observers and monitors. This ensured that no dubious or extremely partisan persons (including political party activists) engaged in election observation (EC Framework 2007:15-16).

In the 2008 pre-election period, observers were to look out for the flaws in election-related legislation; for example, cases where the law was vague and subject to varying interpretations, and lacked sufficient guarantees for civil and political rights; the nature of judicial implementation, such as the lack of due process in court proceedings; the behaviour of the electoral management body (the EC) – for example, whether it was under political pressure or lacked independence from the executive; election logistics and operational management; the conduct of the registration of candidates and political parties, as well as voter registration; flaws in the ballot, such as ballots circulating outside of polling stations on or before election day; the adequacy of voter information and education; the degree of freedom as well as level of violence in the political campaign; and problems associated with campaign resources and the media – such as unequal use of public resources by the incumbent and the other actors in the electoral process – for example, political parties and candidates by the public media.

On election day, observers looked out for: election-related violence or disturbances, intimidation of voters, confusion or disorganization at polling stations, and the presence of unauthorized persons at polling stations. They also monitored

the vote count, whether it was done by polling-station officials or other persons etc., and the tabulation of ballots, including any incidence of ballot-box stuffing or switching and disorderly counting procedures. Finally, post-election monitoring involved: monitoring the declaration of results including an unreasonably delayed announcement; the denial of access to observers to this process; discrepancies between the election-day record of results and the final results at any level of the election administration; post-election day complaints and appeals process; and implementation of election results, including disqualification of winning candidates (CDD Election Monitoring Mission Document 2008:16-22).

These guidelines for election observers during the pre-election, election-day, and post-election periods were comprehensive and democracy-enhancing rules geared towards the achievement of free, fair, and transparent elections. The responsibility for securing the integrity of the electoral process lay primarily with the election observers themselves – their conduct and diligent discharge of their duties, as well as the political parties and their polling agents, election officials, security agents, and voters.

The 2008 general elections turned out to be a tough fight for the presidency and parliamentary majority, with extremely close results. The NDC's John Evans Atta Mills won the presidency, after a second round of voting, with 50.3 per cent of the vote, while his very close rival, Nana Addo Dankwa Akufo-Addo of the NPP, won 49.7 per cent. Furthermore, the incumbent NPP lost several seats in parliament – from 128 seats (out of 230) to 109, making it the largest opposition party in parliament. The NDC's parliamentary fortunes were better: the number of parliamentary seats it won increased to 116. This included the seat won by the NDC member in the Chereponi parliamentary bye-election held on September 29, 2009 following the death of the NPP MP, Ms. Seidu, in July 2009.

In contrast to previous general elections in the Fourth Republic (1996, 2000, and 2004), half of the electorate was not so ready to accept the results peacefully, and there was talk of a recount in some constituencies. By July 2009, Ghana was still in the post-election mood pending the re-run of elections in six polling stations of the Akwatia Constituency. On 18 August 2009, the NPP won the Akwatia parliamentary election giving it 109 seats in parliament. There was also a re-run of the presidential election in Tain constituency in the Brong-Ahafo region on 2 January 2009. This very closely fought election and the ensuing allegations of rigging, violence, and disenfranchisement of some voters, begs the question of whether the domestic and international election observers performed their duties diligently, and what their experiences actually were on the ground.

To answer this question, we must recall a few key facts about CODEO's operations in 2008. The number of civic groups involved in CODEO had increased to about 34 from 25 civic groups in 2004. The civic groups included the Trades Union Congress (TUC), associations of journalists, nurses, students,

and teachers, among others. In the 2008 pre-election period, CODEO repeated the Parliamentary Candidates' Forums that it had held for candidates in selected constituencies in 2004. For the first time, and because of the high competitiveness of the 2008 elections, CODEO deployed teams of Rapid Response Observers and Ordinary Observers, after recruiting and training them. CODEO deployed observers both strategically and by random sampling. In addition, it employed the Parallel Vote Tabulation (PVT) system. PVT is a method that independently verifies the accuracy of the official vote count at the end of the election day. Observers watch as the votes are counted at the randomly selected polling stations before the ballots are collated or transported away. This enables observers to get as close as possible to an actual count. Observers then immediately transmit the vote tabulation for each candidate and party by text messaging to the CODEO Observation Center for comparison with the official results. In the 2008 elections PVT observers were sent to all 230 constituencies, while strategic deployment of observers took place at sensitive polling locations.

