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**DEMOCRATIC ELECTIONS AS A DETERMINANT OF GOOD
GOVERNANCE IN AFRICA: A COMPARATIVE STUDY OF THE
GAMBIA AND GHANA**

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DECLARATION

I hereby declare that this dissertation is the product of an original research that I undertook under the supervision of Dr. Boni Yao Gebe. This work has never been submitted partially or wholly elsewhere for any award, that all sources used have been duly acknowledged.



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DEDICATION

I dedicate this work first to the Almighty God, the source of my strength, knowledge and understanding, in Him I trust. I am also dedicating it to my selfless family who have encouraged and supported me through this journey. You have served as a source of great inspiration and also taught me the values of hard work, commitment and discipline, to never give up but aspire to greater heights even when the road gets tough. Thank you for your kind words of inspiration, Mr. and Mrs. Frempong (my parents), Mr. Edward Frempong and Mrs. Davina Frempong (my big brother and his wife), Dr. Daniel Kofi Frempong (my baby brother), Daniella Adwoa Frempong and Davina Yaa Frempong (my baby sisters).

Also, to my ever patient and supportive supervisor, Dr. Boni Yao Gebe, I dedicate this masterpiece to you. You have been very instrumental in the drive to the completion of this work, God bless you immensely. You are the best supervisor ever!

Also to my LECIAD family, class of 2019, especially to my new family, Belinda Gyamfua Ansong, Ilham Gombilla, Nana Adwoa Attafuah and Amanda Asantewaa Asafo-Adjei. I dedicate this work to you beautiful ladies. You have played a great part in my self-development and life at LECIAD would not have been complete without you. The group studies, constructive criticisms, unending motivation, encouragements and all the fun times after every stressful session cannot be forgotten. All the sleepless nights have been worth it. Finally, we have made it!

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God richly bless you all.

ABBREVIATIONS

AFPRC	-	-	-	Armed Forces Provisional Ruling Council
APC	-	-	-	All People's Congress
APRC	-	-	-	Alliance for Patriotic Reorientation and Construction
CHRAJ	-	-	-	Commission on Human Rights and Administrative Justice
CI	-	-	-	Constitutional Instrument
CPP	-	-	-	Convention People's Party
CSO	-	-	-	Civil Society Organization
DCA	-	-	-	Democratic Congress Alliance
DFP	-	-	-	Democratic People's Party
DP	-	-	-	Democratic Party
DPP	-	-	-	Democratic People's Party
EC	-	-	-	Electoral Commission
ECOWAS	-	-	-	Economic Community of West African States
EGLE	-	-	-	Every Ghanaian Living Everywhere
GAP	-	-	-	Gambia Action Party
GCPP	-	-	-	Great Consolidated Popular Party
GDC	-	-	-	Gambia Democratic Congress
GDRP	-	-	-	Ghana Democratic Republican Party
GFP	-	-	-	Ghana Freedom Party
GMC	-	-	-	Gambia Moral Congress
GPDP	-	-	-	Gambia Party for Democracy and Progress
IDG	-	-	-	Institute of Democratic Governance
IFES	-	-	-	International Foundation for Electoral Systems
INEC	-	-	-	Interim National Electoral Commission
IPAC	-	-	-	Inter Party Advisory Committee

IPP	-	-	-	Independent People’s Party
KMA	-	-	-	Kumasi Metropolitan Assembly
LECIAD	-	-	-	Legon Centre of International Affairs and Diplomacy
MCP	-	-	-	Muslim Congress Party
MOU	-	-	-	Memorandum of Understanding
MP	-	-	-	Member of Parliament
NCP	-	-	-	National Convention Party
NDC	-	-	-	National Democratic Congress
NGO	-	-	-	Non-Government Organization
NGOAA	-	-	-	NGO Affairs Agency
NIA	-	-	-	National Intelligence Agency
NPP	-	-	-	New Patriotic Party
NRP	-	-	-	National Reconciliation Party
NVP	-	-	-	New Vision Party
OAU	-	-	-	Organization of African Unity
PDOIS	-	-	-	People’s Democratic Organization for Independence and Socialism
PNC	-	-	-	People’s National Convention
PPP	-	-	-	People’s Protectorate Party
PPP	-	-	-	Progressive People’s Party
RPD	-	-	-	Reformed Patriotic Democrats
SAP	-	-	-	Structural Adjustment Program
STL	-	-	-	Superlock Technologies Limited
UDP	-	-	-	United Democratic Party
UDSP	-	-	-	United Development System Party
UFP	-	-	-	United Front Party
UGM	-	-	-	United Ghana Movement
ULP	-	-	-	United Love Party

UNDP	-	-	-	United Nations Development Program UP
	-	-	-	United Party
UPP	-	-	-	United Progressive Party
URP	-	-	-	United Renaissance Party
YPP	-	-	-	Yes People's Party

ABSTRACT

Democratic elections and democratic governance in Africa have been major issues of debate for scholars around the world, focusing on arguments surrounding the nature that democracy in Africa should take in terms of the western style of democracy or developing Africa's unique democracy. As a contribution to this conversation, this study discusses the conduct and implications of democratic elections and the state of democratic governance in Africa, using Ghana and the Gambia as case studies. Within the framework of democratic governance, the study adopts a comparative approach based on an exploratory research which employs qualitative methods to achieve the objectives of the research. It relies on both primary sources of data, including interviews, and secondary sources of data, including data from institutions such as Electoral Commissions from both countries under study, to conclude that elections are a central indicator but not the only indicator of democratic governance in Africa. Based on other indicators such as the existence of rule of law, accountability, representation, pluralism and participation in governance, the study further concludes that both countries still have a long way to go in terms of its practice of democratic governance. To this end, the study identifies some challenges that should be addressed by both countries to improve upon its practice of democratic governance, including inadequate accountability, low levels of participation by the citizens in local governance, the proliferation of party-sponsored violence, ineffective law enforcement system, and ineffective representation of the people.

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CHAPTER ONE

INTRODUCTION

1.1 Background of the Study

Governance in Africa has been of great interest to western countries and international organizations since the 1980s, after the realization that Structural Adjustment Programs (SAPs) and other economic programs implemented in most developing countries could not be achieved without the proper political background to support them.¹

Aid agencies especially, really got involved in “good governance” principles, as many of these principles and elements served as attachments, or “conditionalities” to many of these agreements on aid, forcing recipient states to introduce some of these elements in their governance.² Because many of the aid agencies were led by, and made up of Western governments, many of these good governance principles started to take on a face of democratic elements, eventually becoming democracy conditionalities. In effect, African states that received aid from Western governments and other aid agencies were forced to hold elections, amend their constitutions, allow opposition parties, and introduce certain rights and freedoms, and so on, as conditionalities before they are bailed out with economic assistance, given aid for poverty reduction, and before they received other forms of help from the international community.

Coinciding with the political transitions in the late 1980s from military dictatorships to multiparty democratic rule in many African countries, following the end of the Cold War, and the struggle for democratic governance, more than 30 African countries drew constitutions and ushered

themselves into some form of democratic governance by 1995.³ The new crop of African leaders had given hope to democracy on the continent. However, since the late 1990s, countries on the African continent have had some experiences that explain otherwise.

The electoral process and institutions in Africa have been plagued with serious problems, including vote rigging, intimidation of voters, violent conflicts, and so on.⁴ These problems have prompted special attention for elections in African countries, going as far as to consider elections with few incidents as a success, so long as a large number of electorates are able to vote and the election results are accepted by the parties involved. Elections were contested on tribal, ethnic and/or religious lines, in most African states. Many political parties are constituted along those lines, and therefore, gain their support base from these groups. This has caused several electoral problems in many African countries, as was the case in Kenya in 2007, Cote d'Ivoire during various elections in the past, and Zimbabwe, and so on.⁵

Ghana gained independence in 1957, and since then, has had a history filled with both military and elected governments, the latter commended by many on the continent.⁶ The nation has been recognized as typifying one of the longest bouts of political stability on the continent, making it the envy of many. Compared to its neighbors such as Togo, Ivory Coast, Burkina Faso, Liberia and Sierra Leone, the country has achieved a lot.⁷ The Gambia also started on a good footing, even better than Ghana, and gaining a lot of traction from most European countries. It had held regular elections since independence until 1994 when Yahyah Jammeh led a coup to overthrow the current government, which portrayed the country as demonstrating one of the key elements of democratic governance for many years.⁸

Elections have served Africans well in the past and very badly in recent years. It has also constituted its degeneration as many African leaders have found ways to exploit it to stay in power for many years through “third-termism”, where many African leaders occasionally increase the number of term limits a president can stand for elections in their respective countries. This allows them to attach some legitimacy to their autocracy. This, and many other downsides of elections, have given cause to several studies into Africa’s governance system.

1.2 Statement of the Research Problem

Elections are a significant element in the practice of democracy. Securing the freeness and fairness of its conduct is important. Credible elections, devoid of electoral malpractices, enhances the legitimacy of the government and develop the public’s confidence. Thus, elections are significant in sustaining democracy. Although many democratic African states have conducted elections as stated in their constitutions, the outcomes of the elections have not been transformed into sustainable democracy.

Adult suffrage and/or constant elections, the presence of a constitution and institutions of governance, are the quickest pointers to democratic governance. These may not be the case as these parameters have not been steeped in social-cultural and historical specificities, and especially, if not intended for some specific goals.

In the examples of Ghana and the Gambia, the transition to democratic governance through elections has either been a smooth or rough journey. This study throws more light on the efforts made by both countries (Ghana and the Gambia) towards the attainment of democratic elections over the years. The study also assesses the effect democratic elections has on the governance of both countries.

1.3 Research Questions

1. Are democratic elections a determinant of democratic governance in Africa?
2. Has democratic governance been successful in Ghana and the Gambia?
3. What are the challenges and difficulties faced by Ghana and the Gambia in their efforts to attain democratic governance?

1.4 Research Objectives

1. To determine whether democratic elections alone is a central indicator of democratic governance in Africa.
2. To determine whether democratic governance has been successful in Ghana and the Gambia.
3. To identify the challenges and difficulties faced by Ghana and the Gambia in their efforts to attain democratic governance.

1.5 Scope of the Study

The study focuses on democratic governance in Ghana and the Gambia since the end of the Cold War.

1.6 Hypothesis

Ghana has performed better at democratic governance, compared to the Gambia.

1.7 Rationale of the Study

At the risk of sounding generic, this research adds to existing literature by contributing to works on democratic elections and democratic governance in Africa. This study assesses the state of democratic governance in Ghana and the Gambia in an attempt to determine whether any of these two countries are getting it right, per the provisions of the practice of democratic governance.

The work also addresses the successes and failures of democratic governance in Africa by highlighting the shortfalls and challenges of the approach. This is significant, especially when one considers the growing arguments about the need for African countries to tailor their own governance to the cultural practices and traditions of their individual countries, and not necessarily having to follow the western model of democratic governance.

The discussions in this research illuminate certain key areas in the practice of democratic governance that may need further attention or immediate action by governments and other stakeholders in the countries under study, the sub-region or the African continent entirely.

1.8 Conceptual Framework

The research is conducted within the framework of democratic governance. The concept of good governance is heavily tied in with democratic governance, as was explained in Bevir's Democratic Governance.⁹ The concept came about because international aid agencies sought to add "political conditions to their lending criteria on the grounds that the effectiveness of aid varied according to the governance structures of recipient states".¹⁰ However, as majority of these aid agencies originated from, and were led by, western governments promoting western ideals, good governance indicators started to take on a more democratic face, even though it was still considered within the context of aid.

Bevir asserts that democratic governance came to be fully regarded as necessary amidst discussions about economic development, with the belief that “the effectiveness of market reforms depends on the existence of appropriate political institutions”.¹¹ Democratic governance is considered as an umbrella concept, encompassing many different forms of democracy, such as the Marxist conceptions of democracy, consociation democracy, liberal democracy, constitutional monarchies, republics, and so on.

For the purposes of this work, the concept of democratic elections is considered as being made up of certain elements, without which elections cannot be termed democratic. These elements include political pluralism, democratic participation, representation, elections, rule of law, human rights and individual freedoms, accountability, and the existence of civil society and civil action. These elements are adopted from the Action for Strengthening Good Governance and Accountability Project’s Concepts and Principles of Democratic Governance and Accountability.¹² This project is an European Union-supported initiative meant to measure democratic governance in Uganda, and educate the country on what to expect from a democratic government.

Political pluralism simply refers to the existence of multiplicity and the acceptance of diversity in the political system.¹³ In democracy, and especially for the countries under study, it could refer to the existence of other political parties besides the incumbent, and the freedoms with which they are being allowed to operate within the political system. It also refers to the freedom of the people to belong to these other political parties, or to hold any ideology or belief that they please. Using the different understandings of political pluralism, the study qualitatively measures the level of political pluralism in the countries under study, as part of the indicators to determine whether these countries have been able to establish a democratic governing system successfully.

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Democratic participation involves the people in the governing of the state, in terms of decision-making and actions taken.¹⁴ Participation can occur in two ways, including through democratic institutions such as elections and referendums, and through civil society organizations, where citizens can present a united front on specific issues that affect them.¹⁵ In democracy, every individual deserves the chance to participate in the politics of the day. In small democracies like some parts of Switzerland, people have the chance to participate directly. However, in large democracies, people elect representatives to national offices, where these elected representatives represent the interests of the people who elected them.

Representation is practiced properly when it is understood that at the core, the ultimate power lies with the people; the popular power is exercised by a selected few representatives; these representatives are elected by the people periodically; the decisions of the elected are binding on the people who elected them; and the people remain the final judge of performance, and they express their disdain or appreciation through the ballot.

Elections are very vital for democracy, as it embodies the power of the people. Through elections, the people can choose their leaders and their representatives, as well as deselect them when they are not satisfied with their work. Elections in democracies as big as there are in modern states have become synonymous with democracy as it is at its core, empowering people to act within their prerogative.¹⁶ This informs the research question to explore whether that notion of equating democratic elections to democratic governance is accurate. Democratic elections must be competitive, allowing for as many contenders as possible; periodical; inclusive; and definitive. If done properly, elections serve as a tool of accountability, as it allows citizens to answer the question of whether elected public office holders did their work properly.

Democratic governance also holds the principle of the rule of law sacred. Rule of law in democracy promotes “equality before the law”.¹⁷ The two countries under study, Ghana and the Gambia, are both states that are governed by constitutions which lay out the laws of the land in detail, along with the punishments for when such laws are broken. The constitutions also accord the people with certain rights and privileges, including their rights to vote when they reach a certain age, their right to counsel when they are suspected of breaking the law, freedoms of speech, movement, and association, and so on. These human rights and freedoms are guaranteed to the citizens by the government, in return for the government’s solicitation for the votes of the people. This social contract forms the basis of the establishment of the state, and hence, deserves assessment when democratic governance is being assessed.

Democratic governments should be accountable to its people, especially for promises made to them during election campaigns, for the use of their taxes, and for upholding the provisions of the constitution. Government accountability “requires that public officials, elected or unelected, have the obligation to explain their decisions and actions to their citizens”.¹⁸ As has been mentioned already, accountability can be attained through elections in addition to legal accountability mechanisms like ethics statutes, codes of conduct, conflicts of interest and financial disclosure laws, judicial review, and so on; as well as administrative accountability tools like agency ombudsmen, auditors, administrative courts and legislation like whistleblower laws.

Between the government and the private sector lies the existence of civil society and civil action.¹⁹ They are made up of NGOs, labour organizations, religious and traditional institutions, trade unions, student organizations and so on. They represent the interests of their membership by seeking for better conditions through demonstrations, strikes, petitions to governments, lobbying in parliament, and so on. They also educate their members on current legislations, government policies, and programs that concern them and their wellbeing. They are able to do this because of their propensity to easily mobilize, and share information. They contribute to democratic governance by checking the power of the state and monitoring political leaders to ensure that their activities fall within the confines of the law. They also promote political participation by expanding the membership of their organization and taking actions together or on their behalf.

A closer look at these elements in the countries under study contribute immensely to the final conclusions of the study because it provides a disarticulated view of democratic governance within the states, allowing the researcher to assess, individually, the various components of the system to arrive at conclusions for it, an aggregate of which presents a clearer view of the state of democratic governance in these states.

The concept, however, has its weaknesses, principal of which is its ability to be measured.²⁰ Because of the vast nature of a democratic system, along with its various moving parts, there is a real challenge in measuring how effective democratic elections is. Since this work is a qualitative assessment, this weakness still exists, however, not as severe, and definitely not enough to affect the final conclusions of the work.

1.9 Literature Review

The study reviews literature encompassing the areas of democratic elections and democratic governance in Africa and the countries under study.

In Said Adejumobi's "Elections in Africa: A Fading Shadow", he asserts that elections in most African states appear to be a fading shadow of how democracy is supposed to be, which serves as a danger in itself to the goal of the continent to democratize.²¹ In his work, Adejumobi conceptualizes elections as a stronger element of democracy than the other elements of democracy,

seeming to imply that weaknesses in the implementation of electoral norms and procedures pose a bigger risk than usual to the democratization processes of most African countries. This work provides a lot of insight into the study's first objective to determine whether elections, in itself, can qualify as a democratic governance system. He spared nothing in highlighting how important elections are in a democracy, as, according to him, it serves as an institutionalized way of changing the leadership of a country, as well as an instrument of political authority and legitimacy. However, he highlights the fact that elections in Africa have been plagued by malpractices including violence, rigging, and so on, which has reduced its credibility, and reflects badly on the democratic struggles of African countries.

