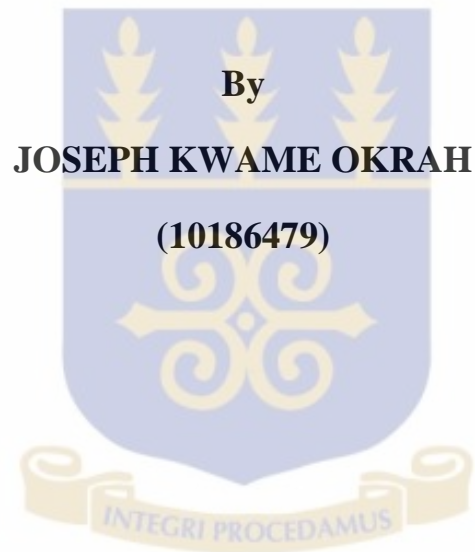


**ELECTORAL REFORMS AND DEMOCRATIC DEEPENING IN  
GHANA'S FOURTH REPUBLIC**



**THIS THESIS IS SUBMITTED TO THE UNIVERSITY OF GHANA,  
LEGON IN PARTIAL FULFILMENT OF THE REQUIREMENT FOR THE  
AWARD OF M.PHIL POLITICAL SCIENCE DEGREE**

**JULY, 2015**

## DECLARATION

I do hereby declare that except for references to the works of other authors duly acknowledged, this work is my own original research study under the supervision of Dr. Maame A. Gyekye-Jandoh and Dr. Isaac Owusu-Mensah. This work has not been presented either in part or in whole to any institution for the award of any degree. I therefore, bear full responsibility for any omission or errors in this work.

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## ABSTRACT

The role of elections as well as the introduction of reforms to electoral procedures and processes cannot be overemphasised. Elections, although a component of the democratic process, has sufficiently served to entrench many democratic experiments. Reforms to these elections help in addressing the challenges that may arise out of these elections.

The purpose of this research is to examine how much electoral reforms have impacted on deepening the democratic culture, Ghanaians have adopted. This research study was based on a review of relevant literature and empirical study undertaken by the researcher. The empirical research was implemented through a qualitative study approach using semi-structured interviews with key stakeholders in the electoral process.

The study produced a number of key findings; that the adoption of electoral reforms has vastly improved the confidence, trust and participation of the Ghanaian electorate; relative political stability; and has also won Ghana, international praise and made the country a reference point for emerging democracies. Again, the study found out that these achievements are being hampered with limitations which include financial challenges, attitude on the part of political players and the Electoral Commission as well as lack of expertise and logistics.

The main conclusions drawn from the study were that electoral reforms were indispensable for the country's march towards an advanced democracy; and that these limitations without redress seek to derail the benefits accrued from these reforms. Following on, this study argues for active participation and collaboration among stakeholders in proposing, promoting and implementing adequate electoral reforms.

Keywords: electoral reforms, democracy, Electoral Commission

## **DEDICATION**

To my mum and wife, I dedicated this work.



## ABBREVIATIONS

**ADD-** Action on Disability and Development-Ghana

**BVR-** Biometric Voter Registration

**CHRAJ-** Commission on Human Rights and Administrative Justice

**CI-** Constitutional Instrument

**CODEO-** Coalition of Domestic Election Observers

**CPP-** Convention Peoples' Party

**CSOs-** Civil Society Organisations

**DA-** District Assembly

**DEO-** District Electoral Officer

**DFP-** Democratic Freedom Party

**DOR-** Declaration of Results

**DPP-** Democratic Peoples' Party

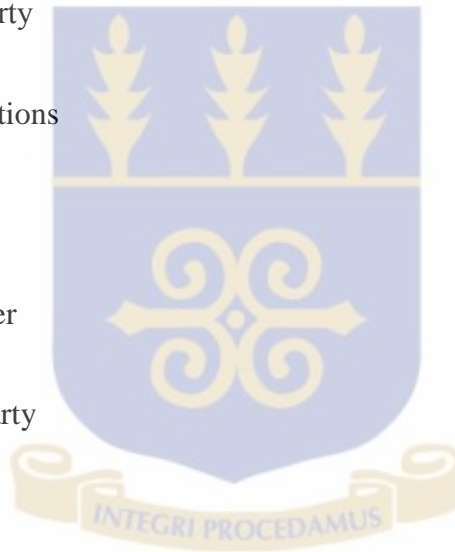
**EC-** Electoral Commission

**ECG-** Electoral Commission of Ghana

**ECOMOG-** ECOWAS Monitoring Group

**ECOWAS-** Economic Community of West African States

**EGLE-** Every Ghanaian Living Everywhere



**EMB-** Electoral Management Body

**EO-** Electoral Officer

**EU-** European Union

**GAB-** Ghana Association of the Blind

**GBC-** Ghana Broadcasting Corporation

**GCPP-** Great Consolidated Peoples' Party

**GJA-** Ghana Journalists Association

**NCCE-** National Commission on Civic Education

**NCD-** National Commission on Democracy

**NDC-** National Democratic Congress

**NDI-** National Democratic Institute

**NHIS-** National Health Insurance Scheme

**NPP-** New Patriotic Party

**NRP-** National Reform Party

**IFES-** International Foundation for Electoral Systems

**IFIs-** International Financial Institutions

**IIDEA-** International Institute for Democracy and Electoral Assistance

**INEC-** Interim National Electoral Commission

**IMF-** International Monetary Fund

**IPAC-** Inter-Party Advisory Committee

**MFJ-** Movement for Freedom and Justice

**OAU-** Organisation of African Unity

**OECD-** Organisation for Economic Co-operation and Development (OECD)

**PNDC-** Provisional National Defence Council

**PNC-** Peoples' National Convention

**PO-** Presiding Officer

**PPP-** Progressive Peoples' Party

**PRI-** Partido Revolucionario Institucional

**RO-**Returning Officer

**SAP-** Structural Adjustment Programme

**UFP-** United Front Party

**UN-** United Nations

**UNDP-** United Nations Development Programme

**WB-**World Bank

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I, however, accept full responsibility for any shortcomings and criticisms in this work and will welcome any useful suggestions.



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## CHAPTER ONE

### 1.1 Background to the Study

The process of democratization began to unfold in many developing countries, particularly in Africa when the Cold War ended. Fukuyama (1992) noted that the end of the Cold War marked the adoption of Western liberal democracy as the final form of human development. According to Huntington (1991), this democratization trend saw a surge towards Africa when the South African Apartheid Regime released Nelson Mandela from prison and lifted the ban on the African National Congress and the Sovereign Conference in Benin was held in the early 1990s. By 2003, about three-fifths of all the world's states were considered formal democracies (van de Walle, 2005; Diamond, 2006), however imperfect they might be. In 2007, about 123 countries including 50 African countries had become electoral democracies, living up to the minimalist definition of democracy (Lindberg, 2007).

Matlosa (2003) argues that the general impression that can be deduced from the democratization process in Africa is that, this transition helped re-orient African political systems away from authoritarian rule towards competitive political governance. This emergence heralded the departure from the period of coups d'état and military despotism to the desire to hold elections even for the mere sake of it. African countries then became more disposed to holding elections and the cliché of “bullets to ballots” became a parlance.

Ghana returned to multiparty politics in the early 1990s when the ‘third wave of democratization’ as Huntington (1991) describes swept across the world including certain parts of Africa. This new dimension had been occasioned by a variety of actors and actions, both internal and external. Internally, among other things but significantly, was the agitation by pro-democratic forces such

as the Movement for Freedom and Justice that to a certain degree influenced the decision of the Provisional National Defence Council (PNDC) led by Flt. Lt Jerry John Rawlings to allow some form of political space (Ninsin, 1998; Handley, 2008). Added to that, the liberalization of the political environment was a response to the pressures emanating from International Financial Institutions (IFIs) and other multilateral donors as a pre-condition for donor assistance (Sandbrook & Oelbaum, 1991; Handley & Mills, 2001; Gyimah-Boadi, 2004; Boafo-Arthur, 2008).

The liberalization of the political space started with the advent of the conduct of a non-partisan but competitive District Assembly (DA) elections in 1988. Subsequently, regional consultations were hosted by the National Commission for Democracy (NCD) led by the late Justice Daniel Francis Annan to pronounce the future direction of the political process (Ninsin, 1998). A Consultative Assembly was consequently inducted to draw up a new constitution and by the end of March, 1992 a revised draft constitution had been submitted to the Chairman of the Provisional National Defence Council (PNDC) Flt. Lt. Jerry John Rawlings. This proposed constitution was subjected to a referendum on April 18, 1992 and was approved by over 90 percent of voters (Badu & Larvie, 1996; Handley, 2008).

Ninsin (1998), Ayee (1997) and Boafo–Arthur (2008) posit that the environment preceding the framing of the 1992 constitution was not that conducive. Ninsin (1998) further adduces that the Rawlings military regime was very interested in self-succession. He also intimates that the entrenched military regime which had held the reins of power for over a decade had succeeded in intimidating and suppressing the middle class of business society, professional associations and other civic organizations including political groupings. In the first election, held in November, 1992, Rawlings and his newly-formed party, the National Democratic Congress (NDC) contested against other political parties, including the New Patriotic Party (NPP) led by the late Prof. Albert

Adu Boahen, and won, although some elements in the opposition cried foul (Ocquaye, 1995; Badu & Larvie, 1996; Gyimah-Boadi, 2004; Boafo-Arthur, 2008).

This transition to democracy advanced when increasing political freedoms allowed for the growth and organisation of opposition political parties and a relatively even playing field for the contest of power (Frempong, 2008; Handley, 2008). The electoral process was strengthened when in the 2000 General Elections; it facilitated the historic transfer of power from one constitutionally elected government of the NDC to another party, the NPP. This landmark election represented the third successive general elections since the re-introduction of multi-party democracy in 1992 (Ayee, 2001; Gyimah-Boadi, 2004; Frempong, 2008). Subsequently, Ghana has experienced three more peaceful and generally acceptable national elections although the 2012 elections was disputed and challenged at the Supreme Court by the main opposition NPP on several fronts (Jahateh, 2012). The verdict delivered by the Court asserted that the declaration made by the country's Electoral Commission (EC) was valid and confirmed the election of the incumbent President, NDC's John Mahama.

## **1.2 Statement of the Research Problem**

Over the last two decades, Ghana has made tremendous strides with electoral democracy in Sub-Saharan Africa. A sixth democratic election was held in 2012 since the country returned to constitutional rule in 1993. This democratic achievement has so far redefined the standards with which its elections can be measured. The conduct of these elections have received widespread commendation. However, there is a general perception that suggests the electoral process has not been robust to instil the desired voter confidence in the elections held over the years. Concerns about failed electoral processes and procedures have been loudly repeated in media commentaries

and political discourses (Debrah, 2015). The central question to this study is how the Ghanaian electoral system has responded to the dynamics of electoral practices and procedures aimed at achieving electoral integrity and to a larger purpose, deepened democracy. This is because, poor election management has often fuelled instability, electoral boycotts and general insecurity in several African countries (NDI, 1990; Norris, 2013).

In Ghana, the incidence of alleged bloated electoral registers, inefficiency and the lack of polling station officials over the years among other things has sometimes led to judicial means of resolving electoral contests. Nevertheless, this period has witnessed incremental electoral reforms that have immensely improved the conduct of elections (Ayee, 1997b; Frempong, 2008). This has mainly been attained through consensus building mechanisms such as the institutionalization of bodies like the Inter-Party Advisory Committee (IPAC), a forum initiated by the Electoral Commission for political parties and other related stakeholders to contribute suggestions leading to electoral reforms as well as ironing out differences arising out of electoral and political party disputes (Ayee, 1997b; Frempong, 2008).

Critics have however alluded to institutional, procedural and technical weaknesses in the Ghanaian election processes. These challenges have rendered most electioneering periods tensed and violent, particularly when other parties feel cheated. The post-2008 elections tensed atmosphere represented a crucial point in the nation's democratic history. This had partly arisen when the New Patriotic Party filed an *ex parte* motion seeking an injunction to prevent the Electoral Commission from declaring the presidential election results until investigations of allegations of electoral fraud in the Volta Region had been concluded. Critically, the revelations during the 2012 Presidential election petition hearing such as the perennial bloated register brought to the fore the increasing need for electoral reforms in order to nurture and sustain Ghana's democracy.

After more than two decades of an uninterrupted electoral experiment, the impact of electoral reforms presents a good case for an academic exercise. This study will go a long way to provide useful information necessary to influence election administrators, policymakers, civil society and other stakeholders to develop and implement reforms that will support efforts to enhance democratic deepening in Ghana and other African countries. The study mainly investigates the rationale behind the adoption and implementation of electoral reforms particularly under the Fourth Republic. Specifically, the researcher intends to analyse out the extent to which these reforms have contributed to Ghana's pursuit of democratic deepening.

### **1.3 Theoretical Framework**

Until the mid-1990s, literature on electoral reforms was very limited. Norris (1995) indicated there was a lack of theoretical framework to understand how political systems reform basic constitutional principles. In the early 1990s, a flurry of literature evolved to understand the dynamics of electoral system reformation (Ayee, 1997; Debrah, 1998; Shugart & Wattenberg 2001; Colomer, 2004; Norris, 2004; Mitchell & Gallagher, 2005).

The dominant theory relating to making changes to electoral rules have mostly been provided by rational choice theories (Norris, 1995). This position portrays policy change as determined and argued over by interests, where the outcome depends upon the calculation of gains for office-holders (Norris, 1995). Boix (1999), Bowler et al. (2006), Norris (1995) and Renwick (2010) corroborate this assertion and suggest that the choice of electoral systems emanates from the decisions parties make to maximize their interests. As long as the electoral space does not change and the current rules benefit the parties, the electoral system is not easy to change. This assertion tends to support Renwick's (2010, p. 28) argument that "major electoral system reform in



established democracies is a rare event ...because politicians usually control the electoral system and those politicians who change the system are typically those who benefit from it and therefore will want to keep it unchanged”.

Katz (2007) argues that the rationale of politicians exists in maintaining the rules of a game they are convinced of winning. The rational choice approach explains reforms and stability as reflecting the self-driven interests of the main political actors and that both logically and rationally, electoral reforms would not occur because those who are in power – and thus are in the position to change the electoral system – obtained their positions through the existing system. If politicians are afraid of risks, it is even rational that they will prefer defending what they have already achieved rather than attempting a reform and facing the uncertain political consequences that it might pose (Katz, 2007). It has also been proven that political parties in opposition are the vociferous advocates of electoral reforms and maintain an equal vehemence to change when the status quo favour them (Pilet and Bol, 2011).

The rational choice model assumes that parties have a great deal of knowledge about the consequences of electoral reform. But according to Colomer (2005) and Katz (2005), in the real world, there is a high level of uncertainty in terms of its effects, since reforms affect several aspects of political life as well as what the reactions of other actors might be. Reynolds, Reilly and Ellis (2005) have further argued that sometimes historically unique events can even cause electoral reform as occurred in Israel and at other times electoral systems are adopted by accident.

Recent academic literature has critiqued the rational choice theory by showing that winning more seats is not even the main objective for initiators of electoral change, nor is a change in seat share by default the most important gain of electoral reforms. Rahat and Hazan (2011) even criticise such an approach as trivial and that what arises from such literature is much better at explaining

stability and preservation than in explaining the rare adoption of electoral reforms. Renwick (2010) identified a number of different objectives that determine the choice of electoral systems, and only a few refer to the distribution of seats or power.

