THE ROLE OF ELECTORAL COMMISSIONS IN PROMOTING DEMOCRATIC GOVERNANCE IN AFRICA: THE CASE OF GHANA, 1992 – 2016

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DECLARATION

I hereby declare that this work is entirely my research except for the works of others that have been duly cited and acknowledged. This work has not been presented either in part or in whole to any institution for the award of any degree. I therefore, assume full responsibility for this work.

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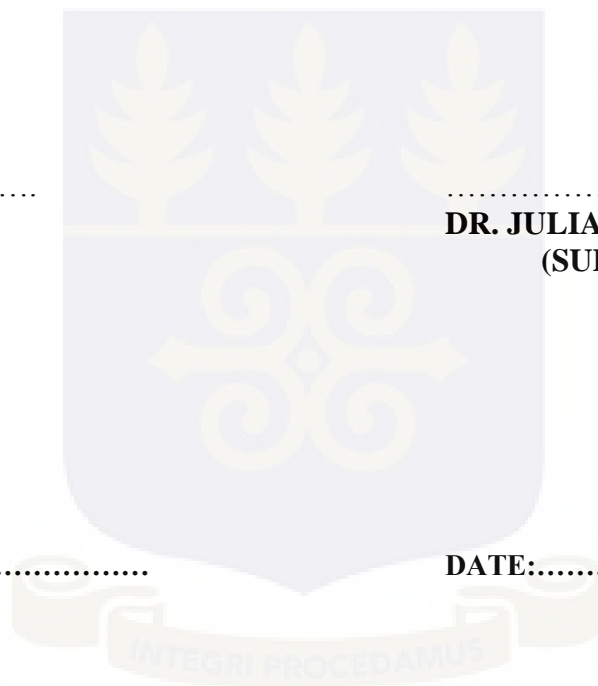
DEDICATION

I dedicate this work to the Almighty God and my wonderful mother Madam Janet Evelyn Odei.

ACKNOWLEDGEMENTS

Indeed, all the glory goes to the Almighty God for seeing me through this insightful journey. My greatest gratitude goes to my mother Madam Janet Evelyn Odei who has been my number one support from day one. Mummy, I am eternally grateful and I say God bless you. Dr. Juliana Appiah, I say a big thank you for your efforts in supervising this work. To you, Mr. Kenneth Honyenuga, thanks a lot for getting this work started. Dr. Ken Ahorsu your support is very much appreciated. My sincere thanks also go to the librarians of LECIAD Mr. Eric Amartey and the Political Science Department all of University of Ghana. To my amazing first batch of evening class of LECIAD 2017, I say thank you all for making this journey a very enjoyable one especially to you Miss Ama Anima Anang. God bless us all.
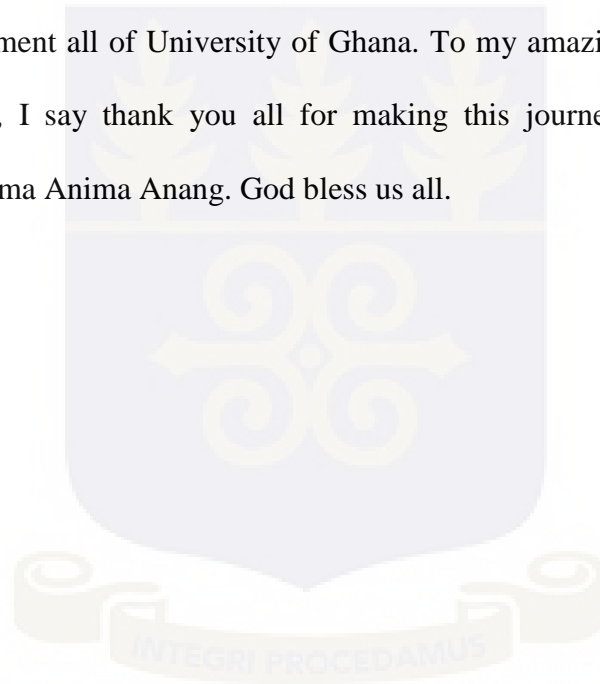
ABBREVIATIONS

ACEDG   -   African Charter on Elections, Democracy and Governance

AU   -   African Union

APRM   -   African Peer Review Mechanism

CENA   -   Autonomous National Electoral Commission (Benin)

CHRAJ   -   Commission for Human Rights and Administrative Justice

CPP   -   Convention People's Party

CSO   -   Civil Society Organization

DEO   -   District Electoral Officers

EC   -   Electoral Commission

ECOWAS   -   Economic Community of West Africa

EGLE   -   Every Ghanaian Living Everywhere

GBA   -   Ghana Bar Association

IDEG   -   Institute for Democratic Governance

IPAC   -   Inter Party Advisory Committee

LC   -   Legislative Council
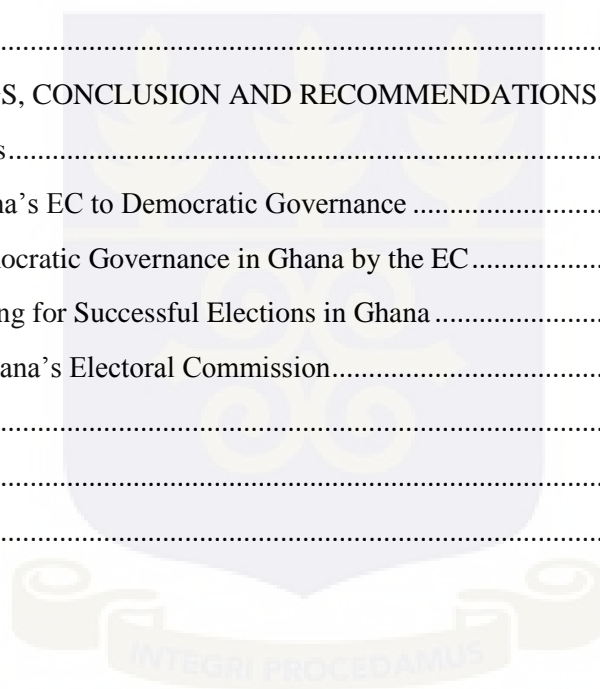
CI   -   Constitutional Instrument

NCCE	-	National Commission for Civic Education
NCP	-	National Convention Party
NDC	-	National Democratic Congress
NEC	-	Nigeria Electoral Commission
NLC	-	National Liberation Council
NMC	-	National Media Commission
NPP	-	National Patriotic Party
OAU	-	Organization of Africa Unity
PFP	-	Popular Front Party
PHP	-	People's Heritage Party
PNDC	-	Provisional National Defense Council
PNP	-	People's National Party
PO	-	Presiding Officer
RO	-	Returning Officers
ROPAA	-	Representation of the People Amendment Act
UNDP	-	United Nation Development Program
USAID	-	United State Agency for International Development

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Electoral Commissions have received and continues to receive the support from some institutions in promoting electoral processes. This can be seen in educating electorates about their civic responsibilities towards the state in order to contribute in building a countries democracy.

ABSTRACT

1992 marked the dawn of liberal democratic governance in Ghana that made it possible for liberties such as having political stability and freedom from arbitrary detention and arrest to be enjoyed without creating any constitutional crises. The activities and role of the Electoral Commission of Ghana have been very indispensable in this regard to Ghana's democracy. This study seeks to examine the role of Ghana's Electoral Commission in promoting its democratic governance in the Fourth Republic. This study was based on relevant literature and empirical study undertaken by the researcher. The study found that the Commission has received tremendous support from institutions such as the judiciary, the media and civil society organizations in complementing and carrying out its mandate. It was also realized that it has not been all rosy for the Commission as it is faced with issues of funding and stiff opposition from political parties in implementing some of its reforms. However, the constitutional institutions saddled with the conduct of elections and the security agencies conducted themselves very well and helped resolve problems to the satisfaction of all. This study concludes that, activities of the Commission have led to increased citizen participation, high acceptance of election results, building inter-party understanding, and ensuring continuity and legitimacy to political actors. Thus, strengthening and contributing positively to Ghana's democratic governance. The Commission has also won a lot of international praise and become a benchmark for a lot of countries on the African continent. The study recommends a move to the proportional electoral system from the majoritarian system that Ghana currently exercises, adopt an improved technology for printing ballots and voter registration as well as producing a national bio-data of citizens to improve the voter register. It also advocates for an enhanced collaborative service with stakeholders and wane itself from donor support.
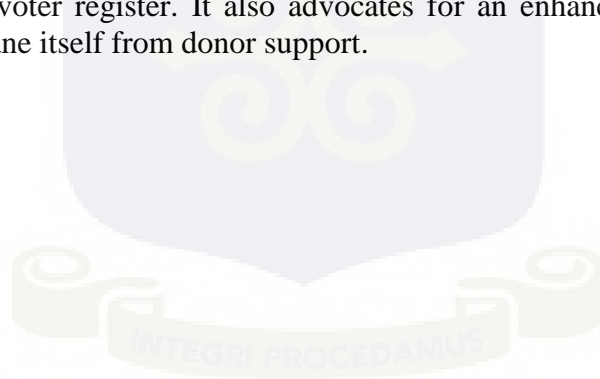
CHAPTER ONE

INTRODUCTION

1.1   Background of Study

At the end of the Cold War and in the early 1990s, Africa witnessed an increase in the promotion of democracy. Samuel Huntington calls Africa's contemporary democratic dispensation, the third wave of democracy.[1] This was after most states changed the multilateral and democratic institutions and practices they inherited at independence and adopted authoritarian one party and military rule. The post-independent era was marked by serious human rights abuse, steep economic decline, corruption, falling standards of living and unwieldy debt. The present multi-party dispensation was precipitated by public outcries for an enhanced socio-economic and political well-being of most Africans. Moreover, pressures put on African leaders by the West and international financial institutions caused a move towards a more liberal and open competitive economic and political form of governance. The transitioning of many African countries to multi-party system of governance from the predominantly militarized and authoritarian form of governance became a precursor in receiving developmental aids from Bretton Woods' institutions such as the World Bank and International Monetary Fund.[2]

The United Nations Development Program defines governance as

> the exercise of economic, political and administrative authority to manage a country's affairs at all levels. It (includes) mechanisms, processes and institutions, through which citizens and groups (express) their interests, exercise their legal rights, meet their obligations and mediate their differences.[3]

The September 2005 World Summit[4] stated that "democracy is a universal value based on the free will of the people to determine their political, economic, social and cultural system and their

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full participation in all (facets) of their lives."[5] In democracy, the people's sovereignty is expressed constitutionally through elections in choosing representatives of a government.

Human development is what democratic governance is built upon. It promotes accountability by ensuring that public officials are sanctioned if they do not live up to expectations.[6] For democracy to work and develop, it requires both political involvement and state institutions to work at all times. The role of citizens cannot be overemphasized in this process.[7] To democratize, some institutions must be put in place to help shape political outcomes.[8] The right to vote is very critical to democracy and this is where Election Management Bodies also called Electoral Commissions depending on one's jurisdiction come in to help cement democratization amongst states.[9] They act as a linkage between governments, voters and other bodies in order for credible elections to be organized.[10] The status of Electoral Commissions correlates with the quality of a country's democratic process. Thus, the more autonomous a country's Electoral Commission, the greater it is to have an election deemed to be free and fair towards its democratic process.[11]

Electoral system is very fundamental to democracy as it provides a means by which citizens choose and express their respective views through majority rule.[12] It makes it possible for winners of today to become losers of tomorrow and the losers of today to become winners of tomorrow[13] and also possible to remove bad or corrupt political leaders through free, fair and competitive elections. Democracy does not automatically translate to good governance, it is a process that needs to be worked at all times because bad governance can be seen even with all the democratic structures in place.[14] Through this, leaders are encouraged to be effective and

always govern in the national interest. Democracy also makes it possible for eligible voters to vote and be voted for, form political parties and join any political party of their choice. In addition to this, democracy advocates for a level playing field for all political parties and the need for elections to be held in a free, fair and transparent manner.

Democracy and Elections can be traced as far back to ancient Athens and Greece when it was used to select leaders. Conversely, modern elections can be attributed to Europe and North America at the beginning of the 17th century. In all circumstances, elections have been used to strengthen democracy.[15] Latin American countries significantly contributed to the architecture of separating and isolating the legislative and executive arm of government from electoral functions which were adopted by most third wave democracies and that include Ghana.[16]

In 2002, the regional body of Africa transitioned from the OAU to AU and gave credence to elections as being an indispensable tool in consolidating democratic governance in Africa. The Constitutive Act of the African Union constitutes commitment by the AU to good governance, human rights and democratic principles. To further cement its commitment to these principles, the AU adopted the African Charter on Elections, Democracy and Governance. Should all that have been enshrined in the Charter be upheld and promoted to the letter, then the ordinary African will be assured of being better off than what prevails currently. Unfortunately, as of October 2016, only ten member state of the AU had signed and deposited their instrument of ratification and that includes Ghana.[17] This Charter is yet to come into force as it requires fifteen deposited instruments for it to take off.