International Peace Institute's "Elections in Africa: Challenges and Opportunities", provides a broad background of elections on the African continent, along with the risk factors, the debate between elections being a process or an event, the role of the international communities in elections in Africa and two case studies (Democratic Republic of Congo (DRC) and Kenya).²² The document is as a result of a roundtable discussion of African countries and other stakeholders of elections on the continent, including the United Nations, NGOs and Academics. Possible risk factors associated with elections on the continent, including electoral violence as a result of perceived electoral malpractices, were identified, which, according to some of the contributors, affected the democratic status of many states on the continent. According to the document, most African countries are a form of "hybrid regimes" – neither fully democratic nor fully autocratic. It also highlighted the need to consider elections as a process, and not as an event. Towards this, it outlined three different steps in the electoral process – the Pre-Voting stage, the Voting stage, and the Post-Voting stage. The contributors also highlighted the importance of perceiving the electoral system of countries on the continent as free and fair, and elections to happen periodically per the

provisions of the constitution, with a fair, open and transparent voters' registration process. Concerning the role of the international community in the process, the paper highlighted the obvious fact that elections are nationally owned, but can also be benefited from the international community in several ways, including training of electoral workers, education to voters, and provision of election observers, and so on. The two case studies on Kenya and the DRC highlighted past electoral processes, the possible challenges ahead, along with suggestions to strengthen the process in the future. In conclusion, the paper highlighted the importance of elections, especially as a way to help autocratic governments to transition into democracies. It also entreated African states to make elections as part of the broader political framework that promotes good governance principles.

Claude Ake's "Unique Case of African Democracy" is very relevant to this study, as this study aims to scrutinize African democracies. Ake's work looks at the unique features of democracy in Africa, and provides an argument which proposes that the development of democracy in Africa should "stem from the ordinary people of Africa and their conception of participation".²³ In the work, he stressed the disappointment of the successful independence struggles, highlighting how African countries did not see the economic progress and prosperity that they were promised by their leaders after the struggle was over. This disappointment is situated within a context of economic freefall, as many African countries are too focused on abstract political rights, instead of the concrete economic rights that these countries need to grow and develop. He also makes a final argument in the end about how the democracy of the west is specific to their capitalist industrial society, and has no place in the pre-capitalist, pre-industrial society of Africa. He especially stresses the difference in the participation in politics between the African society and the western society. He finally comments on community politics, and stresses how the African

community is different from the western community, therefore, highlighting the unsoundness of applying such ideals from those regions to the African system. This argument has been gaining traction in the intellectual community, as many are calling for a unique form of governance for Africa, as this current form of democracy is obviously not working.

Tony Leon's "The State of Liberal Democracy in Africa – Resurgence or Retreat", examines democracy on the African continent. It highlights the growing realization that even the hardcore dictators on the continent seek some form of legitimacy in the international system through national elections to survive because democracy is gradually becoming the only acceptable form of governance on the continent.²⁴ However, he immediately highlights the fact that there is a very stark difference between multiparty elections and democracy. Just because a country is organizing periodic elections does not mean that the country is democratic, as, despite the elections in some of these institutionalized autocracies, the economy is very bad and corruption is very high. The writer calls on African countries to focus on building free societies characterized by strong democratic principles, instead of focusing on the "trappings of democracy". He also mentioned that Africa will not transition to democracy without a strong market-oriented economy. He therefore called on African leaders to also focus on granting economic freedoms to their people to stir the private sector and make it vibrant. Towards the end of the paper, he identified three inhibitors to democratic governance in Africa, including inter-ethnic tensions on the continent, and how it contributes to violence and the deterioration of democracy in African countries; an abundance of natural resources, which shields irresponsible governments from implementing economic reforms, and the continuance of "big man" politics in Africa. By way of solutions, he suggested that African states must enact strict anti-corruption laws and the devolution of power to curb inter-ethnic sentiments.

Prof. E. Gyimah-Boadi's "Ghana's Fourth Republic: Championing the African Democratic Renaissance" provides a very succinct history of Ghana's democratic governance since independence. In his work, he highlights Ghana's brash with repression, stagnation and authoritarianism, until finally the fourth republic which ushered in the democratic governance that Ghana has experienced till now, which led to his conclusion that democratic rule can also be African, and that autocracy is not necessarily African.²⁵ Among Ghana's achievements in democratic governance, he identified the term limits for presidents that the 1992 constitution identified and have upheld for over 25 years now, the National Reconciliation Commission at the turn of the century, the several multiparty elections that have been conducted in the country, as well as the level of media freedom that places high amongst other African countries, and so on. These informed his conclusions on the "miracle" of Ghana, as he urged other African countries to emulate the progress of Ghana.

Sanyang and Camara's "The Gambia After Election: Implications for Governance and Security in West Africa" provides an overview of the democratic governance of the Gambia, a country that was thriving as a destination spot for many Europeans, and home to two regional secretariats on human rights and democracy, had its reputation ruined in 1994 when Jammeh forcibly took control of the government and ruled it until 2017 when he was overthrown by the combined action of West African countries through ECOWAS after losing an election.²⁶ Between 1994 and 2017, the country was largely an autocratic regime, being led by Jammeh, even though it held periodic elections where Jammeh won. The work analyzes the impact of the Jammeh regime on the democratic governance of the country by looking at its conduct of elections up until the 2016 elections which cost Jammeh the presidential seat.

George M. Bob-Millar and Jeffery Pallar's "Democratic Raptures and Electoral Outcomes in Africa: Ghana's 2016 Election" delves deep into democratic elections in Ghana in an attempt to determine how democratic learning can influence presidential incumbent reelections.²⁷ To this end, the authors study intensely the various elections that Ghana has conducted since the fourth republic began in 1992, commenting on the feat Ghana has attained by consistently holding relatively free and fair elections, leading to and resulting in a well-institutionalized party system, popular support and participation in elections, a vibrant civil society, and free media. On Ghana's elections, the consensus amongst the various political actors and civil society organizations is that the country's electoral management systems are adequate, and that most Ghanaians vote on issues.²⁸ The work provides the necessary insight into Ghana's elections, providing the necessary background to comparatively assess democratic elections in Ghana and the Gambia.

Graham et. al. (2017) discusses the extent to which Ghana's democracy has been consolidated after the outcome of the 2016 general elections in Ghana, within the framework of minimalist and maximalist conceptualization of democratic consolidation, in their work, "The Third Peaceful Transfer of Power and Democratic Consolidation in Ghana".²⁹ The work asserts that, "though Ghana passed the turnover test for democratic consolidation, there are several democratic deficits that undermine the nation's efforts to climb higher the ladder of democratic progression and consolidation".³⁰ This assertion downplays the asserted progress in Ghana's democracy through its continual success of the turnover test that Bob-Millar and Pallar (2018) present in their research, demonstrating the different interpretations that scholars attach to the state of democracy in Ghana. Taal's (2014) paper on "Multi-Party Democracy, Electoral Laws and Political Governance in Postcolonial Gambia." is a study of political participation and electoral governance in the development of democratic practices in the Gambia. It bases its conclusions on a perception survey

of Gambians on what they think about the competitiveness of their political system and how the electoral processes are managed by the elections management body as provided by the electoral laws of the country within the context of political development towards good governance practices in the Gambia. The conclusions are mixed, as people's perceptions of multiparty democracy, electoral laws and political governance in postcolonial Gambia either point to the general need for improvement or a lack of interest in the matter entirely. However, the author notes that, if a strong and sustainable democracy is to be achieved in the Gambia, there must be a well-functioning political party system, and well-functioning electoral system based on credible laws.

Felix Omotosho's "The Electoral Process in the Gambia: A Giant Stride in the Makings of a Viable and Stable Political System" is a paper that stresses that electoral processes in the Gambia has been a key player, very unique and significant instrument to the peace that the country and its people enjoy, contrary to the well-known notion that the electoral process in the Gambia is not an essential element to the makings of a viable political system in the country. He examines the various mechanisms, dynamics and strategies that the Gambia has employed in their efforts to strengthen, deepen and consolidate the peace enjoyed in the country, as well as the robust electoral system that the political system embrace and hail. According to the author, there is the need to recognize the genius in the current voting system in the Gambia, made up of the marble voting as well as the first-past-the-post system. He hails Jammeh as contributing more to the consolidation of democracy in the Gambia and fostering a system that reduces the potential for violence and promotes peace in the West African sub-region. This work is especially important to the conduct of the study because, it presents a completely different tone – the opposite – from the general conclusions of the outside world. To everyone else, the system of government under Jammeh was disastrous, but Omotosho (2014) hails it as a major contributor to the Gambia's peace, a sentiment which was contradicted also by a large population of the Gambia and most world governments, as well.

Ismaila Ceesay's (2017) "The Gambia Continues to Defy Existing Political Norms on the African Continent" outlines briefly the political history of the Gambia, within the context of the highly contested 2017 Gambian Elections that saw the defeat of Jammeh. He likened the elections to a political earthquake, and attributed Jammeh's defeat to, amongst other things, a unified and emboldened opposition, social media campaigns, and a disgruntled youthful population. He also attributed his defeat to his minimal implementation of reforms in the electoral system, allowing for on-the-spot counting, and improved transparency. This paper offers an insight from a Gambian perspective on the current happenings in the country. It informs the study by providing a secondary source of data on pertinent issues that relate to the conclusions of the study and its recommendations, especially considering the limited resources and experts on the Gambia.

1.10 Research Methodology

The study adopts a comparative research approach, using Ghana and the Gambia as case studies. The study employs the concept of democratic governance, which provides a general overview of how democratic governance looks like for comparative purposes. This study discusses the conduct and implications of democratic elections and the state of democratic governance in Africa, using Ghana and the Gambia as case studies. Within the framework of democratic governance, the study adopts a comparative approach based on an exploratory research method which employs qualitative methods to achieve the objectives of the research. It relies on both primary sources of data, including interviews, and secondary sources of data, including data from institutions from both countries under study, to discuss whether or not election is a central indicator of democratic governance in Africa by using other indicators such as the existence of rule of law, accountability, representation, pluralism and participation in governance. It helps determine how well the countries under study are performing, and feeds into determining the challenges they are facing in their governance processes,

as well as helping to address the question of whether or not democratic elections carry enough indicators to classify governance as democratic.

1.11 Sources of Data

The research relies on both primary and secondary sources of data. Primary data is firsthand information collected by the researcher during the conduct of the study, while secondary sources are sources of data gained from existing literature, government agencies, non-governmental organizations and international governmental organizations that specialize in the area of research. Existing literature could also be located in libraries.

Primary sources of data for the research include Ghana and the Gambian officials made up of lecturers, civil servants and private sector workers, through interviews in semi-structured format. Officers interviewed were from the United Nations Development Program Ghana, the Electoral Commission of Ghana, the Gambian Consulate in Ghana, the Institute of Democratic Governance, the Centre for Democratic Development and the Legon Centre for International Affairs and Diplomacy (LECIAD).

These expert resources are gained through purposive sampling methods because of the specialized nature of the sources of data required for the conduct of the research. Some snowball sampling is also employed to gain access to key sources of information that the researcher was not already privy to.

Secondary data are also utilized through the review of literature gained from the Balme Library and the LECIAD Library of the University of Ghana, as well as those from government agencies like the Ghana Police Service, the Center for Democratic Development in Ghana, the Electoral Commission

of the Republic of Ghana, as well as other relevant NGOs and government agencies.

1.12 Organization of the Study

The study is in four chapters. Chapter one covers the introduction. It entails the background to the study, statement of the research problem, the research questions, the research objectives, the scope of the study, the rationale of the study, hypothesis, the conceptual framework, literature review, research methodology and sources of data.

Chapter Two discusses Democratic Elections in Africa and its relevance to Democratic Governance.

Chapter Three discusses the history of Elections in Ghana and the Gambia, as well as the significance for Democratic Governance in the countries under study.

Chapter Four comprises the summary of findings, conclusions, and offer some recommendations

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²⁹Graham, Emmanuel, Ransford Gyampo, Pamphilious Faanu, and Eric Yobo. "The Third Peaceful Transfer of Power and Democratic Consolidation in Ghana." *Journal of Pan African Studies* 10, no. 5 (2017): 99-128. p. 101

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CHAPTER TWO

DEMOCRATIC ELECTIONS AND DEMOCRATIC GOVERNANCE IN AFRICA

2.1 Introduction

This chapter focuses on democratic elections and democratic governance on the African continent. By providing this background, discussions on democratic governance and elections in the Gambia and Ghana becomes properly situated within the wider African context, while also making it easier to adapt the recommendations of this study to other countries on the continent besides the ones under study. As part of this discussion, focus is given to defining democracy within the African context, highlighting the elements of democracy in Africa, before discussions on democratic governance and democratic elections on the African continent.

2.1 Defining Democracy within the African Context

This section is focused on defining democracy within the African context by looking at a general definition of democracy, going through the democratization process in Africa, and exploring the debate surrounding the notion that democracy leads to development. The section would cap off with an insight into the uniqueness of democracy in Africa, as compared to other parts of the world, especially the Western states.

2.1.1 Defining Democracy

The term “democracy” has always been a disputed term, with no universally accepted definition, and, especially, for the African continent and the people on the continent, the term has yet to fully enter popular discourse.¹ Interesting definition for the term have included, a system for arriving

at political decisions via individuals in the state who possess the power to decide through elections², a regime where government offices are filled through elections³, and so on. However, democracy, at its core, has been understood to mean a government that is set up by the people, made of the same people or representatives of the people, and is accountable to the people.

2.1.2 Democratization in Africa

In recounting the journey of democracy into African countries, several works identify two different waves of democratization, complete with the single reverse wave between the two waves, different from Huntington's three waves and two reverse waves, as well as, in the time periods that these democratizations occurred.⁴ Relying on Huntington's definition of Waves of Democratization, which is "a group of transitions from non-democratic to democratic regimes that occur within a specified period of time and that significantly outnumber transitions in the opposite direction during that period"⁵, the first African wave of democratization, which lines up with Huntington's second wave, occurred during the period of colonial disintegration, when several new African countries were created following their attainment of independence after several years of independence struggles (1943-1964).⁶ The second wave started in the 1990s, different from what Huntington would describe as a third wave of democratization, as his third wave began in 1975 and spread to reach Africa in the 1990s.⁷ In between these two waves of African democratization is what has been referred to as the reverse wave, where several African countries descended back into autocratic and military rule. For instance, countries like Ghana, since, and even before Nkrumah's ousting from power, Cote d'Ivoire, Togo, the Gambia, and several other states descended back into single party, autocratic or military rule during the reverse wave period.

However, the new wave of democratization in Africa, which began in the 1990s, has led to what scholars have termed as the "arena of democratic revolutions" on the African continent.⁸ Many

countries on the continent are either practicing some form of democracy or is in the process of democratizing, including Ghana and the Gambia, the countries under study. However, there is also no consensus on exactly what constitutes a democratization process, including the number of processes that it involves. Some of the suggested factors that determine a democratization process include income of the people, the quality of their education, the existence and activities of civil society groups, state institutions, the free media, and so on.⁹ In the midst of all this is the role of class in the development of democracies, or the democratization process. The existence of bourgeoisies indicates favorable socio-economic conditions, which, according to some scholars, are also necessary conditions for a democratic regime to exist.¹⁰

On the whole, however, the democratization process can be considered to have two broad stages, liberalization and democratization, according to Schmitter and O'Donnell (1986).¹¹ According to them, the road to democracy is from authoritarianism, or any other form of government that is not democracy, to liberalization and then to democracy. Liberalization leads to the fall of authoritarian regimes, as it empowers the populace to demand certain kinds of freedoms and rights, along with the will power to fight for it. When the regime falls, the state then enters into the transition stage, where elections and other determinants of democracy take place and are instituted. The over-time strengthening of the transition process implies consolidation, and then a state can truly be termed as democratic.

2.1.3 Democracy and Development

Development, understood to be “the objective of moving towards a state relatively better than what previously existed”¹², has been discussed in relation to democracy when states are the focus of the conversation. Especially in African states, the verdict has been split, with some scholars purporting

a positive link between democracy and development, and other scholars positing that there is no relation between these two phenomena.

This section is important because it throws more light on the big fuss surrounding democracy in African states, with the main arguments being that, democracy, as a system of government, if practiced properly, leads to development in the state. Development is a process, and not something that happens at once, therefore, it is relative what one considers as development, making it especially difficult to measure accurately whether or not democracy leads to development. Development is also a broad term, which can refer to several sub-areas, including human development, infrastructure, institutions, amongst others. Therefore, the saying “democracy leads to development” is quite an ambiguous statement. However, for the purposes of this discussion, democracy leads to development and it is considered in terms of the positive changes in a regime during and after democratization, with positive changes referring to an improvement in the human development index, a reduction in corruption, easy access to quality education and health care, greater individual freedoms, amongst others.