In recent years, the rational choice model has also been criticised as inadequate. Critics such as Katz (2005, p.69) have faulted the rational choice approach as an elitist model and thus put forward what he calls “public opinion-laden reforms” emanating from the public choice theory. These critics argue that such reforms must evolve from the people in order to ensure compliance. Arowolo (2013) agrees with Katz (2005) and further argued that the process of any reforms should be a reflection of the public choice. This will ensure that a generally acceptable electoral reform is holistic and adequate enough to comprehensively address the challenges of electoral mischief and challenges.

In an attempt to correct the weaknesses of the rational choice model, some scholars have argued for the institutionalist paradigm in explaining why electoral reforms would occur. According to advocates of this approach, pressure for reforms is likely to increase when inherently problematic elements in the structure of the institutions are increasingly and repeatedly pronounced. The institutional approaches suggest that exchanges among the social, cultural environments and political institutions are central to reform initiation, promotion and their adoption, or that an inherent fault in the institutions themselves can lead to their reforms (Shugart, 2008; Rahat & Hazan, 2011). Institutionalists expect reforms to happen when the institutional context changes or when the existing institutions produce undesirable results (Shugart, 2008; Rahat & Hazan, 2011). Citing cases that occurred in the 1990s, Rahat and Hazan (2011) indicated pressure for reforms increased when old justifications for preserving a malfunctioning system were pronounced as occurred in Japan, New Zealand and Israel.

Again, advocates of this theory argue electoral reforms occur as a result of perceived imbalance in the established arrangement for conducting elections. Katz (2007) observed that there are possibilities of electoral system reforms when the institutional status quo and existing electoral arrangements suffer some deficiencies and concerns of electoral irregularities. Institutionalists also recognize the reciprocity in the interactions between structure and agency, that is, the fact that structure/institutions shape, influence, or constrain elite actions and that elite actions in turn influence and shape structure and institutions. This new “institutionalist” approach sheds light on the importance of domestic political factors to regime transitions and consolidation (Bratton & van de Walle, 1997, p. 41). Kathleen, Steinmo and Longstreth (1992) assert, in a convincing institutionalist synthesis, that “political struggles are mediated by the institutional setting in which they take place because institutions shape the goals that political actors pursue and...structure power relations among them, privileging some and putting others at a disadvantage” (Kathleen et. al,1992, p. 3). Indeed, institutional approaches bypass the tendency of structural approaches to determinism and pessimism, because they include opportunities for innovation and choice by individuals and elites (Gyekye-Jandoh, 2013).

Recent studies on electoral reforms have drawn on these different approaches simultaneously in explaining electoral reforms. Thus, scholars proffer that we should not accept one approach to be the best in all three, but rather look for the approach that proposes an optimal balance (Rahat 2008; Renwick 2010).

However, in the context of the Ghanaian experience, electoral reforms have largely emanated from the institution of the electoral management body seen as the movers of electoral reforms. Since 1992, in an attempt to promote efficiency and integrity, the Electoral Commission of Ghana has sought to introduce reforms aimed at achieving electoral integrity. In adopting the institutional

approach for the study, the theory will seek to explain why status quo institutions in an attempt to achieve improvement advocate alternative arrangements. This approach to the study of electoral change offers a promising framework to analyse reforms in a systematic way.

#### **1.4 Research Questions**

From the foregoing, this study seeks to address the following research questions:

1. What is the nature of electoral reforms that have been carried out under the Fourth Republic and how have these reforms enhanced the democratic process?
2. Who are the stakeholders in electoral reforms in Ghana and what roles do they play?
3. What are some of the challenges facing electoral reforms?

#### **1.5 Objectives of the Study**

Within the context of electoral reforms and democratic deepening in Ghana, this study seeks to:

1. Examine the nature of electoral reforms that have been implemented since the advent of the Fourth Republic and the extent to which electoral reforms have enhanced Ghana's democracy.
2. Identify the stakeholders engaged in electoral reforms and their contribution towards these reforms.
3. Examine the challenges associated with electoral reforms and proffer how best these can be addressed.

#### **1.6 Conceptual Framework**

For the purpose of this study, the following concepts will be understood in these contexts:

- I. Democracy: Huntington (1991) and Lindberg (2007) define democracy as the rule of the people and as a form of choosing governments at regular intervals. According

to Bujra and Buthelezi (2002), democracy refers to the ability of the citizens in a society or members of an organization to effectively take part in the choice of their representatives or leadership and to effectively participate in the decisions that affect them or society in general. In the context of this study, democracy is seen as the mechanism through which the right of every one taking part in the management of public affairs is guaranteed. The key element is the holding of free and fair elections and leaders made to account for their stewardship at regular intervals.

- II. Elections: In the view of Lindberg (2007), elections are ways of choosing leadership and disposing of old governments in a political system. In the context of representative democracy, he argues that it is the means of deciding who should hold legislative or executive powers and a repetitive form is even enough for entrenching democracy. The concept of elections in this study refers to a mechanism that allows citizens to choose their governments freely and fairly devoid of intimidation and violence where the wishes of the people are expressed in the votes counted.
- III. Electoral Reforms: Butler (2004) viewed electoral reform as changes in the electoral system and to improve how public desires are expressed in election results. According to Butler (2004), these can include reforms of voting systems; vote-counting procedures; rules about political parties, changes to election laws; ballot design and voting equipment; how candidates and political parties are able to stand for elections; safety of voters and election workers; measures against bribery, coercion, and conflict of interest and financing of candidates. For the purpose of

this study, electoral reforms will be seen as the avenues aimed at enhancing the efficiency and effectiveness of electoral processes and procedures.

IV. Democratic deepening: Diamond (2007) indicates that the first step toward deepening democracy is to build a culture of democracy which includes tolerance for differing opinions. This divergence should lead to mutual respect among opposing political forces that takes hold among political elites, parties, and broader societal groups. In the context of this study, democracy is deepened when the term ‘democracy’ becomes identified with the mechanism of political representation (elections) and seem effective in achieving these:

- a) Forging political consensus through dialogue.
- b) Facilitating active political involvement of the citizenry and
- c) Ensuring that all eligible citizens participate and benefit from political decisions necessary to provide and promote a healthy society.

### **1.7 Significance of the Study**

This study will contribute to the body of literature relating to electoral reforms and Ghana’s democratization and that of other emerging democracies. This study will also benefit electoral administrators, particularly the Electoral Commission of Ghana, the agency which is responsible for the conduct of general elections in Ghana. It will also help the Commission better identify the challenges that confront electoral reform implementation and improve the quality of election administration in Ghana.

Again, it will provide empirical basis for relevant stakeholders in their efforts to adopt electoral reforms aimed at achieving quality elections. These stakeholders include political parties, civil society organisations, government and other development partners.

## **1.8 Justification of the Study**

Ghana returned to constitutional rule in 1992 and has made tremendous strides in deepening its democracy, which have won the country international acclaim. It is enviably often referred to as a beacon of democracy in the West African sub-region. This has been made possible with the smooth conduct of peaceful elections and accompanying electoral reforms. The adoption of these electoral reforms has gone on to ensure a relative sense of electoral integrity albeit with challenges in the 2008 and 2012 general elections. The journey to becoming an advanced democracy is a process, and it is imperative that research is conducted in order to identify and examine the best electoral practices suitable for Ghana and its democratic development. This research therefore seeks to come out with findings and recommendations that will help add to the body of knowledge and the need for quality reforms geared towards democratic deepening.

## **1.9 Organization of the Study**

Chapter One provides the background to the study, statement of the research problem, and theoretical framework. It also includes research questions, objectives of the study, conceptual framework, significance of the study, justification of the study and organization of the chapters.

Chapter Two includes the literature review on thematic areas such as; the general overview of elections and democracy, electoral reforms in general, electoral integrity, merits of reforms as well as factors that can hinder reforms. The literature further reviews electoral reforms in Ghana since 1992 and how these reforms have contributed to deepening democracy in Ghana since the 1992 elections. It will also take a look at factors militating against these reforms as well as key stakeholders in this electoral process.

Chapter Three titled “Research Methodology” presents the research methods employed in the study. Sub-themes such as research design, sources of data, data collection instrument, data analysis as well as potential limitations and problems associated with the chosen methods are thoroughly discussed.

Chapter Four titled “Results and Discussion” is the data analysis section and also presents the research findings in relation to the stated research objectives.

Chapter Five details the summary findings, conclusions and recommendations.

### **1.10 Conclusion**

This chapter took a look at the background from which the subject became relevant for an academic study. It also discusses the theoretical framework within which the study will be situated, the objectives and corresponding research questions among others. The next chapter discusses a review of relevant and current literature employed in the study.



## **CHAPTER TWO**

### **LITERATURE REVIEW**

#### **2.1 Introduction**

This chapter reviews relevant literature on elections and electoral reforms and the extent to which these concepts have contributed to democratic deepening. The review of such works will be based on the following thematic areas; elections and democracy, the electoral history of Ghana under the Fourth Republic, General studies on electoral reforms in Ghana. The rest will include electoral reforms, factors necessitating electoral reforms, the merits of electoral reforms, factors militating against reforms, and the history of electoral reforms under the Fourth Republic.

#### **2.2 Elections and Democracy**

For democracy to thrive, citizens must have mechanisms by which they can participate, compete and legitimise the regime under which they live. According to Lindberg (2004), the three dependent variables of elections that is participation, competition and legitimacy are empirically observed in electoral behaviour as they promote liberalization and advance increased democracies in political regimes. Lindberg (2004) also asserts that elections are the fundamental ways of monitoring political competition. Uwagboe (2009) opines that elections are the means by which the people choose and exercise some degree of control over their representatives.

Ninsin (2006) explains elections as a process of selecting leaders which also includes the rules, norms and attitudes that sprung from the belief of democracy and stipulates mass participation. Aderibigbe (2006) corroborates the above scholarly assertions when he reiterates that elections are the acts of choosing or selecting candidates who will represent the people of a country in the parliament and in other positions in government. This definition offered by Aderibigbe (2006) is

quite narrow because he fails to allude to the fact that there can be elections which does not necessarily produce national leaders but may occupy other organisational positions as well as students' leadership.

Scholars such as Sandbrook (1998; 2000), Diamond, Linz and Lipset (1989) and Sorensen (1993) have placed elections as the fulcrum around which democracy revolves. For Sandbrook (1998; 2000) Diamond, Linz & Lipset (1989) and Sorensen (1993), liberal democracy can be identified as a political system that allows regular and free elections by virtually all adult citizens who have the right to vote and also guarantees a range of political and civil rights. The key properties or elements of liberal democracy, they contend are; political participation of the citizens, competition among political parties, and the granting of civil and political liberties; which include freedoms of expression, association and the press, necessary to promote the integrity of political competition and participation. It can definitely be deduced that most of these three characteristics relate in one way or the other to the concept of elections.

Rose (1978) argues that the more consent authority has achieved through elections, the better rulers can manage the resources to compel obedience from the citizenry. Moreover, electoral alternation has significant positive effects on public support for and confidence in democracy (Bratton, 2004). Lindberg (2006) places much emphasis on elections that he makes this assertion; that even without so much recourse to fairness in elections, it appears that repetitive competitive elections have enhanced civil liberties by ensuring the democratic consciousness of citizens.

Lindberg (2006) further posits that repetitive elections even if "imported" are one of the essential factors in the development of democracy. While there are many arguments about what really constitutes a democracy, it remains that a common denominator of modern democracies is elections. The holding of elections therefore and their quality are institutionalized attempts to

actualize the essence of democracy which is rule of the people by the people. Although other scholars have argued that elections alone do not amount to democracy, no other mechanism precedes participatory, competitive and legitimate elections as a cardinal importance for self-government (Bratton & Van de Walle, 1997). Dumor (1998) reiterates that while democracy is more than periodic competitive elections, it is more or less obligatory for stakeholders to so act in such a manner as to consolidate democratic culture and practice. It can arguably be assumed that an election perhaps is the most important element in liberal democracy.

Rakner and Van de Walle (2009) in critiquing elections as an instrument of democratization pointed out the situation in Africa; where they claim opposition parties largely are not able to compete effectively with incumbent regimes. Their argument was that, even though elections have become regularized in places such as Africa since the late 1980s, the weakness of opposition parties represented a serious challenge for democratization. A growing number of scholars including Santiso (2001), Carothers (2002) and Fawole (2005) have also criticised the emphasis on electoral practices as the sine qua non of democratic deepening.

Fawole (2005) argues that the view that elections promotes popular participation cannot entirely be true. He indicates electoral rigging and vote buying are common features of African elections and therefore have become a mere political formality. However the facts available remain that “the process of holding an uninterrupted series of de jure participatory, competitive and legitimate elections not only enhances the democratic quality of a regime but also has positive effects on the spread and deepening of civil liberties in the society” (Lindberg, 2006; p.18). Levitsky and Way (2002) capture it more succinctly when they say, there can be elections without democracy, but there cannot be democracy without elections.

Critics of elections like the Marxists have also questioned the democratic essence of elections, arguing that elections represent a political tool of the dominant class (Adejumobi, 1998). In spite of these criticisms, Marxists still recognize elections as a positive step towards the struggle for popular democracy. The German Philosopher, Karl Marx, argues that the institutions and degrees of liberal democracy, which include periodic elections ..., must be taken seriously, as they constitute the process of political emancipation necessary to achieving human emancipation and liberation. Marx reiterates that those processes and institutions amount to a huge stride, which is the best form of emancipation possible within the capitalist social order (Marx, 1975 quoted in Adejumobi, 1998, p.4).

When the third wave of democratization began in 1974, only about 28 percent of the states in the world were democracies. In total, there were only 39 democracies in 1974 (Freedom House, 2006). By the early 1990s, there were about three times as many (Huntington, 1991; Diamond & Plattner, 1994; Diamond, 2006). If we define democracy in the minimalist sense, as a system of government in which the principal positions of political power are filled through regular, free, and fair elections (Schumpeter, 1947;1954), then about three of every five independent states in the world are democracies (Freedom House, 2006).

In the judgment of Freedom House<sup>1</sup>, there were over 140 democracies in the world at the end of 2006 with Freedom House classifying fully half of 48 African states as democracies; that is regimes where citizens can choose their leaders and replace their leaders in reasonably free and fair elections (Freedom House, 2006). Of the 48 sub-Saharan countries, 44 held de jure elections between 1989 and 2003 (Lindberg, 2006). The adoption of electoral democracy by many countries

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<sup>1</sup> A U.S based non-governmental organisation founded in 1941 that conducts research and advocacy on democracy, politics, freedom and human rights

particularly since Huntington's 'third wave' has been phenomenal with many including African states making impressive strides towards democratic governance (Huntington, 1991; Bratton & van de Walle, 1997; Hyslop, 1999; Ake, 1996, 2000; UNDP, 2002; Luckham et al. 2003).

According to a former United Nations Secretary- General, Kofi Annan (Global Commission 2012, p.9) since 2000, all but 11 countries in the world have had national elections. These elections, he added, although "have never been more universal and important, their benefits are by no means assured". Thus, if we count democracies very conservatively in this way, electoral democracy is now the predominant form of government in the world (Diamond, 1999; Freedom House, 2006). Princeton (2005, p.2) proudly opines that "whatever else is essential to make democracy effective and sustainable, elections are the lifeblood of the system, the constant affirmation of legitimacy for its leaders and the bond that links the leaders with the people".