Electoral Commissions unfortunately have in some instances been bedeviled with some challenges. During the 2010 Ivory Coast crises, the powers of the Electoral Commission came under immense pressure to do the bidding of the then ruling Laurent Gbagbo government. Electoral workings entail huge financial burdens for most African countries before and during run ups to elections. These issues of funding have the tendency of influencing governments in power to use that to their advantage by having some level of control over them. Political parties also bear this brunt especially with smaller political parties where funding becomes a challenge to them. In Ghana, the laws do not make provisions for state funding of political parties but countries like Nigeria per their constitution make provisions for some allocations to be made to political parties by the state.[18]

Ghana decided in the 1992 referendum to have a multi-party form of governance.[19] Article 46 of the Republic of Ghana's 1992 Constitution gives the Electoral Commission of Ghana an autonomous status.[20] There are rules to be followed before, during and after every election in the country. Ghana, under the fourth republic, has been able to hold seven incidence free national elections, from 1992 to 2016. During the run up to the 2016 general elections in Ghana, there were some legitimate concerns about the dealings of the Electoral Commission. These included issues relating to the voter roll and the ability of the Commission to hold the elections due to the numerous court cases against it.

1.2   Statement of Problem

Democracy is enhanced when institutions and systems put in place by the state are made to work to its maximum capacity. The integrity, effectiveness and efficiency of Electoral Systems depend

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on the legitimacy, independence, fairness, impartiality and diligence of Electoral Commissions. Where weak institutions exist, there is always bound to be inefficiencies in the electoral system. In many African countries, elections have been marred by electoral fraud such as rigging of elections, over-voting, violence, abuse of incumbency, among others due to weak ECs, corrupt judiciary and partisan security agencies. These electoral malpractices, many times, threatened the fragile democracies in Africa. Ghana decided in the 1992 referendum to have a multi-party democracy.[21] Article 46 of the 1992 Constitution gives the EC of Ghana the autonomy it requires as an institution. Ghana is party to a many Charters, Protocols and Instruments geared towards promoting democratic governance on the continent. The EC in Ghana has come under a lot of stress and accusations of one malfeasance after the other. Its preparation of the voters' register has faced many challenges and created disaffection among political parties and the Ghanaian electorate over the years. However, despite all the accusations and challenges, the EC appears, as it were, to have sailed the troubled waters of Ghana's contemporary democratic dispensation well. It is, therefore, plausible to study what factors have been responsible for the successes of Ghana's EC.

1.3   Research Questions

This study sought to answer the following questions

- How has good governance in Ghana been influenced by Ghana's EC?

- What factors are responsible for the EC of Ghana's success in superintending Ghana's elections?

- What are the challenges the EC of Ghana faces in the execution of its duties to ensure democratic governance?

1.4   Research Objective

The research seeks to examine the role of the EC of Ghana and how such an institution contributes in bringing about democratic governance. This research sought

- How the EC has influenced democratic governance in Ghana

- To examine the factors responsible for the EC of Ghana's success in superintending Ghana's elections

- To examine the challenges Ghana's EC has encountered in the discharge of its duties

1.5   Rationale of the Study

For democracy to work, elections are necessary to the sustenance thereof which makes the role of the EC as an institution, a very important one as it ensures continuity to this form of governance. This research seeks to add to existing literature of democratic practices and also serve as a point of reference to students and academics who may want to further investigate into the role of EC in promoting good governance in Ghana and Africa as a whole. Finally, this study is in partial fulfillment for the award of a Master of Arts degree in International Affairs.

1.6   Scope of the Research

Where good governance exists, there is always bound to be some level of economic development. As democracy is embedded in governance, it needs institutions to work to see the light of day. This study focused on how ECs in its entirety affect and contribute in achieving democracy and governance through institutions which are supposed to be independent. The analysis for the study was conducted from the periods of 1992 to 2016. The 1992 elections were

the first to be held after the 1992 referendum to multi-party democracy from a military regime. The year 2016 gives an account of the most recent election conducted by Ghana's EC.

1.7   Hypothesis of the Study

The role of the EC is critical in promoting democratic governance in Ghana

1.8   Theoretical Framework

The theoretical framework that undergirds the study is Neo-institutionalism. Some proponents of this theory include Douglas North, Paul DiMaggio, Stephen Krasner, Walter W. Powell, and Richard W. Scott. Neo-institutionalists posit that the international system consists of institutions and the quest for survival in order to gain legitimacy within the environment it finds itself is very key. It has a number of strands such as rational choice approach, historical institutionalism and sociological institutionalism but for the purposes of this research, focus was given to historical institutionalism. Historical institutionalism talks about formal rules and operating strategies which include informal interactions, norms, procedures and informal institutions. Over time, the effects of these are able to influence actors behaviors once established as they follow and abide by laid down procedures and norms for the good of the state. This can be seen through the laid down legal frameworks of the EC. They also view the quest for political power as a form of competition and that decisions taken can in the future have an influence on it.

For every state, power and institutions are of very critical essence because governance can only be articulated where there are institutions and it is best seen as a process rather than a thing which helps shape behaviors. When a state has a high degree of autonomy, it tends to translate to

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other state institutions as it provides some form of legitimacy to those institutions. Powell and DiMaggio, 1991 posits that under neo-institutionalism, institutions may continue even if it serves no one's interest due to the norms, procedures and structures put in place.   According to Scott, coordination must be seen as institutionalized game structures that make it relevant for rational actors to arrive at different degrees of coordination for the promotion of collective goals to be achieved.[22]

Observations have been made empirically against assertions that organizations and individuals make rational choices, instead, organizations are built due to their beneficial consequences to all of its members.[23] DiMaggio and Powell make mention of coercive factors which have to do with pressures of the state and political pressures which provide control and regulatory oversight as an actor. They also talk about the influence of other actors such as organizations and individuals (professionals) on neo-institutionalism in the international system beside the state being the principal actor. Scott further posits that choices are made not because individuals are scared of the repercussions but rather because there are no alternatives to what has been made or chosen.[24]

Neo-institutionalism has been mostly criticized by classical institutionalists such as John Commons, John Dewey and Donald McCloskey. Their challenge has been with explanations of institutional changes and the fact that an institution such as European Union was originally derived from national response to people's demand and not implicative of the top down approach by neo-institutionalism. It does not provide the means by which actions, rules, principles of performances are formed and they are also perceived to be too idealistic in nature as it rather focuses on how rules are diffused in a system.[25] Even though the Commission as an institution

can be subjected to human caprices, with strong structures in place, the extent of human factor cannot prevail.

The role of Electoral Commission as an institution is best explained within Neo-institutionalism. This theory indicates how important the EC follows laid down procedures in achieving its objective as an institution. Overtime, these rules or structures would shape behaviors of actors as they continually adhered to. This is seen in the informal aspect of the theory in helping the EC gain deeper insight of how behaviors shape rules by bearing in mind the sensitivity of EC in ensuring there is continuity and legitimacy in democracy. The theory also helps the EC to understand the roles of other stakeholders like the judiciary in shaping its environment.

1.9   Literature Review

Africa witnessed an increase in the promotion of democracy as the form of governance at the end of the Cold war and in the early 1990s. A number of scholars have contributed to existing literature in the areas of democracy, elections and governance in Africa. The following are some works done in the area of study.

An insightful essay by Vladimir Antwi-Danso "Democracy and Good Governance: A Sine-Qua-Non to Political Stability and Socio-economic Development in Africa", argues that governance has been over politicized and often times, been associated with 'good'. Governance in itself has to meet a set of variables to be qualified as such even though it is difficult to measure good governance per country based on these universal characteristics; accountability, rule of law,

transparency, participation, effectiveness, equality and among others. He believes that good governance should go beyond what has been prescribed to constitute good governance.

He notes that democracy, in short, is a subset of governance because democracy cannot translate to good governance even with all the elements of democracy in place. He argues that democracy serves as a contract between the authority of the state and the people being governed who are mostly shaped by history and socio-cultural factors. He again makes an interesting point about how Africans can improve upon their system of democracies in order to make it more African without causing changes to the four fundamental goals of democracy by Ali Mazrui: accountable rulers, actively participating citizens, open society and social justice.[26] Although the author sees regular and constant elections as good for democracy and gives a good account on democracy, he devotes most of his work on governance and how it can affect the economic fortunes of Africa.

In "Constitutionalism and Democratic Governance in Africa: Toward Enforcement of Policy Instruments", Boni Yao Gebe argues that effective governance can be traced to the end of the Cold War era where most African states carried on with whatever political administrations left off by their colonial rulers. These periods of African independence created an avenue where African leaders had to make certain hard and difficult policy choices. The acceptance of democracy on the continent meant to respect the tenets of democracy which includes respect for constitutional rule, holding regular elections which should largely be seen to be free and fair, economic transparency as well as protecting the rights and freedoms of the citizenry.

The western style democracy adopted by Africans has resulted in the mismanagement of economies with issues of multiparty politics and elections leading to violence in some instances

as political elites try to run down the economies for their own selfish gain. He reiterates that the referenda on transitioning to democracy in Africa began with Francophone African countries like Senegal, and later spread to Anglophone African countries which led to economic and political transformations in the lives of the ordinary African.

He further asserts that the Constitutive Act of the African Union and the 2007 African Charter on Democracy, Elections and Governance are meant to shape the democratic aspirations of Africa positively, since a lot has been done to ensure the growth of democracy. The 2000 Constitutive Act of The African Union adopted in Lome replaced the Charter of the OAU with democratic elements in Article 4 that includes respect for rule of law, respect for democratic principles, good governance, promotion of social justice to ensure balanced economic development among others, have helped towards strengthening democratic institutions in Africa.

The 2007 African Charter on Democracy, Elections and Governance throws more light on the Charter in respect of the principles and relevant objectives of being an AU member by highlighting the importance of rule of law, good governance and human rights. Chapter Two, Article 2 deals with holding regular free and fair elections, supremacy of the various constitutions and constitutional order and the change of democratic government whilst Chapter Six talks about democratic elections and Electoral Assistance Unit. He further calls for the AU to actively participate in electoral processes to ensure there is free and fair elections at all times.[27] He does not recognize the fact that individual African states can pledge their support to the Charter, Declarations and to the various Instruments which look promising for the continent of

Africa but without the commitment and the political will of the government in power, not much progress can be made for the collective good of the ordinary African.

Shasheen Mozaffer in his work "Patterns of Electoral Governance in Africa's Emerging Democracies" posits that a number of elections were held during colonial days which were later exercised by the African elite. Competitive elections did spread across Africa significantly from 1989 as it served as a means for transitioning to democratic governance. Holding credible elections gave some sort of legitimacy to democracies emerging in Africa. He argues that the uncertainties of democratic transitions when it came to legitimacy and control in African politics do have a causal link between organizing credible democratic elections and effective electoral governance.

Mozaffer throws more light on how international election monitoring activities and the huge financial assistance given to ECs more or less undermines the strength of electoral governance. This tend to impact significantly on factors that contribute to elections seen to be flawed, hence, the need to create effective electoral systems with good financial standings in order to help promote democracies in Africa. Again, Mozaffer notes that when elections are conducted in a free and fair manner, political actors tend to accept the outcome of electoral competitions irrespective of their uncertainties as long as they believe the rules would not produce any manipulated and pre-determined outcomes.

He also noted that Francophone African countries had a non-autonomous EC during decolonization which was handled by their Ministry of Interior whilst British colonies had a

degree of separation that provided an organization of governance which was relatively decentralized and conducted by career civil servants but was still not regarded as being autonomous at independence. He reiterates the need to have a permanent and autonomous Electoral Commissions in Francophone African countries. He further posits that democratization, in recent times influences the choice of contending actors in matters of institutional preferences and how political structures of democratic institutions should be designed as it would indirectly affect the ethno political variations of the structure of ECs in Africa.[28] The adoption of the Charter by State Parties would correct issues bordering on independent observer mission coming from the AU and holding elections in general in Africa.

Jinadu, J. Adele, in his article, "Matters Arising: African Elections and the Problem of Electoral Administration", makes mention of the kind of Electoral Commissions inherited by most African States at independence making it very easy for successive regimes to colonial rule to politicize the administrative make up of ECs in order to serve their own hegemonic rule by undermining the authority of the Commissions. This created a vacuum in the ECs by the autocratic governments making it difficult to be filled as most African States transitioned to multi-party democracy in the composition of the administration of the commission. Jinadu posits the need to have an electoral body that is impartial to all parties and its composition should be one that is non-partisan. The EC as a state institution at all times, is required to act as the arbiter that it is supposed to be between all active political parties within the state before, during and after elections. He also noted that all over the world, the judiciary and the legislature have an oversight responsibility over Electoral Commissions but unfortunately that is not the case in Africa as the executive, rather exerts its authority over their activities.

He further asserts that, due to economic hardships in Africa, electorates are sometimes easily influenced with money by politicians in order to get them to vote in a certain way during elections. Electioneering activities in Africa entail huge financial burdens and political parties are not left out of this challenge especially with opposition political parties who are sometimes very disadvantaged when it comes to issues of raising funds. He also notes that, organizing flawed elections do have a link with prevalent economic crises of a state. In some instances, it is the government of the day who tries to starve and deprive the commission of the much needed funds to work effectively. This they do in order to manipulate the Commission to kowtow to their ways.[29] The author fails to talk about the impact that international independent election monitors and observers do have on elections by contributing to holding credible and transparent elections as stated in the Charter by deepening democratic governance in Africa.