According to Sikuka (2017), one of the simplest explanations for the direct relationship between democracy and development is that “once people start to acquire higher levels of economic development and social maturity, they will begin to seek more accountability from their governments, thus achieving better democracy...and an educated and growing middle class is more likely to demand an active role in the running of their country, to the extent that even repressive governments will have but little option to resist such demands and become more democratic.”¹³ Another argument presented by Sikuka (2017) is that no known democratic regime has fallen after reaching a certain income level. This relationship between democracy and development, as described by Sikuka (2017), is visible in several Human Development Indices,

released by the United Nations Development Programme (UNDP), over the years. According to most recent statistics (2018), the top 10 highest ranking states in terms of human development are all democratic states, with the exception of China, with 20 of the bottom 25 states being sub-Saharan African countries, including Niger, Burundi, Sierra Leone, the Gambia, Liberia, and Mali, amongst others.¹⁴ Most of these African states are in the very early stages of democratization, with very high life expectancy rates, low expected years of schooling, and weak economies.

Arguments against usually cite China as an example of a state with a very large and prosperous economy that does not practice a democratic system of governance. According to some scholars, China has achieved this impressive economic feat at a much faster rate than most democratic states, demonstrating that these two concepts are not reliant on each other.¹⁵ In addition to China, countries like Singapore, and other East Asian states are starting to grow at an expedited rate, regardless of the fact that these states are technically considered among the least democratic states.¹⁶ The realization that the democratization process does nothing to improve the state economically, case in point, African democratizing economies that have seen no change or very little improvement in its Human Development rankings, also puts a big dent in the positive democracy-development nexus.¹⁷

This debate within Africa, which shows bad democracies like Libya, Egypt, and Seychelles as highly developed, more than some of the continent's best democracies like Namibia, Tanzania, Mauritius, and Zambia, is troubling for those arguing for it. While, at the same time, most of the states considered as democratic on the continent are among the top developed countries, even if they are not the first. This raises questions about what our understanding of democracy on the continent is. Africa is a unique continent, and, there have been arguments for a unique democracy

to match its uniqueness. Maybe, then, the statistics will correspond, as, at the moment, the statistics have failed to clearly show that democracy leads to development, or vice versa.¹⁸

2.1.4 Africa's Unique Democracy

There is a lot of confusion about democracy in Africa, especially considering the different components of the democratic movement, as identified by Ake (1993), and their different goals at the end of the day.¹⁹ Towards completely establishing democracy in Africa, there are the out-of-power politicians who are only interested in democracy as a strategy to take back power; ethnic, national or communal groups who only believe in democracy in so far as it aids them in taking back power from a rival group; ordinary people, who are only interested in democracy to help bring the change that could improve their economic wellbeing; international human right non-governmental organizations who are now beginning to demand more rights for the citizens, and not relying on democracy alone in itself to achieve that aim; international financial institutions, who are only interested in democracy because it provides the necessary conditions for a thriving market place; and the Western governments, who are only interested in spreading their ideals to every corner of the earth.²⁰ Because of all these, sometimes, diverging goals has become difficult to gauge exactly what kind of democracy the continent needs, in terms of depth and sustainability. For a democracy to survive, it is important to understand how it affects the people in the state, and to that end, Ake's (1993) work on the unique case of African democracy highlights, first, the disappointment of independence in instituting democracy and the economic growth that was supposed to come with it. He, then, explores the economic component of democracy separately, before considering the socio-cultural realities of the states in Africa, and then suggests a kind of democracy that will suit Africans.

Since the late 1940s to the early 1950s, Africans began to achieve independence from their colonial masters from Europe. The entire independence struggle was predicated on the notion that, achieving independence will open them up to direct their own development and bring progress to themselves. However, years after independence, things only seemed to be going wrong, with several post-independence plans coming to nothing, and economic growth and development slowing down, and even receding. This was mainly attributed to poor leadership and structural constraints in the system.²¹ This lack of progress lost the leaders of the independence struggle their legitimacy and the faith in the eyes of the people, and most of them had to resort to coercion and force to maintain power. The more coercive they are, the less legitimacy they had. This vicious cycle continued, and is still ongoing in some African states today. Because the people feel oppressed from the leadership and the gross economic mismanagement in their states, indigenous populations are demanding a second independence from their leadership, in order to get a better future than they currently have.

Again, there needs to be a de-emphasis on the abstract political rights that current liberal democracies focus on, to demand more concrete economic rights, as a reflection of the needs of everyday Africans.²² For many Africans, democracy's provision of these abstract political rights, including their rights to vote, their freedoms of speech and association, amongst others, should be reflected in an improved economic wellbeing of the people who are being granted these rights. Because of this basic reality, it stands to reason that democracy will not be fully realized in Africa unless the process is paved with plans for improved economic wellbeing. It also stands to reason that, prioritizing economic rights over political rights will not fully serve the interests of Western governments that seek to promote their morals, as well, through the promotion of political rights.

Ake (1993) raises doubts that Africa's democracy will be "allowed" to develop in that manner by the advanced Western governments.²³

The current state of democracy on the African continent also reflects the socio-cultural realities of Africa, which emphasizes the communal nature of the continent's practices, as opposed to the market nature that liberal democracy presents.²⁴ The difference in the nature of these two democracies can be attributed to the state of development of these two culture, as Western governments that came up with this version of democracy are an industrial society, where everything is atomized and commoditized, making everyday life there a market place. This is opposed to the pre-industrial, mostly rural and communal Africa, whose self-interests are tied in with the interests of the community as a whole. To this end, liberal democracy will not thrive in Africa, with its focus on individualism, as opposed to Africa's communal behavior.

This communal behavior of African culture has translated into its own brand of politics, with the basic African struggling less to understand the benefits of social programs and policies than some Western countries. For several African cultures, it is not considered out of the ordinary to pool resources to protect the interests of specific groups in the community who are identified as one, or the vulnerable in the society. This has to be reflected in Africa's democracy, according to Ake (1993), as it embodies the cultural values and inherent principles of the African people.²⁵ To this end, freedom has to be given to the African to develop its own democracy through experience and improvisation, the same way the West has developed their liberal democracy.

2.2 Democratic Governance in Africa

For many scholars, democratic governance is a human right, and failure to provide human rights to citizens of a state should call for some form of punishment for the leadership of the said state.²⁶

As it has already been established, democracy in Africa is marked different from democracies in other parts of the world, especially in the Western countries. It, therefore, follows that democratic governance on the continent will be unique, as well.

By the end of 2000, only five African countries had failed to hold multiparty elections (Comoros, Kenya, Equatorial Guinea, Rwanda and Somalia), which indicated a rise in multipartism on the continent.²⁷ To put this remarkable foot in context for better appreciation, post-colonial African states tried, very unsuccessfully, to copy the liberal democratic governance of western states. The main reason for the failure was the fact that western democracy does not fit into the African situation, as has been explained earlier.

African states did not evolve naturally. It was haphazardly created with no regard for the geopolitical and ethnic situation of the continent at the time. This led to certain groups being divided in different parts, appearing in different countries, and, even, enemies settling in one state. This made state-making a very difficult task, especially in the hands of the incapable, power-hungry, self-interested elites, who could not figure out how to manage the mess that the Europeans had left.²⁸ Therefore, even though the independent African states were left in a multiparty democratic state in the late 1940s to the 1950s, it moved into single-party autocratic states by the 1960s. In the years that followed, until the late 1980s, the continent was plagued with civil wars, coup d'états, military dictatorships, autocracies, amongst others.

In accounting for the causes of the breakdowns of most of Africa's democratic governments during this era, it is also important to mention the Cold War, which started immediately after the end of the Second World War, and lasted until the late 1980s and the early 1990s.²⁹ Most African states became a location for a tug of war between the United States of America and the Soviet Union.

However, the end of the Cold War came the institution of a new world order dominated by the Western style of liberal democracy.³⁰ This led to the replacement of military regimes on the continent with liberal democracy, or, at least, a semblance of it.³¹ By the year 2000, only five states in Africa had not held multiparty elections yet. However, democratic governance had, still, faced many problems over the years of its implementation. The various elements of a democratic government may exist on paper, but may not be effectively enforced in the states.³² For instance, there are human right provisions in many constitutions in Africa, and yet, the citizens face abuse from the government that it does not answer for. Rights to vote exist, and yet, voter suppression prevents many from exercising their rights, right to demonstrate exists, and yet, protesters are being shot at in many African countries, just to mention a few.

This phenomenon has been likened to a protracted transition, where an electoral democracy exists alongside elements of autocracy and clientelism.³³ The examples of states that have been constitutionally extending presidential term limits, for instance Museveni in Uganda, while, somehow, winning every national election, show clearly this protracted transition problem. Africa, now, has some of the longest-serving presidents in the world, especially in the Central African region. This continuing problem with democratic governance in Africa has led many to assume that the problem with Africa is not necessarily democracy, but it is with state formation.

Several methods have been adopted to address the issues of democratic governance in Africa. Worth mentioning in this context are the African Union mechanisms, including provisions under the African Union Constitutive Act, the 2000 Lomé Declaration on the framework for an OAU response to the changes of government, and the 2007 African Charter on Democracy Elections and Governance.

The constitutional act which replaced the Charter of the OAU provided, in chapter 4, for certain liberal democratic principles including human rights, rule of law, and other good governance initiatives.³⁴ It went as far as to further provide for the possible condemnation and rejection of any government that came into power through unconstitutional means.³⁵ These provisions were motivated by the 2000 Lomé Declaration. It “provide[s] the basis for actual implementation” of the provisions of the AU Constitutive Act.³⁶ It addresses possible responses to potential coup d’états, good governance principles, transparency and human rights, and “reiterates the need for an agenda to promote democracy and democratic principles in Africa”, including rule of law, separation of powers and independence of the judiciary.³⁷ The 2007 African Charter on Democracy, Elections and Governance also complements the provisions of the two earlier instruments above as it addresses specific provisions like the role of the African Union in elections in member states, invoking sanctions in unconstitutional changes of government, the role of the Peace and Security Council of the African Union in cases of unconstitutional Changes in government, and so on.³⁸

Despite these instruments, the continent is still faced with much of the same problems that were described earlier, even though Gebe (2015) comments that it has succeeded in slowly strengthening some of the democratic institutions on the continent.³⁹

2.3 Democratic Elections in Africa

A review of democratic elections is conducted in this section, focusing on defining democratic elections in Africa, discussions on the relationship between elections and democracy, the history of elections in Africa, and the state of elections in Africa today.

2.3.1 Defining Democratic Elections in Africa

Elections have long been creating problems in African countries. Adejumobi (2000) considered elections to be a “viable means of ensuring the orderly process of leadership succession and change and an instrument of political authority and legitimation”.⁴⁰ In other words, it lends legitimacy to government by ensuring that the people are responsible for choosing said government, and it helps create a reliable system to change power within the country to avoid chaos, misunderstandings and violence.

Elections affect the state in various aspects of its running, including its economy and its political stability. Elections with no problems induce confidence in investors because they are assured of a safe investment in the countries. In the same way, when elections go wrong, it negatively impacts the economy and the political stability of a country. According to Adejumobi (2000), the failure of elections or the absence of it, to a very large extent, defines the predominance of political dictatorships and personalized rules in Africa.⁴¹ This speaks to the growing trend, on the continent, of several African leaders misusing the idea of a free and fair election, and the legitimacy that comes with it, to legalize personal rule and authoritarianism in their states. States like Rwanda, Sudan, and several other states, especially in Central Africa, have relied on “free and fair elections” to legitimize their perpetual occupancy in the leadership position of government.

He further outlined how these leaders have perverted the structure (the organizational infrastructure for managing elections) and the processes (the precepts and procedures of elections) to achieve their own ends, even though the continent is largely considered to be in a state of democratization.⁴² The processes and structures of elections have become the main tool for autocrats and despots to perpetuate their rule through manipulations, brinkmanship and subversion.⁴³

2.3.2 Elections and Democracy

Scholars have conflated the concepts of elections and democracy for years, pointing to just how much election is important in maintaining a democracy. For liberal democracies, many of its key properties, including political participation of the citizens, competition among political units, and the granting of civil and political liberties which are sufficient to ensure political participation and competition, are all related, in one way or the other, to the concept of elections.⁴⁴ Political participation of the citizens could include individuals in the state engaging in the politics of the day through their voting at elections or standing for elections, which, in turn, creates competition for the incumbent government. This will all become possible if the citizens successfully demand, and gain, certain civil rights and liberties which would allow them to participate in the government through voting or standing for elections to create competition, as well as gaining other freedoms such as freedoms of speech, freedoms to assemble, and so on.

Conceptually, elections are a symbol of the “social contract”, or the “social pact”, between the citizens of the state and the government in power that administers the state.⁴⁵ It defines the basis of political authority, as belonging to the citizens who willingly give it up to the government through a contract which ensures that the government becomes accountable to the people who elected them. Elections are also relevant to the political system, in terms of renewing the system so it does not atrophy and suffer decay.⁴⁶ There is something about having a new government, or renewing the old government, that brings a sense of calm and contentment to the people, such that bouts of violence and demands for change are reduced, keeping the political system stable.

Every African member of the United Nations currently bases its right to govern on the principles that power comes from the popular will of the people, regardless of the methods that was employed in attaining that power.⁴⁷ so long as these leaders have the power, it is the will of the people.

2.3.3 The History of Elections in Africa

Historically, Africans have had diverse forms of coming into power⁴⁸, with some groups like pre-colonial Somalis being considered as headless or leaderless states because they were nomads. Africans have had leadership by succession, where some leaders, before the colonial times and even now in some places, are born into power. However, there exist other forms of gaining power in Africa, including through guerilla campaigns, where Chad is historically the first African country where guerilla campaigns successfully brought Hissein Habre to power in 1981. Africa has also experienced coup d'états, shining examples of which are the ones experienced in Ghana, starting with the ousting of Nkrumah in 1966. A final group of “power grabbers” are the ones who get elected into office and stay there perpetually, an example of which is Houphouet-Boigny of Cote d'Ivoire, who died in the early 1990s after being voted into power at independence. In the entire period between post-colonial administration and the late 1980s to the early 1990s, when the Cold War ended and ushered in a new global order, only one country in Africa, Mauritius, actually voted a leader out of office and replaced him by another in constitutional fashion.⁴⁹

All African states have experienced, at one point or another, fairly regular elections of this sort in their post-colonial history. However, these elections have been plagued by various issues that made the structure or the electoral process less ideal for a supposedly democratic system.⁵⁰ For instance, in South Africa in the Apartheid era, black voters were suppressed, and even though white voters could decide to vote for another political party, a win for the National Party was always pre-considered. Other countries on the continent were also plagued with voter suppression, with an overarching trend of elections being used only as a legitimation tool for the incumbent government.⁵¹

The trend can be attributed to the fact that the notion of popular sovereignty or the “will of the people” is a recent one for African countries, and even the Europeans themselves.⁵² Legitimacy in African political systems used to come from the divine duration of the pre-colonial era. In as much as Westerners would like to think that they have enlightened Africa in terms of governance, their notion of popular sovereignty, in by no means, displaced the already-existing African notions of legitimacy through the divine.⁵³ At best, these two notions are being utilized side-by-side, case in point, an ordinary Ghanaian on the street who attributes a presidential candidate’s win to the grace of God.

Regardless, Africans were still introduced to the concept of elections, the oldest instance of which was in the four communes of Senegal, in the mid-nineteenth century, when the French colonialists introduced to them the European model of voting in national elections. Other instances include the Cape Colony, where voting rights were given to citizens who owned property, and in other French and Portuguese colonies, where voting rights were introduced through assimilation into European political ambit. Following the end of the Second World War, elections were introduced to the popular masses of African colonies to reflect the new international system. To this end, British and French colonial authorities saw the benefits of building systems to accommodate social forces that emerged after the war, including parliamentary systems and electoral colleges, which would form the basis for the independence of the British colonies and integration into the French Political system for the French colonies. The Belgians and the Portuguese took these steps much later than the British and the French.

Since the full introduction of elections into African states after the Second World War, the late 1980s and the early 1990s really saw the trend of plural politics and multiparty elections in the continent’s history.⁵⁴ Between 1985 and 1991, about twenty-eight authoritarian regimes were

forced to liberalize their political arena and allow for the existence of other political parties, and dissenting views in Africa. In the same period, about eight states conducted multiparty democratic elections, and by 1997, three-quarters of the states in Africa were considered democratic, and understood to be “practicing” some form of democratic elections in their states. This trend, according to Adejumbi (2000), may have been caused by two factors, the first of which is the decline in the economies and the severe material poverty of the people in African authoritarian regimes and one-party states, which undermined the social capital and political legitimacy of the leaders and forced them down that path.⁵⁵ The second factor is a shift in the international political economy. The dominance of liberal capitalist economies forced African dictatorships to make some changes in their choices of political systems to adopt certain market reforms and liberal democracies as forms of governments.⁵⁶ This move was intended to appeal to donor organizations and states like the United Nations, the European Union, United States of America, Canada, France, and the International Monetary Fund and so on. An instance is Ghana’s shift from military rule to multiparty democratic constitutional rule between 1991 and 1992 due to Rawlings’ aim to court certain donor agencies for the benefit of the state.