CODEO trained about 4,000 local observers, down from the 8,000 local observers who were trained in 2004. CODEO had planned to train 8,000 observers, but received funding that could support the training and remuneration of only 4,000 local observers. The number was cut back in order to ensure sound technical training for the observers⁶. Nevertheless, CODEO's 4,000 observers constituted by far the largest deployment of election observers in the 2008 general elections.

Supported by the National Democratic Institute (NDI) with technical assistance and funds, the PVT was very successful; it drew a sample out of the 10 regions of the country and a total of 21,008 polling stations. Using a stratified sampling method, CODEO produced a representative sample of 1,007 polling stations, each of which was given a personal identity number. By this method, CODEO was able to reach each of the 230 constituencies, either at polling stations or at its data collection points. An average of 15 CODEO observers was sent to each constituency. Out of this number, some were regular observers deployed to strategic locations, while the rest of them were part of the 1,007 PVT polling station observers. The PVT observers were screened to find out whether they would be able to withstand the stress of the PVT and dispatched to the selected polling stations. The names of the PVT polling stations were not disclosed to the public or political party agents prior to the elections to ensure total anonymity in the observation of party agents and other people at the polling stations (Larvie 2009, interview).

Due to the need for accuracy in managing the PVT, CODEO had to train observers to understand the tools that they would use at the polling station level only. PVT observers were trained to text anything that they observed throughout election day (at five scheduled times during the day) to the Command Center at

the Kofi Annan International Peacekeeping Training Center in Accra. These text reports were put into a database by data entry clerks and telephone operators at the CODEO Observation Center (or Command Center), enabling CODEO to release press reports by midday and at regular intervals after that. This scientific process was very thoroughly managed (Larvie 2009, interview).

The important contribution of mobile information technology (incoming text or SMS messages) in relaying both qualitative data on the conduct of the election, and quantitative data that helped verify the official results issued by the EC was unprecedented. As one international observer of the 2008 elections put it, 'mobile phones were ringing constantly with calls from the observers in the field' (Verclas 2008). In fact, 'systematic SMS reporting by trained local citizen observers about how well an election is conducted can prevent rumours, and is an independent and reliable indicator of the quality of the election process' (Verclas 2008).

CODEO used the same polling stations again on 28 December 2008 in the run-off elections. Its PVT was very accurate, and it was even able to predict the approximate number of spoilt ballots at those polling stations. In the Tain elections on 2 January 2009, for example, CODEO observed all the 144 polling stations in the constituency and predicted the results (NDC won 20,000 more votes in Tain) quite accurately. It is clear therefore that the PVT provided a very reliable indicator of the veracity of the EC's official vote count for the initial round of elections, the run-off and the Tain elections. In the words of Katrin Verclas, an international observer: 'an observer from the EU noted that the system CODEO and NDI developed was by far 'the most impressive' election observation system using mobile technology that he had seen. And the news so far from the Rapid Response Observers has been encouraging: there have been few incidents and voting is going largely smoothly' (Verclas 2008). The successful use of PVT in the 2008 elections therefore underscored the fact that CODEO election observers contributed significantly to the acceptance and legitimacy of the new Mills government.

CODEO's contribution to the legitimation of the elections as largely free and fair is evident from the following CODEO actions. CODEO has engaged in extended election observation since 2004. The pre-election observation of the 2008 elections took almost two years having begun its operations almost two years before election day; that is, immediately the NDC party opened its primary season and elected its presidential candidate, Prof. John. E. A. Mills, both of which occurred in 2006 .

From March 2008 when the EC began its final preparations towards the elections, CODEO recruited 60 observers and deployed them to 56 strategically selected constituencies across Ghana to follow and observe procedures for the replacement of voter identity cards, voter registration, and also political parties'

meetings, campaigns and rallies. CODEO observers prepared weekly reports that were put together in monthly reports and released to the public. In 2008, CODEO released eight monthly reports on the pre-election environment. Furthermore, it released press statements on the conduct of the elections throughout election day. This enhanced the credibility of the election outcome. CODEO first released a press statement on the eve of the elections to tell the world what it was expecting a keenly contested election, with close election results. CODEO's second report was the crucial one it made at noon of election day regarding the opening of polls, the sufficiency of ballots, etc. The third report came out between 4.00 and 5.00 pm on 7 December 2008, in which it reported on progress and reported incidents; for example, that some people could not find their names in the register, some voting materials were missing, late arrival of voting materials, and shortage of voting materials in some places. For each of the reports, CODEO made some recommendations on how to meet the challenges on the ground.