An interesting read by J. Shola Omotola "The African Union and the Promotion of Democratic Values in Africa: An Electoral Perspective" indicates that the AU in its quest to bring about democratic governance have put in place a number of mechanisms and instruments such as the Declaration governing Democratic Elections and the Declaration on Observing and Monitoring Elections which are found in the Constitutive Act of the AU.

The author posits that elections are very critical to democracy as it creates an avenue for citizens to choose their representatives and that legitimacy, competition and participation are the determinants of democratic qualities of all elections. Participations he says are undermined by their level of operationalization where they are influenced by institutional factors which affect voter turnout, participation by the opposition and authoritarian presence. A higher voter turnout

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would mean higher levels of participation an indication of opposition participation. Lindberg, as noted by Omotola argues that using voter turnout as an indication of participation is problematic because in instances where the voter roll is bloated it can deter potential voters from even turning up to vote because they believe at end of the day, declared results will not be a true reflection of those who actually voted.

He further posits that elections can be used to legitimize authoritarian rule as happened in the transitioning periods at the end of the Cold War era in Africa. He also talks about "hybrid regimes" where the three determinants of democratic quality of elections are eliminated and nonexistent because elections are made to become a democratic ritual of the hegemon which is a major contributing factor to post election violence in Africa. Omotola, even though acknowledges that elections are central to democratic development, also argues that elections by themselves can be the weakest link in the process of democratization in Africa. The best impact can be made when elections are well governed. This he indicates, by having electoral governance that is comprehensive and multi-tasking in nature must be made up of (1) Rule making (2) Rule application and (3) Rule adjudication. Other social, political and economic variables do influence the outcomes of elections because the existence of effective electoral governance alone does not automatically translate to good elections. In order to achieve the indicators of democratic quality of elections, it is imperative to have an autonomous electoral commission evidenced in its composition, structure, recruitment and also in issues of transparency and accountability.

He stresses that the AU's interventions via The African Peer Review Mechanism and Framework and its participation in the observation and monitoring of African elections do help in promoting

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democratic qualities of elections in Africa because in monitoring, the AU creates the awareness that 'someone' is watching. He indicates that two issues may arise when monitoring elections in Africa. The first revolves around the administrative nature of electoral bodies in countries which are supposed to have independent electoral commissions. In the unlikely event of violence and electoral fraud, it tends to create problems by affecting the success story of the monitoring team. Secondly, where there exists a history of violence in the electoral politics of a state regardless of it being a peaceful one or not, the state's infrastructural facilities can influence the monitoring teams work. There are also issues of limited coverage on only Election Day and no pre-election day coverage in addition to the inability of the AU to enforce whatever report they come out with on member states since they are non-binding.[30] The author gives a good account of the role of elections to democracies but less is said of what individual states can do since it all boils down to leadership of member states in contributing and bringing about a truly independent Electoral Commissions.

1.10   Sources of Data and Methodology

The study relied on both primary and secondary sources of data. Interviews were conducted with six respondents from the EC of Ghana, the Institute of Democratic Governance, the Centre for Democratic Development – Ghana, Legon Centre for International Affairs and Diplomacy and the Political Science Department of the University of Ghana for the primary sources of data. The secondary sources of data were obtained from published books, journals, articles, commentaries and reports. The researcher utilized the Department of Political Science Library, Legon Centre for International Affairs and Diplomacy Library, University of Ghana's electronic sources – Sage, Google Scholar, Jstor amongst others.

The purposive sampling technique was employed in order to source the right information from respondents who had firsthand knowledge on the study in question. This technique also afforded the researcher the opportunity to decide who took part in the study. Qualitative analysis of data was employed for this study. This involved a naturalistic approach in interpreting the world in a natural setting. This method best fitted this study because of the opinions and interpretations involved rather than the use of figures employed by other methods.

A major challenge encountered by the researcher was the inability to get opinions and responses from representatives of some political parties, although contacted.

1.11   Arrangements of Chapters

Chapter 1. Introduction

Chapter 2. Historical Analysis of Electoral Commissions in Africa

Chapter 3. An Analysis of the Role and Contribution of Ghana's Electoral Commission to Democratic Governance in Ghana

Chapter 4. Summary of findings, Conclusions and Recommendations

ENDNOTES

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CHAPTER TWO

HISTORICAL OVERVIEW OF ELECTORAL COMMISSIONS IN AFRICA

2.0   Introduction

This chapter takes a look at the history of electoral systems through the various periods that pertained on the continent in pursuing democracy as a form of governance in Africa and some challenges faced in providing and giving legitimacy and continuity to political actors.

2.1   Democracy in Africa

Democracy could be defined as "a political regime which makes it possible for (citizens) holding different interests and (convictions) to live under the same laws".[1] Unfortunately, this was not the case in Africa especially during the periods of autocratic rule because of the prevalent governance crises which provided opportunities for the elites to start opposing their governments because the supposed change of economic prosperity, increase in political participation and freedom that had been expectant with gaining independence was almost non-existent. Democracy makes it possible for citizens who have attained the legal age to vote, form and join any political party of choice, and organize political activities in an open competitive environment than in autocratic regimes. Elections therefore, set the tone for citizens to get involved in the first stage of crafting elements of governance by providing a means by which representatives of a people are chosen in a competitive manner. In Africa, it allowed for states to transition from authoritarian to democratic multi-party rule. Repeated forms of it enhance and consolidates democratic rule.

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According to Shola Omotola, for any election to be classified as democratic in nature, it must have these three core values; competition, legitimacy and participation[2] as they are the determinant of quality democratic elections The ambience of other key opponents to partake in competitions to gain access to economic resources must be present or created, the citizenry and opposition parties must be willing to be part of the exercise in choosing representatives and the final outcome of results must be accepted by all in consummating the choice made.[3] Electoral systems also provide a means by which electoral grievances could be addressed for actors to compete for political authority. Issues of conflict could be resolved through a referendum and an unsatisfied party of a political competition can challenge electoral results through the appropriate channels like it happened in Ghana 2013 after the 2012 disputed presidential elections by the main opposition party. Electoral Commissions in Africa face a lot of human interferences in the quest to meet national and international standards of holding elections. Abuya posits that what happens in practice is far from what exists in theory, making it hardly democratic and that the success or failure of elections conducted can be measured by how they contribute to political stability of states.[4]

2.2   Electoral Systems Prior to Independence and Post-Colonial Periods in Africa

Before the dawn of colonization of the African continent, Africans had their own form of rule or governance, the chieftaincy system. Even though it was thought that democracy was alien to Africa, it was never in a state of anarchy. Chieftaincy institutions represented existing traditional authorities who took decisions for and on behalf of the people. This phenomenon was not entirely different from principles of modern democratic governance. Although this institution did not allow for popular participation in selecting eligible leaders, chiefs were arrived at by

consensus of king makers. Power emanated from the people from whom traditional authority was derived and were also privileged enough to control all three arms of government; executive, legislature and judiciary. Instead of it creating institutional development, it rather created the rule of strong men.[5] The power to lead and govern is gotten by hereditary or by virtue of one's blood relations. Just as holding of elections made it possible to cause change of government by either legitimizing or delegitimize same, what existed in Africa was de-stooling and de-skinning traditional rulers when their actions went against the authority they wield and represent irrespective of how powerful they were.

With the exception of colonists of francophone African countries who allowed for some cultural assimilation of African electoral participation in Senegal after 1848,[6] most Africans never took part in elections during colonial rule. Post-World War II witnessed a change in the dynamics of nation state in the international system with the entry of new international actors. Emerging nationalist movement across the African continent was made prominent by veterans of World War II to cause for an increase in the mobilization and cry for independence in the final years of colonization. The French and British in an attempt to appease these actors, allowed for African participation in the electoral system, thus, it eventually laid the foundation for independence after they had established parliamentary systems.[7]

Another reform introduced by France and Britain in Africa was with the introduction of universal suffrage and the unhindered formation of political parties which preceded the first African elections held in the late 1950's before independence for most African states.[8] Portuguese and Belgian colonies witnessed similar electoral reforms, however, it occurred at a much later period.

Democracy was indeed brought to Africa as the colonists left as rightly noted by Adejumobi.[9]

2.2.1 Electoral Institutions - Post Independence and Dictatorship Period

The multi-party system that characterized African politics in the ensuing periods after independence was short-lived and soon replaced by single party rule in the 1960's. One party rule was introduced in Togo, Ghana, Angola, Sierra Leone, Benin, Tanzania, Kenya and Zambia whereas, countries such as The Gambia, Senegal, Zimbabwe, Mauritius and Botswana saw smaller parties voluntarily dissolving into single party systems. In spite of these developments, elections were still held on periodic basis in these regimes. There was, however, a return temporarily to multi-party systems in Ghana 1969, 1979, Burkina Faso 1970, 1978, and Uganda 1980.[10] Electoral institutions in these periods ensured dictatorial survival of most of these regimes with elections characterized by low voter turnout and electoral participation because in reality, there were no options to choose from. A former Ugandan president, Milton Obote, reiterated that dictators saw elections as a means of controlling the population rather than being used as a tool to control him and also served as a way for electing political elites.[11] These reasons were most often than not used to justify the occurrences of frequent military coups in these periods in order to bring an end to a dictatorial rule and allow for democracy to reign like it happened in the 1966 military coup in Ghana.

2.2.2 Electoral Commissions under Democracy

Regardless of the re-emergence of multi-party rule in Africa in the 1990's, most ruling parties continued to maintain power by altering electoral rules in their favor. This was because opposition parties were too weak after years of being co-opted and intimidated under single party

rule, thus, making them electorally uncompetitive. Even though this led to twelve boycotts of fifteen founding elections by opposition parties from 1992 to 1997,[12] some of these founding elections brought about changes in government in Cape Verde, Benin and South Africa. The second round of elections for Benin in 1996 and Madagascar in 1997 witnessed an alternation in government whilst the incumbent government in Ghana won its second term in office in the 1996 elections.

Table 1: Type of Legislative Electoral System in Democratic Africa

(Year of election in parentheses)

Electoral System	Majoritarian	Proportional	Multi	Mixed
British	Ghana (1979, 1992, 1996, 2000)	Sierra Leone (1996)		
	Malawi (1994, 1999)			
	Mauritius (1976, 1982, 1983, 1987, 1991, 1995, 2000)			
	Nigeria (1964, 1979, 1999)			
	Sierra Leone (1962)			
	Sudan (1958, 1986)			
	Uganda (1980)			
	Zambia (1991, 1996)			
French	CAR (1993, 1998)	Benin (1991, 1995, 1999)		Madagascar (1998)
	Comoros (1992, 1993)	Madagascar (1993)		Niger (1993, 1995)
	Mali (1992, 1997)			
	Congo (1963, 1992, 1993)			
Portuguese		Cape Verde (1991, 1995)		
		Sao Tome & Principe (1991, 1994, 1998)		
Italian		Somalia (1964, 1969)		
Other		Namibia (1994, 1999)		
		South Africa (1994, 1999)		

Source : Golder and Wantchekon (2009)[13]

Traditionally, proportional, majoritarian and mixed legislative electoral systems have been employed in Africa. Table 1 is indicative of the type of system mostly influenced by formal

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colonial rulers. With the exception of Congo in 1963, all colonies under British rule adopted the majoritarian system, whilst Lusophone countries introduced the proportional system. Madagascar in 1993 used a mixed combination system of majoritarian and proportional formulas.[14] Golder notes that, proportional electoral rule of a state "represent negotiated settlements between conflicting parties over institutional design".[15] This is so, especially, within states where multi-party democratic elections emerged following civil wars and ethnic fragmentation as seen in South Africa and Namibia. This ensured the marginalized minority group felt included in the governance process better than the majoritarian system. All things being equal, this system created the ambience for increased social tolerance and support for public policies.[16] The use of two rounds (run off) during elections, especially in the majoritarian system in order to determine a winner was adopted from the French electoral system. This reform was used in Ghana and Zimbabwe during their 2008 elections.

2.2.3   The Dawn of Third Wave of Democracy and Rebirth of Democracy in Africa

The uneven infrastructure that characterized most African states coupled with economic crises and issues of human abuses led to the eventual collapse of the African state.[17] The general increase in global prices of commodities brought about by the oil crises of the 1970's after the Yom Kippor War increased oil prices exorbitantly and that had a significant toll on the continent and led to the creation of huge budget deficits.[18] These factors led to serious governance crises. The lack of political participation and freedom that had been expectant with gaining independence created opportunities for the elites to start opposing their governments. Rather, debt-ridden African countries turned to the IMF to seek for economic relief programs. This later

turned out to have political underpinnings in order to address the vicious cycle of bad governance and indebtedness that had engulfed the continent.

 The 3rd wave of democratization saw an end to the cold war patronage where most countries took sides of the 'East' or 'West' due to benefits that came with it.[19] Elections, a vital element of democracy, allowed for states to transition from authoritarian to democratic multi-party rule which saw the rebirth of a new political order, by legitimizing and de-legitimizing political actors. Election also produces desired result where there are stronger checks and balances in place on incumbent governments.