Sandbrook and Oelbaum (1991), Adejumobi (1998), Handley and Mills (2001) and Boafo-Arthur (2008) have examined some of factors that accounted for the departure of these autocratic and authoritarian regimes to democratic ones within Africa. They argue that, the collapse of the Berlin Wall<sup>2</sup> and the end of the antagonistic rivalry between the East<sup>3</sup> and West<sup>4</sup> had resulted in declining economic fortunes and severe material poverty of the people. This development had made authoritarian regimes and dictatorships appeared to have had their appeal and political legitimacy

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<sup>2</sup> The wall erected during the time of Adolf Hitler's Nazi Germany to divide Germany into a Democratic West and Communist East.

<sup>3</sup> During the period of the Cold War, countries that professed socialist and communist ideologies led by the former Soviet Union.

<sup>4</sup> On the converse, countries that were motivated by capitalist and democratic intentions led by the United States of America.

undermined particularly in Africa. Subsequently, prospects of competitive multiparty elections and democratic politics began to look brighter.

Again, scholars adduced that the concept of liberal democracy became a major issue in bilateral and multilateral development cooperation between Africa and the Western world. Multilateral institutions and other donor countries made the adoption of liberal democratic tenets which includes elections as means of accessing aid (Gyimah-Boadi, 2004; Bofo-Arthur, 2008). On the international front, the pro-democratic agitations that started after the Cold War began to have contagious effect across the African continent (Ninsin, 1998; Handley, 2008; Bofo-Arthur, 2008). In the case of Zambia, as national and international pressure on the one-party system grew, the then President, Kenneth Kaunda at his United National Independence Party's (UNIP) Fifth National Convention, held in March 1990 allowed a debate on the reintroduction of multiparty elections to take place. This resulted in the successful and relatively free and fair election that was conducted in October 1991 and a sweeping victory for the Movement for Multi-party Democracy (MMD) and its chairman, Frederick Chiluba, becoming president (Matlosa, 2003).

Another example is Malawi which looked an unlikely destination for democratization in the early 1990s. For nearly 30 years, the country had been led by Dr. Hastings Kamuzu Banda. However, in 1991, foreign aid donors pushed Dr. Banda to open up politically. Under protracted domestic and international pressure, Malawi held a referendum in 1993 on whether the country should adopt a multiparty system. In 1994, the country's first multiparty elections under Banda were held which saw the election of Bakili Muluzi as president (Chunga, 2014).

In Ghana for instance, during the period of the country's transition to a fourth republican status, continued support from the West and, in particular the ongoing flow of International Monetary Fund (IMF) and World Bank (WB) funds, required progress on the political front (Gyimah-Boadi,

2004; Boafo-Arthur, 2008; Handley, 2008). Added to the above, internal civic activism by quasi-political and civil society groupings began to intensify calls for despotic governments to adopt liberal democratic tendencies (Gyimah-Boadi, 2004; Boafo-Arthur, 2008). Ademojubi (1998) further argued that, African leaders generally had a contempt for open and competitive elections which sought to threaten the bases of their influence and even if elections were allowed, their outcomes become fixed by the political elites (Adejumobi, 1998).

Luckham (1994), Bratton and Van de Walle (1997) however criticise the prospects of elections in Africa positing that with the demise of colonialism, most independent countries holding elections had become instances of one-party rule and military regimes. Luckham (1994) classify these as “garrison socialism” littering the continent, all placing little value on the issue and importance of elections and the electoral process. The culture of “massaged” elections became a norm in Africa largely as a result of Cold War politics, thus, dictators were sustained in Africa and calls for multiparty elections were ruthlessly crushed with the active support of the two power blocs<sup>5</sup> (Adejumobi, 1998).

Diamond and Plattner (1994) however refute this argument, positing that, democracy rather brought an end to the Cold War. They maintained that the democratic revolutions of the 1989-91 provoked the disintegrating of the former Soviet Union and the collapse of Communism in Eastern Europe. Thus, the shift to democracy in countries such as Turkey, Greece and Portugal in the 1970s as well as Argentina and Chile in the 1980s signified a domino effect and resulted in “rapid changes in Eastern Europe and serving as a catalyst to Africa’s move to democratic rule” (Georg, 1993, p.36).

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<sup>5</sup> The former Soviet Union and the United States of America

### **2.3 Elections in Ghana: The Fourth Republic**

Ghana's transition into the Fourth Republic went through a gradual one to democracy. After initial attempts by the Provisional National Defence Council (PNDC) to repair the country's economic crisis had proven unsuccessful, the PNDC turned to the World Bank and adopted a Structural Adjustment Program (SAP) in 1983. The access to these financial outlets involved the adoption of democracy or deepening an existing one through periodic, competitive, free and fair elections. A presidential election which was held on November, 3 1992 was won by Jerry Rawlings stirring up serious controversies, with allegations of massive election-rigging levelled against Rawlings and the National Democratic Congress (NDC). Indeed, the opposition parties, NPP (New Patriotic Party), PNC (Peoples' National Convention, NIP (National Independence Party), PHP (Peoples' Heritage Party) disputed the Presidential election results and proceeded to boycott the parliamentary elections (Agyemang-Duah, 2005; Boafo-Arthur, 2007; Frempong, 2012).

Nonetheless, the return to democratic and multi-party rule in January 1993 allowed for significant democratic developments. As Boafo-Arthur (2006) and Gyimah-Boadi (2008) will reiterate, it paved the way for substantial improvements in the enjoyment of basic human rights. Media censorship was substantially relaxed and the proliferation of the airwaves had a boost. More importantly, it became a mechanism through which citizens dissatisfied or otherwise with government policies could reject or renew their mandate (Boafo-Arthur, 2006; Gyimah-Boadi, 2008).

Unlike the 1992 General Elections, the 1996 elections had 200 parliamentary seats up for contest and only three parties or alliances vying for the presidential slot. These were the Progressive Alliance (PA) made up of the National Democratic Congress (NDC), the Every Ghanaian Living Everywhere (EGLE) Party and the Democratic Peoples' Party (DPP). The Progressive Alliance



led by J.J Rawlings won the Presidential and Parliamentary elections according to the official results published by the Electoral Commission garnering 4,099,760 votes representing 57.4 percent of the votes with the main opposition party led by the New Patriotic Party's J.A Kufuor coming a distant second with 2,825,715 representing 39.6 percent (Electoral Commission, 1997).

The 2000 General Elections marked a watershed and an important milestone in the electoral history of Ghanaian politics. They represented the third successful poll conducted under the 1992 Constitution and Ghana's Fourth Republic. (Ayee, 2001, Nugent, 2001; Gyimah-Boadi, 2001; Smith, 2002). This electoral success made Ghana "a paragon of good governance and peaceful co-existence in the West African sub-region which over the last decade and half had been better known for a spiral of violent conflict" (Frempong, 2006, p.157). As required by the 1992 Constitution (Article 63(3), none of the candidates was able to secure the 50 percent plus one to be declared president-elect as mandated by the 1992 Constitution. The two leading candidates, John Agyekum Kuffuor and John Evans Atta Mills therefore had to contest in a run-off. The Presidential Run-off was won by the NPP represented by the John A. Kuffuor when he defeated the NDC's J.E.A Mills. He polled 3,631,263 which represented 56.90 percent with his opponent garnering 2,750,124 representing 43.10 percent (Ghana Gazzete, No.2, 2001). Similarly, the NPP won 100 parliamentary seats while the NDC won 92 seats with the remaining 8 seats going to the smaller parties.

Four years later, the Presidential and Parliamentary elections involved four political parties but as had been the trend since the inception of the Fourth Republic, it was a major battle between the ruling NPP led by President John Agyekum Kufour and the main opposition NDC led by former Vice-President J.E.A Mills. The other political parties that contested the presidential elections were the Peoples National Convention (PNC) led by Dr. Edward Nasigiri Mahama and the Convention

People's Party (CPP) led by George Oyesika Aggudey. The incumbent, John A. Kufuor was re-elected ahead of the other presidential candidates for a second four year term of office. The peaceful, transparent and the relatively free and fair manner in which the 2004 Presidential Elections were conducted reinforced Ghana's status on the world's democratic map. It was widely acclaimed by both local and international observers and warranted emulation (Boafo-Arthur, 2008).

Election 2008 was a historic fifth consecutive national poll since the start of the current constitutional democratic dispensation in 1992 (Frempong, 2012). As happened in 2000, power alternated from the ruling New Patriotic Party (NPP) to the opposition National Democratic Congress (NDC). On the basis of 229 of Ghana's 230 constituencies, the margin between presidential candidates Nana Akufo-Addo of the New Patriotic Party and Professor John Evans Atta Mills of the National Democratic Congress was quite narrow, with the former receiving 49.13 percent of the vote and the latter, 47.92 percent. As neither of the top two candidates succeeded in garnering the constitutionally required 50 percent plus one of the valid votes cast, the Electoral Commission announced that a runoff election would be held on Dec. 28, 2008 (The Carter Centre, 2009). The belated vote in the Tain constituency in the Brong Ahafo Region took place on Jan. 2, 2009. Voters in Tain had been unable to vote in the first round of the elections due to logistical challenges. Based on all collated results from the 230 constituencies, the Electoral Commission Chairman on January 3, declared Professor John Evans Atta Mills, winner with 50.23 percent of the votes cast with Nana Akuffo Addo obtaining 49.77 percent.

On July, 24 2012, the sitting President passed away, and therefore as constitutionally mandated, the Vice President had to be sworn in as President (Jahateh, 2012). Heading into the 2012 elections, the NDC convened an emergency congress and unanimously acclaimed John Dramani Mahama as

its flag bearer. In the 2012 elections, the NDC's John Mahama was declared the victor by a narrow (50.7%) first round victory with his closest challenger, Nana Akuffo Addo of the NPP securing 47.74% (Omotola, 2013; Aiyede et al, 2013). However, the main opposition party, the NPP filed a writ in the Supreme Court against the Electoral Commission challenging the validity of the EC's declaration (Gyimah-Boadi, 2013).

With two election turnovers the country has won international praise as a beacon of democracy not only in the West African sub-region but a model for the African Continent (Gyimah-Boadi, 2009; Gyimah-Boadi & Prempeh, 2012).

#### **2.4 General Studies on Electoral Reforms in Ghana**

Studies on electoral reform studies in Ghana include; Ayee; (1997; 2001), Frempong (2008), Maame Gyekye (2013) and Debrah (2015). All these studies in addition to other relevant works were reviewed. Tracing the history of electoral reforms in Ghana under the Fourth Republic, these authors indicated a peaceful transition from an unconstitutional regime to an electoral democracy represented a positive step in good governance. They further agree that the founding elections of 1992, though commendable revealed a deficiency with Ghana's electoral processes. These include the public and political parties mistrust about the integrity, impartiality and independence of Electoral Commission, the use of opaque ballot boxes and bloated electoral registers among others. These authors outlined various reforms made to the electoral process to ensure the trust and acceptability of successive elections. These works apart from Debrah (2015) were however limited to elections conducted in the country from 1992-2008 and did therefore not extend to successive elections which also showed different features such as the use of the biometric registration and verification process and therefore require analysis. Their works also did not adequately examine

the challenges confronting these reforms. Against this backdrop, this study seeks to fill the gap in examining electoral reforms implemented under the Fourth Republic, stakeholders' participation and challenges to these reforms.

## **2.5 Electoral Reforms**

In recent times, instances of distorted electoral laws, problems of voting irregularities and failures of electoral management have sought to reduce the confidence the electorate place in the electoral process and this has affected popular participation in several countries (Birch, 2008, 2010; Norris, 2013). These challenges, the scholars emphasized have made electoral reforms the focus of current electoral studies. Norris (2010) argues this shift was also driven by the major changes to electoral systems in some emerging democracies and established democracies since the early-1990s including France and New Zealand.

The notion of what counts as 'electoral reforms' was also broadened by the professionalization of electoral management bodies, and a rapidly growing legal and administrative frameworks which regulates political finance and media campaign coverage among things (Norris, 2010). The international community's engagement in electoral processes also renewed debate about standards of electoral integrity (Norris, 2010).

In the view of Odion (2012), electoral reforms describe the process of introducing fair electoral systems where they do not exist, or improving the fairness or effectiveness of an existing system. Butler (2004) viewed electoral reforms as changes in the electoral system to improve how public desires are expressed in election results. Butler (2004) explains these can include reforms of the voting system and procedures, changes to election laws, ballot design and voting equipment,

measures against bribery, coercion, and conflict of interest as well as financing of political party or candidates.

For Dalton and Gray (2003, p.27), electoral reforms represent “a change in the legislation (versus practice) that regulates the process of voting, which includes who can vote....and how these votes are afterwards translated into seats” (Dalton and Gray, 2003). To this end, Rafic (2012) reiterates that “because of the corrupt and dictatorial nature of democracy and its electoral system with it, it is often said that for good and healthy democracy, the electoral system must be in a state of reform on a permanent basis”. The core of what Rafic points out is quite impressive because in trends with the changing times, the electoral system needs reforms so as to avoid the decays that occur with an existing system.

It is therefore imperative that any country which aspires to attain electoral integrity adopt processes aimed at ensuring a free, fair transparent and generally acceptable conduct of its elections. Since the mid-1980s, there have been substantial structural and procedural changes in the way elections are conducted around the world. These include the growing numbers of independent and permanent Electoral Management Bodies (EMBs), and the increasing use of new technologies to provide electoral services. Countries that have even had a long-standing framework and style of electoral administration have also seen substantial reforms. Examples can be cited with the introduction of an independent EMB and of significantly wider access to voting in Australia in 1984; the introduction of a new independent body with electoral functions, as well as a fundamentally different electoral system in New Zealand in 1993 (IIDEA, n.d).

According to Arowolo (2013) and (IIDEA, n.d), electoral reforms take the form of three main domains. Arowolo (2013) explains that the political domain which includes the need to ensure that the political arena of elections must be conducive with an open process that provides a level

playing field for all competitors. This, he asserts will accommodate more citizens to participate without fear of intimidation. The legal domain, it is argued may include reforming the acts and other laws which regulates the conduct of elections. The administrative domain, he explains; includes determining the nature of the conduct of election, issues as funding; logistics, election time-table, voter registration and technology-based voting etc.

Scholars including Lijphart (1994) and Katz (2005) have conceptualized and defined electoral reforms into major, minor and technical reforms. According to Lijphart (1994, p.3), (major) electoral reforms refer to those changes that substantially affect the electoral formula, the district magnitude and/or the electoral threshold. But this definition has been criticized as limited by Katz (2005). His criticism was that, if one applies Lijphart definition, findings will prove only a few major electoral reforms in established democracies (Katz, 2005). Jacobs and Leyenaar (2011, p.496) further show their disagreement to Lijphart's assertion by opining it that may be "unproductive" not to identify types of reforms such as minor and technical electoral reforms. In an attempt to distinguish between reforms, Jacobs and Leyenaar (2011, p.496) reiterate that "whether a reform is major, minor or technical is based on a primarily qualitative assessment of the content and—when possible—on a quantitative measurement of the degree of reform".

## **2.6 Factors Necessitating Electoral Reforms**

Many electoral reforms have been triggered as a result of a variety of factors: These include;

The worldwide acceptance of electoral frameworks and administration as a process of democratisation continues to place countries under pressure to introduce electoral reform measures. In recent times, a relatively development of commonly accepted standards for 'free and fair elections so as to meet global and regional standards for electoral administration have created

indices by which a democratic country's electoral processes and administration can be measured (Norris, 2010; Birch, 2010).