Reported incidents were highest in the Ashanti region, especially during the run-off, followed by the Eastern region. It is noteworthy that CODEO observers reported what they saw, not what they heard (Larvie 2009, interview). On the morning of the following day, CODEO gave a report on the close of the polls and counting of ballots. CODEO's coded checklist for observers covered all of such issues.

CODEO complied with the law that stipulates that the EC should be the first to declare election results by announcing its tally of results from the PVT soon after the EC had made the official declaration of the results. CODEO's estimated election results had a margin of error of ± 1.6 , with a confidence level of accuracy of 95 per cent. During the first round of the elections on 7 December 2008, for example, when officially the EC recorded 49.1 per cent for NPP's Nana Akufo-Addo, CODEO had 49.8 per cent, with a margin of error of ± 1.6 . When official EC results for Prof. Mills in the first round was 47.9 per cent of the vote, CODEO gave him 47.4 per cent. In the presidential run-off elections held on 28 December 2008, official EC results for Nana Akufo-Addo of the NPP stood at 49.87 per cent of the vote, while CODEO's PVT gave him 49.81 per cent. For the NDC's Atta Mills, the EC put the figure at 50.13 per cent, while the PVT tally was 50.19 per cent. Finally, for the Tain presidential election re-run, NPP's Nana Akufo-Addo officially obtained 49.77 per cent of the vote, while NDC's Atta Mills received 50.2 per cent. CODEO's PVT tally recorded 50.23 per cent for Prof. Mills of the NDC (Larvie 2009, interview). This high level of accuracy shown by CODEO's PVT system increased confidence in the electoral process. It further underscored the transparency of the system in the sense that the results were verifiable (Larvie 2009, interview).

In the post-election period, beginning immediately after election day, CODEO had to quickly act to help contain tensions arising from the alleged inconclusive

election results. Indeed, the attitude and posture of the two major political parties regarding the veracity of the results, especially between the run-off and the Tain election, and the behaviour of some FM radio stations in declaring the results prematurely heightened political tensions in the country. Under the auspices of the CDD-Ghana, a press release was issued in which CODEO implored the NPP presidential candidate, Nana Akufo-Addo to accept the results.

While the number of domestic election observers has since 1996 far outnumbered that of international observers, international observers were present for the 2008 general elections to confirm that international standards would be met. Seven groups of international observers were present: the European Union (EU), the African Union (AU), the Commonwealth, the Economic Community of West African States (ECOWAS), the National Democratic Institute (NDI), as well as the Carter Center. The Electoral Institute of South Africa (EISA) and Pan-African Parliament came to observe as one group. The Carter Center came earliest and was engaged in some pre-election observation (Larvie 2009, interview). The consensus among these seven groups of international observers was that despite some few incidents some of which have been enumerated above, the 2008 general elections were largely free, fair, and transparent. The international donor community also played an important supportive role in promoting free and fair elections and democracy in Ghana: USAID funded CODEO's 2008 election activities, while the British High Commission supported CODEO's observation of the 2 January 2009 Tain constituency presidential run-off elections.

Lessons Learned

From the above discussion, it is fair to say that domestic election observation is a better option than international election observation. Although international observers may still be needed in first time elections or in highly polarized countries, domestic election observers, if properly organized and prepared, have important advantages over international observers. They know the political culture, language and terrain, they can turn out in very large numbers, they establish organizations that stay even after the elections are over, and may be more cost effective because the cost of their hotel accommodation, transportation and other logistics would be relatively lower than that of international observers (Carothers 1997b; c.f. Squire 2012).

All in all, domestic election observers were respected by election officials, political party agents, and the public at large, as many of them were already known as independent and respectable members of their communities. Observers' relationship with election officials was therefore very cordial, and their presence could deter fraud and facilitate ownership of the electoral process. The cordial relationship extended to political party representatives during the collation of results in the 'strong room' of the EC at the Electoral Commission headquarters in Accra.