As many African states were forced to democratize, other factors arose to cause individual distinctions in the nature, context and outcome of elections among the different states in Africa. The different patterns and discourses of the democratic process, which Adejumbi (2000) identified to be four in number, led to these differences. The first pattern identified is the situation in countries like Benin, Zambia, Malawi, Congo, and Cape Verde, where civil society initiated and saw through the political reforms in the state.⁵⁷ They made sure that electoral laws and processes were free and fair, and exemplifies competition. They also ensured that electoral infrastructure, including the media, police, electoral bodies, and the judiciaries were free from the influence of

the incumbent governments. The result was that, in several of these situations, the opposition governments were able to oust the incumbent governments through the electoral process.

In the second pattern, civil society initially took the reins for political reform, but, then, somehow, the ruling regime hijacked the process. In the end, the existing restrictive electoral laws were left untouched, or very little, and mostly insignificant alterations were made to the laws.⁵⁸ In many of these states, such as Togo, Kenya, and Zaire (now, the Democratic Republic of Congo), elections were not held at all, or the elections held produced familiar results. The third pattern has the state at the forefront of political reforms, with the intention to promote a form of “guided reform” by manipulating the process in order to impose its interests on the process and structure of the electoral process.⁵⁹ This was seen in countries like Ghana, Nigeria, the Gambia, Algeria and Cameroon. In the end, little was achieved in terms of electoral results. The final pattern is the cases in which political transitions metamorphosed into political conflicts and civil wars.⁶⁰ This can be seen in countries like Liberia, Rwanda, Burundi, Sudan and Somalia. Many of these countries are still caught in major and minor conflicts currently. These patterns, especially the last three, are evidence of the stature of elections and democratization on the African continent today.

2.3.4 Elections in Africa Today

Elections today, even though legal ways of legitimizing governments on the continent, are not trusted as credible mechanisms of popular will because they usually fail to meet international standards of being free and fair.⁶¹ For African states, elections are not the best mechanisms for holding governments or other representatives of the people to account, as is supposed to be one its primary goals. It is also being used by several authoritarian regimes on the continent for legitimization purposes, which has become the source of several conflicts on the continent. In Adejumobi’s examination of elections and democracy in Africa, he juxtaposed the proliferation of

multipartism in Africa with increasing electoral misconduct, finally coming to the conclusion that “the future of elections and democracy in Africa remains quite controversial, and open to conjecture”.⁶²

2.4 Conclusion

Democratic elections and democratic governance on the African continent has neither been easy to understand nor had a smooth history. However, with this account of the concept serving as a background, democratic elections and democratic governance is examined in Ghana and the Gambia, the countries under study. The examination unearths whether democratic elections alone has been able to constitute democratic governance in the two states, determine which of the two states have had a more successful democratic governance system, and aid in the identification of some challenges and difficulties that these two states are facing in their bid to attain democratic governance.

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CHAPTER THREE

DEMOCRATIC ELECTIONS AND DEMOCRATIC GOVERNANCE IN GHANA AND THE GAMBIA

3.1 Introduction

This chapter takes a critical look at democratic elections and democratic governance in Ghana and the Gambia. It, first, looks at elections in Ghana and the Gambia. Then, it discusses democratic governance in the countries under study, as well as the challenges that these countries face in attaining and maintaining democratic governance, after which the conclusion follows.

3.2 Elections as a Central Indicator of Democratic Governance

This section explores the viability of considering elections as a central indicator of democratic governance in Africa. By studying elections in the countries under study, this section provides an in-depth view of elections in Africa and its relevance to democratic governance. It explores whether or not a state can be considered democratic if it organizes its elections per the provisions of its constitution, and whether that alone can warrant declaring a state a democratic state.

3.2.1 Elections in Ghana

Ghana, since independence until the beginning of the fourth republic in 1992, experienced what has been referred to as an endless political transition, “a process of political change from one regime to another that is circuitous and endless”.¹ It started from a multiparty democracy after independence, and it turned into a one-party socialist state by the early 1960s.² After the coup that overthrew Kwame Nkrumah in 1966, Ghana had military dictatorships, parliamentary systems of

governments, and so on, ending in the 1992 constitution that established Ghana as a presidential, multiparty, democracy.

Ghana's current constitution, the 1992 Constitution of the Republic of Ghana, gives citizens of the state the right to vote in Article 42. It states that "every citizen of Ghana of eighteen years of age or above and of sound mind has the right to vote and is entitled to be registered as a voter for the purposes of public elections and referenda".³ The constitution also established the Electoral Commission to oversee the conduct of elections in the country. Article 43(1) of the Constitution establishes the Electoral Commission, and outlines the membership of the Commission to include the Chairman, two Deputy Chairmen, and Four Other Members.⁴ According to Article 43(2), the President of the Republic of Ghana is responsible for selecting the membership of the Electoral Commission. The Constitution is clear about who is not qualified to be a member of the Commission, excluding people who do not qualify to serve as Members of Parliament (MPs).⁵ Their functions include registering voters and regularly updating the list, demarcating electoral boundaries, conducting and supervising all public elections and referenda, educating people on the electoral processes, and other tasks as is required for the conduct of elections in the country.⁶ The constitution also clearly institutes the Commission as an independent body, free from the influence of any person or organization.⁷

After the conduct of any election, the Electoral Commission is the only body that is supposed to announce the official results, the consequences of which, if it does not favor anyone, can be addressed through the Chief Justice who will appoint three Justices to sit on the case and deliver a ruling. Aggrieved individuals can appeal the decision, and the ruling on the appeal is considered the final ruling on the issue.⁸

Ghana's constitution also addresses the specifics of voting, including the nature of voting, which, according to Article 49(1) is supposed to be secret. It also addresses transparency by allowing for the counting of the ballots in the presence of voters in the constituency by the Presiding Members of the Electoral Commission at the polling grounds.⁹

When the 1992 Constitution was created, the basic political and civil rights it guaranteed, including the right to form and belong to any political party of one's choosing, led to the creation of 13 political parties within the same year, including the Democratic People's Party, the New Generation Party, the National Democratic Congress, the New Patriotic Party, the National Justice Party, and the People's National Convention, and so on.¹⁰ A number of these political parties did not survive the competitiveness of the Ghanaian political scene. Now, as was echoed by Mr. Kodzo Sedegah, Economic Specialist with the United Nations Development Programme (UNDP), there are two main political parties in Ghana, the National Democratic Congress (NDC) and the New Patriotic Party (NPP).¹¹ Most of the other political parties that were created in that time merged with these two parties, thereby reducing the number of political parties that contested in the 1996, 2000 and 2004 elections in Ghana.¹² However, new ones were also created, bringing the current number of registered political parties, according to Mr. Alexander Poku-Akubia of the Electoral Commission of Ghana, to twenty-five (25).¹³

Since 1992, Ghana has conducted seven (7) general elections to elect presidential and parliamentary candidates, with the elections occurring every four years, in line with the provisions of the constitution. Its maiden election in the fourth republic was in November and December 1992, where Jerry John Rawlings of the NDC won the presidency. The next election was in 1996, which was also won by Rawlings for the NDC. The next two elections in 2000 and 2004 were won by John Agyekum Kuffuor for the NPP, after which the NDC, led by John Atta Mills, took over

power in 2008. John Mahama won the presidency in 2012 after taking reins of the government with the passing of John Atta Mills in 2009. Nana Akuffo-Addo, then, won the presidency in 2016. The next elections are slated for the year 2020.

Ghana has passed three turnover tests since 2017, when it transferred political power from the NDC to the NPP.¹⁴ Two other times before, in 2001 (from the NDC to the NPP) and 2009 (from the NPP to the NDC), the country achieved this feat, adding to the various reasons why Ghana has been hailed on the African continent as a successful democracy.¹⁵ This, however, does not take away the fact that Ghana's democratic elections still have significant problems, as the events and aftermath of the 2012 Presidential and Parliamentary elections testifies to.

The 2012 elections in Ghana was historical as it became the first time in Ghana's fourth republic that the results of the country's presidential election were challenged in the Supreme Court. According to William Asante and Bossman Asare, the petition at the Supreme Court was "a means of testing the strength and tenacity of Ghana's judicial institution within the broad framework of Ghana's fourth attempt at democracy", since it is widely accepted by many scholars that institutional arrangements like the rule of law, entrenched provisions in the constitution and upholding the fundamental human rights of citizens are the primary means of checking the abuse of powers by leaders and ensuring that democracy thrives in the system.¹⁶

The presidential candidate for the NPP at the time, Nana Addo Dankwah Akuffo-Addo, his running mate, Mahamudu Bawumia, and the NPP Party Chairman at the time, Jake Obetsebi Lamptey, falling on Article 64(1) of the Constitution of Ghana which allows for a Ghanaian to present a petition to the Supreme Court within 21 days after elections have been declared to question the validity of the election¹⁷, took said action based on some electoral anomalies that the aforementioned identified.¹⁸ The anomalies included the EC permitting voting in many polling

stations without prior biometric verification, contrary to the provisions of Regulation 30(2) of Constitutional Instrument (CI) 75; counting the results of the supposedly illegal votes by the EC in the presidential elections; providing different results on the declaration forms (known as the pink and blue sheets) for the same polling stations bearing the same polling station codes; the lack of signatures by the presiding officers and their assistants on some declaration forms as required by Regulation 36(2) of CI 75; the existence of the same serial numbers on different declaration forms bearing different results; the EC engaging the services of an information technology company called Superlock Technologies Limited (STL) without the prior notification of the petitioners or the Inter Party Advisory Committee (IPAC), contrary to electoral practices, in a strategy to tamper with the electoral results; instances of over-voting; and a total of 127,210 mysterious voters appearing in the voters' register when the results were announced.¹⁹ In short, they argued that there were serious violations of the constitutional provisions on elections in Ghana.

The respondents, mostly the Electoral Commission to whom the allegations were directed at, dismissed all the allegations by the leadership of the NPP, and proceeded to provide explanations to some of the allegations, especially regarding the 127,210 mysterious voters, attributing that number to the addition of prisoners and members of the diplomatic corps.²⁰ They also responded that the leadership of the NPP used only one for both the presidential and parliamentary elections in response to the disparity between the number of registered voters, and drew the attention of the plaintiffs that fingerprint verification is not the only means of verification permissible under the law.²¹

After months of legal battles (between 16th April and 29th August, 2013), the Supreme Court presented its final judgement upholding the election of Mr. John Mahama as President of the

Republic of Ghana, after ruling against most of what the plaintiffs brought against the electoral commission.²² The leadership of the NPP, who were the petitioners, accepted the verdict of the Supreme Court, making an early statement to the effect that even if they disagree with the decision of the Court, they will accept it and shall not seek any further review of the verdict in the Appeal's Court in the interest of the nation.²³ The statements from the various parties after the election were very crucial towards calming the camps of their various supporters and easing the tensions in the country that had been building up in the months prior. William Asante and Bossman Asare lauded this step as a giant leap in Ghana's democracy towards eventual democratic consolidation.²⁴ The country has gone on to have one more election in 2016, where Nana Addo Dankwah Akuffo-Addo was elected as president, passing yet another turnover test in Ghana's democratic journey.

Regardless of the success of elections in Ghana, some parties in the country have, at one point or another, demanded electoral reforms. In November, 1992, after the first presidential elections in the fourth republic, the parties that lost boycotted the parliamentary elections in December that same year and potentially all other future elections, and demanded for some electoral reforms.²⁵ The "Stolen Verdict" Campaign, launched by the opposition parties at that time, led by the NPP, against the NDC presented a compendium of electoral fraud, and violence against their party officials and candidates at the polling stations.²⁶ They, then, demanded an overhaul of the electoral system, including the creation of a transitional body to supervise the elections in the state, the creation of a completely new voters' register and voter identity cards and the replacement of the Interim National Electoral Commission (INEC) with representatives from all the political parties.²⁷ The NDC government at the time, led by Jerry John Rawlings, did not agree to the reforms, saying that the state of the electoral system in Ghana at the time posed no threat to the credibility of the

state's elections since the international observers' mission from the Commonwealth Secretariat had deemed the November 1992 as free and fair.²⁸

Since then, the electoral reform process in Ghana has included the Act 451 of 1993 which established the Electoral Commission of Ghana, who subsequently championed several reforms in the system; the establishment of the Inter-Party Advisory Committee (IPAC) in March 1994 as a platform for stakeholders to meet and discuss to resolve sensitive issues in the electoral process; the holding of the presidential and parliamentary elections simultaneously to prevent any unfair advantages for the winning Presidential candidate's party; the use of both photograph and biometric data for voter identification registration; the use of transparent boxes for national elections; the use of cardboard boxes to further enforce the secret of the individual ballot; the counting and declaration of votes to occur immediately after elections to increase transparency and ensure faith in the system; the declaration of the assets and expenditure of political parties at least 21 days before the elections to reduce political corruption; and the establishment of the Presidential Transitions Act of 2012 to regulate and facilitate the transfer of power.²⁹ These reforms are discussed at least within IPAC and the political elites, an action which has contributed to the resilience of Ghana's electoral politics.³⁰

Following the election petition characterized on the 2012 General Elections, the Electoral Commission invited electoral reforms proposal from about 38 key stakeholders, including political parties, faith-based organizations, professional bodies and civil society organizations.³¹ Twenty-five (25) proposals were submitted to the Electoral Commission by the end of November, 2013.³² In January, 2015, a 10-Member Electoral Reforms Committee was constituted to advise on the implementation of the proposals, which concluded its work by submitting forty-one (41) proposals to the Electoral Commission in April 2015 for electoral reform. The Electoral Commission

accepted seventeen (17) of the proposals with modifications, including on-going voter registration in the inter-election period; the raising of the educational requirements for many of the electoral official jobs; the establishment of a National Collation Center in place of the Strong Room; improvement in the training of election officials, and the deferment of the adoption of electronic voting, among others.³³ A further fifteen (15) proposals were accepted in principle, but required further discussions with IPAC.³⁴ The only proposal that was rejected was the “no verification no vote” principle, arguing that it is the right of citizens to vote and that their right should not be denied them because a machine malfunctions. To this end, they suggested a few physical and manual means of verifying voters in order to allow them to vote.

In the 2016 General Elections, however, the implementation of these reforms proved a bit of a challenge as, besides the implementations of the proposals that provided for the continued registration between the inter-election years, the use of biometric verification devices, the extended period of notice for voter registration, and the reduction in the number of voters per polling station, little or no information were given on the implementation of the other reform proposals.³⁵ Therefore, the successful conduct of the 2016 elections largely cannot be attributed to these reforms, and instead, some scholars attribute it to the high stakes of the elections that year, which created a hyper-vigilance response from political parties and the citizens as a whole.³⁶

In short, Ghana’s electoral system has been successful over the years, but it is not without its flaws. It is a good indication that work is still being done on improving the system through reforms, however, it would take political will to actually see the reforms through to fruition.

3.2.2 Elections in the Gambia

The Gambia gained independence from the British in 1965, becoming the last state in British West Africa to achieve this feat.³⁷ Before independence, the country experienced an evolution of the

electoral system which eventually allowed for the Gambians to gain representation in the Legislative Council through the educated elites between 1880 and 1960.³⁸ By 1960, franchise was extended to the Protectorate, made up of provinces outside the urban areas, who finally gained enough authority to form their own political parties, including the People's Protectorate Party (PPP).³⁹ The PPP joined other existing parties, including the Democratic Party (DP), the United Party (UP), and the Muslim Congress Party (MCP) to compete for seats in the Legislative Council. Through this, competitive party politics was adopted from the British by the Gambian political elites as the preferred mode of gaining state power.⁴⁰ This method led to ethnic and tribal politics that sought to gain popularity for specific parties by driving up the rivalries between the various ethnic groups in the country. The unsustainability of the party politics along ethnic lines led to a change in the PPP orientation, as they changed their name from the People's Protectorate Party to the People's Progressive Party, along with a more inclusive style of politics.⁴¹

The leader of the PPP then, Dawda Jawara, relied on coalitions and alliances to build up his base, seeking alliances with the urban Wollof and Aku-dominated state bureaucracy, who were particularly critical of the PPP.⁴² The PPP also managed to gather the support of the Madinka and the Jolas ethnic groups against the then urban-popular UP, towards achieving victory at the 1962 elections. After succeeding in winning the elections in 1962, the PPP further formed coalitions with DCA and the UP in 1963, further strengthening their hold on power. By the time the country gained independence in 1965, the PPP was considered as the dominant party, with much weakened opposition elements.