Arowolo and Lawal (2009) have posited that reforms to electoral processes may also be caused by failure to deliver acceptable elections or by conflicts resulting from disputed elections. They also posit; elections that are marred by massive and varying degrees of fraud and malpractices have been discovered to be a threat to political stability and sustainable development. In the aftermath of these malpractices, countries take steps to alleviate or forestall recurrences and these are mainly achieved through fine-tuning the processes and procedures that have become defective.

Inokoba and Kumokor (2011) in examining the electoral history of Nigeria posit there is a general consensus that the integrity of elections has been on the decline since 1959 with the 2007 general elections widely assessed by both local and international observers as the worse in the country's history. These elections, they adduced were characterized by serious and blatant cases of electoral fraud such as stuffing of ballot boxes, over bloated voting registers, disappearance of ballot boxes, distortion of results among others. It is against this backdrop that the Electoral Reform Committee set up by the late President Umaru Yar'Adua and headed by former Chief Justice Mohammed Lawal Uwais sought to proffer far-reaching recommendations on measures necessary to ensure the credibility of the electoral process in Nigeria.

In analyzing the various aspects of the 2001 reforms that took place in Belgium, Pilet (2007) reveals that a great deal of biased motives had influenced the behaviour of party leaders at that time. This ranged from the desire to maintain strong control over their members in the legislature to ways of making future campaigns easier to conduct (Brady & Mo, 1992; Pilet, 2007). It is also worth mentioning Pilet's assertion that a wide variety of actors (beyond political parties), such as civil society organizations and multilateral institutions also intervene in electoral reform processes.

Renwick (2010) in his detailed examination of the postwar major electoral reforms that took place in France, Italy, Japan and New Zealand also indicated that reforms also occur through interaction between the ruling elites and public opinion.

Norris (1995) writing on the emergence of electoral reforms in Latin America argued that long-term conditions-such as economic conditions, existing institutions and changes in the established party systems, and short-term conditions including the leaders and events surrounding reforms also provided an avenue for change (Norris, 1995; Haggard & Kaufman, 1995; Linz & Stepan, 1996).

Dalton and Gray (2003) also identified “diffusion agents” as a factor that initiates progressive electoral reforms. Their study revealed a clear diffusion of democratic reforms across 18 advanced democracies which was made possible through the sharing of strategic information among Organisation for Economic Co-operation and Development (OECD) and the European Union (EU) member-states, which led to huge reforms across the region.

The increasingly widespread and expert observations of elections have produced many well-documented assessments of electoral performance and recommended reforms, for example, in connection with Nigeria’s post-2003 elections (Arowolo, 2013). Again, civil society and the media have become more aware of electoral rights and standards and joined calls for measures to modify them. International observation and technical assistance to elections in emerging democracies can also have an effect in matured democracies (Birch, 2012).

Reilly (2007) argues that, across the Asia-Pacific region, electoral reforms have been motivated by common aims of promoting government stability, reducing political fragmentation and promoting cohesive party politics. Citing Japan as a success story, he posits; more governments



are today elected through more competitive and freely contested elections than what happened in the past. This represents a remarkable departure from what occurred a couple of years ago where the region was dominated by authoritarian rule, as there is now a clear trend towards democracy being the accepted means for choosing and changing a country's political leadership.

Reilly (2010) however concedes that despite their marked improvements in levels of democracy and democratic consolidation, most of the electoral reforms in the Asia-Pacific region in the past decade have clearly come down on the side of efficiency and against representation. Ideally, these developments should lead to a diverse multiparty system in which all significant social groups and interests are represented. However, increasingly majoritarian electoral systems have favoured the development of aggregative parties, and hampered the enfranchisement of ethnic or regional minorities.

## **2.7 Merits of Electoral Reforms**

According to Berinsky (2005), a number of electoral reforms have been enacted in the United States in the past three decades that are designed to increase turnout by easing restrictions on the casting of ballots. Both proponents and opponents of these electoral reforms generally agree that these reforms increase the demographic representativeness of the electorate by reducing the direct costs of voting, thereby increasing turnout among less-privileged groups who, presumably, are most sensitive to the costs of coming to the polls (Berinsky, 2005).

Diez (2001) and Molinar (1996) argue that in Mexico, since the 1933 electoral reforms (which prohibited the immediate re-election of all federal, state and local elected offices), Mexico has seen a constant revision of its electoral rules. The scholars further argue that, before 1977, electoral reforms were only meant for the centralization of power and the development of the Institutional Revolutionary Party (Partido Revolucionario Institucional, (PRI) as the dominant political force.

They add that, electoral reforms were primarily concerned with addressing the internal factionalism of the PRI and with the establishment of difficult situations and deterrent costs for the entry into the electoral arena, so that no other political party would be able to threaten the hegemony of the PRI. The two scholars conclude then that the 1977 electoral reform sparked the process of political liberalization in Mexico.

Diez (2001) continues that the electoral reforms enacted on 31 December 1977 liberalized procedures for the recognition of political establishments and reformed the composition and rules for election into the Federal Chamber of deputies and granted party access to mass communications. Subsequently, the membership of the Chamber increased to 400, and a two-tier electoral structure was created. Under the reforms, 300 deputies were to be elected by a simple majority and the remaining 100 proportionally distributed in multimember districts under a closed-list system (Diez, 2001).

Matlosa (2003) citing the successes of Lesotho and Mauritius, in a research paper outlined strongly that the electoral system reform in the South Africa Development Corporation (SADC) has enhanced accountability of Members of Parliament to their constituencies, while at the same time ensuring broader representation of key political forces in the legislature. He intimated that the adoption of the Proportional Representation and First-Past-the Post systems has made governance more inclusive and participatory as well as according the rulers legitimacy to govern. He further argues this could stand the SADC region in good stead in terms of nurturing and consolidating democratic governance.

Santiso and Loada (2003, p.8) writing on democratic governance in Burkina Faso almost concluded that the adoption of electoral initiatives in the West African country “opened up an unprecedented space for political dialogue and the search for compromise”. In a country, which

has been largely authoritarian with Blaise Campaore's grip on power, the scholars added that the adoption of electoral and institutional reforms were undertaken to enhance the credibility of the electoral process. These include the strengthening of the political independence of the electoral commission, enhancing the fairness of the electoral system, and improving the degree of proportionality of the electoral formula (Santiso & Loada, 2003).

These scholars admitted that electoral reforms have not gone that far within the context of Burkina Faso's highly centralised presidential system and deep-rooted authoritarian legacy. However, by their assessment, the impact of electoral reforms in the country judging from recent election results have indicated a higher degree of political competitiveness. These, they conclude is a qualitative improvement in the country's democratisation process in the country and a new governance framework providing the promise of changes in the style of government and the emergence of more consensual modes of governance.

Scholars such as Taagepera and Shugart (1989) don't wholly agree with the above assertions when they posit that the critical purpose of elections is meant to provide a stable institutional framework for the expression of various viewpoints. Their disagreement is premised on the argument that an imperfect, long-established electoral system may satisfy this purpose better than a new and unfamiliar system, even if it provides some advantages. Arguing that familiarity breeds stability, they advise that those political forces which are disadvantaged by the existing rules learn to live with them, gradually devising strategies that minimize their drawbacks.

In Ghana, Ninsin (2006) argues that the adoption of electoral reforms such as the IPAC platform has increased tolerance of opposing views, free exchange and circulation of ideas and mutual respect among contending leaders/candidates and their followers (Ninsin, 2006, p.63). Again, since 1996, aggrieved defeated parliamentary candidates have resorted to the courts rather than the

streets, to seek redress under the law (Frempong, 2008). Boafo-Arthur (2008) corroborates that statement when he indicated that the flaws that came to light during the 1992 elections served as a basis for reforms to be made to the electoral process to reduce acrimony, enhance the legitimacy of the elected government, improve transparency and accountability, and to strengthen democratic structures. Boafo-Arthur's take on the IPAC was that it represented an essential step "in the efforts needed to stabilize and consolidate our fledgling multiparty democratic constitutional experiment" (Boafo-Arthur, 2008, p.221).

Boafo-Arthur (2006) again adduced that political parties have also drawn up and implemented the Political Parties Code of Conduct. In 2004, for example, at a meeting organized by the Institute of Economic Affairs (IEA), representatives of registered political parties in Ghana formulated a Political Parties Code of Conduct of 2004 to regulate the conduct of these parties before, during and after elections. The Code emphasises on the democratic merits of party-pluralism, mode of campaigning, out-of-campaign activities, and measures for safeguarding elections, among others (Boafo-Arthur, 2006).

Frempong (2008) reiterates electoral reforms have manifested in Ghana, that, with a low voter turnout of 29% in the 1992 General Elections, turnout increased significantly to 78.2% in 1996, 61.7% in 2000 and 85.1% in 2004. The consensus building among the political players has created confidence among their followers and this has become evident in the sustained high voter turnout. This among other things, projects the esteem ordinary Ghanaians attach to elections (Frempong, 2008).

## **2.8 Factors Militating Against Electoral Reforms**

This presents a framework of barriers that those who aspire to reform the electoral system will need to overcome in order to achieve their objectives. According to Rahat and Hazan (2011), this can be useful in explaining the success and the failure of reform initiatives.

### **2.8.1 *The Prevailing Status Quo***

Rahat and Hazan (2011) argue that the existing status quo is the default which reformers face in their attempts to change the institutional setting, and if these reformers are not able to surmount, they conclude, these reforms will fail. Under such developments, the focus is on the legal regime regulating the institutional setting. They further posit that even in instances where electoral reforms can be legislated as a regular law and passed by a majority support for the status quo, reform is not always about the ability to recruit a majority. In several countries, however, electoral system reform requires more than regular legislation, such as an amendment to the constitution. Reformers may have to garner an absolute majority and this might present an even more unnerving assignment. The institutional status quo mostly has the necessary legislation or amendment procedures and provides opponents to these reforms with quite a number of opportunities to block these reforms. Rahat and Hazan (2011) reiterate, resistors to reforms can also block reform by garnering a majority support for the status quo by seeking to delay the progress of reform; or by submitting an alternative bill that seeks to divide the reform camp or the supporting majority.

### **2.8.2 *Political Tradition***

Rahat and Hazan (2011) assert that the institutional setting especially of stable, established democracies is linked to a country's culture and to its political tradition. This explains why Anglo-American countries have always favoured the majoritarian systems (Lijphart 1994; 1998).

According to this perspective, reforms come about as the result of fundamental political and social change. Under such systems, it is difficult to mobilise majorities in a bid to reform a system that is linked to political tradition. Since the Second World War, there have been only a few ‘major’ electoral reforms in the established democracies, and all of them have experienced related cultural changes. Rahat and Hazan (2011) cite France’s electoral reforms, a country where two political traditions continue to struggle. Jackson (1994) and McLeay et al. (1996) also indicated that, New Zealand, one of the oldest democracies in the world also reformed its system, but only after its cultural foundations began to change.

### **2.8.3 Societal Structure**

Proponents including Jackson (1994), Hazan (1999) and Medding (1999) argue that this viewpoint refers to the relationship between the institutional setting and how the society is structured. The explanation here is that most established democracies derive their stability from the adoption of an enduring institutional setting that is suitable for the structure of its society. In the view of Jackson (1994), a country will preserve its electoral system as long as it fits the structure of its society. Jackson (1994) further cites that the evolutionary transformation of New Zealand’s society from a homogeneity into a multicultural society came about as a result of reforms to the majoritarian model. Hazan (1999) and Medding (1999) however criticise this argument pointing out that the changes that occurred in Israel’s power distribution among political and social forces preceded its electoral reforms. Indeed, they further argue pressures for reform increased in both Italy and Japan when the old justifications for preserving a malfunctioning and corrupt system were removed.

Based on this perspective, Rahat and Hazan (2011) agree; a country will want to preserve its electoral system as long as the structure produces desired outputs. This argument somewhat falls within the rational decision approach to electoral reforms. In a recent study, Shugart (2008) suggested that reforms are more likely to be discussed and adopted when the electoral system does not adhere to its own promises. From this systemic perspective, Shugart (2008) argues that without this, it is just rational to preserve such an existing order.

#### **2.8.4 *Vested Interests***

Benoit (2004) explains, electoral systems will not be liable for reform only when the party or parties with the power to change the system do not have the motivation to gain seats. The position here is that, parties that are likely to gain more from the existing electoral system tend to have strong incentives for supporting the system (Brady & Mo, 1992; Boix, 1999; Renwick, 2010). Pilet (2008) in analysing the behaviour of the two largest Belgian coalitions (Christian Democrats and Socialist Democrats) indicated that these parties preferred to maintain the status quo that they knew and found acceptable. It will therefore be fair to assume that parties are likely to be satisfied with a system before assessing their preference on potential reforms and that the positions they may take are an as a result of the parties being the potential winners or losers of an electoral reforms (Pilet & Bol, 2011). Renwick (2010) however disagrees with this proposition. In a study he conducted on 84 cases of electoral reforms in democratic Europe since 1945, he adduced that only 17 could be explained directly in terms of the power interests of the politicians in power.

#### **2.8.5 *Coalition Politics***

Diskin and Diskin (1995) explains this limitation to reforms to mean coalition politics are more likely to make electoral reforms difficult primarily because any crucial member of this alliance

holds veto power for or against reforms. Andrews and Jackman (2005) argue that changing the electoral system is a risky operation, and no matter how much it may increase their seat share in the long run, a multi-party coalition is not likely to support it.

The argument here is that, even when there is principled agreement over reforms, a rift is likely to occur within the reform camp itself between several actors who will try to promote their own particular versions of reform. In 2000, the newly formed rainbow coalition (Liberals–Socialists–Greens) decided to institute the Parliamentary Commission for Democratic Renewal but the coalition never agreed upon a final decision since all parties but the Liberals opposed a reform (Pilet, 2007). Renwick (2010) also cites the example of the Japanese Liberal Democrats, which held a majority in parliament but failed to promote reforms in the 1970s due to opposition from some of its internal factions (Renwick, 2010).

## **2.9 History of Electoral Reforms in Ghana under the Fourth Republic**

Frempong (2008) indicates that with a slippery transition, Ghana's electoral democracy has made tremendous improvements. He indicates that perhaps the most important innovation was the constituting of an all-stakeholder forum by the Electoral Commission which sought to bring political parties and other stakeholders to air their grievances and brainstorm suggestions on the way forward. Ayee (1997) and Debrah (2001) corroborates this assertion when they posit that the IPAC brought together representatives of the political parties to regular monthly meetings with the EC to discuss and build consensus on contested electoral issues.

In recent times, particularly after the Supreme Court case and judgment on the Presidential Election Petition, Presiding Judge Atuguba who held for the Respondents, posited, among others: "This petition, however, has exposed the need for certain electoral reforms" (Supreme Court verdict, 2013). Justice Jones Dotse who also held for the petitioners opined "the importance of the



Statement of Poll and Declaration of Results forms, (pink sheets), has informed me to suggest a number of reforms in our electoral process, including better management of the serial numbers on these pink sheets”.

A major reform in the electoral process has been the voter’s register. Ayee (1997) reiterates that in the aftermath of the 1992 elections, there was widespread belief that the voters’ register used for the 1992 elections was inaccurate, outdated, unacceptable and therefore incapable of promoting free, fair and credible elections in the future. The Commonwealth Observer Group at the 1992 elections emphasised the need for a credible voters’ register when it indicates “an electoral roll of acceptable completeness and accuracy lies at the heart of the democratic process...” (Commonwealth Secretariat, 1992, p.17).