Political party representatives were fed by the EC and all the representatives ate together from the same table as they waited for results to come in. There were no fights; rather a lot of teasing jokes among themselves. When results came in through the facsimile machines, those who lost could only shake their heads. This is because they accepted the transparency of the entire process (Larvie 2009, interview).

Ghana has come a long way since the 1992 disputed elections, and the public's acceptance (to a large extent, although there were some reservations among some opposition party supporters) of the 2008 election results attests to the gradual trust they have developed in the transparency of the electoral process. Election observers, both domestic and international, must continue to strive for professionalism and adherence to high standards. They should work to counteract the diplomatic pressures that sometimes lead them to be too lenient in their assessment and take greater pains to ensure impartiality (Carothers 1997a). As the Ghanaian experience shows, the single most important indicator of a country's graduation to maturity regarding the conduct of democratic elections is a reduction in the number of international election observer groups (Carothers 1997b; c.f. Squire 2012).

Conclusion

One key finding is the importance of international donor funding for civil society activities and elections for Ghana and other African countries, at least in the short to medium term (and therefore for democratization). Civil society is increasingly able to support Ghana's democratic process due largely to the help of the donor community.

Second, the Ghanaian experience shows clearly that democracy can be consolidated, and democratic reversals pre-empted, when civil society organizations take the initiative to enhance domestic ownership of the electoral process through active observation and monitoring of elections. Success in performing these roles instils credibility and transparency in the electoral process, so that election results would be accepted by all (to a large extent) and post-election violence and conflict prevented. The advantages of a well-trained domestic observer and monitoring groups for elections and for the entrenchment of democratic norms have been emphasized in the Ghana Legal Literacy and Resource Foundation's (GLLRF) report on the 1996 elections:

Local monitors have a better understanding of the culture, language, and local conditions and a better perception of subtleties in society. Local monitors are better able to sustain a monitoring presence in the community before, during, and after the election. Because of their numbers...more comprehensive reporting is done...The presence of local monitors provides a sense of confidence to the public and encourages the electorate to participate in the process. After the election, monitors can verify to their communities the validity, or otherwise, of the process

and results and influence public opinion by their judgment of the freeness and or fairness of the election. As indigenous groups, local monitors can bring pressure to bear on the legislature to amend the electoral laws if they observe lapses in them.... (GLLRF 1996:3-4).

Nonetheless, the fact is that local election observation and monitoring are necessary but not sufficient conditions for consolidating a democratic order. Electoral management reforms as have been carried out by the EC since 1996 as well as elite consensus on the rules of the democratic game, with the supportive role of the state or governments of the 4th Republic, have been very important in conferring credibility on the electoral process and enhancing the legitimacy of its outcomes.

International observers are also increasingly considered not enough to bring credibility and legitimacy to the election results. Increasingly the local public seeks affirmation from those usually numerous, respected, neutral and trusted members of their communities about the transparency and fairness of election proceedings. International observers, if professional and fair rather than diplomatic, are nevertheless helpful in ensuring that international electoral procedural and observation standards are adhered to, while they give a weight of support to the reports of local election observers and monitors. If political legitimacy, the authority to rule in accordance with law or with the established legal forms, is a necessary outcome of elections for a peaceful and well-functioning democracy, then domestic/civic election observation of Ghana's general elections since 1996 has been a critical factor in furthering the democratic process. It has given considerable credence to elections and election outcomes and legitimized newly elected governments in the 4th Republic.

Notes

1. CODEO participating organizations included the Federation of Muslim Councils (FMC), Council of Independent Churches (CIC), Ghana Committee on Human and People's Rights (GCHPR), Ghana Bar Association (GBA), Civil Servants Association (CSA), Trades Union Congress (TUC), Ghana National Association of Teachers (GNAT), Ghana Journalists Association (GJA), Ghana Registered Nurses Association (GRNA), International Federation of Women Lawyers (FIDA-Ghana), National Union of Ghana Students (NUGS), Ghana Legal Literacy and Resource Foundation (GLLRF), Non-Violence International, Ghana National Chamber of Commerce and Industry, Center for the Development of People (CEDEP), International Prisons Watch (IPW), Health Watch International, and Institute of Democratic Studies (IDS) (CDD-Ghana/CODEO 2001:3).
2. Interview with Larvie (2009)
3. Interview with Larvie (2009)
4. Interview with Larvie (2009)
5. Interview with Larvie (2009)
6. Interview with Larvie (2009)

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