2.3   Structure of Electoral Commissions

The architecture of African constitutional democracies have largely been influenced by Latin American countries in having an 'electoral function' isolated from the legislature and executive arms of government as noted by Fabric Lehoucq. These Latin American countries have most often than not, been depicted as being unstable and having little to contribute to constitutional law.[20] This model has been adopted by most African states in their democratic dispensation as seen in Nigeria and Ghana. As noted by Okpeh Jnr, for an effective management of electoral systems in Africa, there is the need for state institutions to work as required of them by law.[21] This ensures continuity and legitimacy for electoral bodies to enforce rules and regulations with the cooperation of the citizenry and the various political parties by providing opportunities for all. Fabric Lehoucq, further posits that, when there is a unified government in a given state, both control the executive and the legislature.[22] This enables the EC to produce election results that are more acceptable to all due to the checks and balances put in place by both parties, whereas, in

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single party dominated systems, politics tend to be more unstable because parties may withdraw their consent to already existing political arrangement agreed upon.[23]

Table 2

Country	Number of Commissioners
Botswana	7
Burundi	5
Ivory Coast	15
Egypt	10
Ghana	7
Kenya	22
Liberia	5
Nigeria	13
Rwanda	7
South Africa	5
Uganda	7
Zambia	5
Zimbabwe	6

Source : Abuya (2010)[24]

The above table indicates the number of Commissioners that have manned some ECs in Africa. Abuya notes that, the international average number for Commissioners of Electoral Commission is eight. Per the table, Kenya had the highest number of Commissioners (twenty-two) during its 2007 presidential elections and even with that, the election was considered to be marred with a lot of violence and controversies but in 2008 it was modified to reflect international standards. Botswana, Ghana, Rwanda and Uganda have had seven Commissioners. Burundi, Liberia, South Africa and Zambia have five Commissioners each and are the lowest on the table. Kenya

(twenty-two Commissioners), during its 2008 and South Africa (five Commissioners) in its 2009 elections produced an election that was comparatively much more acceptable to what was witnessed in Kenya.

2.4   Autonomy of Electoral Commissions

The nature and structure of electoral management bodies do have significant bearing on its activities because the establishments of Electoral Commissions make it possible to depoliticize electoral governance systems in Africa. Issues of autonomy of Electoral Commissions have to do with whether such bodies have complete or relative autonomous status. Most African countries after independence experienced frequent coup d'états that affected the autonomy of their electoral bodies. Nigeria for instance, experienced complete overhaul of its electoral bodies almost every time a government was toppled.[25] By so doing, the existing and underlying factors that led to such occurrences are most often than not ignored and left unresolved.[26]

The ECs in Anglophone countries[27] are relatively independent in comparison to those in Francophone countries. Also, in countries where pressures from the opposition are strong, they tend to have prerogatives which extend to the entire electoral process.[28] Electoral Commissions of Francophone countries are not autonomous. This can be seen in the Independent National Electoral Commissions of Mali and Senegal. What they rather have are supervisory roles by only monitoring the electoral processes and nothing to do with the organization of elections. In Senegal, it is the prerogative of the Ministry of Interior through the Temporal Unit of the ministry (General Directorate Unit).[29] In Benin for instance, it is the Supreme Court which handles any electoral litigation.[30]   Lusophone countries such as Cape Verde and Guinea

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Conakry, they do have a full autonomous status in their ECs.[31] In exercising its authority, the electoral body of Cape Verde has the mandate to settle any litigation brought before it. Also, in requesting for funds to be released for operations of its EC, it is the Ministry of Interior which handles such.[32]

The Nigeria Electoral Commission (NEC) is vested with the authority to organize the activities and audit the funds and accounts of political parties. Ghana is also autonomous in issues of electoral governance. In Ivory Coast, its Electoral Commission has no such powers to intervene in the life of political parties and in issues of their funds. NEC has the power to reschedule an intended date of an election to a new date altogether.[33] Hounkpe and Fall argues that, a high level of autonomy, does not always translate to successes of ECs. This, they note that, a less autonomous EC of Mali, has been more efficient than some countries with high levels of autonomy vested in their electoral bodies. They further reiterate that, autonomies of ECs does not just happen, rather, they must be deliberately worked at.[34]

2.5   Tenure of Office

As noted by Hounkpe and Fall, the effectiveness and lifeline of ECs can be the very yardstick for the success or failure of democracies.[35] The independence of Electoral Commissions are not only measured in the appointment of its commissioners, removal of same but also according to each members past record. In Zimbabwe and Kenya, members of the chair of the ECs are appointed directly by the president, a practice Abuya indicates is not too good for democracy.[36] In Niger, Benin and Mali for instance, the Commission is formed on an ad hoc bases and disappears when its mission of holding elections have been accomplished. In the case of Benin, Autonomous

National Electoral Commission (CENA) is dissolved between forty-five days and six months after declared results.[37] Senegal gives six years to members of the Commission, seven years in Liberia and The Gambia and five years for Zimbabwe, Nigeria, Kenya and Burkina Faso.[38] In Ghana, the Commissioners of the EC have a permanent status. In 2006, the daily allowances of Benin's CENA was reduced from FCFA 35,000 to FCFA 17,000 in 2007, and also trickled down to its entire staff.[39]

Hounkpe and Fall further indicates, the high tendency for members of the chair of NEC to be sacked by the President with a two-third majority of senate.[40] This was evident in 1989, when the President of Nigeria, Ibrahim Badamosi Babangida, relived Professor Eme Awa head of the commission without due process being followed. Also, when the Nigerian elections were annulled in 1993, members of the chair, including the chairman, Humphrey Nwosu all got sacked by the President.[41] Interestingly, the President of Benin too sacked the boss of CENA four days to the 2007 elections.[42] In 2009, the President of the Republic of Senegal made Mr. Moustapha Toure resign from his post as chairman of CENA. This was because the former felt he could no longer work with the latter.[43] In Lusophone countries such as Cape Verde and Guinea Bissau, members of the chair cannot be sacked.[44]

2.6   Challenges of Electoral Commissions in Africa

Electoral Commissions in Africa continue to be bedeviled by pertinent issues which have to do with the enabling laws that give it power to operate. When challenges do come up, it has dire consequences on the electoral process and the state as well. These include;

2.6.1   Electoral Fraud

Electoral fraud is present in every political environment, the level of magnitude is what matters. Where an EC is weak in its structures, it opens itself up for actors to try and take advantage of the gap and its shortcomings. The direct involvement of political actors in electoral management has a significant influence on this problem. Electoral fraud involves issues of over voting, encouraging of minors to have their names registered unto the national roll, snatching of ballot boxes, preventing potential voters from casting their ballots, influencing voters to vote in a skewed way, co-opting opposition members among others. Issues of fraud do have significant bearings on outcome of elections and the legitimacy of political actors. As noted rightly by Magaloni, fraud comes about when voter preference is not respected in the electoral process.[45] Fixed presidential term limits, places some level of limitation on the electoral process. Incumbents try to win elections at all cost, sometimes, leading to accusations of fraud by the opposition and the losing party.[46] As happened in Ivory Coast 2010 and Zimbabwe 2008.

Electoral fraud continues to be a major challenge in achieving free and fair elections in Africa. Fabrice Lehoucq notes that, issues of electoral fraud have created the environment for opposition party elites to revolt against electoral fraud. This they do by getting governments to act against such issues and in some cases, they come together to form a strong opposition to oust the incumbent.[47] In Senegal 2000, it saw President Abdoulaye Wade come to power and in Kenya 2002, President Mwai Kibaki won elections through a united opposition - National Rainbow Coalition.[48] Arriola as noted by Magaloni, also argues that, in an environment where fraud thrives, it makes it possible for the opposition to be co-opted by the incumbent government. This they do, by giving them access to the executive and direct access to state resources.[49] In Gabon

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1992, President EL Hadj Omar Bongo got away with issues of electoral fraud by co-opting the opposition into his government.[50] In environments where electoral fraud thrives, the military in such instances are most often than not partisan. This makes it possible for the incumbent to depend on such repressive machineries in autocratic regimes. The organization of elections by ECs in stable democracies has the armed forces being committed and neutral in their duties in enforcing the true outcome of elections.[51] Boosting public confidence in the EC, increases voter participation and also deters voter fraud. In the absence of the unified consensus of all the political actors concerned, the 2001 ECOWAS Protocol on Good Governance and Democracy prohibits the amendment of legal electoral framework six months before elections.[52]

2.6.2   Ethnicity

During the dictatorial rule, African countries still had some autocratic regimes which allowed for elections to be conducted. Beatriz Magaloni, described this phenomenon as "electoral autocracies."[53] Magaloni notes that, voters in this regime were strongly driven by ethnicity. This was characterized by incidence of imprisonment and murdering of opposition leaders and their followers like it happened in Senegal and Kenya.[54] In 1969, Benin adopted "Counseil Presidentiel" to rotate the presidency. This was in an attempt to help curb and control ethnic tension through a power sharing arrangement.[55]

2.6.3   Electoral Violence

As noted by Shola Omotola, elections can be the weakest link in democratization and a primary conflict generating factor in Africa. The 'winner takes all' syndrome makes it a must win situation for all political parties by going all out to ensure a win at all cost. This acrimonious

attribute has been evident with African politics since the periods of authoritarian regimes. In a unified government where both parties know that after election results are declared, the legislature is not likely to de-certify the results, the incumbent may manipulate electoral laws. This may tend to use violence in bringing about a change in government, thus, affecting the peace of the state.[56] This could further lead to a swing between periods of stability and instability as they both try to gain power.[57]

In situations where the opposition is unsure of the outcome of the use of violence in challenging state institutions like the EC, it is forced to accept results which to them are not reflective of the true will of the people.[58] The 2010 Ivory Coast crises, was triggered by electoral issues between the incumbent President Laurent Gbagbo and the main opposition leader Alassane Ouattara. This violence led to a lot of heinous atrocities being committed with thousands of people displaced. It further led to refugee situations in Ghana and in neighboring countries as well. Kenya, Uganda and Zimbabwe have all experienced some level of election related violence. There are also instances where electoral revolt comes about by the electorate themselves. This they do by rebelling against bad governance, daylight corruption, human right abuses, collapse of the economy, abuse of incumbency and government being indifferent about the plight of ordinary citizens[59] as witnessed in Tunisia and Egypt.

2.6.4 Funding

Even though almost all electoral bodies in Africa do receive some donor support, it is the prerogative of the state to handle such finances. Issues of lack of logistics and insufficient funds

for the ECs have always been a bane on African politics. Some of duties required of them include;

- Delimitation of constituencies

- Registering of new voters unto the national roll

- Acquiring electioneering materials

- Educating the masses

- Employing and training of temporary stuff.[60]

It is the responsibility of the state to make funds available and in a timely manner to the Commissions. The much needed funds by the Nigeria Electoral Commission during its 2003[61] and 2007 elections suffered greatly. This was due to delays in release of funds some few months to the elections. Although, Benin's CENA budget is always fixed by Cabinet, it did see an increase in 1996 when it received almost FCFA 3.5 billion. However, in 2006 it was given FCFA 10 billion, and witnessed a decline in its allocated budget in 2007 by receiving FCFA 8 billion[62].

The funding of political parties has also been of great concern in the quest to achieve and organize free and fair elections in Africa. The absence of any checks and balances, lead to abuse of the power of incumbency in ensuring that they have access to state resources.[63] Nigeria and South Africa do have their constitutional laws making some provisions for funding political parties. In South Africa, funds are given proportionally to political parties who have representatives in parliament[64]. By law, Ghana has no such funding provisions to political parties. In Benin for instance, parliamentarians try to use the lack of resources of CENA needed in holding elections to extend their term of office. This they do by postponing the date of parliamentary elections.[65]

2.6.5   Exclusion and Inequality

Issues of inequality and exclusion in African politics are of great significance especially where some aspect of the society feel maligned in the whole electoral process. The Disabled and female representation and participation have been very poor in Africa. They are continuously excluded in the political space even though women constitute a sizable number of the electorates. According to Okpeh Jnr, studies do show that their proportional representation[66] can be used to solve this electoral defect in Africa. The issue of 'winner takes all' in African politics leads to alienating political opponents in the governance process. Obeng-Odoom, believes this may encourage voting to be done along ethnic lines.[67] Issues of exclusion and inequality can lead to problems of nepotism.

2.7   Support from Stakeholders

Electoral Commissions have received and continues to receive the support from some institutions in promoting electoral processes. This can be seen in educating electorates about their civic responsibilities towards the state in order to contribute in building a countries democracy.

2.7.1   Media

The media in recent times has been vibrant in consolidating elections and the electoral system as a whole, by being a very useful tool in achieving a liberal democratic state. It has helped political parties provide a means by which information is propagated (print, television, radio) to enable electorates make better and informed decisions. The use of media guarantees all political parties equal access to its usage. This eliminates situations where only those with available resources benefit in order to win elections. Some states have, therefore, put in the necessary mechanisms

that allow for all political parties to have equal access most especially, to state-owned media houses. The EC of The Gambia ensures there is equal treatment for all political parties during their electioneering campaign programs.[68] Same rule is applied in Nigeria and Ivory Coast.[69] The media can also be used as a repressive and mitigating tool in issues of electoral fraud as seen in The Gambia 2016 elections which saw President Yahya Jammeh relinquish power to then opposition leader Mr. Adama Barrow after he had initially and openly conceded defeat to the world. International media houses also do cover elections in Africa.