To this, the voter’s register has evolved to include the use of a combination of thumbprint and photo Identity (ID) cards and in 2004, changes in the process saw the photographs of voters appearing on the register alongside their vital information. In the 2012 elections, the Electoral commission introduced the biometric voter register taking in the forensic bio-data of all eligible voters except in exceptional circumstances.

Again, the electoral reforms process witnessed the replacement of the opaque ballot boxes used for the 1992 elections with transparent ones. The use of opaque ballot boxes in the 1992 elections had stirred allegations that these boxes had been pre-stuffed with already thumb-printed ballots before normal voting began (Badu & Larvie, 1996; Ayee, 1997).

Moreover, reforms over the last two decades have included constituency delimitation, that is, the demarcation of a country into several constituencies. This is important because “representation by population is as central to the concept of democracy as is the notion of equality of voting power” (Goodwin-Gill, 1994, p. 33). Proper constituency delimitation leads to the enhancement of relative

equality of citizen voting power, especially the power of the rural vote (Debrah, 1998, p.15). It also promotes effective representation and allows for the inclusion of community interests and minority representation. Pursuant to Article 47 of the constitution of 1992, the Electoral Commission is responsible for creating constituencies under the Fourth Republic. In 2004, The Electoral Commission exercised this power by increasing the number of constituencies from 200 to 230 (Representation of the People (Parliamentary Constituencies) Instrument (C.I. 46), 2004). Subsequently, in the lead-up to the 2012 elections, an additional 45 constituencies were created albeit with some controversies and accusations.

Attempts by the EC to foster complete public confidence in the electoral process and enhance its image of competence, independence, and fairness was to help make the playing field more even. This was to encourage freedom of speech, adequate media coverage, non- discrimination, inter-party recognition, and fair opportunities for all parties with regard to equal access to funding and logistics (Goodwin-Gill, 1994; Dundas, 1994; Debrah, 1998; Ayee, 1998). In view of this, the EC initiated a draft of a new Political Parties Bill to replace the Political Parties Law 1992 (PNDCL 281), perceived to favour incumbents and larger political parties. The Political Parties Act 2000 (Act 574) sought to revise the previous Political Parties Law for the purpose of bringing its provisions in line with those of the 1992 Constitution. Significantly, this Act removed restrictions on party member contributions and a compelling provision that mandated political parties' submission of their returns and accounts to the EC for verification and auditing (Political Parties Law, 2000; p.10).

## **2.10 Conclusion**

This chapter of the study has so far taken a look at the theoretical framework within which the research study is situated, and how it helps in understanding and explaining the phenomenon which

is being investigated. In so doing, it situated the study within the Historical-Institutional Approach theory which argues that electoral reforms mainly come about when institutions decide to evolve to correct its deficiencies and pursue efforts that aimed at achieving electoral integrity. The review also examined electoral reforms implemented in Ghana as a means of democratic deepening in the specific context of the Ghanaian experience since the advent of the Fourth Republic.

The next chapter of this research will explain in detail the Research Methods employed to capture the empirical data, including details on the research design to be adopted, data collection techniques, framework for data analysis and potential limitations of the study.

## **CHAPTER THREE**

### **RESEARCH METHODOLOGY**

#### **3.1 Introduction**

Research methodology is the systematic procedure designed for generating and analysing data required for solving a specified research problem. This chapter presents how data for this study was acquired and analysed. Mainly, it covers the research design, sources of data, the instrument used, target population, sampling procedure for data collection, and the framework for analysis.

#### **3.2 Research Design**

This study made use of qualitative research design in the data gathering process. Qualitative research design involves an interpretive, naturalistic approach to the world. This means that qualitative researchers study things in their natural settings, attempting to interpret phenomena in terms of the natural meanings.

There are other designs such as the quantitative and mixed methods that are available to researchers. However, one advantage the qualitative research sought to harness is that, it allowed the researcher to obtain a richer and more intimate view of the phenomena. It also gives a greater understanding to the phenomena being studied than do the rigid structures imposed by quantitative methods (Engel & Schutt, 2009). The reason for adopting this approach was because the nature of inquiry of this study involved interpretations, inferences and opinions rather than mechanical figures other methods elicit.

Quantitative research conversely is concerned with quantities and measurements aimed at making scientific generalisations in a research activity (Biggam, 2008). Creswell (1999) defines

quantitative research as a type of research that tries to explain phenomena by collecting numerical data and analyzed using mathematically based methods.

### **3.3 Sources of Data**

There are two major sources of data collection employed in this study. These are primary and secondary data. The primary sources of data were basically qualitative in nature, and these were collected from field interviews the researcher conducted. The secondary sources were gathered from books, journals, articles and working papers on elections and electoral reforms. In this regard, the Balme Library, Department of Political Science Library, and Regional Institute of Population Studies Library, all of the University of Ghana and electronic sources – Jstor, Sage; Google Scholar amongst others – were utilised.

### **3.4 Data Collection Instrument**

This study employed interviews to collect primary data. The need to elicit elaborate response from the respondents informed the use of in-depth interviews as a qualitative research technique. This type of responses requires expert opinions and the non-use of quantitative methods such as surveys was occasioned by this necessity. It also enhances the opportunity for the researcher to clarify the purpose of the study in order to obtain respondents' experience of the topic.

#### **3.4.1 Interviews**

The interviews were conducted with the aid of a flexible semi-structured interview guide. As with most unstructured interviews, the researcher had some sense of themes he intended to explore and that was made easier with an interview guide. The scripting of the interview guide was meant to provide the researcher an outline of topics to be covered. Interview questions were then formulated

to seek the theoretical clarification of the theme being investigated. Because of the nature of this study, it was the researcher's tact and judgement to stick to the guide and to follow up the respondents' answers as they open up. It was also the researcher's decision to promote a positive interaction, create a good rapport with a respondent and to keep the flow of the conversation. This was achieved by allowing respondents to talk about their experiences and knowledge of the concepts with each interview lasting approximately thirty (30) minutes.

This technique was also to achieve a measure of interview quality from respondents who were well versed in the concept being studied and therefore their responses hardly required additional explanations during the analysis stage. Probing was a critical element in the interview process. Leading questions were avoided as much as possible. When a particular theme was exhausted, the researcher politely broke off answers and then introduced another theme. To avoid reducing the interview to a cross-examination, the researcher employed the method of silence and applied pauses to give respondents ample time to reflect and provide significant information. Lastly the medium of the interviews were acquired using an audiotape recorder and note taking process. The reason for this was to be able capture all the exploratory answers respondents were likely to provide and avoid the painful recollection of these answers.

### **3.5 Target Population**

The targeted population for the qualitative data were a particular group of respondents with expert knowledge and stakeholder participation in the area of electoral reforms.

### **3.6 Sampling Procedure**

This sampling method – purposive sample – was chosen to allow the researcher the discretion to select respondents who have a fair appreciation of the key issues of interest to the study. In this

regard, 16 respondents were chosen. The breakdown represents two officials from the Electoral Commission (EC), three from Civil Society organisations (CSOs), one official representing the media, two officials each from political parties with representation in Parliament (NPP, NDC, CPP, PNC) as well as two Political Science lecturers. The purpose of choosing this sampling method was to select a particular group of respondents with expert knowledge and stakeholder participation in the area of electoral reforms.

### **3.7 Data Analysis**

The interviews conducted for the study were transcribed and analyzed qualitatively through a content analysis technique. The transcribed interviews were used to generate the themes thus moving from the live interactions to a written text amenable to analysis. This technique adopted was primarily intended to generate meaning from the data (interviews) the researcher gathered. This was done by identifying important themes through the researcher's careful examination and a comparison of literature earlier gathered. This systematic description makes it possible to address specific themes in a text and these themes can be compared and correlated with other measures.

The quality of interview transcripts is synonymous with the interviews conducted. Because transcriptions are abstract and interpretative processes, care must be taken as these transcripts tend to be regarded as the solid empirical data of an interview project. The researcher sought to considerably reduce the introduction of second opinions into the transcripts by doing his own transcribing in order to secure the many details relevant to their specific analysis. This was also intended to secure the reliability and validity of the data gathered. The standard adopted by the researcher was not to do a verbatim transcription retaining emotional expressions and frequent repetitions but transformed into a more formal written style.

### **3.8 Limitations and challenges**

As with most research studies, several limitations and challenges were encountered in accessing and gathering data. Critical among these limitations to the empirical study was the difficulty of getting access to some of the secondary data. For instance, the researcher wanted to access budgets used for the general elections and other financial estimates from the Electoral Commission spanning the Fourth Republic. However, after several attempts, the researcher was only able to access the 2012 financial budget used for the 2012 elections. The explanation from the EC officials was that such documents were sent to the General Registry and had been stashed among other documents materials and thus will be difficult to retrieve.

Again, depending on interviews as a main source of primary data has a huge risk of introducing personal opinions into a study. The study therefore runs the demerit of being vulnerable to biases and inaccuracies (Biggam, 2008). This is partly due to the fact that issues such as poor memory find itself into some of the responses interviewees may give. However, such difficulty was handled by giving respondents enough time ahead of the interview schedule. This helped them to prepare adequately for the interview exercise. Again, permission was sought for all interview responses to be audio-taped and transcription subsequently made of the recordings to capture as accurately as possible the responses granted by the interviewees. The interviewer (researcher) did not have to be writing the responses as well as questioning which will have provided a divided attention and made the exercise more difficult.

The researcher was also aware of the sensitive nature of the thesis area and the controversy it evokes in recent political discourse and this was likely to have the respondents withholding vital information or even not wanting to participate in the whole research process. This fear was fuelled by the tendency of people engaging in private interviews and without their consent hearing those



interviews being played on public radio. To address this possible challenge, ethical practices – assurance of anonymity, informed consent – were duly observed to repose some trust in the researcher. This was taken care of by the introductory section of the interview guide. Refer to the introductory section of the interview guide in Appendix A.

Again, the use of a non-probability sampling technique – purposive sampling – to select respondents appears not to present a very general representation of the study. But the researcher understands that the views of the respondents were specific in capturing the relevant data for the research objectives. The researcher sought to elicit expert opinions on electoral reforms and therefore, the purposive sampling approach was the best method to be adopted.

The study was also limited by time constraints. The use of interviews, as a main tool, to collect primary data is time-consuming.

### **3.9 Conclusion**

This chapter of the study has elaborated on the research methods adopted as well as their justifications. It presents a preview of how data was collected, the instruments and medium used and how these data was analysed. It has also addressed the potential limitations of this research and explained how best these potential limitations were dealt with. The next chapter details how the data results were discussed and analysed.

## **CHAPTER FOUR**

### **RESULTS AND DISCUSSION**

#### **4.1 Introduction**

This chapter presents the results from the fieldwork undertaken. It takes a look at electoral reforms and its impact on Ghana's democratization. It also discusses the roles of stakeholder participation in the electoral process as well as challenges faced in electoral reform adoption and implementation.

#### **4.2 Stakeholders in the Electoral Reform Process**

The disputed 1992 elections instigated the clamour for electoral reforms which were aimed at “injecting fairness, accuracy and representativeness in voter registration as well as transparency in the balloting and monitoring of the result” (IIDEA, 2006, p.45). These efforts have been very instrumental in minimizing fraud, preventing post-election conflict and enhancing the legitimacy of the elections and the democratic process in Ghana (Gyekye-Jandoh, 2013). A number of stakeholders in the political process have made qualitative inputs into these reform processes. These stakeholders include;

The Electoral Commission of Ghana which evolved as part of the institutional transfer of power and administration from the British colonial rule (Jinadu, 1995). Originally, the agency responsible for administering elections was located under the Ministry of Local Government. Ever since, attempts have been made to make the Electoral Management Body (EMB) an independent one with the evolution of the body from an Interim National Electoral Commission (INEC). This happened in the early years of the Fourth Republic to a relatively independent Electoral

Commission which enjoys security of tenure as well as being funded directly from the Consolidated Fund.

Electoral management bodies in Africa have often been characterized by a lack of autonomy, weak professional capacity and funding. However, in the last two decades, EMBs in Africa have redesigned and reorganized in as measure to achieving transparency and impartiality and improving on their operational and financial independence. During elections, desperate politicians have often capitalized on the weaknesses of the electoral system to manipulate the electoral process. The Electoral Commission of Ghana acknowledging these inefficiencies have implemented reforms aimed at adhering to international best practices in election management and ensuring that elections are indeed fair, credible and transparent. In the Ghanaian context, the E.C has been making submissions to the government and the legislature on desired electoral reforms.

Again, the Electoral Commission of Ghana considers political parties as strategic partners in its effort to ensure credible elections in Ghana. In as much as the EMB has a key role to play in all electoral reform, it may not be in a position to implement reforms without the support of its key stakeholders such as political parties. Political parties including the NDC, NPP, and CPP, among others, have served to contest for power since the advent of the Fourth Republic. Generally, the contest for power among political parties is usually a ‘winner takes all’ and is commonly marked by tensions, acrimony and a vicious cycle of political mistrust (Ninsin 1995, p.66). This mistrust that normally characterises relationships among politicians and political parties in Ghana has always served as source of electoral misconduct and tension. A basic ingredient to healing this strained relationship and reducing such misconduct is to engage political parties and actors in negotiation and dialogue over electoral rules and practices. Under the auspices of the IPAC, political parties have provided input into the INEC’s policies and programmes and contribute to

confidence building. Regular consultations are also undertaken with representatives of political parties to ensure the collective ownership of reform measures.

Moreover, civil society organizations have played important roles including election monitoring, civic education, conflict resolution, and dialogue with politicians and parties of their conduct before, during and after elections. These organizations have often acted as watchdogs, monitors, advisors, and collaborators in promoting electoral reforms. The roles of civil society organizations in elections have helped in preventing post-election disputes and boycotts and enhanced the credibility and legitimacy of the outcomes (Frempong, 2006, p. 4; Ninsin, 2006).

Civil society has also worked with other stakeholders on alternative dispute-resolution mechanism for elections that focuses on dispute prevention, resolution and management. These civil society groupings have successfully mobilized, trained, and deployed over 20,000 observers to cover most of the over 26, 000 polling stations across the country, a practice, previously unfamiliar at the inception of the Fourth Republic. They have also on numerous occasions submitted proposals on electoral reforms to the Electoral Commission for consideration.

In Ghana, the free media has sometimes been accused of sensationalism, nonetheless; the proliferation of private media houses have done a lot of good to Ghana's democratic stability. Free media is central to the functioning of every democratic society as it helps in strengthening the freedom of expression and information as well as providing the free flow of information and ideas (Boafo-Arthur, 2008). Since the Criminal Libel Law was repealed by the NPP government in 2001, the media landscape has witnessed a buzz and has seen proliferation in every sphere of it. The number of print and electronic media has witnessed an exponential growth. Currently, there are over three hundred radio stations and more than a dozen television stations transmitting across the length and breadth of the country.

The media has helped advanced civil liberties and other democratic qualities by holding politicians and the authorities accountable and by exposing fraudulent activities. This ever-growing presence of the media has helped reduced electoral fraud and other electoral malfeasance (Boafo-Arthur, 2008). The media particularly the electronic ones has provided education and information about electoral reforms and even allowed their platforms as an avenue for education by electoral officials about knowledge and procedures on electoral reforms.

The National Media Commission (NMC) and the Ghana Journalists Association (GJA) in collaboration with the EC designed a framework in an attempt to promote fair coverage and broadcast of political parties' programs and activities by the state-owned media. This laudable effort produced a positive outcome as the state-owned media carried party messages especially during the last month of the election campaign starting in October 2000 and has continued through subsequent elections.