Between 1966 and 1992, the country organized a total of six national elections at five-year regular intervals in which the PPP won in all. They won by a landslide in all the elections, with the least win at 54.47% in 1992, and with the biggest win at 69.79% in 1977.⁴³ The party also won the most

seats in the National Assembly in every election, gaining as much as 27 seats in a 34 to 36-seat National Assembly.⁴⁴

In the 1994 coup, however, Dawda Jawara's rule came to an end. The coup was led by retired captain Yahyah Jammeh. He was part of the security service known as the Gendarmerie, a paramilitary force trained in Senegal after a failed 1981 coup attempt on Jawara, to protect the leadership of the state.⁴⁵ In his military career, as well, he benefitted from US leadership training, and in July 1994, he formed a military group with his colleagues and staged the coup that got Jawara out of power.⁴⁶ He established the Armed Forces Provisional Ruling Council (AFPRC) to take over the state, promising not to be a dictatorship the morning after the coup.⁴⁷ He ruled by decree, suspending the constitution of the state, and instituting a four-year transition period, even though the people demanded for two years instead.⁴⁸ For those who questioned his authority or did not agree with him, he persecuted. For instance, two soldiers on his military council who were accused of plotting a coup against him were imprisoned for nine years. The real reason for their imprisonment has, however, been attributed to a possible opposition to Jammeh's political agenda.⁴⁹

Succumbing to increasing calls for him to reduce the number of transitional years, he "transformed himself into a civilian politician" and started a political party called the Alliance for Patriotic Reorientation and Construction (APRC) in 1996.⁵⁰ He contested the election that took place in 1996 and won. He also contested three other elections that followed in 2001, 2006 and 2011, and won them as well.⁵¹

During his reign, he led the creation of the 1997 constitution which has governed the Gambia till now. The current Constitution of the Republic of the Gambia provides for the rights of citizens to register and vote in national elections in Article 36. It provides that "every citizen of The Gambia

being eighteen years or older and of sound mind shall have the right to vote for the purpose of elections of a president and members of the National Assembly, and shall be entitled to be registered as a voter in a National Assembly constituency for that purpose”.⁵² Article 39(2) and 39(3) also provides for their rights to vote in a referendum, and for local government authorities and traditional rulers in the area within which they are residents, respectively.⁵³ Elections are intended to be conducted via a secret ballot, as has been enshrined in Article 40 of the constitution, with Article 41 making provisions for the registration of voters, the conduct of elections, the duties of public officers in connection with the voting processes, and equal access to public facilities and the media by candidates for the purposes of public elections.⁵⁴ To this end, the Gambian constitution established the Independent Electoral Commission.

The Independent Electoral Commission was established by Article 42 of the Gambian constitution as part of the public service, made up of a Chairman and four other members of the Commission.⁵⁵ The members, according to Article 42(3) of the Gambian constitution, are appointed by the President of the Gambia, through consultations with the Judicial Service Commission and the Public Service Commission. The members are appointed for a seven-year period, after which they can be appointed for one additional term of seven years. The Article also provides for who does not qualify to become a member of the commission, specifying disqualifying features such as, being a member of the National Assembly or having been nominated to be a member of the National Assembly within the previous two years; having held any office or publicly supporting any organization that identifies with a specific political party; holding an office in the public service other than as members of the Independent Electoral Commission; and having been convicted in any country of any offence involving dishonesty or immorality.⁵⁶

The President of the Republic also has the power to remove members of the Commission from office for inability to perform their work effectively, arising circumstances that disqualifies the Member of the Commission, and for misconduct, after a tribunal of three judges from a superior court having sat on the case and presented the facts of the matter to reflect the accusations of the president.⁵⁷ The Commission reports to the National Assembly⁵⁸ on the performance of its several functions, including conducting and supervising the registration of voters for national elections, conducting elections of the Speaker and Deputy Speaker of the National Assembly, the registration of political parties, ensuring that date, times and places of public elections and referenda are determined in line with the law, and ensuring that candidates declare their assets at the time of nomination.⁵⁹ They also announce results of all elections, and are required by the constitution to operate independently on any authority or individual.⁶⁰

The Independent Electoral Commission, as established by the Constitution, is responsible for determining the date for the nomination of candidates and for holding the elections for the position of the President of the Republic of the Gambia.⁶¹ Article 47 of the Constitution lays out what qualifies a person to be nominated to stand for president in the Gambia. Five thousand registered voters, consisting of not less than two hundred from each administrative area, must append their signatures on the nomination form, in addition to the nomination fees, to be submitted to the Independent Electoral Commission.⁶² Article 48 of the Constitution focuses on the poll on an election, highlighting the necessity of a poll even if just one candidate is nominated for the election, the provision that no candidate shall be elected on the first ballot unless they attain fifty percent of the votes.⁶³ The candidate who attains the majority of votes in a second ballot, in case the first ballot fails to establish a clear majority of over fifty percent, wins the election.⁶⁴ For expressing grievances against the results of the elections, Article 49 of the Gambian constitutions makes

provisions for the opportunity to make a case at the country's supreme court to determine the validity of the election within ten days of the declaration of the results by the Independent Electoral Commission.⁶⁵

The powers of the Independent Electoral Commission, were, however put to the test in the 2016-2017 Gambia Constitutional Crisis that started off with the presidential elections. It is important to note that, since the Gambia gained independence in 1965, there had never been a power change through democratic elections.⁶⁶ Jawara was in power from 1965 until 1994 when he was overthrown in a bloodless coup by Yahyah Jammeh. Jammeh also occupied the position of the president from 1996, after the transition to democracy, until this election that replaced him with Adama Barrow. Jammeh ran a repressive government that, for instance, imprisoned opposition members including Ousainou Darboe and nine others for participating in a demonstration that demanded for electoral reforms in April 2016.⁶⁷ Therefore, it is safe to say that Jammeh's regime was far from being over, as he has been quoted as saying that he would rule the Gambia for the many years that Allah allows.⁶⁸ There were also numerous reports of gross human rights violations, including torture, disappearance of journalists and activists, and intimidation, activities that could impact the results of national elections.⁶⁹

In the run up to the December 2016 elections, Jammeh essentially shut down the country, as he refused to allow election observers in except for a small African Union (AU) team, and shut down the internet and messaging services on the elections day.⁷⁰ Because of these extreme measures, he essentially laid the ground work for electoral malpractices that favor the incumbent. It was very surprising when, on the 2nd of December, a day after the elections, the Independent Electoral Commission of the Gambia declared opposition leader, Adama barrow, as winner of the elections.⁷¹

Barrow succeeded Darboe after his imprisonment with the nine others for embarking on the demonstration. After his succession, he managed to secure the support of many of the small opposition parties, which paid after he won a majority of 43.3% of the votes in the election against Jammeh's 39.6% votes.⁷² The remaining 17% of the votes was won by a third candidate. When the results were announced, Jammeh seemed to have accepted the results, especially considering the fact that he conceded defeat and congratulated Barrow in a televised address even before the final election results were announced by the Independent Electoral Commission, vowing not to contest the results of the elections.⁷³

For one week, everything seemed to be going well, with the Gambia set to pass its first turnover test without a hitch, until, on 9th December 2016, Jammeh declared in another speech that, he no longer trusted in the electoral process to be fair, and he would contest the results of the election declared by the Independent Electoral Commission.⁷⁴ He alleged some irregularities in aggregating the results of the election from one region of the country, and asked for a new election under a different electoral commission.⁷⁵ It is believed that, he arrived at this conclusion because, on the 5th of December 2016, the Independent Electoral Commission slightly adjusted the results that were declared on the 2nd of December, which affected the outcome of the election in no way, but reduced the number of votes that each of the candidates gained.⁷⁶

Jammeh, amongst other things deployed troops onto the streets of Gambia as a show of strength, and occupied the offices of the Independent Electoral Commission and prevented staff from entering the building.⁷⁷ His actions invited widespread condemnation from within and outside the state, inviting the intervention of neighboring countries like Senegal and the African Union (AU) and the Economic Community of West African States (ECOWAS). As it became clear that the January 18th 2017 handover may not happen as planned, Adama Barrow, fearing for his life, left

the Gambia and took refuge at the Gambian Embassy in Senegal, where he was eventually sworn in as president.⁷⁸ Meanwhile, negotiations with Jammeh was going nowhere, and, it was not until ECOWAS member states prepared for military intervention, and Senegalese troops surrounded the Gambia that a final round of negotiations ended with Jammeh going into exile and Barrow assuming office on the 26th of January, 2017.⁷⁹

The country eventually did pass its first turnover test, albeit tumultuously. However, this brings to question the issue of electoral reforms in the Gambia. After the creation of the 1997 Constitution, then president, Yahyah Jammeh made a few amendments to the constitution that enabled him to hold on to power for about twenty-two (22) years.⁸⁰ His amendments were largely anti-human rights and undemocratic provisions, including the removal of the presidential term limits, substantial financial deposits for presidential and national assembly candidature, as some of the reforms instituted in the electoral politics sphere.⁸¹ In July 2015, the Elections Amendment Act of 2015 passed by Jammeh ensured that the signatures needed to register as a presidential candidate is increased from 500 people to 10,000 people with at least 1,000 signatures from each administrative area, political party registration rose to a sum of D 1 million, the money required for registration by presidential candidates was increased from D 10,000 (equivalent to about US\$ 250) to D 500,000 (equivalent to about US\$ 12,500), money required for national assembly registration was increased from D 5,000 (equivalent to US\$ 125) to D 50,000 (equivalent to US\$ 1,000), and candidates for local offices who used to pay nothing for registration to stand for election were then required to pay D 10,000 (equivalent to US\$ 200).⁸² Opposition parties regarding these fees as outrageously high and a ploy by the Jammeh administration to restrict participation in the country's elections.⁸³

After the ousting of Jammeh, however, the new government has promised a few constitutional reforms in the electoral politics space. The country's electoral system involves voting by placing a marble in the voting drum of the preferred candidate for both presidential and parliamentary candidates, even though this system is under review for amendment to meet international standards.⁸⁴ However, a 2017 amendment of the country's Elections Act has already reduced the exorbitant fees that candidates had to pay to their initial amounts.⁸⁵ As part of the amendment procedures, as well, the Coalition government has signed a Memorandum of Understanding (MoU) to also introduce a two-term limit of five (5) years to the constitution, which, according to President Barrow, would improve the rule of law situation in the Gambia.⁸⁶

Since independence, the Gambia has faced a lot of challenges in its electoral politics sphere, having to deal with institutionalized autocracy from the only two leaders that the country ever knew before the change of government in 2017. However, the situation seems to be changing in the country, it has started to see some reforms, not only in the electoral politics arena, but also in media freedoms, and the labor sector, amongst others.⁸⁷

3.2.3 Elections as a Democratic Governance Indicator

With the in-depth overview of elections in Ghana and the Gambia laid out in the previous sections, the discussion surrounding the question of whether elections are a central indicator of democratic governance is well situated in the proper context, in line with the direction of this study. This section, first, establishes how important elections are to democracy, and whether or not without elections, a government could still be considered democratic. Finally, this section addresses why elections are considered as a central indicator of democracy, addressing the notion that "there cannot be a democracy without elections even though the existence of election does not necessarily

imply democracy”. These discussions are based on the state of elections in the Gambia and Ghana, as discussed in the previous sections.

Elections provide a “way of making a choice that is fair to all – one that leaves each member of the electorate with the hope of having his alternative elected”.⁸⁸ It is a demonstration of the individual citizens’ freedoms, liberties, and political choice.⁸⁹ Because of this nature of elections, it provides for the legitimacy of a government in the state as having been selected by the people themselves to rule.

Elections are very important in democracy because it provides the chance for the existence of two key elements that are necessary for the survival of any democratic system; participation of the citizens and civil society organizations, and competition for political parties by providing the platform for them to air their views and vision for the state when given the chance to rule.⁹⁰ It also helps ensure democratic peace and reduce the likelihood of a democratic reversal; provides a link between the government and the governed; and serves as a “causal variable in the democratization process”.⁹¹

If elections are this important in a democracy, then, it is worth probing whether a state would still be considered democratic if it does not conduct elections or, in the very least, does not conduct free and fair elections per international standards. Information gathered from experts, academics and civil society organizations indicate that any government established without elections is not democratic because it does not reflect the will of the people.⁹² They indicated that, if the political system does not make room for citizens to have a say in something as critical as who governs them, which is what elections do, then it is difficult to say that the system is democratic.⁹³ The respondents seem to align with the thinking that there cannot be a democracy without elections.

Ghana has been considered as a beacon of democracy in Africa, partially as a result of its record in conducting elections. It has, since the beginning of the fourth republic in 1992, passed three turnover tests, successfully challenged the results of an election in its highest courts and accepted the final verdict without violence, and embarked on extensive reforms in its electoral system. The Gambia, on the other hand, has been conducting elections more than Ghana. It has conducted elections every five years since it gained independence in 1965, except for a two-year break between 1994 and 1996 when it transitioned from a military council to a democracy after a successful, bloodless coup. Yet, the Gambia is considered as less democratic than Ghana.

Since 1994 when Jawara was ousted in a coup by Jammeh, the country has conducted frequent elections, in line with the new 1997 Constitution. However, the context within which the elections are conducted also matter in determining the importance of elections in a democracy and whether the existence of elections alone qualifies a state as a democratic state. Jammeh ran a repressive government, “marked by human rights violations, murder, and disappearances of opponents, a deadly witch-hunt to weed out sorcery, and intolerance of dissent”.⁹⁴ He intimidated the people that he ruled over, even claiming to rule for a billion years if Allah allows, and having the cure for the deadly HIV/AIDS.⁹⁵ Under Jammeh’s rule, there was a constriction of the democratic space, a systematic weakening of democratic institutions that existed in the state including the legislature, the judiciary, the media, political parties, civil society organizations, and even parts of the executive, through decrees and bullying tactics.⁹⁶ The United States Department of State recorded instances of detentions without trials, kidnappings, false imprisonments, extra-judicial killings, and severe corruption, as well as policies that targeted academic freedoms and fundamental human rights and freedoms of the people.⁹⁷ One such iconic infringement on the constitutions and rights of the people was an incident in 2000 when fourteen (14) students were shot and killed during a

mass protest demanding justice for students who had become victims of assassinations and rape.⁹⁸ Similar incidents like this embodies Jammeh's rule as president of the Gambia for twenty-two (22) years, regardless of the periodic elections that it organized.

Ghana, on the other hand, began its fourth republic in 1994 in a volatile situation, characterized by severe polarization, a cumbersome and oppressive legal framework within which elections were conducted, a lack of consensus on critical issues, and inadequate preparations for its first presidential elections which was wrought with technical challenges that caused such a stir that several opposition political parties boycotted the December 1992 Parliamentary elections and embarked on nation-wide demonstrations.⁹⁹ However, over the years, the country, through the democratic process, has alleviated some of these challenges, including the establishment of IPAC to improve consensus about electoral procedures before elections, and the establishment of the Electoral Commission, amongst other reforms.¹⁰⁰ Elections in Ghana have, essentially, been institutionalized, even though it still has problems; including the winner take all system, politics of exclusion, abuse of incumbency, ethnic politics, and so on.¹⁰¹ However, this continually improving state of elections in Ghana coupled with the guarantee of political pluralism in the country, the state of media freedom, the guarantee of associational and organizational rights, the existence of rule of law, and the guarantee of personal autonomy and individual rights, places Ghana above the status of the Gambia in terms of democratic governance.¹⁰²

Therefore, it is a fair assessment that elections do not necessarily imply the existence of democracy. Elections, would, however, need to exist alongside elements like free and fair participation in governance, fair representation and accountability in the state, rule of law, pluralism and tolerance within the state for a country to pass as a democratic state. This means that

democracy needs elections to succeed, but the existence of elections in a state does not necessarily point to the state as being a democratic state.

3.3 Democratic Governance in Ghana and the Gambia

In the wake of establishing elections as a vital but not the only indicator of democratic governance in Africa, this section discusses democratic governance in Africa using Ghana and the Gambia as case studies. Under each country, the elements of pluralism, participation, representation, rule of law and accountability are discussed as pertinent indicators of a democratic government, commenting on how far it has been achieved in the countries under study and informing the conclusions of the study on how successful democratic governance has been in the aforementioned countries.

3.3.1 Democratic Governance in Ghana

In exploring democratic governance in Ghana, as has already been outlined, this section focuses on pluralism, participation, representation, rule of law and accountability, as practiced in Ghana.

3.3.2 Pluralism in Ghana

In exploring pluralism, which is the existence of multiplicity and the acceptance of diversity in a political system, in Ghana, the focus is largely on addressing the existence of political parties in Ghana, whether the citizens of Ghana have the rights and the freedoms to join the political parties that exist freely, and hold any ideology that they please.