2.7.2   Election Observers and Monitors

Monitoring of elections increases the likelihood for electoral fraud to be exposed, and deterring same with their presence. Monitoring and observation of elections adds credibility to an electoral process by assessing the quality of elections. Observer missions have the potential to add problems to elections that have manipulated results. As witnessed in Ethiopia 2005, their observations can increase the occurrence of post-election violence by the opposition.[70] The Commonwealth observer mission was present during the 1992 elections of Ghana. AU observer missions were deployed to Republic of Congo and Lesotho in May and July 2012 respectively[71] and also during The Gambia's 2016 general elections. A challenge of these monitoring groups is the focus of much of their works on the day of elections.

2.8   Conclusion

To ensure that democracies are sustained in the quest for political power in modern democracies, it is most essential to have an orderly political competition between the various interest groups. Electoral Commissions in Africa were therefore, set up in response to making elections more

transparent and democratic in nature[72] which made it necessary to hold elections at regular and on periodic bases in a democratic process in order to promote continuity and provide legitimacy for actors.   Although the organization of elections by ECs creates an avenue to which legitimacies are given to elected regimes,[73] if not handled properly, can be a means by which insecurity and violence may be triggered in Africa. In West Africa, election is a primary conflict generating factor after close to two decades of transitioning to democratic governance even with the existence of Electoral Commissions.[74] The African Union in dealing with some of the short falls of the continents electoral system have come up with some instruments such as the 2007 African Charter on Democracy, Elections and Governance.
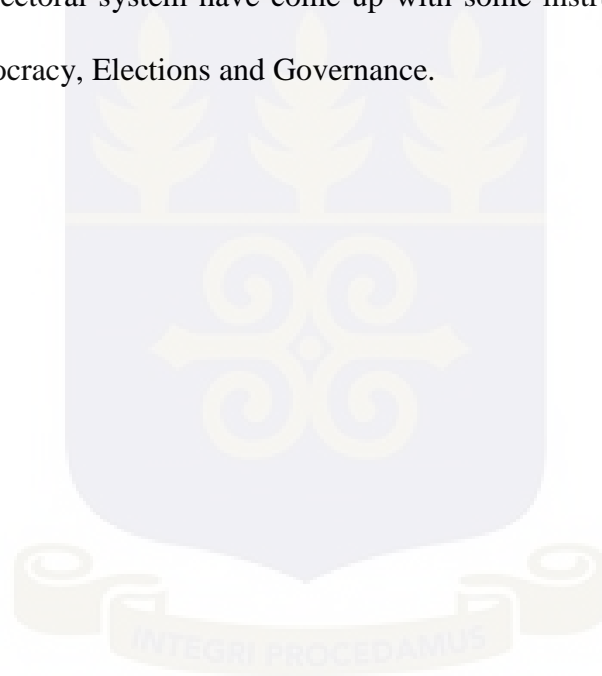
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CHAPTER THREE

ANALYSIS OF THE ROLE AND CONTRIBUTION OF GHANA'S ELECTORAL COMMISSION TO DEMOCRATIC GOVERNANCE IN GHANA

3.0 Introduction

This chapter examines the factors that support the EC of Ghana in exercising its mandate and the challenges it encountered under the Fourth Republic of Ghana.

3.1 Ghana's Electoral System

1992 marked the dawn of liberal democratic governance in Ghana that made it possible for liberties such as having a pluralistic media, freedom of expression and speech, political stability, freedom from arbitrary detention and arrest to be enjoyed without creating any constitutional crises.[1] All these in no small ways have been made possible by having an EC periodically conducting elections to give legitimacy and continuity to political actors. The electoral system of Ghana is guided by the principle of universal suffrage and that of a 'majority plurality' which operates and hinges on the principle of absolute and relative majority representation. The enabling Act for the establishment of the EC is the Electoral Commission Act (Act 451) of 1993 passed by parliament in July 1993 and amended in 2003.[2]

The Commission conducts the District Assembly and National elections. Its objective produces a parliamentary majority for the winning party. A runoff is held when no candidate gets over a fifty percent threshold. This phenomenon determined the winner in 2000, 2008 and 2016 elections. In an interview with Mr. Daniel Amanyo, a Deputy Director of Electoral Services of

the EC indicated that, electoral processes start with demarcation. He also noted that, the EC always avoids gerrymandering; where undue advantage is given over the other.[3] The first re-demarcation was done before the 2004 elections which produced thirty new parliamentary seats and a second in 2012 with forty-five new seats. Unfortunately, this reform has always been vehemently opposed by opposing political parties by accusing the EC of doing the bidding of the government in power.

3.1.1   Legal Framework for Ghana's EC

The 1992 Constitution of the Republic of Ghana is the principal custodian of all Electoral Laws even though several regulations and laws do exist in decrees, statutes and legislative instruments. Chapter seven of the 1992 Constitution contains the duties and responsibilities of the Commission and other electoral related matters. Article 43 establishes the president's prerogative in appointing members of the chair.[4] Irrespective of this, their appointments have always been an issue like was seen in 2015 when President Mahama appointed Madam Charlotte Osei as the EC chairperson. Article 45 states the functions of the Commission. Provisional National Defense Council (PNDC) Law 284 (Representation of the People's Law) outlines the creation of electoral constituencies, conducting elections, offenses and post-election petition.[5] Presidential Elections Law of 1992 (PNDC Law 285) deals with the conduct of presidential elections. A Constitutional Instrument which regulates registration of qualified voters is the Public Elections Regulations of 1995. Another instrument is the Public Elections Regulation 1996 which provides general regulation in the conduct of elections.[6] Article 42 of the 1992 Constitution gives the legal basis for participation and criteria for eligibility of voters in the electoral processes. Voting by proxy may be exercised, however, the PNDC Law 284 prohibits Ghanaian citizens resident abroad to

vote. The right to form and join any political party of choice is enshrined in Article 55 of the 1992 Constitution.

All these legal frameworks were to ensure the independence of the Commission in running incident-free elections. Although these culminated in deepening our democratic governance, the government's prerogative in appointing commissioners of the EC as noted in PNDC Law 281 is still somewhat of a challenge. Also, the inability of Ghanaian citizens abroad (Representation of the People's Amendment Act 2006 – ROPAA) to vote in their country of residence is a drawback for the Commission as its implementation is still being deliberated at the High Court.[7]

3.3   Elections and Electoral Reforms under the Fourth Republic: 1992-2016

Over the years, the EC maintained reforms that produced positive results during elections and also introduced new and improved ones. In 1991, Jerry John Rawlings formally announced for Ghana to transition to democratic constitutional rule. This formally led to a referendum being held and organized by the Interim National Election Commission (INEC) in April 1992. A total of 3,689,974 (43.7%) voted out of 8,253,690 registered on the voter roll. 3,408,119 (92.6%) voted for and 272,855 (7.4%) voted against the referendum.[8] In May 1992, the ban on political parties was lifted by the PNDC. Presidential and parliamentary elections were slated for November 3 and December 8 respectively in 1992 in which the National Democratic Congress (NDC) won both.

Although opaque ballot boxes were used, the NDC was accused of rigging the presidential election by stuffing ballot boxes, incidents of electoral malpractices and the use of a bloated

voter roll by the INEC as noted Mr. Frempong.[9] The issue of over bloated voter's register was never addressed and same register was released to the various political parties for their own examination. These irregularities erode public confidence in the EC and acts as a conduit for conflict. Trust, therefore, becomes a key component to correct these problems. Again, those who did not register to participate in the District Assembly Elections were denied the opportunity to participate in the November 3 election. Prior to the election, the leader of the NPP and the Ghana Bar Association called for Rawlings to step down as Head of State.[10] These were to allay any fears of manipulation on their part and also avoid any conflict of interest by allowing for an interim government handle the affairs of the state. The 1992 elections were characterized by a typical 'transitional syndrome' with critical issues never reaching a consensus.[11] It included issues of inadequate preparation time for the elections, oppressive, cumbersome legal framework and a mired of technical issues. The non-existence of a Constitution was also a major problem. It resulted in 189 of the 200 parliamentary seats for the NDC, 8 for the National Convention Party (NCP), Every Ghanaian Living Everywhere (EGLE) gained 1, and 2 seats were won by female independent candidates. The presidential election produced a 48% voter turn-out and parliamentary had 29% due to the impact of the boycott.[12]

The New Patriotic Party (NPP) came with a book 'The Stolen Verdict' to buttress the alleged vote rigging. This almost turned Ghana into a one-party state even though the opposition was very active outside parliament. Although this election was heavily flawed, it laid the foundation and the desire to improve upon the EC's shortcomings into a more developed electoral system. This led the EC from the 1996 elections to introduce a number of electoral reforms to produce quality democratic elections. It included the compilation of a new voter's register, issuing voter

identification (ID) cards, introducing IPAC, the use of transparent ballot boxes, counting ballots at each polling station and allowing agents of political parties to monitor the electoral processes. The EC in subsequent elections improved upon the reforms of the 1996 elections and further introduced new ones. These reforms contributed to citizens building trust for the EC which is a key component to deepening democracy and the tremendous political stability enjoyed in Ghana.

3.3.1   Election 1996

Ghana's Electoral Commission was instituted in 1993 to replace the INEC in handling the affairs of elections in the country. In taking over INEC, the EC delivered on its constitutional mandate which made Ghana pass the 'second round' test. The 1996 election was a vast improvement over the 1992 election. Rawlings won convincingly with over 57% of total vote cast with Kufour receiving 39.6% and Mahama receiving 3.0% of votes. This confirmed the needed legitimacy of Rawlings as compared to the 1992 elections which were lacking with a voter turnout of 77%. In the parliamentary election, the NDC won 133, the NPP won 61, People's Convention Party (PCP) pulled 5 and People's National Convention (PNC) won a single seat. No seat was won by any independent candidate.[13] From all indications, the degree of impartiality and efficiency had been improved during this election. This was partly due to the autonomous and independence of the EC enshrined in the 1992 Constitution and the Electoral Commission Act of 1993.[14]

According to Jeffries, many reforms were put in place by the EC during this election. It included the compilation of a new voter roll in 1995 with agents of the various political parties being allowed to monitor the entire process which produced 9.23 million registered voters.[15] Another reform was the provision of voter ID cards for all registered voters which came about through the

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Inter Party Advisory Committee (IPAC). Due to financial constraints, only those in the capital regions and ten selected constituencies in rural areas were provided with photo IDs. The rest received thumb-printed identity cards. Voting was also done on table top voting screens to ensure secrecy and the use of transparent ballot boxes with the body of the voter open to public view. This was to prevent stuffing of ballot papers into ballot boxes and indelible inks were used to check issues of double voting. Again, as proposed by the opposition parties at IPAC, counting of votes took place at each polling station in full view of the public in contrast to constituency centres in 1992. Returning Officers (RO) were to also announce the results publicly and paste a copy where all could see before onward transmission by the DEO to the regional office and EC headquarters. In the interview with Mr. Amanyo, he said the involvement of political party agents at all levels made it almost impossible for anybody to manipulate figures at the EC's headquarters.[16] This was a reason for the acceptance of the final results by all. This phenomenon was lacking in other countries in the Sub region.

All these safeguard measures helped in producing a free election even though there were alleged cases of some malpractices and delays in delivering logistics to some constituencies. There was no eruption of violence after results were announced as it had been anticipated earlier by a government victory.[17] The delay in announcing final results by the EC almost made the Great Alliance believe that 'maybe' victory was theirs. Regardless, the opposition still felt the elections though free, were unfair. In all, the EC produced a much better election than the one conducted by the INEC. It was confirmed by international observers such as the European Union (EU), and locally by Ghana Alert and that added to the credibility of the entire exercise. Also significant was the Commission receiving $23million in foreign financial assistance.[18] The reforms

introduced in this election led to increased voter confidence in the EC. Activities of the IPAC led to consensus building among the political parties, stakeholders and the EC which contributed to the quality elections produced towards consolidating Ghana's democratic gains.

3.3.2   Election 2000

This election was indicative of Ghana's viable journey towards a multi-party system that was competitive in all aspects.[19] In building upon voter confidence in 1996, the onus was upon the EC to outdo its previous performance in lieu of President Rawlings' term coming to an end. His tenure was ending amidst many uncertainties irrespective of his continuous pledge to respect the state's constitutional term limit.[20] The Political Parties Bill of 1999 passed before 2000 election by parliament, brought life to some issues discussed by IPAC at meetings between 1995 and 1997. This Act saw the comeback of Dr. Kwame Nkrumah's Convention People's Party (CPP) into the political terrain. Unfortunately, it failed to address issues of incumbency abuse, political corruption in funding political parties and regulate political parties' behavior during electioneering periods.[21] This election led to the first alternation in government of the Fourth Republic. Total valid vote cast was 59.2% against 77% in 1996. Atta Mills gained 44.5% of votes whilst Kufuor received 48.2%. The third parties pulled less than 2% of the total valid vote cast. A run off took place on December 28 and Kufuor came out on tops with 56.9% while professor Mills only garnered 43.1% of the votes.[22] In the parliamentary elections, the NPP got 100 seats, NDC won 92, PNC received three, CPP managed to gain one and four wins for the independent candidates. It also produced seventeen women in parliament.