In recent times, some radio and TV stations have created websites where provisional election results are posted as they unfold. These measures have promoted orderliness at the polling stations and deterred many would-be election fraudsters and have also largely been credited for the high level of transparency and low level of irregularities recorded in the balloting process (Agyeman-Duah, 2005).

The international community continues to provide attention to electoral reforms. The international community continues to show keen interest in Ghana's electoral reforms. In this regard, logistical and financial assistance have come in handy. With international donors' support, particularly, the International Foundation for Electoral Systems (IFES), the EC drew up a platform-the IPAC that brought representatives of all political parties, and donors, acting as observers, to join the EC in regular meetings to fashion consensus on managing critical aspects of the election process. The

Community's presence in observing Ghanaian elections has also reduced the incidence of fraud perpetrated by the political players.

### **4.3 Electoral Integrity**

The fundamental concept of 'electoral integrity' is basically adhering to universally agreed principles, values, and standards of elections, which apply to all countries worldwide and takes place throughout the electoral cycle, thus, before, during and after the electoral period. With a pessimistic political transition and alleged manipulation of the 1992 electoral results, Ghana's electoral system and election administration have seen substantially reformed. Rationalising the adoption of electoral reforms as a means of achieving electoral integrity and thereby deepening democracy, a Political Scientist, the researcher spoke to, opines that;

*...The adoption of electoral reforms have introduced so much confidence and transparency into the electoral processes and this has served as an example to many countries in the West African Sub-region and beyond... From the days of a seemingly rigged elections in the 1992 elections, (our) elections has seen tremendous improvements and a desire to explore further avenues cannot be overemphasised (Field interview, 2014).*

For elections to have integrity, they must be conducted competently in a professional, non-partisan, and transparent manner, and equally important, voters must have confidence in their conduct. This requires professional Electoral Management Bodies (EMBs) with full independence. EMBs are mandated with the task of ensuring that elections they conduct are both technically credible and generally perceived to be free, fair, transparent and credible. The findings of this study indicate that the effectiveness of an election authority is largely conditioned by its autonomy, ability to

make decisions, enforce electoral laws and regulations depending on the amount of autonomy it has.

Since 1992, attempts have been made to make the Electoral Management Body (EMB) an independent one from an Interim National Electoral Commission (INEC) in the early years of the Fourth Republic to a relatively independent Electoral Commission. These include members of the Commission enjoying security of tenure and the activities of the Commission being funded directly from the Consolidated Fund. Legal and legislative instruments such as Article 46 of the 1992 constitution also guarantee the autonomy of the EC.

Where elections have been conducted with integrity, the democratic deepening principle is honoured; citizens are able to elect their leaders, and hold them accountable. On the contrary, when elections are mismanaged, regardless of the intent, citizens may lose confidence that their vote has been counted equally, and the outcome may be chaotic. The outcomes of the 1992 and the 2000 Presidential Elections are cases in point. Whilst experts generally agree that the founding elections of 1992 lacked the basic ingredients of electoral integrity as they were heavily fraught with irregularities, the 2000 elections conducted within an atmosphere of incremental electoral reforms represents one of Ghana's best elections since the advent of the Fourth Republic.

#### **4.4 Electoral Administration under Ghana's Fourth Republic**

Ghana's electoral and democratic successes have largely been associated with its electoral administration and have won both local and international acclaim. As the reviewed literature revealed, the current electoral management body evolved from the colonial set-up bequeathed to the country after independence. Other studies have indicated the overthrow of Dr. Kwame Nkrumah's administration on 24<sup>th</sup> February, 1966 paved the way for a viable way of achieving a credible election authority (Crabbe, 1975). Successive governments shifted to the independent sole

electoral commissioner model. The power to manage election was transferred from the government ministry to an independent election authority headed by a sole commissioner. Justices V.C.R.A.C. Crabbe, I. K. Abban, and Kingsley-Nyinah have headed the different periods of the Sole Commission.

In 1991, the Interim National Electoral Commission (INEC) was instituted to oversee the 1992 elections. Public perception of government manipulations and interferences in the Interim National Electoral Commission (INEC) was also compounded by a lack of autonomy and weak professional capacity and funding. With that, the INEC was reconstituted as the Electoral Commission of Ghana in 1993 to be headed by the out-going chairman, Dr. Kwadwo Afari-Gyan, who had served as a Deputy Commissioner of the predecessor body, the INEC. This evolution marked the beginning of the INEC's march to institutional autonomy. It has also helped insulate the Commission and its commissioners from political interference although allegations about same linger on.

This structural reform and change in organisational matrix has helped Ghana electoral process taken a life of its own with the passage of the Electoral Commission Act (ECG) of 1993 into law and its amendment in 2003. Article 43 of Ghana's Constitution has provided for the establishment of an Electoral Commission consisting of a Chairman, two deputies and four members all appointed by the President in consultation with the Council of State. Articles 44 and 45 also provide for the criteria for qualification to become a member and conditions of service as well as the functions of the Commission respectively. The law establishing the Ghanaian Electoral Commission makes it a permanent institution, like most of its counterparts in the sub-region. In Zambia, the 1996 constitutional amendments formally established the Electoral Commission of Zambia (ECZ) as a permanent body. This has allowed the commissioners to enjoy greater authority and responsibility.



Additionally, Article 46 of the Ghanaian Constitution which ensures security of tenure for commissioners has sought to protect them from threats of arbitrary dismissals. These threats represent veiled attempts to make them succumb to the dictates of the ruling regime. Critically, most efficient and independent EMBs around the world enjoy this security and this represents one of the unique features of the Ghanaian Electoral Commission. Indeed, in most democracies in the West Africa sub-region, the EMB members' term of office does not exceed a single term of maximum of 7 years – or a mandate renewable only once. For instance, in Burkina Faso and Nigeria, the EMB members' has a 5 year-term of office and eligible for only one renewable term. In Liberia, members of the EMB have a non-renewable seven-year term. The powers conferred on the Ghanaian EC to declare formally the presidential and parliamentary election results unlike what pertains in Cote d' Ivoire and the Central African Republic where this function is performed by the Constitutional Court has also sought to strengthen the Commission.

A number of these factors explains the credible performance of the EC and contributed to Ghana's reputation as a maturing and consolidatory democracy. Extolling the virtues of the EC, a Political Science Lecturer argues that;

*...Over the years, Electoral Commission has brought its competence to bear on the electoral process and has been magnanimously innovative and demonstrated its willingness to engage other stakeholders actively in response to changing circumstances (Field interview, 2014).*

The Commission's willingness to actively engage other stakeholders in confidence-building mechanisms resulting in reforms such as the IPAC has helped addressed grievances and complaints in the lead-up to elections in the country. The INEC and EC have successfully organised six successful presidential and parliamentary elections devoid of the unconstitutional interruptions that characterised previous republics. By and large, most Ghanaians perceive the Electoral

Commission as autonomous, relatively independent and less susceptible to political manipulations and interferences and this is significant given the fact of a general lack of trust and confidence in electoral management bodies around the world particularly Africa. This mutual suspicion among political players has in some cases led to election-related violence in countries such as Kenya, Nigeria and Cote d'Ivoire.

However, the Electoral Commission is criticised for its inability to enforce a number of its electoral laws as a means to preventing fraud. The challenge is that the EC views electoral fraud as a criminal offence and therefore defers this responsibility to other agencies such as the police, Attorney-General's office and the courts etc. As a result, many commentators feel that there is impunity for the violations of election procedures. Others have also called into question the independence of the EC because of the legal framework which provides for the nomination of its members at the discretion of the President rather than an impartial independent body.

#### **4.5 Electoral Reforms under the Fourth Republic**

Elections conducted through Ghana's first three Republics have seen accusations of electoral fraud and it was not until after the first elections under the Fourth Republic that electoral reforms started taking centre stage in the country's body politic. The decision to reform after the defective 1992 elections sits perfectly with the literature when Arowolo and Lawal (2009) reiterate that in the aftermath of disputed elections, countries take steps to alleviate or forestall recurrences and these are mainly achieved through reforming the processes and procedures that allowed these illegalities.

The highlight of these reforms has been the creation of the Inter-Party Advisory Committee (IPAC) in March 1994. This has served as a platform for political parties to contribute suggestions leading to further electoral reforms as well as ironing out differences arising out of electoral and political

party issues. This novelty in Ghana's electoral politics has been bringing together representatives of political parties to regular meetings with the EC to discuss and build consensus on contested electoral issues and articulate their concerns. Even if the committee's recommendations are purely advisory and not legally binding, the inputs of participants have succeeded in achieving compromise solutions without which could spill into violent confrontations. To this end, the IPAC has helped build trust and confidence across the election phases and has heavily moderated entrenched partisanship, political behaviour among actors, reduce tension and ultimately enhanced social cohesion.

Good elections are about effective partnerships and cooperation. For democracy to be deepened, there is the need for a political framework that strives to build a culture of tolerance for differences and mutual respect among opposing political forces. Critics contend that this body should form part of the organisational matrix of the Electoral Commission as pertains in countries such as the Ivory Coast. Some have even suggested that Ghana adopt the Benin example where 94% of members of the Commission Electorale Nationale Autonome (CENA-the Benin EMB) are nominated by political parties. These critics argue that such a step would make these stakeholders active members on the planning and execution of the electoral processes.

However, opponents of this argument have called for the retention of the current arrangement. These opponents suggest making stakeholders such as political parties active members might stall the Commission's activities with partisan politics. In several countries in the sub-region, the presence of representatives of political parties or candidates in the EMB has weakened the independence of the commission. These political parties have mostly selected representatives primarily concerned with the success of their candidates or their parties without meeting the criteria

of honesty and integrity set by law. Such actions have negatively influence the functioning and the performance of these Commissions.

In a bid to further deepen the workings of this committee, the Director of Research and Elections of the NPP in an interview with the researcher indicated his party's call for a legislative instrument which will make the IPAC statutory and its recommendations binding. According to him;

*...Events witnessed during the 2012 elections, where the EC brazenly ignored calls by the opposition particularly the NPP in terms of its decision to create new constituencies and apply the Biometric Voter Registration System shows how weak and poorly coordinated the IPAC is, and there is every need to strengthen the Committee (Field interview, 2014).*

The recent decision by the Electoral Commission to form an Electoral Reforms Committee with membership arising out of the EC and political parties and other stakeholders to make recommendations on electoral reforms that may be implemented in succeeding elections buttresses the importance of such collaborations.

Again, the EC have been periodically compiling an updated voters' register with the active collaboration and participation of political parties. Voter registration is considered the hallmark of any successful election (Courtney, 1991; Herskovits, 2007; Fall et al. 2011). Since the 1992 elections, the voters' register have been compiled periodically each with the primary motivation of ensuring that eligible voters are registered for the purpose of casting their ballot at the next elections. From the days of thumbprint ID cards, voter registration has evolved to include photo ID cards. This function of the EC is embedded in Article 45 of the Constitution of the Republic of Ghana.

A comprehensive voters' register must have three critical features and these must include inclusiveness, accuracy, and currency. The inclusiveness means registering all eligible voters without discrimination. Accuracy is having the exact information of a voter's bio-data in the biometric verification or manual register. Again, the voter's register must be up-to-date through the continuous registration of citizens that turn the voter age of 18, and also deleting the names of dead people. In lieu of this, the Electoral Commission introduced the Biometric Voter Registration process which was to all intents and purposes to reduce the incidence of multiple voting. The acquisition of these devices which cost 22,050,000 Ghana cedis was to enhance the reliability and dependability of the voters' register. Thus, the 2012 elections proceeded with a new voters' register and had a remarkable voter turnout of 79.83%. In an interview conducted with the Director of Elections, he pointed out that;

*...The EC procured 40000 biometric verification devices such that all the 26002 polling stations across the country could have at least one and enough for replacement in case of breakdowns. These devices which use fingerprints and photographic images were intended to make sure that the person who appeared to vote was the same person who had registered for such (Field interview, 2014).*

Unfortunately, this brilliant innovation which sought to enhance trust in our electoral process malfunctioned in several parts of the country; incidents which could have scuttled the entire electoral process and rendered it, a recipe for chaos.

If democracy is to survive, prosper and become deepened, it must work to include all eligible groups and not only the elite and the privileged few. Democratic countries use the voter registration process to strengthen the political participation of the poor and marginalized minority in the society. These set of reforms sought to improve the quality of governance and deepen democracy

through the meaningful inclusion of all eligible voters. A highly unequal society cannot be a deep democracy. Many political commentators have argued that if the country wants to reap the full benefits of voter registration and participation, it must elect to adopt the e-voting process such as Kenya and has recorded impressive electoral outcomes.

Added to the above, was the replacement of opaque wooden and metal ballot boxes with transparent ones by the EC for the 1996 elections. It is worth revealing that, commentators the researcher spoke to, generally posited that the 1992 elections had been fraught with allegations and cases of pre-stuffed ballot boxes before being sent to the various polling stations. After the 1992 elections, other opposition parties had alleged that the EC in connivance with the NDC had pre-stuffed ballot boxes with already thumb-printed ballot papers before they were sent to the polling stations. Commentators infer the decision to make use of transparent ballot boxes allows voters and on-lookers to see the empty nature of the ballot boxes before voting begins and has forestalled these allegations, suspicion or fears. Another Political Scientist, the researcher spoke to intimated that;

*...A lot of allegations had been made about the pre-stuffing of ballot boxes and the decision to introduce transparent ballot boxes was a move in the right direction..., it allowed political party agents to see through these boxes and their empty nature. In view of this, another dimension of trust into the electoral process had begun (Field interview, 2014).*

On the use of transparent ballot boxes, the National Treasurer of the Peoples' National Convention remarked;

*...there used to be a period in our electoral history where in the constituency I stood as a parliamentary candidate, other political opponents connived with electoral officials to pre-stuff the ballot boxes. The PNC's inability to engage in such fraud has led to the turnover of our electoral defeats, so I can tell you with emphasis that the use of transparent boxes has brought sanity into our electoral system (Field interview, 2014).*

When elections are marred with allegations of such irregularities, they dent public trust, and in severe cases lead to conflict. Any attempt therefore to introduce transparency and do away with such perceptions engender confidence and trust in the democratic process. Trust is the key to understanding the strength of the social fabric of democracy. Whether trust is procured as a product of a highly developed civic culture that improves the quality of democracy or a deeper institutional trust emerges from the quality of democracy, it still remains an ingredient towards achieving democratic deepening. In a study corroborated by the International Foundation for Electoral Systems (IFES) on Public Opinion in Ghana, it emerged that about 53% of Ghanaians trusted the workings of the Electoral Commission lending credence to the efforts of the EC to enhance public trust and confidence in the electoral process.

Elections must not only be free and fair, they must also be seen to be so. With respect to this, election monitoring and observation have evolved as standard mechanisms for assisting in the conduct of free and fair elections, increasing voters' confidence in the electoral process, enhancing the acceptability of election outcomes and the legitimacy of governments constituted through such elections. Throughout Ghana's electioneering years, the EC has been accrediting local and international observer missions to monitor its election processes. The various observer organizations are given copies of the code of conduct designed by the Commission to election

observers for their guidance and these organizations are expected to submit copies of their reports after the observation to the Commission.

The presence of local and foreign observers such as representatives from CODEO, Carter Centre, European Union, Commonwealth and AU Observer missions at the polling centres during elections have guaranteed, to some extent, the integrity of the electoral process since the disputed 1992 elections. Local and International observers and commentators commended the conduct of the 2008 elections as highly successful (Omotola, 2010a; Gyimah-Boadi, 2009; Gyimah-Boadi & Brobbey, 2012 p.2) attributing this to among others “fairness-enhancing reforms to the electoral processes .....and making Ghana unique among African democracies”.