The 1992 Constitution of the Republic of Ghana clearly addresses the issue of political parties, its creation, its membership, its financing, and its functions within the borders of Ghana. Article 55 guarantees the right to form political parties and the rights of every citizen of Ghana of voting age

to join the established political parties.¹⁰³ The parties exist to shape the political will of the people, and disseminate information on political ideas, social and economic programs that concern the nation.¹⁰⁴ They also have the right to sponsor candidates for elections at the national and constituency levels.¹⁰⁵ The constitution, however, makes it clear that parties cannot be formed along regional, ethnic, or religious lines, or along the lines of any other sect within the state.¹⁰⁶ It requires national political parties to have democratic elements within its internal governance, publish its audited accounts annually, and declare its revenues and the sources thereof.¹⁰⁷ To this end, only Ghanaians have the right to donate or contribute to any of the political parties that have been established and registered within the state. The constitution, finally, provides that all political parties within the state are to be regulated by the Parliament of Ghana.¹⁰⁸

Information gathered from the electoral commission indicates that Ghana's political system has a total of 25 registered political parties operating within it.¹⁰⁹ These political parties include the All People's Congress (APC), the Convention People's Party (CPP), the Democratic Freedom Party (DFP), the Democratic People's Party (DPP), Every Ghanaian Living Everywhere (EGLE), Ghana Democratic Republican Party (GDRP), Great Consolidated Popular Party (GCPP), the Ghana Freedom Party (GFP), Ghana National Party (GNP), Independent People's Party (IPP), the National Democratic Congress (NDC), the National Democratic Party (NDP), the New Patriotic Party (NPP), the New Vision Party (NVP), People's National Convention (PNC), Progressive People's Party (PPP), Reformed Patriotic Democrats (RPD), United Development System Party (UDSP), the United Front Party (UFP), the United Ghana Movement (UGM), United Love Party (ULP), the United Progressive Party (UPP), the United Renaissance Party (URP), and the Yes People's Party (YPP). Of these many political parties, however, only two are dominant in the system with enough power and influence to win elections in Ghana's fourth republic.¹¹⁰ They are the New Patriotic Party (NPP) and the National Democratic Congress (NDC). These two political

parties gain the lion's share of the vote in any of Ghana's elections. In the last election in 2016, for instance, out of the 10,781,917 votes that were declared, representing a 68.62% voter turnout, the NPP gained 5,716,026 votes representing 53.85%, with the NDC gaining 4,713,277 votes representing 44.40% of the votes.¹¹¹ The two political parties alone gained over 98% of the votes, with all the other political parties together gaining a little over 1% of the total votes declared.

These statistics do not, however, point to the notion that the other political parties are silenced in the country. Ghana's political system allows for adequate engagement from the opposition parties.¹¹² According to the Electoral Commission of Ghana and the Center for Democratic Development (CDD), Ghana's political system allows for the existence of a multiplicity of opinions, as well as the freedom to weigh in on current events, government policies and decisions in the country. The level of freedom of political parties to operate in Ghana is exemplified by the February 2019 "*aagbe wo*" demonstration, where nine opposition political parties, led by the largest opposition party, the NDC, legally demonstrated on the streets of Ghana to protest the violence that broke out at the Ayawaso West Wuogon constituency by-election weeks before.¹¹³ They hoped to send a message to the governing NPP about their disdain for the conduct of the election and the violence that broke out.¹¹⁴

The CDD, even though agrees that "there is generally a free environment for diverse actors in Ghana to express their opinions", also added that "there are some isolated circumstances where people are subjected to some level of action either by the state or non-state actors for expressing opinions".¹¹⁵ One such instance that has been an avenue for controversy in Ghana was the arrest of Emmanuel Ajarfor, editor of the online news portal, Modern Ghana, and his counterpart, Emmanuel Biritwum. They were arrested by individuals who identified themselves as national security personnel for allegedly hacking into competitor websites with malicious intent.¹¹⁶

According to the journalists in question, the arrest had nothing to do with cybercrime, and, instead, was as a result of some publications that did not favor the National Security Minister, Mr. Albert Kan Dapaah and the MP of the Efutu Constituency, Mr. Alexander Afenyo-Markin.¹¹⁷ This case comes amidst widespread concerns about the ruling NPP government and its failure to protect journalists in Ghana, after significant rise in attacks against journalists in Ghana in recent years.¹¹⁸

Again, the increasing political vigilantism in Ghana manifested itself in March 2017 when members of a group called Delta Force, a pro-NPP vigilante group, attacked the Ashanti Region's new security coordinator, George Adjei, apparently because of a lack of support for him.¹¹⁹ The following month, at a trial for the suspected attackers of George Adjei, other members of the Delta Force disrupted the proceedings and, in the process, released thirteen (13) suspects on trial for the attack.¹²⁰

These incidents indicate the imperfections in the application of pluralism in the Ghanaian political system. Even though it has been proven beyond a doubt that it tolerates dissenting views and provides the platform for such views to be expressed within the political space, the system is not without its flaws, as some entities within the state sometimes find themselves under "persecution" for the expression of their views or reporting the news.

3.3.3 Participation in Ghana

Involving the ordinary people in the decision making of the state is the pinnacle of a government of the people. Participation, in this context, is considered in two ways; the ability of the citizens to engage in elections and referendums and the existence and activities of civil society organizations.

Both the CDD and the Electoral Commission agree that Ghanaian citizens participate in elections through voting, especially in national elections encompassing both the presidential and

parliamentary elections.¹²¹ This is backed by the increasing voter turnout in Ghana’s elections over the years. The table below indicates the voter turnout in Ghana’s elections since the beginning of the fourth republic.

Table 3.1: Voter Turnout Statistics in Ghana’s Presidential Elections in the Fourth Republic (1992- 2016)

YEAR	TOTAL NUMBER OF REGISTERED VOTERS	TOTAL NUMBER OF VOTES CAST	PERCENTAGE OF VOTER TURNOUT
1992	8,229,902	4,127,876	50.2%
1996	9,279,605	7,266,693	78.3%
2000	10,698,652	6,605,084	61.7%
2004	10,354,970	8,313,908	85.1%
2008	12,472,758	8,671,272	69.52%
2012	14,158,890	11,246,982	79.43%
2016	15,712,499	10,781,917	68.62%

SOURCE: RESEARCHER’S COMPILATION IN THE COURSE OF THE STUDY

Besides presidential and parliamentary elections, other issues such as the recent referendum in Ghana to divide up the old regions to create six (6) new regions in Ghana towards a more focused administrative structure of the individual regions in the country recorded high levels of turnout as well in the regions where the referendums occurred. Of the 2,208,858 voters that registered to vote

in the referendum, 1,855,458 people actually voted, representing 84% voter turnout.¹²² Generally, in Ghana, as well, based on 15 Elections according to the IFES Election Guide, Ghana averages about 72.32% voter turnout, which is very high, compared to other democracies within the sub-region. This indicates the high participation rate of the individual citizens in national affairs and the administration and governance of the state.

However, information gathered from Ghana's Electoral Commission points out that even though their level of participation in national affairs and governance is high, "the level of participation in lower governance levels, including the District Assemblies and Unit Committees are relatively low".¹²³ Article 240 (2) (e) of the Constitution of Ghana provides that the citizens of Ghana can participate effectively in their own governance, and that elected representatives should avail themselves to the electorate through regular interactions for the purposes of consultations and mobilizations of opinions and demands from the citizens they govern.¹²⁴ However, the CDD makes the case that it is not the case, and study findings in Ghana corroborate this assertion.

The low level of participation of the citizens in local governance can, first of all, be attributed to the attitudes of the elected Assembly Members. Their duties are to "maintain close contact with their electoral area, consult their people on issues to be discussed in the District Assembly and collate their views, opinions and proposals; present the view, opinions and proposals to the District Assembly; Meet the electorate before each meeting of the Assembly and Report to the electorate the general decisions of the Assembly and its Executive Committee and the actions they have taken to solve the problems raised by the residents in the electoral area".¹²⁵ The performance of these duties are central to the survival of the local governance system, as it, amongst others, reduces the pressure that the citizens of the state put on the central government. However, there is evidence

that the Assembly Members have largely failed at performing these duties in the various Districts, Municipals and Metropolis in the country.

In a study of the Kumasi Metropolitan Assembly (KMA) by William Adolwine in 2014, he found that only 10% of the electorate within the Kumasi Metropolis had attended meetings organized by their elected Assembly Members on local matters, 11% had had the opportunity to provide their views on situations in the Metropolis at an individual and personal level, and 79% had never met their Assembly Members for any discussions or to give their views on anything at all.¹²⁶ These assertions from the electorates were also confirmed by the elected Assembly Members themselves, where 75% of the elected Assembly Members admitted to have never organized a meeting with their citizens to solicit their views or update them on the happenings of the community they live in.¹²⁷ These statistics are replicated all over the country indicating the shortcomings that the country faces in promoting citizen participation in governance at the local level.

Civil Society Organizations (CSOs), on the other hand, have ample space and freedoms to participate in the governance of the country.¹²⁸ Civil society is very important for “bridging the gap in political participation outside elections, holding officials accountable, promoting human rights, helping legitimate governments or states in promoting and consolidating a stable democracy”.¹²⁹ Article 21(1) of the Constitution of Ghana provides space for the growth of participatory civil society and associational life and Article 37(2) provides for the formation and participation of civil society in the process of development.¹³⁰ They have become an avenue for different sections of the population who subscribe to a certain ideology or belong to certain organizations to present a united front in participating in the governance of the state by sharing their views, lobbying for specific legislations, and so on.

According to Maame Gyekye-Jandoh, civil society groups have been very instrumental in developing Ghana's democratic process in the fourth republic through processes such as domestic election observation practices that "frustrated electoral fraud and enhanced the credibility and transparency of electoral outcomes".¹³¹ Because of the high stakes of elections in Ghana, which intensified political tensions in the country, electoral observation groups and their practices provided avenues to ease tensions, as they provided more layers of legitimacy to the election results that were announced in Ghana's several elections.¹³² Other areas where civil society organizations have participated in governance of the state include the activities of the POS Foundation in, amongst other things, "conducting research and advocacy for the purpose of closing the primary legislative loopholes which permits the indeterminate detention of un-convicted prisoners".¹³³ The projects have focused on the reform and enforcement of Article 14(4) of Ghana's Constitution, which allows persons accused of a crime to be released after some time without a trial unconditionally or with certain conditions to appear for proceedings preliminary to a trial.¹³⁴ The project has brought justice to more than one thousand remand prisoners across Ghana, in the process, checking the government's powers to imprison its citizens for crimes against the state and their fellow man, and pushing for legislation that can improve the governing of the state in this sector.

Despite these immense opportunities to engage and operate in the democracy and governance of the state, some CSOs have still not been able to "fully utilize the available political opportunity to influence government policies". Amongst the various reasons for the difficulty for some CSOs to take advantage of the favorable environment to influence government policies and actions are geographical coverage of the organization, inadequate donor funds and resources, inadequate capacities, the perception that the organizations are enemies to the government, lack of continuity

in government due to frequent changes in political leadership, inadequate access to government information, unwillingness of stakeholders to share information, and a lack of credible leadership and transparency in some of the organizations.¹³⁵ These demonstrate that despite the constitutional provisions and the cultural and societal acceptance for the existence and operations of civil society in Ghana, it is still difficult for civil society organizations to operate in the country. Their difficulty, however, borders more on capacity and funding and not of political will.

3.3.4 Representation and Accountability in Ghana

Representation in democracy involves the citizens' opportunity to freely, fairly and frequently select individuals within their communities to represent their interests in a broader context like a region or the country as a whole. Because the citizens select these representatives through elections, it is expected that there exist some mechanisms, including legal, administrative and political mechanisms, through which the elected representative account to their base. Therefore, this section would focus on representation in Ghana in terms of constitutionally mandated provisions for citizens to elect their own representatives and the mechanisms in place to ensure that these elected representatives are accountable to their people.

Kwame Ninsin explored the concept of representation, and made the comment that “in a liberal democracy where the traditional promissory form of representation prevails, the vote defines a dyadic relationship between the voter and the representative”.¹³⁶ This statement embodies the relationship between the ordinary citizen of the state and their elected representative through the power of the vote. The citizens or the electorates demand accountability from their elected representatives who are responsible to the voters through the vote that selects them as representatives. In their explicit campaign promises, and in their implicit responsibilities that are

conferred on them because of their roles as representatives, these leaders have a duty to account to the people that selected them.¹³⁷

As explained in the previous sections, the constitution of Ghana grants citizens who are of eighteen (18) years and above the right to vote for their representatives at both the national and the local levels. These rights, as has been demonstrated in the previous section on Elections in Ghana, have been exercised by Ghanaians quite freely and frequently since the beginning of the fourth republic. These sentiments are echoed by the academics, experts and civil society organizations that were interviewed for the study.¹³⁸ The question of whether the elected representatives promote the interest of the people who elected them, including facilitating their participation in governance at the various levels or ensuring that the decisions that are made in terms of policy outcome would favor the electorate are questions that border on the principles and practice of accountability.

According to Kwame Ninsin, elections in Ghana have become “a very lucrative arena for competitive politics [and] a business sector where the return on investment is usually good”.¹³⁹ It is, therefore, not surprising that the number of people who contest in elections as parliamentary candidates for Member of Parliament in Ghana has been increasing over the years, even though the number of constituencies have not increased very much relative to the population of the state.¹⁴⁰

Table 3.2: Candidates Competing in Constituencies 1992-2012

Year	No. of Candidates	Increase	Percentage Increase	No. of Constituencies	Increase	Percentage Increase
1992	463	-	-	200	-	-
1996	778	315	68.03	200	0	0.0

2000	1074	296	38.05	200	0	0.0
2004	951	-123	-11.45	230	30	15.0
2008	1060	109	11.46	230	0	0.0
2012	1332	272	25.64	275	45	19.57

SOURCE: KWAME NINSIN (2017) p. 119

These parliamentary candidates, as well as presidential candidates, who finally gain the necessary votes to occupy the positions are supposed to be accountable to the people. According to the experts that were interviewed for the study, accountability mechanisms do exist to facilitate the communication between the people and their elected representatives. These mechanisms include practices like the State of the Nation's Address, delivered by the President of Ghana at the beginning of every year to update the citizens in the country on the finances, policy directions and the future plans of the state; Meet the Press, where the President of the state makes time to address the concerns and the questions of the citizenry through the media; the Ministry of Information, that is responsible for disseminating information on the activities of the government and providing clarity on government policies and programs; Town Hall Meetings, where government officials on the local and national levels meet with the citizens for the purpose of explaining certain policies and programs, and justifying certain actions that have been taken by their offices; and through social and the mass media; where government representatives usually update the populace on the happenings in the country and discuss with them, in real time, the proper courses of action on different issues.¹⁴¹

Another avenue for accountability is the judiciary of the state. Articles 125(1) and 127(1) and (2) the constitution of Ghana establishes the independence of the Judiciary of any individual or a body

like the legislature or the executive.¹⁴² This guarantees that the judiciary of the state can operate without fear of interference from the leadership of the state. Article 125(2) goes on to formally give jurisdiction in “all matters civil and criminal, including matters relating to the constitution, and such other jurisdiction as Parliament may, by law, confer on it”, thereby, conferring on it the power of judicial review where the judiciary can determine whether an action taken by the leadership of the state is constitutional or not.¹⁴³ An instance of the application of judicial review in Ghana occurred during the Presidential and Parliamentary Elections of 2016. Under the leadership of Charlotte Osei in the Electoral Commission, the Electoral Commission embarked on questionable policy directions that took the intervention of the Supreme Court of Ghana to stop. Amongst the numerous actions that was embarked upon, she “defended significant errors in the voter registration list before the Supreme Court, unsuccessfully attempted to adopt a non-transparent methodology for tallying electoral results that would keep candidates ignorant of the numbers until the Electoral Commission had finished its overall count, and the disqualification of all but four (4) presidential candidates based on bureaucratic technicalities”.¹⁴⁴ The leadership of the NPP also wrote to the Electoral Commission regarding the voter registration irregularities, including the maintenance of foreigners in the register, as well as the allowance of potential voters to register with the National Health Insurance Card, which was not an acceptable form of proof of citizenship in Ghana.¹⁴⁵ When the Electoral Commission refused to act, the NPP took their concerns to the Supreme Court.

Based on the cases submitted to the Supreme Court by the NPP, the Electoral Commission was directed to remove the names of persons who registered with their National Health Insurance Card, which was obliged.¹⁴⁶ Their action was, however, preceded with a defense that the Electoral Commission was supposed to be independent of any government institution, which was a faulty

interpretation, since the Supreme Court, upon determining that any action of any entity within the state is unconstitutional, has the power to compel that institution to take the necessary steps towards reparations.¹⁴⁷ Regarding the non-transparent method of counting vote that was proposed by the Commission, the Supreme Court ruled that the action was “unconstitutional, unfair, non-transparent, and does not promote or secure free and fair elections and is accordingly inconsistent with the Constitution and the core constitutional values of transparency, accountability and the rule of law”.¹⁴⁸ The Court, therefore, directed the Commission to present polling agents of all the different political parties with polling station results as that information is compiled, ensuring that the representative could verify the election results against their own count, adding a layer of transparency to the process and reducing the possibilities of cheating by the Commission.¹⁴⁹ Finally, concerning the exclusion of the Presidential candidates on bureaucratic technicalities, the case initially went to the High Court where the Commission’s decision was reversed.¹⁵⁰ They sought for reprieve with the Supreme Court, who upheld the ruling and directed the Commission to allow the necessary errors to be fixed and not to disallow the participation of the citizens of Ghana to participate as candidates in a presidential race because of errors in filling out a form.¹⁵¹

A further guarantee of accountability in Ghana is the repeal of the criminal libel law in 2001, which has improved significantly the freedoms of the press in Ghana. The law made criminal any publication of supposedly false and defamatory statement about an identifiable person to a third party, causing injury to the person’s reputation.¹⁵² It opened the door for people of influence to sue journalists and possibly lead to imprisonment of members of the press for doing their work, if it does not favor them. It was a major campaign promise of the NPP government at the turn of the century when they won power from the NDC.¹⁵³ The action was meant to improve press freedom by removing the threat of suing a journalist for defamation when the truth is printed about specific

people. The action was hailed by journalists in Ghana and the world over, as it indicated a move towards further press freedom for Ghana.