A number of reforms were introduced in this election. It included the provision of picture voter ID cards nationwide as proposed by the opposition parties during the previous election. This brought transparency in the electoral process. Unfortunately, the new voter roll was not without controversies as it was accused of being over bloated. This concern was later confirmed by the EC chairperson Dr. Afari-Gyan by admitting that it represented over 1.5 million people on the voter roll.[23] Having party representatives in the 'strong room' of the EC did help in getting the various parties to accept results. This prevented the EC of being accused of doctoring or massaging figures from the constituencies. This initiative has remained in subsequent elections. The possibility of using the old thumb-printed ID cards was resolved by the SC while the issue of transfer of student votes was resolved by an Accra High Court ruling against them.[24]

There were some incidents of violence in the run up to the 2000 elections even though the general atmosphere was peaceful.[25] Violence was recorded in Bawku Central and led to the death of over 50 people and many injuries.[26] According to Agyeman-Duah, Rawlings allegedly commanded the 64th Battalion to move in on all known NPP strongholds. This was to incite disorder, which would cancel the intended runoff and extend his rule through emergency powers. Unfortunately, the commanders defied his orders as they chose to respect and allow constitutional rule to prevail.[27] National interest can be seen to have prevailed over personal interest for the soldiers and this allowed for elections to come off for the good of Ghana.

In all, credit is given to Rawlings for supporting Ghana's democratic advancement in successfully witnessing an alternation in power, a feat which some African countries could not achieve at the time. It also was indicative of matured Ghanaian electorates, civil society, media,

political parties and also the 1992 constitution being at play in bringing about this success. Also, the outcome of this election made it clear the EC had improved upon the previous election which further deepened Ghana's democratic gains. It was also a good testament for the sub region and Africa as a whole.

3.3.3   Election 2004

It was the first election under the watch of the NPP where they sought for continuity of its government. President Kufuor won in the very first round by pulling 52.5% of votes. The third parties performed poorly once again as they gained less than 3% compared to 7% for the 2000 presidential election.[28] The parliamentary election produced 94 seats for the NDC whilst the NPP gained 128. For the first time in the Danquah-Busia tradition, it got re-elected into power.

A major reform seen by the EC prior to the 2004 elections was with the re-demarcation of constituencies which added thirty new constituencies to the existing 200.[29] Ironically, the opposition parties opposed this reform. The voter register continued to pose a challenge to the EC due to late release of funds for its administrative works which stalled most of the scheduled works lined up before the election year. As prescribed by law, the voter register is to be compiled, exhibited and provisional copies (CD ROM versions) given to political parties three months before elections. In this instance, the provisional copies were made available barely a week to elections. This led the NDC to accuse the EC of trying to disenfranchise electorates in its stronghold in the Volta region.[30] An allegation which was resolved at IPAC and the EC also came out publicly to refute such assertions. In the end, all the parties accepted the voter register presented for the elections.

There were also scattered incidents of election related violence which put a slight dent on the elections as there were fears amongst electorates. This included the alleged murder of the CPP Northern regional chairman whilst in the custody of the military.[31] Three persons were murdered in Jakpahi near Tamale on the eve of the elections, and ballot boxes were seized in Techiman and Tolon.[32] Fortunately, on Election Day everything went peacefully. There was slight delay within the stipulated thirty-six hour set by the EC in announcing results after polls closed. This created an uneasy calm due to the many standard procedures in getting results certified before it finally reached the national headquarters.[33] This election saw the highest citizen participation with 83% of voter turnout. Civil society also brought certain critical electoral issues to the fore, which helped produced credible elections. Also the re-demarcation carried out helped solve the population inequality amongst some constituencies as noted in the interview with Mr. Amanyo. This helped to resolve the inequalities in constituency sizes in order to meet international practices. The collective effort of all the stakeholders was brought to bear and the EC also helped produce transparent elections, increased voter confidence in the Commission and promoted democracy.

3.3.4   Election 2008

This election marked the end of yet another constitutional term limit for a sitting president. The main political parties experienced breakaways to form new political parties; Reformed Patriotic Democratic (RPD) from the NPP and Democratic Freedom Party (DFP) from the NDC.[34] Akufo-Addo got in the lead at the end of an indecisive first round of election with 49.1% of votes and Atta Mills garnering 44.4%. Indeed, the third parties collectively pushed the elections into a run off with a combined 2.9% of votes.[35] Out of the 229 of the 230 constituency results gave Akufo

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Addo NPP – 49.87% and Atta Mills NDC – 50.13%. For the parliamentary elections, the NPP secured 107 seats, NDC won 116, CPP gained 1, PNC won 2 and 4 for Independent candidates.[36] The election in Tain constituency (Brong Ahafo region) did not happen due to logistic constraints. With the number of registered voters in Tain, it had the possibility to overturn the results so the EC rescheduled that election to January 2, 2009. Interestingly, the NPP lost the first round of both elections in Tain. In the face of defeat, the NPP sought to stop the EC from declaring the final results by filing a motion with an Accra High Court so that its claim of electoral malpractices are investigated in the Volta region but it failed.[37] The NPP were urged to allow the EC to work and to also follow due legal processes in addressing its concerns. The NPP withdrew the legal suit filed against the Tain election and also abstained from taking part in the special election in Tain.[38] Final runoff results from the EC for the elections declared John Evans Atta Mills of the NDC as the winner with 50.2% and Nana Addo Danquah Akufo-Addo of the NPP 49.7%. Mills won by a 0.4% margin, the lowest in any runoff ever held in the country.[39]

Not much reform was seen in this election. Photo ID cards were issued again to prevent the recurring issues of double voting on a computerized register. Also, allegations made by both the NDC and NPP against each other in their strongholds were not brushed aside by the EC chairperson. The EC's chairperson asked them to substantiate their allegations with concrete evidence before the deciding vote of Tain was held. In announcing the results, Dr. Afari-Gyan did note that, the allegations made by the NPP bordered on criminality and not an electoral malpractice which was the duty of the police to effect arrest for the attorney general to process them for the courts.[40] This is a shortfall of the EC as it is not able to pursue acts of malpractices. He also noted that the NDC failed to present enough evidence to back their claim of vote rigging

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by the NPP in the Ashanti region.[41] The pro-activeness of the EC in handling these challenges helped in calming down nerves in a tense election. A challenge during this election was the exhibition of the political tensions between the two main political parties,[42] a situation needed to be worked on by stakeholders through the IPAC. Regardless of all the tensions that characterized this election, Ghana was able to further consolidate her democratic gains through the dexterity of the Commission in managing a situation that could easily have gotten out of hand. Also, the professionalism of the EC and the transparent elections held was a feather in Ghana's cup. This election demonstrated the influence Commissioners have on elections.

3.3.5 Election 2012

This election was not without controversies, as the NDC sought to renew its mandate. Once again, the election was between the two main parties. President John Mahama won with 50.7% of the votes while Akufo- Addo got 47.7% of votes which represented a win margin under three percent. The remaining third parties collectively garnered less than two percent of the votes.[43] The 2012 parliamentary elections had forty-five new constituencies created, bringing the total to 275 seats. The NDC won 148, the NPP won 123, PNC managed to get 1 and 3 seats went to independent candidates for the parliamentary elections.[44]

This election was characterized by two major electoral reforms guided by C.I. 72, 74 and 75 of 2012.[45] First was the use of the Biometric Voter Device (BVD) to help do away with incidents of multiple registrations that had characterized previous registrations in order to produce a much credible register and also deal with multiple voting. The use of the BDV forced the elections to run for two days due to the devices breaking down in some polling stations across the country. In

the interview with Mr. Amanyo, he indicated the delimitation of constituencies from 230 to 275 as the second reform and re-aligned existing polling stations from 21,002 to 26,002. This was done ninety days before the election which provided limited time for political parties to organize themselves in contesting the new seats. This reform led the NPP to accuse the NDC of gerrymandering. Ironically, the NPP won twenty-three of the new seats and twenty-two went to the NDC.[46] Unfortunately, this biometric registration exercise was not without violence as some citizens and party agents challenged the eligibility of some applicants. The provisional voter register produced was exhibited over a ten day period to detect inaccuracies across all polling stations as stated in C.I. 22(1).[47] This was to ensure efficiency and transparency on voting day.

This time around, the EC did not exhibit the same character as it did during the 2008 elections in resolving and handling allegations leveled against the NDC by the NPP. "Elections are won at polling stations" as noted by the EC chairperson Dr. Afari-Gyan[48] were some utterances that could have been avoided; considering the tensions in the country. This led the NPP to petition the Supreme Court over the presidential results as permitted in Article 64 of the 1992 Constitution. This put a dent in voter confidence built over the years. An event which was telecast live on national television put Ghana on the international radar. After eight months, the court upheld the legitimacy of President Mahama. Although, Akufo-Addo disagreed with the verdict, he still accepted the decision of the Court. Regardless, the EC once again helped to give legitimacy and continuity to the NDC. The re-demarcation brought fairness in the electoral areas in terms of the size and population of constituencies. But for the challenges that engulfed the use of the BVDs in almost causing chaos, it was a good reform in dealing with multiple registrations and voting. The election petition made citizens appreciate some legal procedures and also affirm

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the judiciary in adjudicating electoral issues. Ghana's democratic governance was once again strengthened in this election.

3.3.6   Election 2016

This marked the seventh election and third alternation in the Fourth Republic. For the first time, the Commission had a female as the Chairperson. Filing of presidential nominations was done amidst many controversies surrounding some disqualified aspirants and issues of nomination fees.[49] This impasse was finally resolved by the Supreme Court when it ordered the EC to give the aspirants a day to have these corrections made.[50] This election produced a first alternation in power without a runoff. Akufo-Addo won 53.9% of votes. The third parties pulled just 1.7 percent. The parliamentary elections produced 169 seats for the NPP and 106 for the NDC.

The 2013 presidential election petition exposed some electoral flaws within the system, which led to a number of reforms being reviewed and implemented as recommended by the SC. It included having elections a month earlier to afford government ample time for proper handing over and also cater for runoff situations. Unfortunately, the LI for this was rejected by parliament. Amanyo noted in the interview that election officials were made to take an oath before a magistrate to prevent abandonment of post with a default two year prison sentence.[51] This was to get election officials to do the right thing and prevent issues that could have been avoided in the 2012 elections. The limited voter registration exercise for 2016 came off with a reform allowing everybody to register and not deny any person. He also noted the use of BVD during the exhibition of the voter register was a first with special attention being given to people with disabilities.[52] This was to increase voter participation in the marginalized minority. In order

to produce credible voter register for the elections, the EC was ordered by the SC to expunge all persons registered with the National Health Insurance Scheme (NHIS) card from the register. These reforms put in place enhanced the transparency of the entire electoral process.

Another reform was the increase in polling stations across the country from 26,002 in 2012 to 28,992 as mentioned in the interview with Mr. Amanyo. This reduced the very long queues that usually characterized general elections and also ensured every polling station had 850 voters on the register provided. This led to more efficiency on the part of the officials as they were not overworked to produce a transparent election. Also, the EC was more media friendly and was also very active on social media. 'Ask the EC,' a live telecast program sponsored by the European Union was shown by Ghana Broadcasting Corporation.[53] This enabled the public to engage the EC on any electoral issue. All of these efforts on the part of the EC were to open up to the public and also to get them to have confidence in them as well. As the stakes were high for this election, the parties were resolute in winning the elections by being extra vigilant to avoid any election petition at the Supreme Court.[54] This stance taken did not auger well for political stability and democracy as a whole. Also, the 'Strong Room' was renamed 'National Collation Centre' to demystify the perception of it being a place where election figures are massaged to favor a particular candidate. Even though the political parties are always well represented at every stage, the EC always is accused of manipulating figures to favor a candidate. The increase in polling stations did ensure efficiency in the system. The election further helped Ghana cement its place in democratic governance on the continent as it continued to be an exemplary model to other African countries.

3.4   Autonomy of the EC

Article 46 of Ghana's Constitution gives the Commission the autonomy it wields in the interpretation and operationalization of the constitutional provisions for the conduct of elections. The Commission is also backed by several laws and regulations existing in decrees, legislative instruments and statutes. Chapter seven of the 1992 Constitution states the duties and responsibilities of the EC.[55] This it does without the interference of any person or authority. Even though the prerogative of the president to appoint members of the chair is established in Article 43, regardless, their appointments have always been met with criticisms as witnessed in 2015 when President John Dramani Mahama appointed Madam Charlotte Osei as the EC Chairperson. Mr. Amanyo in an interview, noted that politically, the EC is independent but with no financial autonomy because its budget is subject to parliamentary approval. In an interview with Mr. Mohammed Awal, an official of CDD–Ghana,[56] he also alluded to the autonomous status of the EC. The status of ECs correlates with the quality of a country's democratic process. Thus, the researcher believes, the more autonomous Ghana's EC is, the greater it would be able to organize elections deemed to be free and fair towards its democratic process.