This innovation, the researcher believes, is consistent with the literature review where Hyden (2011) argues, that by failing to invite observer missions, countries are signalling in advance that elections will be stolen, manipulated or fraudulent.

Election observation teams have sometimes been accused of taking sides and participating in sorting out the names of voters, applying indelible ink, controlling and arranging voting lines and queues. This assistance might be well-intentioned and are occasioned by the late arrival and absence of electoral officials. However, these activities are primarily the duties of presiding officers and electoral officials and much as these efforts of observers are commendable, this assistance might be misconstrued by an aggrieved party as interference. Sometimes, party activists try to bribe observers and when they do not succeed, they resort to violence. Again, these observer teams are expected to harmonize their programmes and issue joint reports on the outcome of elections. This will prevent duplication of efforts and promote harmony and cooperation.

Efforts should also be made to help these observers perform their duties without intimidation. This is imperative as some political parties have often been accused of physically throwing observers



out of the polling stations to enable them perpetrate electoral fraud. The presence of well-committed domestic and international observers and monitors are fundamental to deepening democratic norms and their importance must not be glossed over by electoral management bodies particularly in an emerging democracy like Ghana.

In the area of constituency delimitation, thirty (30) new constituencies were created by the Commission in 2004 to fulfil a constitutional requirement. The Representation of the Peoples' Law (P.N.D.C. Law 284) and Article 47 (5) of the 1992 Constitution are the operative laws for the demarcation of electoral boundaries which provides that; The Commission shall review the division of Ghana into constituencies at intervals of not less than seven (7) years or within twelve (12) months after the publication of enumeration figures after the holding of a census of the population of Ghana, whichever is earlier and may, as a result, alter the boundaries of the constituencies. Consequently, the review of the electoral boundaries towards the 2004 elections was undertaken bringing the number of constituencies up from 200 to 230 (See Appendix B). To give the newly created constituencies the necessary legal backing, a Constitutional Instrument (C.I. 46) was made.

Some critics mainly sympathisers of the National Democratic Congress argued that the newly created constituencies could not be put into effect for the 2004 elections. The matter was brought before the Supreme Court which ruled that the new constituencies could have legal existence.

Again, following a boundary delimitation process that was completed, 45 new electoral constituencies were created by the Electoral Commission of Ghana (EC) in 2012, bringing the parliamentary seats to be contested to 275 (See Appendix B). Speaking in an interview with the researcher, the Director of the EC explains the new constituencies were created across the country in response to population growth in contrast to what the opposition claims that the EC did so in

attempt to favour the NDC. Interestingly, typical of parties when in opposition, the creation of new constituencies had stirred up controversies and accusations of gerrymandering by opposition parties particularly the NPP. Reflective of what happened in 2004, the legality of these new constituencies was contested at the Supreme Court, this time by the NPP. In an interview with an NPP official, he opined that;

*...The EC's decision to create 45 new constituencies contributed to heightening pre-election tensions because even when the Constitutional Instrument required had not been passed, the EC went ahead to organize primaries for the NDC and clearly this represents a complete illegality and a manifestation of the malicious intentions of the NDC and the EC (Field interview, 2014).*

Commentators have also argued that whilst the constitutional criteria for constituency delimitation is clear, the creation of the new districts which culminate in the EC creating additional constituencies are done by the two leading parties (NDC and NPP) when they are in power, a move that forces the Commission to increase the number of constituencies. This brings into focus the absolute independence of the Commission with regards to constituency delimitation because of the overlapping functions between the Ministry of Local Government and the Electoral Commission.

The function of this exercise is primarily to ensure an equality of representation which is a key determinant of democracy and adherence to international best practices. Again, if the principle of one-man, one-vote is to be entrenched as part of Ghana's democratic deepening exercise, a conscious and deliberate effort must be made to review the constituencies in order to address the challenges of population dynamics introduced into our electoral system. Accusations of

gerrymandering and abuses have led a number of countries such as Nigeria to adopt reforms designed to remove such complaints from the delimitation process. In such countries, non-partisan commissions draw district boundaries and follow a set of neutral criteria.

In these cases, efforts at delimitation of constituencies should also address the problem of mal-apportionment of electoral constituencies which has led to circumstances where one Member of Parliament (MP) represents large numbers of inhabitants. This deficiency has shown that in some constituencies, the votes obtained by the first runners-up were more than what another candidate obtained to win another constituency. For instance, in the Ashanti Region, Suame has 90, 305 voters and Oforikrom 109, 597 voters, and in the Volta Region, Ketu South has 126,659 voters. By contrast, there are 22,768 voters in the Krachi West of the Volta and 34,040 voters in Juaben constituency in the Ashanti region, which are also represented by one MP. The above scenarios have raised much criticism about the fairness of the electoral system and process (Debrah, 2015). Stakeholders particularly the Electoral Commission must make attempts to execute this constitutional mandate in such a manner that does not promote gerrymandering or seek to favour one political party as this might erode all the gains that constituency delimitation provides. To ensure that the delimitation process is as transparent as possible, the methodology and guidelines should be clearly spelt out and the general public informed and adequately educated in advance. Public hearings into the process can also be held to allow stakeholders proffer their comments and inputs.

Electoral reforms have also seen changes in the laws providing the legal and regulatory framework for the conduct of elections in Ghana. These elections have been regulated by a succession of statutes, decrees, constitutional and legislative instruments with the 1992 Constitution of Ghana serving as the superintending body of all laws on elections in Ghana. These include the Presidential

Elections Act (1992, as amended), Electoral Commission Act (1993, as amended), and the Public Elections (Registration of Voters) Regulations – C.I. 72 (2012), Public Elections Act C.I. 75 (2012). These laws borders on eligibility, election procedure and the management of elections. The Public Election Regulations Constitutional Instrument (C.I. 15) was passed to guide the creation of constituencies for the 1996 parliamentary elections.

The Political Parties Act-574 passed in 2000 to replace the PNDC Law 241 provided direction for the political parties. This Act guides political party registration, internal organization and financing. Further to these, the Representation of the People (Parliamentary Constituencies) Instrument (C.I.46) was passed in 2004 to determine the creation of new constituencies. However, in 2012, it had become obvious that the existing legal framework needed to be reformed. Subsequently, the Public Elections (Registration of Voters) Regulations (CI 72) and C.I. 75 were created. The C.I. 72 and C.I. 75 which replaced C.I 12 and C.I. 15 were enacted to introduce biometric system for voter registration and voting.

Moreover, reforms have manifested in respect of how political parties have participated in the polling process which includes how the voters are certified and made to vote as well as the counting of votes and the declaration of results. Since 2000, political party or candidates agents have been allowed to take active part in ascertaining the eligibility of the voters at polling stations and ensuring free and fair elections. Previously, they have only been observing the process from a distance. Also, party agents have been allowed into the printing rooms of ballot papers used for the elections. Again, the practice of vote-counting and the venues of this counting has mainly been a source of suspicion and contention amongst political parties. In an attempt to address this challenge, the EC beginning with the 1996 elections allowed counting of votes at each polling station at the close of poll under the supervision of the Presiding Officer (PO). The number of

votes gained by each candidate is then recorded on the Declaration of Results Form for each of the candidates.

The PO and the candidates' agents sign and thereafter the PO publicly declare the election results and give a signed copy of the results to each candidate. At the constituency level, these results from the polling station are then collated and signed by the Returning Officer (RO) and the agents of candidates. After this, the RO publicly declares the parliamentary results and announce the Member of Parliament-elect for that constituency. The results are dispatched sent to the District Electoral officer for onward transmission to the Regional Electoral officer to be sent to the EC headquarters for certification and confirmation.

Although, this procedure has sought to introduce transparency and enabled the electorate to know in advance their candidates or members of parliament elected, critics have lamented that it contributed to delays and make the procedure arduous and cumbersome. When the researcher spoke to the PNC representative, he complained bitterly and attributed his loss in the 2004 parliamentary elections to this practice. He alleged his opponents took advantage of this process to deny him victory.

In addition, reforms have also manifested in the roles of political party participation since 1992. When Ghana was ushered into constitutional rule with the 1992 Constitution, political and civil rights, including the right to form political associations and the right to participate in the government of the country in other forms were guaranteed. This unbridled right under the constitution also helped removed restrictions that had been placed on parties such as the Convention Peoples Party and the use of its symbol in contesting elections. In view of these, several political parties have flourished under the political arena and Ghana's political climate has

stabilized. These are quite revealing as it has showed people had acquired the freedom to join parties of their choice.

Article 55 of the 1992 Constitution provides the legal regime within which political parties are to be formed. The Political Parties Law 1992 (PNDC Law 281) and now the Political Parties Act, 2000 (Act 574) reproduced the constitutional requirements on the formation and responsibilities of political parties. The number of political parties contesting the parliamentary elections has remained relatively stable whilst those contesting the presidential elections have varied over time. The PNDCL 281 had disqualified foreign companies from donating to political parties, and limited members' contribution to party financing. However, Act 574 removed the limited contribution provision and allowed party founding members an unlimited financial donations towards the development of their parties. Added to this, Ghanaians who owned companies are permitted to donate to political parties. However, the lack of funds and other logistical resources still pose challenges for the smaller political parties, and this explains their inability to participate fully in electoral politics. Voluntary contributions and membership dues have proven to be inadequate and this study supports the advocacy for state funding of political parties. In an interview with a Political Science Lecturer, he indicated that;

*...Funds and logistics are needed to help build the capacity of party functionaries at all levels and the lack of it will impact on political parties' organizational and financial ability in the demands of electoral politics creating an uneven playing field even before elections (Field interview, 2014).*

The principal objective of state funding of political parties' and candidates' election expenses is to help deepen the democratic process. Arguments in favour of state funding include that it creates

a more level playing field and ensures that political parties/candidates can direct their efforts on issues relevant to the electorate rather than relying on private donations which sometimes have led to influence peddling by such contributors. However, there is a contrary argument that state funds meant for development and other legitimate spending initiatives should be prioritised ahead of political parties/candidates whose primary concern may be to only participate and enjoy this windfall.

#### **4.6 The roles of Stakeholders in the Electoral Reform Processes**

An independent and impartial electoral commission that functions transparently and professionally is as an effective means of ensuring that citizens are able to participate in a genuine democratic election. The current Electoral Commission has been in existence since 1993 and is widely perceived to be independent and impartial. Faced with a diminishing public confidence, the EC has sought to conduct credible elections and the sanctity of the ballot box. To this end, it has undertaken radical measures to ensure the integrity of the electoral process. The formation of the IPAC was a laudable move toward fostering consensus building and mediating entrenched partisan positions as a means to managing the electoral process. After the allegations and controversies that bedevilled the 2012 elections, political commentators have applauded the establishment of an Electoral Reform Committee to deliberate on recommended reforms towards the 2016 elections and beyond.

Again, the EC has enhanced the transparency of the electoral process by introducing photo identification cards (I.D Cards) as a safeguard against impersonation, biometric registration to forestall multiple registrations, and the acceptance of party representatives (agents) at registration and polling centres among others. The EC has also integrated voter education onto the electoral process. Prior to every election period, trained EC public educators are sent nationwide particularly

to the rural constituencies and peri-urban areas where media penetration is inadequate to offer extensive election education to the voting citizenry.

The initial impetus for democratic change in sub-Saharan Africa - including Nigeria, Niger and Ghana has stemmed from a vast array of civil society actors. Throughout the electoral reform history of Ghana's Fourth Republic, civil society organizations have played essential roles ranging from civic education, election monitoring and suggesting proposals for electoral reforms. In an interview with the Director of Programmes with the CDD, on a range of issues, this is what he posited;

*...As a country, we should count ourselves fortunate that the presence of a vibrant civil society has strengthened electoral politics in Ghana. The roles of civic education and election monitoring cannot be underestimated. After the 2012 elections, this Centre has had several stakeholder meetings and has even proposed not only an electoral reform exercise but a complete electoral review (Field interview, 2014).*

Again, the CDD and CODEO with support from the United Nations Development Program (UNDP) conducted a study after the 2012 elections to gauge the opinions of Civil Society and Development Partners and this effort revealed interesting conclusions. The study indicated that the legal framework governing the conduct of elections meets international standards and have served Ghanaians elections well. However, the CDD study argued that the amendments to legislative



instruments (CI 75<sup>6</sup> and 78<sup>7</sup>) for the 2012 elections had some problems and efforts should be made to address their shortcomings. The Centre also contended the amendments were too close to the elections and this created suspicions, an opinion entirely shared by the researcher.

Democracy institutes and governance think tanks working in a number of countries to reform the electoral system have stimulated debate and awareness of institutional alternatives as a means of contribution to the improvement of democracy. As part of its efforts to contribute to deepening democracy in Ghana, the Institute of Economic Affairs (IEA) has institutionalized a presidential and vice-presidential debate which provides a platform from which the candidates could engage with the public to share their vision and opinion on topics of concern. The Institute organized and facilitated the Evening Encounters with presidential aspirants and presidential debates with Accra and Tamale serving as venues in October and November, 2012. The presidential debates have played an important role in focusing the campaign on issues and policies rather than individuals, which contributed to a more meaningful campaign and also reinforced the message of peaceful elections. The Institute also facilitated the first vice presidential debate, which took place in the Cape Coast on Nov. 28, 2008.

Another democracy-deepening function of civil society is to supplement the role of political parties in stimulating political participation and to promote citizens' rights. Under the auspices of the Institute of Economic Affairs-Ghana Political Parties Programme (IEA-GPPP), two workshops with other stakeholders in the electoral process were held in Akosombo and Koforidua in October, 2013 and November, 2013 respectively. These meetings were geared towards brainstorming on

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<sup>6</sup> The Public Elections Regulation, 2012 that gave legal effect to the Biometric Voter Registration and Verification system.

<sup>7</sup> The Representation of the People (Parliamentary Constituencies) Instrument, 2012 that created forty-five additional constituencies for the 2012 elections.

Ghana's electoral system with the view to proposing reforms in the wake of the problems that arose from the 2012 elections.

In an interview with a Senior Research Fellow of the IEA, it was revealed over forty participants including representatives of the IEA-GPPP were invited. Some of these participants were from the New Patriotic Party (NPP), National Democratic Congress (NDC), Peoples National Convention (PNC) and the Convention Peoples' Party. Other party representatives that participated were from the Great Consolidated Popular Party (GCPP), United Front Party (UFP), Progressive Peoples' Party (PPP) and Jacob Osei Yeboah, the independent presidential candidate in the 2012 elections. Other officials representing civil society organisations, the media and the National Media Commission were also present. He observed that;

*...As you are aware, our discussions centred on the areas on voter registration, the calibre of electoral officials, the quality and usage of the Biometric Device System, statement of polls popularly known in political parlance as 'Pink Sheets' among things. We also agreed that there should be transparency in the recruitment process of temporary electoral officials who possess the minimum educational qualifications which commensurate with duties assigned (Field interview, 2014).*

The latter assertion was particularly important given the revelations witnessed during the 2012 Election Petition hearing in the Supreme Court about electoral officials transposing numbers onto different margins.