Administrative mechanisms for accountability in Ghana are overseen by the Commission on Human Rights and Administrative Justice (CHRAJ). As the Ombudsman of Ghana, the body is “mandated to protect and promote administrative justice to ensure that the government and its officers are accountable and transparent”.¹⁵⁴ It is their duty to ensure equal access to employment and services, and that their services are administered fairly to each individual who requires it, as well as to ensure that public officials avoid arbitrariness or bias in their actions.¹⁵⁵ Their mandate comes from Articles 218(a) and (b) of the Constitution of Ghana, as well as Section 7(1) (a) and (b) of Act 456 (The Commission on Human Rights and Administrative Justice Act) of the Republic of Ghana.¹⁵⁶ As part of their functions, CHRAJ investigates complaints of maladministration, abuse of power and unfair treatment of public officials; discrimination, delays, omissions or failures by public institutions or officials; unequal access to recruitment into public services; actions by public institutions; and takes actions to remedy the issues that have been identified by these issues.¹⁵⁷ It is also their duty to educate the public to demand and to hold public officials responsible.¹⁵⁸ In the conduct of their investigative powers, it can issue subpoenas, hold a person in contempt for violating the requirements of the subpoenas, questions persons of interest in their investigations, and demand confessions from persons of interests in their investigations.¹⁵⁹ It reports on its activities to the Parliament of Ghana. It has the power to bring proceedings to a competent court for remedy, bring proceedings to “restrain the enforcement of such legislation or regulation by challenging its validity” if they are supported by unreasonable subordinate legislation or regulation.¹⁶⁰ Ghana’s ombudsman goes further than other Ombudsman around the

world by possessing the power to make orders that would reverse administrative action or enforce remedies.¹⁶¹

In practicality, CHRAJ, according to the 2013 Annual Report, the most recent report available, received about 11,035 complaints, in addition to over two thousand cases carried over from the previous year. Out of the cases that were before it, it closed 10,694 of them, representing about 77.2%, leaving about 3,156 cases pending.¹⁶² These cases ranged from complaints about unwarranted dismissal from school to the rights of a person to a fair hearing, as well as other administrative complaints.¹⁶³ An iconic case that exemplifies the duties of CHRAJ was the 2017 Ken Ofori-Atta Bonds Issue. Yaw Brogya Gyenfi brought a case against the Minister of Finance, Ken Ofori-Atta, for putting himself in a position where his personal interests conflicted with his functions as a Minister of Finance when he issued bonds for the government of Ghana.¹⁶⁴ The Commission thoroughly investigated the incident and deemed the Finance Minister innocent of the charges.¹⁶⁵ Also, in other cases like the 1996 case against Rtd. Col. Osei Owusu, then Minister of the Interior, Ibrahim Adams, then Minister of Food and Agriculture, and then Presidential Staffer on Cocoa Affairs, Dr. Adjei Marfo and P. V. Obeng on charges of corruption, the Commission found all but P. V. Obeng guilty, consequently leading to the loss of their jobs.¹⁶⁶

3.3.5 Rule of Law in Ghana

In exploring the practice of rule of law in Ghana, this section considers the clear provisions of the law, the enforcement of these laws, provisions for the fundamental human rights of the citizens, including the availability of a fair trial for those accused of committing crime, as well as any potential arbitrary use or abuse of power by the leadership of the state.

Article 1(2) of the constitution of Ghana establishes the constitution as the supreme law of Ghana, with all other laws that are inconsistent with the provisions of this constitution to be considered

void.¹⁶⁷ Article 2 of the constitution goes forward to establish the Supreme Court as the ultimate arbiter within the state, and have the power to give orders which has to be obeyed by the citizens, including the president of the state.¹⁶⁸ Chapter five of the constitution also outlines the fundamental human rights and freedoms available to the people in Ghana. Such rights and freedoms include the right to love, the right to personal liberty, the freedoms of speech, association, movement, freedom from slavery, the right to own property, and so on.

In the conduct of their duties as upholders of the constitution, the work of the court is supposed to be pristine and independent. However, Ghana has been rocked by several scandals in the past that put a taint in their reputations as impartial. In 2015, a total of thirty-four judges in Ghana faced impeachment as an investigative journalism report expose a corruption scandal that involved bribery in significant amounts of money.¹⁶⁹ Some of the High Court Judges included Justice Essel Mensah, Justice Charles Quist, Justice Peter Dery, Justice Ernest Obimpe, and so on, faced charges after Anas, an investigative journalist, published a report with video footage demonstrating the level of bribery and corruption in the Ghana Justice System¹⁷⁰

The police in the country, who are responsible for law enforcement, have also been implicated in bribery scandals¹⁷¹, make arbitrary arrests, and hold people without charge longer than the 48-hour period.¹⁷² This, in addition to the fact that Ghana's current laws do not provide legal counsel for its citizens have led to circumstances where people have represented themselves in courts.¹⁷³

On paper, Ghana does have a verystable system of ensuring rule of law. However, the practice of these laws need work, as the rights and freedoms of the people are abused on the daily due to ignorance on the part of the citizens, and a complete disregard for the rule of law by the law enforcement agencies.

3.3.6 Democratic Governance in the Gambia

Democratic governance in the Gambia is explored in this section, focusing on pluralism, participation, representation, accountability and rule of law. These are explored in comparison with similar aspects of democracy governance explored in Ghana in the previous sections.

3.3.7 Pluralism in the Gambia

Pluralism in the Gambia focuses on the country's political party system, and the various regulations that allow for multiplicity and diverging views in the country's political system.

The Gambian constitution lays out what exactly constitutes a political party. According to Article 60, no association other than a political party can sponsor a candidate for an election, and no association can be registered as a political party if it was formed along sectional, religious or regional lines; if its internal organization does not conform to democratic principles; or if its purpose is to subvert the constitution and the rule of law.¹⁷⁴ Further laws regulating political parties in the Gambia is found in the Elections Act. As amended in 2015, the laws have included such regulations as party executives residing in the Gambia, having a secretariat in each administrative region, hold biennial congress, have at least 10,000 members, with at least 1,000 members in each administrative area, and submit yearly audited accounts to the Independent Electoral Commission.¹⁷⁵

According to the Gambian Independent Electoral Commission website, there are ten (10) registered political parties in the Gambia, including the Gambia Action Party (GAP), Gambia Democratic Congress (GDC), Gambia Moral Congress (GMC), Alliance for Patriotic Re-Orientation and Construction (APRC), the National Convention Party (NCP), the Gambia Party for Democracy and Progress (GPDP), the National Reconciliation Party (NRP), People's Democratic Organization for Independence and Socialism (PDOIS), the Peoples Progressive

Party, and the United Democratic Party (UDP).¹⁷⁶ Despite these large numbers of political parties, like in Ghana, the Gambia is a de-facto two-party system, with the United Democratic Party (UDP) and the Alliance for Patriotic Reorientation and Construction (APRC) as the two main parties, with the largest number of supporters and the only two parties that have won the presidency since 1994.¹⁷⁷

Per the provisions of the Gambian constitution, all political parties are free to express their views and engage in the national discourse. However, this was not the case for a very long time during the period of Jammeh.¹⁷⁸ For instance, as has been detailed in the previous section on elections in the Gambia, there have been persecutions of certain individuals for holding one view or another, provided it is contrary to the incumbent's views. The imprisonment of Ousainou Darboe and the nine others in the months prior to the Gambian Presidential elections in 2016 for taking part in a demonstration against the government to institute electoral reforms and release political prisoners is a perfect example of the lengths that the Gambian government went towards silencing dissenters.¹⁷⁹ Close to one hundred opposition members were arrested, and some formally imprisoned in the Gambia with just a month away from the election in the Gambia in December, 2016, creating a cycle of fear and terror in the state, and limiting the amount and kind of political engagement that the citizens had in the state.¹⁸⁰

Another unconstitutional check on the freedom of members of political parties to express their opinion as their constitutional right is the existence of paramilitary groups affiliated to specific political parties. During the time of Jammeh, several paramilitary groups, controlled by the government, were said to be behind several atrocities in the country against dissenters.¹⁸¹ Several victims and survivors of one specific group said to be known as “the Jugglers” have come forward

to testify in the new Reconciliation Commission that has been established by Barrow when he took over power from Jammeh through democratic elections in 2017.¹⁸²

Since the change in government in 2017, several of the political prisoners have been released, in addition to a significant reduction in the activities of the paramilitary groups in the Gambia.¹⁸³

Barrow’s government has started the process of improving the freedoms of the political parties in the Gambia. However, the systems are not institutionalized yet.

3.3.8 Participation in Gambia

Participation in the governance of the state at both the national and local levels in the Gambia, per the study parameters, focus on citizen participation in governance measured in voter turnout and the activities of civil society organizations in the Gambia.

The constitution of the Gambia allows for the participation of the ordinary citizens in the governance of the state through voting. Since the 1997 Constitution of the Gambia came into force, the country has conducted five (5) national elections, including in 1996, 2001, 2006, 2011, and 2016. According to the country’s Independent Electoral Commission, the table below details the voter turnout of the various elections.

Table 3.3 Voter Turnout Rates for Presidential Elections in the Gambia

YEAR	TOTAL NO. OF VOTERS	VOTES CAST	VOTER TURNOUT %
1996	446,541	394,537	88.35%
2001	509,301	457,484	89.83%

2006	670,336	392,685	58.58%
2011	796,929	657,904	83%
2016	886,578	525,867	59%

SOURCE: RESEARCHER’S COMPILATION FROM THE IEC’S WEBSITE

This indicates very high voter turnout to presidential elections in the country by the electorate, pointing to the notion that, in terms of participation through voting, the citizens of the Gambia do very much participate in the country’s presidential elections. Voter turnout for national assembly elections, however, is quite low, recording figures such as 42.78% in 2017, 38.71% in 2012, and 41.7% in 2007.¹⁸⁴ These figures led to, out of seven (7) elections that were assessed by IFES, a 59.09% turnout for elections in the country on average.¹⁸⁵

Civil society organizations, on the other hand, even though they do exist, were very much suppressed during the period of Jammeh.¹⁸⁶ Civil society organizations do have a space to operate in The Gambia. However, when Jammeh was leader of the state between 1996 and 2017, especially civil society organizations that are focused on human rights and governance were “routinely suppressed through intimidation, arrests and other violent means”.¹⁸⁷ The Observatory for the Protection of Human Rights Defenders’ report in 2011 on the Gambia says that “in the Gambia, a general climate of fear remained amongst human rights defenders, notably following the unsolved assassination and enforced disappearance of two journalists who covered human rights issues. While defenders still operated in a restricting legal and institutional environment, journalists faced a continuing campaign of harassment by the National Intelligence Agency (NIA), and members of human rights NGOs and lawyers were victims of judicial harassment”.¹⁸⁸ After a supposed assassination attempt or an ousting of Jammeh in 2006, the operations of NGOs in the

country deteriorated, which led to increased self-censorship by these groups in an attempt to avoid addressing sensitive issues.¹⁸⁹

The operations of NGOs and other civil society organizations are regulated by the 1996 Decree No. 81, also known as the NGO Decree, which has barely seen any amendment.¹⁹⁰ In 2010, also, a body was established under the office of President Jammeh to oversee the activities of NGOs in the country.¹⁹¹ The NGO Affairs Agency (NGOAA) served as a tool for Jammeh to exercise control over NGO and other civil society organization activities in the country. The NGOAA served as the body responsible for ensuring compliance with the 1996 NGOs Decree, in addition to the NGO Code of Conduct and a Protocol of Accord signed with the relevant Ministries, Departments and Agencies by civil society organizations in the country.¹⁹² The result of these monitoring and evaluation roles of the NGOAA was a system where NGOs and other civil society organizations could not operate with enough freedom to actually cause societal change. Their activities had to be in line with the national development agenda.

To this end, dissenters like Mr. Deyda Hydara, editor and co-founder of the Point private newspaper, and a correspondent for Reporters Without Borders; Mr. Ebrima Manneh, a journalist at the Daily Observer newspaper; and Ahmed Alota, Executive Director of the Gambia Press Union, were either killed, made to disappear, judicially harassed, or questioned in relation to their activities in the human rights space.¹⁹³ With Jammeh out of power, things are beginning to change, as was echoed by the respondent from the Gambian Consulate in Accra, but the country still has a long way to go.

3.3.9 Representation and Accountability in the Gambia

Discussions regarding representation in the Gambia focuses on the constitutional provisions for the election of representatives. It explores whether the citizens of the state possess the right to

freely and fairly vote in an election to select their representatives on both the national and the local governance levels. Once elected, this section probes the various ways available to the Gambian people to adequately hold their elected representatives, including the president of the state, accountable for the actions, policy decisions and even moral character.

The Gambian constitution does allow citizens to elect their own representatives to government and the national assembly, as has been demonstrated earlier through the data on voter turnout in both presidential and parliamentary elections and the discussions on elections in the Gambia. However, discussions on how these elected representatives make account to the people feature in the following paragraphs, focusing on political accountability mechanisms available, such as elections, which has been discussed extensively to imply that elected representatives account to the people through elections, and the National Assembly; administrative accountability mechanisms like the ombudsman; the media; and legal accountability mechanisms like judicial review.

One of the main mechanisms for accountability in the Gambia is through the National Assembly, which, according to Article 102 of the Gambian Constitution, possesses the power to “receive and review reports on the activities of the government and such other reports as are required to be made in accordance with this constitution; review and approve proposals for the raising of revenue by the government; and examine the accounts and expenditure of the government and other public bodies funded by public monies and the reports of the auditor general”.¹⁹⁴ These roles by the National Assembly are meant to serve as a check on the activities on the other government agencies, including the executive. It is in place to check national spending and to guard against arbitrary ruling on the part of the executive arms of government.

Article 163 of the Gambian constitution also established another level of accountability in the form of the office of the Ombudsman.¹⁹⁵ Article 163 (1a) of the Constitution establishes that the office of the Ombudsman is responsible for the investigation into any administrative mishap in the form of mal-administration or breaking the code of conduct for public officers set out in the constitution by any government authority or public body.¹⁹⁶ It also has the power to investigate acts of corruption, abuse of power, unfair treatment of persons, the functioning of the country's Public Service Commission, and the police and other security services for improper conduct of their duties.¹⁹⁷ They have the power to determine the nature and extent of the inquiry or investigation, issue and execute search warrants, question persons of interest, seize documents deemed necessary for the conduct of the inquiry, and recommend appropriate actions to be taken in the wake of their investigations.¹⁹⁸ Their duties ensure that the government agencies properly serve the people who put them there, and not abuse their powers while in office. A 2014 report obtained from the Ombudsman website outlined varying accounts of incidents investigated during the year, including issues like unlawful dismissal, claiming retirement benefits, claiming actual pay grade, unfair treatment, claiming social security benefits, and so on.¹⁹⁹

The constitution, in Article 207(1), also guarantees the freedom and independence of the press and other information media, indicating that the media has the freedom to operate without fear of prejudice and persecution.²⁰⁰ However, Freedom House's Press Freedom Status for the country was declared as Not Free.²⁰¹ This is because of a number of incidents that have occurred in the country over the years, as Jammeh's government employed a myriad of legal mechanisms and repressive laws to "aggressively thwart critical reporting by journalists and media houses".²⁰² They face harassment and intimidation in the conduct of their duties. In 2016 for instance, journalists were arrested and held without charge ahead of the 2016 elections. Internet access and

telecommunication access was denied to the population on the day of the 2016 elections, and journalists who wanted to cover the elections were denied access to the country.²⁰³ With the change in government, Barrow's Gambia seems to be more accommodating of the government, and the situation seems to be improving for journalists in the country.²⁰⁴

3.3.10 Rule of Law in Gambia

Rule of law in a democratic state is the notion that no single person is above the law, therefore, everyone is equal before the law. This is usually enshrined in the constitution, thus, this discussion will investigate whether the Gambian constitution makes this provision available. It will also probe the existence and the practice of the fundamental human rights and privileges of the people in the state, and the work of the judiciary in upholding the constitution of the state.