3.5   Posture of the EC

The quality of elections is always credited to the chairperson of the Commission. In an interview with Mr. George Sissou, a Distict Electoral Officer believes that, the EC has become what it is because of the leadership skills of Dr. Kwadjo Afari-Gyan.[57] He further reiterated that, but for how Dr. Afari-Gyan conducted himself in being firm and resolute against political parties, Ghana would not have survived the electoral tensions prior to the Tain runoff election in 2009.[58] The researcher believes the Tain election was a defining moment for Ghana's democracy which

survived to the admiration of all. Events of the 2012 elections rather left much to be desired by the Commission as it appeared to be unfazed by issues surrounding the use of the BVDs and the legitimate concerns of the NPP. In the interview with Mr. Awal, he noted that, during Afari-Gyan's tenure of office, what existed was a 'one man Commission' culturally developed overtime who insisted on things being done in a particular way. To him, Madam Charlotte Osei has made it possible for the other Commissioners to be publicly seen playing important roles of the Commission.[59] Unfortunately, the researcher believes that occurrences at the EC left much to be desired prior to the 2016 elections as the chairperson stood her ground in insisting the voter register is cleaned. Her unperturbed attitude could have avoided some of the legal battles the EC faced some few days to the election.

Recent happenings at the Commission have put its credibility on the line. The chairperson has given authorization for one of her deputies to proceed on leave and the other deputy has been accused of taking monies from political parties during the 2016 elections. Some workers of the Commission have also petitioned the President for the impeachment of Charlotte Osei for misbehavior.[60] In an interview with Mr. Kwesi Jonah, a Senior Research Fellow with the Institute of Democratic Governance (IDEG), he recommended a complete overhaul of its Commissioners.[61] This initiative will bring back the confidence that has been eroded due to the sensitive nature of this institution to democracy. The researcher believes the personality of the Commissioner is of utmost importance because if it was just about having an electoral body, then their functions are already spelt out in the 1992 Constitution and other electoral instruments. Regardless, the chairpersons have helped Ghana to continue to organize free, fair and credible elections in contrast to what has been witnessed in the sub region.

3.6 Factors Contributing to the Success of the EC

The EC has come this far by certain factors such as the existence of an acceptable voter register, periodically introducing electoral reforms, support from other stakeholders and the IPAC.

3.6.1 Electoral Reforms

Electoral reforms are administrative frameworks that ensure fair electoral systems are introduced in an existing system in bringing about effectiveness and fairness.[62] The Commission has, through its Constitutional Instruments (C.I.), come out with various reforms needed to administer the best electoral practices over the country's elections. This has enabled and empowered it to produce and better manage the aspirations of the people through its core mandate. It has also brought about integrity and credibility in the governance of elections and also met regional and international standards of election administration.[63] All the major elections have seen the introduction of electoral reforms in an attempt to improve upon previous ones. These include the introduction of picture voter ID cards, transparent boxes after the 1992 elections for promoting transparency in the electoral process. In an interview with Mr. Frempong, a lecturer at the University of Ghana Political Science Department noted that, delimitation of constituencies are done to bring about fairness[64] and inequality in the electoral areas as seen prior to the 2004 and 2012 elections. This the researcher believes has helped eliminate the problems people had with extremely large and small constituencies in ensuring equal representation and help address the problem of mal-apportionment. Thus, it has helped it be in line with international best practices taking into account the size and population of the various constituencies. The reforms also includes how voting is done, the equipment to be used, measures against conflict of interest and political parties. All these have eliminated acrimony amongst political parties. Some of the

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reforms in the electoral system are as a result of recommendations by the political parties and civil societies in deepening Ghana's democratic governance.

3.6.2   Voter Register

The success of every election begins with a credible voter register and is also a recipe for disaster if not handled properly. Okrah notes that, every voter register must include the following: accuracy, inclusiveness and currency. Inclusiveness must constitute all eligible voters devoid of any form of discrimination in registering them. Accuracy of data captured must be correct irrespective of it being a manual or biometric form of register. The register must always be current: ensuring continuous registration and removing dead people from the list. [65] The voter's register makes it possible for both marginalized minority and poor partake in politics in a country. Ghana's voter register is done periodically from the days of thumb print ID cards to photographs to currently being a biometric card. This function of the Commission is enshrined in Article 45 of the Ghana's 1992 Constitution and also in CI 72. Ghana has since 2012 captured data of eligible voters biometrically. This reform was to effectively curb issues of multiple voting and produce a more credible voter's register. Even though it came with some shortfalls during its first use in the 2012 elections, the EC performed credibly well in the 2016 elections. It provided two BVDs for each polling station to prevent the election from going into a second day like it happened in the 2012 elections. This raised tension in the country.

 In 2000, issues of over bloated register led to the removal of over 120,000 deceased persons from the register. Dr Afari-Gyan blamed the happenstance on registration of minors in the Ga District of Greater Accra and double registration of voters in more than one district.[66] This was

very prominent during the 2016 election year where the opposition party and a group called "let my vote count" insistently, called for an outright new register to be prepared because of their mistrust for the register. It deleted dead people from the register and also removed all those who registered into the voter roll using the NHIS card after a SC ruling. Also, unlike previous registrations, the 2016 voter registration covered a twenty-one day period to ensure increased inclusiveness. An interview with Mr. Amanyo of the EC indicated that the EC is now pushing for continuous voter registration to be done all year round.[67] The researcher believes that such a reform will ensure most eligible voters can have their data unto the voter roll than is currently being practiced. Irrespective of all the perennial problems of the voter register, it has helped the EC produce six successful elections for Ghana and influenced increased voter participation.

3.6.3   Inter Political Advisory Committee

This is an ad hoc and an informal platform created by the EC to deliberate upon electoral concerns among political parties with the EC acting as an arbitrator. It was first created in March 1993 and gives an observer status to CSOs. Either of the stakeholders is at liberty to call for a meeting. This mechanism has led to building political bridges and finding solutions that are mutually acceptable over electoral management systems and recommendations made are non-binding. In an interview with Mr Awal of CDD-Ghana, he notes that this mechanism has enabled political parties build trust in the Commission and reduced any suspicions amongst themselves.[68] In instances where political parties are unable to compromise, the EC is allowed to determine the best way. This was seen with the decision to allow for Ghana to have both parliamentary and presidential elections held on the same day.[69] A lot of electoral reforms have had discussions starting from here which includes having a photo ID card and exhibiting the voter register. The

Political Parties Act of 1999 is also a testament of IPAC.[70] Through this mechanism, a 'code of conduct' was adopted in May, 2000 by political parties to ensure they live by such prior to the 2000 elections.[71] Due to the tremendous success story of the IPAC, it was extended to the regional and district levels bearing in mind that violence and conflicts erupt at the grassroots level. At the regional level it is called Regional Inter Party Advisory Committee and at the district level is the District Inter Party Advisory Committee. The informal nature of the IPAC has helped strengthen Ghana's electoral processes by having complaints and grievances addressed in the run up to elections, helped Ghana to be devoid of entrenched partisan politics and promoted cohesion among political parties especially at the grassroots level.

3.6.4   Supports from Other Institutions and Stakeholders

Although election processes are the responsibility of the EC, it receives support from some government institutions and stakeholders. It includes support from the NCCE, the judiciary, the media, CSOs and election observer groups. Educating eligible voters on electoral process is the civic responsibility of the EC while the NCCE is concerned with increase voter participation. This is done through the media, use of public service platforms, organizing workshops and seminars and training all at the community levels. Regardless of the budgetary constraints,[72] they still do their best in bringing civic education to the door step of the people as it helps in building confidence of electorates. Much collaboration is, therefore, needed between these two institutions to produce empowered electorates eager to exercise their civic responsibility.

3.6.4.1   The Judiciary

The judiciary has been very instrumental in maintaining stability in the electoral space through its judgments on electoral matters. In 2000, the court was able to bring closure to the use of thumb-printed voter ID cards in order not to disenfranchise some electorates.[73] As noted in the interview with Mr. Amanyo, the courts did well in addressing the grievances of some of the 2016 presidential aspirants[74]. To him, it could have brought the country down to its knees if it had been handled improperly because nobody could tell what the actions of followers of these aspirants would have been. After the election petition in 2013, the SC recommended for some reforms to be made by the Commission. This was evident during the 2016 elections. As the old adage notes, 'justice delayed is justice denied'. The Chief Justice in the run up to 2016 election announced that special electoral courts would be made available across the country. This was to quickly deal with all electoral litigations that might come before it. The judiciary also uses Alternative Electoral Dispute Mechanism to complement the conventional methods of adjudicating electoral disputes as noted by Jinadu.[75] All of these measures have contributed in providing a more free, fair and transparent elections and also built an image of the judiciary ever ready to rise to the occasion of electoral related issues. The judiciary has established itself as a very indispensible institution in helping the Commission achieve and live up to its constitutional mandate in the pursuit of democratic governance.

3.6.4.2   Civil Society Organizations

CSOs are more or less like watch dogs, advancing and promoting electoral related activities before, during and after elections. This they do by sometimes collaborating with other stakeholders in developing alternate dispute-resolution mechanism for election related disputes.[76]

Even though they were very instrumental in bringing about constitutional rule in Ghana, they were non-existent during the 1992 elections but have now taken a pivotal role in promoting democracy through their activities. They include Star Ghana, CDD – Ghana and IDEG. Mr. Awal also noted that, a year into elections, they do some monitoring works and inform by providing a comprehensive report on the field.[77] The researcher noted that, the activities of CSOs influences electoral reforms of the EC. Star Ghana has, through its massive civic education programs, helped in getting people educated and empowered about their civic duties.[78] Agyeman-Duah reiterates that the opening of the media was largely due to the efforts of CSOs in 2000. They accomplished this by sensitizing them on the role they can play in advancing the tenets of democracy. The researcher noted that CSOs have supported Ghana's democratic journey through its civic education and have in turn increased citizen participation in electoral issues and also helped to draw attention on politics to be issue based away from politics based on personalities.

3.6.4.3   The Media

The media space has become much more open than it used to in the early years of the Fourth Republic. The National Media Commission has contributed in whipping up interest of citizens in electoral processes. During elections, the media reportage on both print and electronic, get electorates involved by giving them up to date information across the country. They also prompt electoral officers of shortages in logistics and make acts of malpractices and movements of suspicious persons in and around polling stations known. The researcher noted that despite it being useful, the media can be disadvantageous if handled improperly. Should they provide false information to the public, it can act as a conduit for chaos during elections. In the interview with

Mr. Awal, he posited that, the media by their existence do provide the medium for CSO to work by making known their opinions and findings to the general public.[79] The media has contributed in making elections transparent and credible by creating platforms for politicians to give opinions on topical issues, and also for the Commission and the NCCE to educate electorates on electoral produces. This has been most evident from the 2000 elections.

3.6.4.4   Observer Groups

Some of the observer groups include the Commonwealth observer group, AU observer missions, CODEO and the European Union (EU). Their presence alone in some instances can get people to do the right thing by projecting a true reflection of an election and also add credibility to electoral processes. Okrah observes that the 2000, 2008 and 2016 elections for instance were considered by both international and local observers as being free, fair and successful,[80] giving legitimacy to the winning parties. Their pronouncement on elections impacts the outcomes of elections. There are certain instances where they are seen to be handling election related materials and performing electoral duties normally done by the PO. Such acts, though well intentioned, can be seen as interferences by a disgruntled party and may lead to violence.

3.7   Achievements of the EC

The EC has in the pursuit of its mandate chalked a lot of success in the country's electoral politics. This has been made possible by many contributing factors of early voting for personnel whose services are needed on Election Day, citizen participation, IPAC and increased professionalism of electoral officers. There is a general increase of citizen participation in electoral governance. This is due to the desire to promote, uphold and entrench the tenets of

democracy bearing in mind the backdrop of military rule. This has largely contributed in the positive attitudes to promote and maintain the status quo chalked by the Commission. It is evident in how people come out in great numbers to queue and vote. In the 1992 elections, 53.7% of voters cast their ballot, 60% in 2000 and 83% in the 2004 elections.[81] The media has also contributed positively to achieving this feat by getting citizens interested in governance issues and in the electoral system. The introduction of IPAC in our electoral governance system has made it possible for increased political tolerance to be developed. This has been achieved through dialogue and advising the EC on pertinent electoral issues. This has continued to promote inclusiveness of political parties in election management. Thus, increasing the confidence of the political parties in the activities of the Commission and also fostering a better relationship between politicians which have transcended to the grassroots level. This has deepened the political and electoral space of the country by appreciating opposing views.

Also, donor support, has largely contributed to the success story of the Commission in being able to continuously organize elections that are deemed to be relatively free and fair. This support has been received from the 1996 elections to the most recent one in 2016. Elections are expensive to organize due to the huge financial burden, making their support always welcomed. A DEO mentioned that the African mentality of rigging elections by electoral bodies through massaging and altering results in favor of a particular party or candidate was carried into elections in the Fourth Republic. To curb and correct this happenstance, the concept of party agents was introduced by the Commission to act as political vigilantes in the electoral processes.[82] This has ensured and promoted elections to be free and fair as main stakeholders get to be part of the process through monitoring and observation in order to protect their interests. The success of this

reform has been studied by some Commonwealth African countries and subsequently replicated by some Eastern African countries like Kenya. Again in enhancing inclusiveness in electoral governance, the Commission has made it possible for eligible prison voters to be registered into the voter roll. This has made it possible for persons who may have lost their right to freedom, to be given the opportunity to contribute in choosing representatives of the state.

In the quest to have efficiency in electoral governance, the independence and professionalism of EC officials are very key and paramount in the discharge of its duties. Considering how sensitive the works of the Commission are in ensuring peace and stability in the country, their activities, if not carried out with utmost precision has dire consequences on the state. It is only prudent to be firm and resolute at all times. Upon this backdrop, the Commission instituted a Professional Administrators Election Program. This leads to the issuance of three certificates equivalent to a master's program. It was organized for officials of EC and non EC staff.[83] This was to provide well-resourced election administrators in discharging their duties in a more professional way. This initiative has translated into the successful elections Ghana has witnessed over the years. Also, the continuous exposure to international seminars, election assignment and consultancy services abroad have largely contributed to having more skill oriented electoral officers.[84] This has resulted in producing and managing elections in line with best practices. Again, the Commission holds early voting for some security personnel plus EC officials in order for them to carry out their duties on the day of elections. During the 2016 elections, the media was included in this privileged group. Even though this exercise was not without controversies, the general election was a huge success.

3.8   Militating Factors against Ghana's EC

Despite the seemingly positive outcome and contributions of the Commission to democracy in ensuring continuity in governance, it is still faced with some challenges. It includes issues of finances, security, validity of voter register and inadequate civic education on elections. Elections are expensive activities to be undertaken especially by a developing country such as Ghana. Funds are almost always delayed for election activities. This ends up forcing the Commission to adjust and reschedule some of its activities. It ends up rushing through the processes as soon as funds are made available. The 2008 election year witnessed this in compiling the voter register.[85] Okrah notes that it ends up compounding an already questionable register accused of having foreigners and minors which produced an over bloated register of between 800,000 to 1,000,000 voters[86] an assertion also held by Mr. Jonah during an interview.[87]

To ensure financial autonomy, the Commission prepares its budget and presents it to parliament for approval. Okrah posits that, even though parliament has the authority to reduce the expected allocation, it has rarely done so.[88] In addressing these delays, the EC sought to fill in the gaps by seeking foreign support. This has led to what Agyeman-Duah puts as 'dependency syndrome.' This phenomenon has the tendency to threaten the sustainability of future elections in Ghana. In the 2000 elections, the Commission received 53% of its total budget from the donor community.[89] This excludes the indirect support the Commission received. This is a very disturbing trend which must be looked at for the future of Ghana's democracy. Issues of funds are also faced by smaller political parties in participating effectively and this has inadvertently created an uneven playing field for them. They can increase their chances of performing better by channeling their efforts on issues of relevance to electorates. There is also the issue of

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security during elections. As noted in an interview with Mr. Sissou, police presence is not made available at all polling stations nationwide but reiterated that other security agencies from prisons and immigration officials are sent to man some polling stations[90]. The absence of police personnel sometimes gives some people the impetus to engage in electoral malpractices and also disrupt election activities. Such activities may lead to issues of electoral irregularities and overtime erode public confidence in the electoral system.

Time and time again, the Commission has had to deal with issues surrounding the voters register in every election. The EC is yet to come out with a long lasting solution to this recurring problem. The lifeline of every election is the register since it can make or unmake an election. With the introduction of the biometric voter register, one would have assumed that such problems would be done away with. Unfortunately, that is yet to be realized as minors and foreigners still find their way of getting unto the register. This has raised questions about the quality of the register. Another recurring challenge of the Commission is the incidence of high levels of rejected/invalid ballots coupled with corrupt electoral practices associated with most major elections. This is a clear indication of limited education of Ghanaian voters in electoral processes. This trend is worrying as total rejected ballots are sometimes higher than total votes of the third parties. In some cases, it could have avoided a runoff and save the state some money.

3.9   Conclusion

This chapter sought to elucidate how Ghana has been able to improve upon the 1992 elections. This it has done with the help of structures brought to bear through the various reforms which are periodically reviewed. The EC also received the support of other stakeholders such as the

judiciary, the media and CSOs in producing quality democratic elections over the years which have impacted positively on Ghana's electoral governance. The study also brought to bear the challenges faced by the Commission in pursuing its mandate of giving legitimacy to political actors in promoting democracy. The next chapter gives the summary, conclusions and recommendations as deduced by the researcher in this study.

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CHAPTER FOUR

SUMMARY OF FINDINGS, CONCLUSION AND RECOMMENDATIONS

4.1   Summary of Findings

This chapter presents a summary of findings of the study and conclusions based on the findings. The objective of this study was to examine the relevance of Ghana's Electoral Commission to democratic governance: how the EC has influenced democratic governance in Ghana: factors aiding the Commission in running and organizing effective elections and the challenges it encounters in pursuing its mandate in line with democratic governance. The focus of this study was from the very first elections conducted in 1992 under the Fourth Republic to the very recent one held in 2016. Qualitative methodology was used for this study by making use of both primary and secondary data. Six interviews were conducted from respondents who had first-hand knowledge on the work in sourcing for primary data. Books, articles, journals and news articles relevant to this work were resorted to and conclusions subsequently drawn from the findings presented.

4.1.1   Relevance of Ghana's EC to Democratic Governance

Elections are the bedrock in pursuing democratic governance. This it does by setting the tone for citizens to get involved in crafting the foundation stage of governance. Choosing representatives is a civic responsibility of every Ghanaian who is eighteen years and above and of a 'sound mind' as stipulated in the 1992 Constitution. This is a basic tenet of democracy which ensures citizen participation. This responsibility is brought to bear by the Commission by periodically organizing elections in order to give legitimacy and continuity to political actors. The founding

elections of the Fourth Republic, organized by INEC had all the characteristics of a 'transitional syndrome' and that eventually led to the boycott of the parliamentary elections. The Electoral Commission of Ghana was established after the 1992 Constitution came into force. The first election of the EC was largely deemed to be free and fair by observer missions. This led to the presence of a formidable opposition in parliament and gave the needed legitimacy President Rawlings lacked after the 1992 elections. It has successfully organized six elections. The EC has through its CIs, come out with relevant reforms, built consensus amongst stakeholders and established this indispensable institution in pursuing modern democracy.

4.1.2   Influence of Democratic Governance in Ghana by the EC

The Commission interprets the constitutionality of governance by holding elections at regular intervals. This has fostered three peaceful alternations in government for the Fourth Republic. A precedent set by President Rawlings after the end of his tenure in office has had subsequent presidents and government following suit. Activities of the Commission have gotten Ghanaians interested in issues of governance and also gotten political parties to accept the Commissions independence as they contest for power in a peaceful atmosphere. The Commission can be credited for being responsible for the political stability that has existed in Ghana since 1996.

4.1.3   Factors Accounting for Successful Elections in Ghana

The study showed that some factors have indeed enabled the EC successfully pursue its mandate. The 1992 Constitution has stood the test of time by being the most authoritative guide in the conduct of elections in Ghana. It has done this together with the CIs over the various elections. The three arms of government have contributed in bringing about the success of the

Commission. Parliament made it possible for the Commission to come into being by passing the Acts that established it in 1993. It has also passed several legislative and constitutional instruments to foster the work of the EC. The presidency has stayed within the remit of the law in respecting the constitutional term limits. There has not been much interference on the part of governments in the affairs of the EC. The judiciary throughout the various elections has helped bring closure to pertinent electoral issues. These includes the decision to hold parliamentary and presidential elections on the same day in 1996, issues about thump printed cards in 2000 and recently, on issues surrounding nomination fees and disqualification of presidential aspirants in 2016. The continuous cleaning and revision of the voter register since 1996 to the use of biometric register since 2012 have contributed in increasing the confidence reposed in the EC. The media and the NCCE have helped promote citizen participation and activities of CSOs have also positively influenced the EC's work towards elections. Both local and international observer missions have helped the EC legitimize political actors and confirm whether an election held was indeed credible or not. Also the coming out with relevant reforms to cause an improvement in organizing elections have successfully contributed in bringing about quality elections.

4.1.4   Challenges of Ghana's Electoral Commission

In order to carry out its mandate of organizing quality democratic elections, the study found that the Commission is faced with certain pertinent issues. Due to the expensive nature in holding elections, the Commission is faced with financial challenges. This is seen through the delay and inadequate funds provided by the state for scheduled electoral activities. This has resulted in certain programs being done in a rush as witnessed in the late compilation of the voter register that affects the civic responsibility it has towards electorates on electoral processes. These

occurrences have led to dependence on donor communities in order to fill this gab. This support does not only come in direct funds but also indirectly, by making logistics available. In exercising its function of re-demarcation, the EC always has to deal with strong challenges from the main opposition parties depending on who feels it stands to benefit the most as witnessed during the two re-demarcation exercises in 2004 and 2008. The study also showed that, due to the inadequate security presence (police) personnel's in manning all the polling stations nationwide, it sort of creates the leeway for some citizens to take advantage of the gab created to cause mayhem and certain electoral malpractices.

4.2   Conclusion

The following conclusions are drawn based on the findings.

➢ Indeed it can be concluded that electoral activities by the EC of Ghana do promote and facilitate good governance than it would have in an autocratic regime or militarized rule. It allows for and promotes citizen participation due to high levels of voter confidence in the Commission.

➢ The involvements of party agents as political vigilantes throughout the entire electoral processes have helped promote democracy in Ghana by the high acceptance of election results. As noted by an EC official, the presence of these stakeholders makes it almost impossible for elections to be rigged. They are present at every stage of the process from registration unto the national roll, printing of ballot papers, counting of ballots to tabulating presidential results at the National Collation Centre at the EC headquarters.

➢ The study does prove the hypothesis of this work. The role of ECs is critical in promoting democratic governance in Ghana. First off, it gives continuity and legitimacy to political

actors. As experienced by President Rawlings after the 1992 elections, the 1996 elections did affirm his presidency and also produce a much vibrant and strong opposition in parliament than the founding elections did. Consequently, the legitimacy of other presidents after him were all duly legitimized by the people. Elections have allowed for increase in citizen participation through regular elections held by enabling the people to exercise their civic responsibilities to the state.

➢ Electoral activities of the Fourth Republic have turned Ghana into an almost two party state in the absence of a strong third party in the electoral politics. The IPAC has fostered and managed suspicions of mistrust among the two dominant parties (NPP and NDC). This has been transferred to the grassroots level by being replicated both at the regional and district levels. This is so because, really, all isolated cases of violence occur at the grassroots levels. This has culminated in producing much more tolerant political activities in the country different from what is experienced in other countries in the Sub region.

➢ Ghana's EC has over the years become a resource 'person' for African elections as a lot of African countries look up to it for the successes it has chalked in promoting democracy.

4.3   Recommendations

Recommendations of the study are highlighted in this section.

➢ In light of today's technological advancement in managing elections, there is the need to adopt sophisticated equipment in dealing with challenges that confronts the EC. This will include latest equipment being procured to improve printing ballots, voter registration and transmitting election results.

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➢ Even though much stride has been made with the introduction of the Biometric Voter System in 2012, the biometric register is still challenged. The revival of the National Identification process in producing a national bio-data of every citizen in the country will go a long way in solving the recurring issues of minors and foreigners finding their way into the voter register. Zimbabwe has been able to avoid such problems by registering citizens at birth.

➢ The majoritarian system of Ghana's electoral system must be looked at again. This has culminated in having acrimonious politics being done because the winner indeed does takes all. If a referendum can be held to determine the possibility of either maintaining the status quo or going for proportional system as done in South Africa, it will make everybody feel included in the governance process because if this process is left in the hands of the legislature, it might never come to fruition. Even though the IPAC has achieved a lot in this regard, by building trust among political parties, a much lasting solution can be considered.

➢ Due to the successes chalked by IPAC it is only prudent if it is institutionalized into a permanent body rather the ad hoc status it currently wields. Through this, it will forestall and curb to a large extent, some critical issues from coming into the public domain easily. It will further strengthen the consensus building capacity among stakeholders.

➢ There is also the need for much collaborative exercise by the NCCE and the EC towards electoral education. In light of the financial constraints it faces, it is imperative for these two institutions to build partnerships with CSO, whose line of works is in civic education. This will allow for them to deliver on their responsibilities devoid of doing things independent of each other.

➢ Democracy is indeed an expensive venture and most definitely for a developing country like Ghana. From the look of things, should donor fatigue set in, our democracy that has been touted as the beacon of Africa would be in jeopardy. To overcome this recurring challenge, the EC in consultation with the state should do as has been done for the NHIS in channeling a portion of the tax component into a fund purposely for electoral activities in order to wane the country off donor support. Taking into account the economic burdens on the country, the benefits of empowering the Commission financially would ensure elections are transparent and credible by fighting corruption and improve governance in promoting democracy.

Areas of Further Research

➢ A comparative analysis of the EC of Ghana in 1996 and 2016: A decade in retrospect.

➢ The significance of electoral reforms in democratic governance

➢ The role of electoral Commissioners on election management bodies in Africa

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Interview with Dr. Ken Ahorsu, Research Fellow, LECIAD, UG, Legon on 25th July, 2017

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