Article 4 of the Constitution establishes the constitution as the supreme law of the Gambia, and any other law found inconsistent with the constitution will be considered void.²⁰⁵ In the enforcement of the constitution, Article 5 of the constitution establishes the courts as the arbiters of the state where anyone who performs any action that is inconsistent with the constitution is held to question there.²⁰⁶ The rulings of the court system on the laws of the Gambia is considered final, and expected to be obeyed, even by the President of the country.²⁰⁷ In addition to the constitution, other laws of the Gambia are outlined to include; Acts of the National Assembly; any Orders, Rules, Regulations or other subsidiary legislation made by a person or authority under a power conferred by the Constitution; the existing laws, including all decrees passed by the AFPRC; Customary Laws that concerns the members of the community to which it applies, and Sharia Law in the matters of marriage, divorce, and inheritance among members of the communities to which they apply.²⁰⁸

Chapter 4 of the Constitution also outlines the fundamental human rights and freedoms of the citizens in the state. Articles 17(1) and (2) establishes, universalizes, and protects the fundamental human rights of every person in the Gambia.²⁰⁹ Among the rights it guarantees are the right to life, the right to personal liberty, protections from slavery and forced labor, protection from inhuman treatment, the right to own property, right to privacy, provisions for the secure protections of the law and fair play, freedoms of speech and association, and various political rights, including the right to take part in the conduct of public affairs, the right to vote or stand for elections, and right to have access to public services.²¹⁰

Regardless of these guarantees, the practice of these provisions in the constitution is blurry in the country. According to the respondent from the Gambian consulate, these provisions does exist in principle, but its practice is not so clear.²¹¹ It is the duty of the courts to ensure that these rights are guaranteed for the citizens, yet, it has been documented that there have been several “attempts to intimidate and interfere with the work of the judiciary”.²¹² However, even during the period of Jammeh, the judiciary was able to deliver just rulings on several high profile cases in the duties as constitutional safeguards. For instance, in June 2005, the High Court, in a highly controversial murder case led by the government in prosecution, acquitted and discharged Ousainou Darbor, the former opposition leader of the UDP, and four others who were accused of killing a supporter of Jammeh’s ruling party in 2000.²¹³ Because of this case and several others like it, the judiciary of the Gambia is considered independent to a certain extent, and praised for its mandate to protect the provisions of the constitution.²¹⁴

However, Freedom House’s 2018 assessment of the independence of the judiciary in the Gambia concluded that the judiciary is hampered by corruption and inefficiency, as the justices in the country’s judiciary were filled with foreigners that the previous government could easily

control.²¹⁵ Barrow's government has been working on remedying the inadequacies of the judicial system in the Gambia, especially with his appointment of a new Gambian Supreme Court Justice, who is a person of high repute in the Gambia and the world, Hassan Bubacar Jallow. The country, however, still has some work to do.

3.4 Challenges in Attaining Full Democratic Governance

Regardless of the strides that both states have made in promoting democratic governance within their borders, there still remains some challenges that the study has identified that deserves addressing, towards improving the democratic governance in Africa. In the course of the data collection, the experts and academics that were interviewed identified a few challenges that, in their opinions, needed to be addressed by both countries under study. Some of these challenges they identified included inadequate democratic accountability, undue political interference by the executive, low levels of citizen participation in the local governance architecture, inadequate financing of governance institutions, ineffective enforcement of local laws, corruption, and low levels of formal education. For the purposes of this study, however, five main challenges are focused on; inadequate accountability, low levels of participation in the local governance architecture, the existence of political party-sponsored vigilante groups, ineffective law enforcement, and a lack effective representation of the people's interest in central government by elected officials.

3.4.1 Inadequate Accountability

Regardless of the numerous accountability mechanisms that are available to the citizens of both the Gambia and Ghana, the level of accountability is low. According to Mr. Poku-Akubia of the Electoral Commission, the level of accountability is low due to the lack of awareness of the citizens

on these mechanisms.²¹⁶ If the people do not know how to utilize these mechanisms to ensure that the people whom they have elected as representatives can be held accountable through the constitutionally established means, the levels of accountability will remain low. Low levels of accountability mean that representatives can lie and abuse their power without consequences, and even though scholars like Robin Harding has conducted research connecting the construction of roads in Ghana to elections and voting²¹⁷, accountability concerns more than just verifying the provisions of infrastructure. The kinds of services that the citizens of the state are provided by state agencies, fighting against intentional conflict of interest at the benefit of incumbent governments and their cronies, and so on, fall under the confines of accountability. Without the necessary civic education on this by the appropriate authorities within the countries under study, the ineffectiveness of the accountability mechanisms will continue to undermine the attainment of democratic governance.

3.4.2 Low Levels of Participation in the Local Governance Architecture

The study also unearthed the low levels of participation in local governance in Africa. In national politics, participation was measured in voter turnout, which was high for Ghana and moderate for the Gambia, as indicated in the previous sections. However, participation in the local governance is quite low, as was echoed by the experts interviewed.²¹⁸ Civil society organizations have made it a priority to increase the levels of participation in these states but their work is only in the early stages. For instance, CDD, in Ghana, is spearheading a campaign for Social Accountability that incorporates aspects of participation, including educating people on it, holding town hall meetings, and setting up informal accountability units made up of people in the community, to increase the participation of the people in the community in their own governance.²¹⁹ Programs like these may eventually improve the participation of citizens in their local governance. However, now, even though the legal mechanisms are there, participation in local governance is low.

3.4.3 Political Party-Sponsored Violence

During the conduct of the study, political party-sponsored violence through paramilitary and vigilante groups were discovered to be a problem for the achievement of true democratic governance in Africa. The previous sections outlined the problems of vigilante groups like the Delta Force in Ghana and paramilitary groups like the Jugglers in the Gambia as manifestations of this phenomenon in the countries under study. Philip Attuquayefio and Linda Darkwa detail how the existence of groups like this, especially in Ghana, is antithetical to democracy.²²⁰ It creates an atmosphere of fear for those in the state who share views contrary to the views of the incumbent government, and infringes on the rights and privileges of the people in the state, as was demonstrated in the Delta Force attack on security coordinators in Ghana.

3.4.5 Ineffective Law Enforcement

Law enforcement in both countries under study is quite ineffective, as corruption, bribery and a lack of awareness plague the implementation of the constitutionally mandated provisions available to imply the existence of rule of law. The government does not provide for legal counsel for citizens of the state, which has led to extreme instances where accused law breakers represent themselves in court, sometimes without an education or any legal know-how. There have also been cases of bribery of court officials including judges in Ghana, or the Jammeh era judicial system that was being controlled by the powerful people in the state, as is explained in the previous sections. Lack of awareness has increased detention without any clear charges for longer than is necessary in both countries under study, in addition to tribalism and ethnic politics that effectively affect the justice system in both countries. Ineffective law enforcement in a democracy is lawlessness, and it is anti-democratic, contrary to the provisions for democratic governance.

3.4.4 Ineffective Representation of the Interests of the People

Even though the countries under study hold periodic elections to elect leaders at both the national and local governance level, there have always been questions about the intentions of the people who have been elected to serve as representatives of the people. Whether or not they act to promote the interest of the people they were meant to represent or they are in to enrich themselves. There is evidence, as demonstrated in the previous sections, that elected representatives rarely do their due diligence by consulting the people they represent, usually at the local governance level, before decisions are taken.²²¹ Ninsin adds to this notion by addressing the patron-client relationship between elected representatives and the people they are supposed to be representing that “enables the representatives to satisfy their material interest” while attempting to meet the public goods expectation of their citizens.²²² This affects the citizens’ rights to hold these representatives accountable, and leads to flagrant abuse of powers.

3.5 Conclusion

Elections has been explored in this section to determine whether it can serve as a measure on its own to indicate that a government is a democratic government. The conclusion of that discussion indicates that, even though elections is a central indicator in determining the governance of a state as democratic, it does not imply democracy in itself, until other factors like representation, accountability, rule of law, pluralism and participation are included. Hence, these other indicators as examined above have contributed to the in-depth Findings, Conclusions and Recommendations to be looked at in the chapter that follows.

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CHAPTER FOUR

SUMMARY OF FINDINGS, CONCLUSIONS AND RECOMMENDATIONS

4.1 Introduction

This chapter summarizes the findings of the study, provides a conclusion based on the findings of the study, and makes some recommendations to that effect.

4.2 Summary of Findings

The main findings of the study are summarized in the sections that follow.

4.2.1 Elections as a Democratic Governance Indicator

Elections in Ghana and the Gambia have been assessed, focusing on a brief history between the time after independence of both states until the early 1990s. The major findings are that these states have constitutional provisions for elections in their constitutions, and have been conducting elections frequently since the early 1990s.

The findings indicate that even though elections are frequently taking place, the conditions in the country within which the elections are occurring also matter significantly, as these conditions determine whether the elections were free and fair or not. For Ghana, opposition parties are allowed to campaign freely, and the citizens allowed the freedom to express their votes on elections day amidst vibrant media coverage and increased security to protect the integrity of the elections. It indicated a system that is learning and adapting to new challenges in the form of electoral

reforms that have since improved transparency and reduced tensions surrounding elections in the state.

In the Gambia, however, the findings indicated a different situation, especially during Jammeh's tenure as president. Media freedoms are almost non-existent, as conditions in the state were made increasingly bad for the opposition. Some opposition members get arrested and detained for expressing their constitutionally mandated right to demonstrate and express their views. The security forces, on the orders of Jammeh, intimidate both voters and candidates in the state, creating fear and feeling of insecurity during elections.

4.2.2 Democratic Governance

Other measures of democratic governance in a state are explored in the study, including pluralism, participation, representation and accountability. The major findings are presented in the sections that follow.

4.2.2.1 Pluralism

Both countries possessed the constitutional provisions that allowed for pluralism in the state. To that end, there are twenty-five (25) registered political parties in Ghana and ten (10) registered political parties in the Gambia. These political parties, even though, have the right to stand for elections, sometimes struggle with legislations that sometimes make it difficult including raising the amounts that potential candidates are supposed to pay for standing in the elections. For Ghana, some of these repressive legislations can be challenged in the courts and justice could be delivered. However, in the Gambia, the political parties had no choice but to comply, and dissenters were crushed by security forces.

Both countries also have violent groups that are affiliated to some political parties within the state, for instance, Junglers in the Gambia and the Delta Force in Ghana. These groups have been the cause of a lot of turmoil in the countries under study. Both governments purport to be doing something to rid the country of them, but results are yet to surface.

4.2.2.2 Participation

Participation, for the purpose of this study, was considered in voter turnout and civil society participation. Ghana has very high voter turnout at the national level and civil society participation in the country's politics and governance. However, at the local governance level, citizens rarely participate as demonstrated in very low voter turnout and engagement with local governance representatives.

The Gambia has similar issues in terms of voter turnout, with high levels for presidential elections and very low levels for national assembly representatives. However, for civil society engagement, the Gambia seriously repressed especially human rights and governance civil society groups, intimidating them with murders, kidnappings and disappearances, leading to self-censorship of these organizations. These happened during the time of Jammeh, and can be said to have significantly reduced in Barrow's presidency.

4.2.2.3 Representation and Accountability

The constitutions of both Ghana and the Gambia allow for citizen to both vote for their own representatives and apply to stand for elections to be a representative. However, accountability in both countries differ significantly, with Ghana possessing numerous levels of accountability, encompassing the legislature, the media, Ombudsman, and some legal mechanisms. Through these means, the citizens get to question the leadership of the state on their policy choices and future plans for the country. In the Gambia, there is no media freedom and even though the judiciary tries

to hold the government accountable, it has also been compromised by Jammeh-period legislation and regulations that are seemingly being changed by Barrow's government. A further problem in accountability within these two countries is the low levels of knowledge about them by the citizens. Increased awareness about their options in terms of accountability will further improve the transparency in the governance of the state.

4.2.2.4 Rule of Law

Constitutional provisions of equality before the law, fundamental human rights and law enforcement agencies and the clear demarcation of their powers are very necessary in democracy, and that is why both Ghana and the Gambia possess these provisions in their constitutions. However, in their implementation, there are several issues including bribery and corruption that are preventing the principles of the rule of law to be applied to the citizens.

4.2.3 Challenges in Attaining Democratic Governance

From the study, five main challenges were identified as militating against the attainment of democratic governance in Africa. They include;

- A. Inadequate accountability of the activities of the various governments by the citizens
- B. Low levels of participation in the local governance architecture of the state
- C. The proliferation of party-sponsored violence in the states
- D. Ineffective law enforcement system to uphold the principles of the rule of law
- E. Ineffective representation of the interests of the people at both the local and the national level of governance

4.3 Conclusions

Democratic elections, based on the findings of this study, are very essential aspects of democratic governance. Some scholars, as well as the experts interviewed for this study, have suggested that a government cannot be called a democracy without the existence of elections. Elections represent the medium through which the people get to govern themselves. It serves as a measure of accountability for elected representatives, as well as a mode of participation in the governance of the state. However, elections on its own cannot constitute democracy.

This is because other factors of democratic governance, like participation, representation, rule of law, accountability and pluralism need to exist to create a conducive atmosphere for elections to take place. Without the multiplicity of actors in the political system, citizens will not have different options to choose from in terms of a vote; participatory and representation provisions in the constitution make it possible for citizens to vote and stand for elections; the rule of law ensures that the people of the state are protected by the state; and accountability ensures that the wishes of the people are granted by the government. Therefore, even though there cannot be a democratic government without elections, elections alone cannot be a determinant of democratic governance in a state.

With the assessment of elections, as well as the other measures of a democracy identified, the findings prove the researcher's hypothesis that Ghana's effort at being democratic has been more successful than the Gambia, especially considering that the Gambia was an "illiberal democracy" for the better part of the over two decades under review. The indicators analyzed showed that freedoms and rights of people in the Gambia are severely worse, as compared to Ghana, which has been hailed as a democratic pioneer in Africa, passing three turnover tests over the duration of its

fourth republic and improving its democratic systems like elections through proper democratic processes.

4.4 Recommendations

The researcher, based on this study, recommends as follows;

- Further research should be conducted into addressing the challenges identified in the course of the study because if the challenges are adequately addressed in academia, the knowledge can serve as recommendations to African governments to improve upon their practice of democratic governance
- Civil society organizations should focus their attention on strengthening the democratic institutions in African states. This is because the research indicates the existence of several democratic institutions and mechanisms necessary for a democratic government, however, the implementation of these mechanisms and the performance of the institutions are weak and can be made strong with the help of civil society organizations
- Citizens should be educated on the rights they enjoy in the state and their responsibilities to ensure that both elected representatives at the national and local levels are adequately informed, since the citizens' lack of knowledge about what they are entitled to and the powers they have within the state contribute to some of the challenges identified during the study
- Governments should develop the political will to implement electoral reforms in both countries, towards improving the transparency, freeness, fairness, and inclusivity of their electoral processes
- African countries should learn from each other and adopt best practices from other African countries in order to fully develop and practice democracy that is African. The appropriate

forums for effective communication could be the regional economic communities, like Economic Community of West African States (ECOWAS), Southern African Development Community (SADC), Intergovernmental Authority on Development (IGAD), and the African Union (AU)

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APPENDICES APPENDIX 1 INTERVIEW GUIDE

- A. Democratic elections as a central indicator of democratic governance in Africa
 - a. In your opinion, how important is elections to democratic governance in Africa?
 - b. Without elections, would you consider a government as being democratic?
 - c. If yes, would you then consider elections as a central indicator of democratic governance in Africa?
 - d. Please, explain your answer.
- B. Success of democratic governance in Ghana and the Gambia
 1. Pluralism
 - a. How many political parties are in Ghana/Gambia?
 - b. How engaging are the opposition political parties in the national discourse?
 - c. Are they free to express their opinions or take actions without fear of persecution?
 - d. Since the early 1990s, have there been incidents where people who do not belong to the ruling government have been persecuted for their views?
 2. Participation
 - a. Do the citizens of the state actively participate in the governance of the state, especially through voting?
 - b. Do civil society organizations exist in Ghana/Gambia?
 - c. How free are they to participate in the politics and governance of the state?
 3. Representation

- a. Do the citizens in the state get the chance to select their representatives freely, fairly and in regular intervals?
 - b. When elected, are there legal, administrative and political mechanisms available to ensure accountability to the people who elected them?
4. Elections
- a. Do opposition parties have the freedom of speech, assembly and movement necessary to voice their criticisms of the incumbent government openly and present alternative policies and candidates to the voters?
 - b. Do voters return to the polls at regular intervals to re-elect incumbent officers or vote them out of office?
 - c. Do existing laws make it clear who has the right to vote?
 - d. Are there existing laws or government policies or actions that prevent qualified voters from voting?
 - e. After elections, is the collating process open and transparent?
5. Rule of law
- a. Does the constitution allow for the existence of equality before the law?
 - b. If yes, how has it been practiced in the state?
 - c. Does the constitution provide exhaustively for the fundamental human rights of citizens in the state? If yes, how is it enforced? For instance, is there due process when one is accused of committing a crime?
 - d. To the best of your knowledge, has there ever been a case where the government has ruled outside the provisions of the constitution / arbitrarily?
6. Accountability

- a. Does the government explain its decisions and actions the people through the proper channels?
 - b. How free and fair is the judiciary in the Gambia/Ghana to conduct its judicial review duties?
 - c. Is the press in the state free to operate without any obstructions from the government?
 - d. Do administrative accountability mechanisms like protecting whistleblowers, independent auditors, ombudsman to hear complaints from the citizens exist?
 - e. Do legal accountability mechanisms like sunshine laws, conflict of interest and financial disclosure laws exist and operational in the state?
7. Existence of CSOs
- a. Do Civil Society Organizations exist within Ghana/Gambia?
 - b. If yes, how free are they to operate in the state?
 - c. If yes to (a), do these CSOs operate in the political sphere?
 - d. Have there ever been instances where you've felt that CSOs have been unjustly persecuted for their activities?
- C. The challenges and difficulties faced by Ghana and the Gambia in governing democratically
- a. In your opinion, what are some of the challenges and difficulties faced by Ghana and the Gambia in governing democratically?

APPENDIX 2

A POLITICAL MAP OF GHANA



APPENDIX 3

A POLITICAL MAP OF THE GAMBIA