Again, the Research Fellow advised that the EC conducts continuous and sustained voter registration subject to periodic auditing instead of the one-off registration process with its attendant challenges. He also particularly emphasised on a strict application of the "no verification, no vote" enshrined in the biometric verification process introduced in the last elections. He posits that;

*...There must be authentication of fingerprints before a person is allowed to vote....To avoid what happened in the last elections, strenuous efforts should be made to improve upon the equipment and technology used in the 2012 elections (Field interview, 2014).*

Civil society has also served electoral reforms by articulating, aggregating, and representing the interests of traditionally excluded groups such as women and vulnerable groups and given them access to participation in electoral politics. In the area of electoral reforms, the introduction of the tactile ballot in 2002 was initiated by the International Foundation for Electoral Systems (IFES), the Ghana Association of the Blind (GAB) and Action on Disability and Development-Ghana (ADD) in collaboration with the EC. It was deduced from interviews with civil society groups that the current state of relations between the EC and civil society organisations although laudable needs a framework structured along the lines of the IPAC which could improve the quality of all civil society contributions to the electoral process.

Political parties as the main stakeholders in the electoral process have been contributing their quota towards the democratic process. From supporter education to participation in IPAC dialogues and contesting elections, political parties have made laudable contributions to the Ghanaian democratic practice. In an interview with the Director of Research and Elections of the NPP, he outlined a variety of proposals; his party was in the process of sending to the Electoral Commission. Among others, he emphasised the need for a stronger IPAC backed by law, severe sanctions for culpable electoral officials, a reduction of the discretionary powers of the EC that as he puts it makes it “so autocratic” as well as a review of the regulatory frameworks that govern elections in Ghana.

In addition to the above, the Great Consolidated Popular Party as part of its efforts in contributing to the credibility and transparency of the electoral process suggested a number of proposals for reforms. The Party's recommendations include a continuous registration for Ghanaians who had attained the age of 18 years and above as well as those who could not register during the main registration period. In the compilation of the "pink sheets", the party suggested that the State takes care of the allowances of political party agents. This suggestion in the view of the researcher will constitute a further strain on the budget allotted for the conduct of elections and that political parties should be able to take care of these expenses.

The media in Ghana has been acclaimed in many circles as one of the most vibrant in Africa. Since the advent of the Fourth Republic, the media in Ghana has seen a delightful improvement and growth and seems to permeate every facet of the country. As if by arithmetic design, in elections, the media participates heavily from voter education to the broadcasting of voting results to the Ghanaian through the print and electronic media.

It will be recalled that on September 27, 2000, Ghana achieved another democratic feat by holding a forum for presidential candidates. This novelty was organised under the auspices of the Freedom Forum, an international media foundation in conjunction with the Ghana Journalists Association (GJA) and the Ghana Broadcasting Corporation (GBC). The session was carried live on radio and television and beamed to millions of homes across the globe. In an interview with the Programme Officer in charge of Communication and Research with the Media Foundation for West Africa, she expressed delight in how far the country has come with its electoral journey describing it as "so far, so good." In response to how much the media has contributed to electoral reforms, she recalled with glee and intimated that;

*...That Forum represented a departure from the Rawlings media phobia and succeeded in deepening the democratic culture of a nation reeling from a culture of silence (Field interview, 2014).*

#### **4.7 Challenges confronting Electoral Reforms in Ghana**

Ghana has had a relative political stability and with alternations of power between the NPP and NDC in government, the country has not only been touted as a beacon of democracy but a reference for other African countries. This democratic success has largely been attributed to the reforms implemented. Although these reforms have contributed to the strengthening of the EMB in Ghana, they have not lead to the achievement of profound electoral integrity. These laudable efforts are being hampered by a variety of factors which are discussed in the following sub-themes.

##### **4.7.1 Financial Challenges**

The 1992 Constitution guarantees the financial autonomy of the EC as its expenditure regarding salaries, allowances, pensions and other emoluments of members of the Commission are charged on the Consolidated Fund. This is to ensure that members of the EC do not suffer financial handicaps or reduction of salaries and allowances of which they are entitled. To make this certain, the EC prepares its own budget, presents and defends it before the Parliamentary Committee on Special Budgets. Where the Committee is satisfied, it recommends its approval by Parliament. In 2004, the Electoral Commission submitted an estimate of 234 billion Cedis (about 24 million US dollars)\* to the government to cover the registration of voters, the exhibition of the voters register and the conduct of the presidential and parliamentary elections. In an interview conducted by the researcher with the Director of Finance of the EC, it was realised that although Parliament has the power to reduce allocations to the EC, this has rarely been done. This is contrary to what pertains

in Nigeria where political commentators have argued the EMB's independence has been compromised by its dependence on the executive branch of government for funding.

The Director maintained that although the release of funds is sometimes marked by delays and red-tapeism, for every election held under the Commission, the late release of these funds does not necessarily impede the implementation of reforms because the EC always make provision by shelving such programmes to a later date. This quite worrying because, the expediency with which these reforms and its attendant advantages will be accrued to the state would have been delayed. Experts have blamed these delayed disbursement of resources to be one of the reasons for the difficulty the EC had in compiling the register of voters for the 2008 general elections. They adduced that this resulted in a rushed process and consequently a voters' register fraught with minors, aliens and multiple registrations. Consequently, the EC provided a list that contained between more than 800 000 and 1 000 000 voters.

The Deputy Director of communications of the CPP in an interview with this researcher refutes the argument of the EC echoing that the central government and its agencies are still responsible for determining the budget of the EC. Citing instances, he alleged that government delays in releasing funds to the EC resulted in the acquisition of "sub-standard" biometric voter registration equipment before the 2012 elections, and added Government financial challenges has led to the spate of donor support to fill the gap. Due to the fact that the return to constitutional rule was partly at the promptings of international donors and their Western governments, he argues much of EC's funds needed to implement its election activities have flown from these avenues. He further raised concerns about donor financial support to the EC pointing to the implications of external funding for the EC's autonomy.

These situations make critics wary of Western donors and their governments' influence on the EC. To this end, the CODEO representative, the researcher spoke to, emphasised the need for an Electoral Fund similar to that of the Consolidated Fund.

The Electoral Commission decision to use biometric technology to compile the voters' register for the 2012 was estimated at a cost of 148,942,378 Ghana cedis. The Government of Ghana in July 2011 released 50,000,000 Ghana cedis in this regard. The Director of Finance however conceded that supplementary funds were later released by the Government although this happened later than the Commission expected. The Electoral Commission's Medium-term Development Policy Framework (2012-2014) has one of its focus areas; deepening the practice of democracy and institutional reform. This priority translates into enduring transparency and improved integrity of the electoral process as a policy objective and the cost of implementing all the activities in the Plan is 276,346,200 Ghana cedis. From my discussions with the EC official, he indicated that a proportion of the required amount would be provided by the country's development partners, a practice which confirms the reliance on external funding and its inherent challenges for the Ghanaian elections.

#### **4.7.2 *Behavioural and Attitudinal Limitations to Reforms***

One of the factors militating against the implementation of reforms is the conduct by political party leaders and their followers and sometimes the tyrannical attitude of electoral officials. This seeming perception is reinforced with the executive appointment of the chairman or the members of the commission by the ruling government. For institutional reforms to achieve its intended objectives, it must be pursued along with attitudinal and behavioural reform. Any electoral reform measure that is not driven from below will not endure over the long term. In this regard, reforms

need to improve on initiatives to strengthen internal party democracy. Internal reforms have the capacity to substantially deepen democratic consolidation.

In view of this, political players and the sympathisers must be educated to be abreast with electoral practices and their reforms. This is quite critical because even if the management of elections meets the highest acceptable standards, in so far as the parties are unwilling to play by the rules, there will be grave problems. Devoid of this education, the country's march towards democratic deepening and good governance will be arduous and futile. In an interview with a Political Science Lecturer, from the University of Ghana, he bemoaned the attitude of political parties and their supporters which sometimes degenerate into threats of violence and withdrawal from the political process (Personal Communication, 2014).

From my assessment, subtle accusations between political parties and the Electoral Commission over electoral reforms are partly fuelled by mistrust and present an impediment to the whole electoral process. Point 178b of the Constitutional Review Commission Report of 2011 reinforced this assessment. The Report indicated one of the public submissions it received reflect a great deal of misgivings on the part of Ghanaians about the several negative acts (real and potential) that have bedevilled recent elections in Ghana. It reads "Attempts by political parties (particularly, the two main parties – the National Democratic Congress and the New Patriotic Party) seeks to delegitimise the electoral process through unsubstantiated accusations and counter accusations against each other and against the Electoral Commission" (Constitutional Review Commission Report, 2011).

It was also realised from the field work that the vehemence with which the two dominant parties, NDC and NPP have argued for and against electoral reforms sits perfectly with the literature on Benoit (2004) "vested interests" consideration for electoral reforms. This is also the focus of



rational choice theorists for electoral reforms. The history of the Fourth Republican politics has shown that the two dominant parties have mainly supported reforms when they are in opposition and the underlying reasons are that they feel cheated by the ruling regime. The Director of Communications of the NDC put it bluntly that his party does not see so much of the need for reforms and that the existing reforms are “enough”. Conversely, the Director of Research and Elections of the NPP amplified his party’s position of urgent electoral reforms before the 2016 elections pointing to the anomalies with the current electoral system as revealed during the hearing of the 2012 election petition.

Speaking to the Director of Elections of the EC, he decried the tendency of political players and the general public in hurriedly (mis)construing genuine logistical and other technical challenges as political connivance to rig elections in favour of one party or the other. However, the seeming intransigence sometimes exhibited by some electoral officials also poses some threat to the smooth running of elections. A case in point is the EC’s decision to create the 45 new constituencies for the 2012 elections, an action deemed by a section of the Ghanaian public and civil society as too close to the elections and a potential to cause post-election conflict.

#### **4.7.3 *Lack of Expertise and Logistics***

The concept of electoral reforms though laudable is not an end in itself. Brilliant as any innovation may seem, it requires the desired technical expertise and the corresponding logistics necessary for the successful implementation of these reforms. There have been incidences of the use of sub-standard indelible ink which allows unscrupulous registered voters who have had their thumbprints stained with indelible ink and able to wipe it off, thereby festering the chance to engage in multiple registrations and voting. More often than not, there have been reported cases of electoral officials unable to man and operate election equipment and sometimes requiring the assistance of voters

queuing to vote. A CODEO official also lamented about the effectiveness of the biometric voting equipment introduced for the 2012 elections and called into question how a fifth of the voting equipment used in the polling stations malfunctioned.

During the 2012 elections, there were reported cases of late arrival of election materials in several parts of the country. As well, the voter verification machines were slow and cumbersome and in some cases could not detect and verify the BVR data of some registered voters. Cases of incompatibility between the BVR data and verification machines were widespread and some voters had their names appearing in the BVR data but missing in the verification machine. These challenges as well as some biometric machines malfunctioning in some polling stations resulted in the closure of some polling stations for voting to be held the next day. These unfortunate situations could have played into the hands of people who wanted to derail the electoral process.

In addition, the failure of some electoral officials not signing official result sheets, transposing results meant for other candidates sometimes without malice are too glaring. These instances could allow losing candidates to exploit this as a strategy to undermine the rule of winners or deprive genuine winners of the contest, the true reflection of the voters' wishes. The ability of the EC to hire competent staff as well as training them on the current rudiments of electoral process and procedures is heavily restricted by lack of funds. Speaking to the Director of Finance of the EC, he decried the fact that after two decades of an uninterrupted democratic experiment, the EC is unable to hire adequate permanent and temporary staff as well as providing them with the requisite professional training.

Although, he indicated that the Medium Term Development Policy Framework recognise the potential of developing and retaining human resource capacity at all levels of the Commission, this is severely hampered by financial challenges. For the year 2012 under an annual performance

review, the Commission required Eight Million, Three Hundred and Twenty One Ghana Cedis (GHC 8,320,121.00) to be able to maintain a workforce of about 1400 personnel. The electoral official indicated some of these funds are not released on time and the failure to migrate staff on to the Single Spine Salary Scheme which seeks to rationalize workers' salary is also a cause for concern.

The researcher therefore surmise that these technical and logistical challenges, if not addressed might defeat the objective for which the adoption and implementation of electoral reforms seeks to achieve.

#### **4.8 Conclusion**

This chapter sought to explain how electoral reforms have impacted on Ghana's democracy. It identified the reforms implemented over the course of the Fourth Republic. It also took a critical look at the stakeholders in these processes and the limitations facing these reforms. The next chapter takes a look at the summary, conclusions and the recommendations adduced by the researcher in trying to address the challenges of electoral reforms in Ghana.

## CHAPTER FIVE

### SUMMARY, CONCLUSION AND RECOMMENDATIONS

#### 5.1 Introduction

The objective of this research study was to examine electoral reforms implemented since the disputed 1992 Presidential elections and how much these reforms have impacted on Ghana's quest to deepen its democracy. This chapter summarizes the research findings derived from this study. The chapter will revisit the specified research objectives and submit conclusions on the findings. Recommendations are made and discussed for the future adoption of reforms and how best the country can surge towards an advanced democracy.

#### 5.2 Summary and Conclusions

##### 5.2.1 *The concept of electoral reforms in Ghana and democratic Deepening*

The literature identified how the conduct of elections and their attendant reforms in Ghana particularly under the Fourth Republic have yielded a lot of democratic dividends with the inception of the Fourth Republic.

The conduct of the 1992 Presidential and Parliamentary elections was generally perceived as having a lot of its procedures fundamentally wrong. Subsequently, a clarion call for a massive overhaul of the election management process and procedures to grant it the general acceptability by all political players became imperative. These measures regarded as reforms were/are aimed at reducing acrimony among key political actors, enhancing the legitimacy of the elected government, and improving transparency and accountability and thereby conferring legitimacy and credibility to the electoral process. The consensus building approach, IPAC which the EC

adopted has allowed direct involvement of political parties and other civil society groupings in the election management process and have sought to reduce mutual suspicion and mistrust among the political parties. This sits perfectly within the Constitutional Review Commission recommendation that the IPAC should develop formal rules to regulate its affairs, including a more robust schedule of meetings.

In a political climate where the placement of candidates on a ballot paper is enough to generate acrimony among political parties; the institution of the Inter Party Advisory Committee has helped to mitigate extreme partisanship, polarisation and conflicts that have characterised a lot of countries through their democratic experiments. The continuous revision of the voter's register and more recently the adoption of a Biometric Voter Registration System have been the basis for trust and confidence in the electoral process. This revision and the use of electronic registration have reduced the incidence of bloated registers as well as multiple registrations. The increasing voter turnout at every election since 1992 is also suggestive that there is a growing interest and trust of the electoral system.

Additionally, the presence of local and international observers which includes CODEO, the Carter Centre, EU, Commonwealth and AU observer mission groups have all tended to strengthen the democratic legitimacy of our elections and witnessing that the voter's choices are successfully transmitted at the polls.

The literature review together with the empirical research findings shows the extent to which electoral reforms are necessary for Ghana's democratic development. The main conclusion and lessons drawn from this research on this particular issue – *the need for reforms as measure to ensure democratic deepening*- is that the acrimonious nature of the contest and conduct of elections particularly in Africa provides Ghana the opportunity to continue to hold the beacon of democratic

aspirations and a surge towards an advanced democracy is embedded in the adoption of electoral reforms. As a human activity, reforms present some challenges but the inherent advantages are very immense. To this, the continuous support of political parties, civil society organisations and the donor community is highly recommended. This call is essential given the fact Ghana happens to practise a competitive multiparty democratic system which is strongly characterised by entrenched partisanship and the agency responsible for the conduct of elections is occasionally perceived as colluding with the ruling government.

Former United Nations Secretary-General, Mr. Kofi Annan calling for reforms in Ghana's electoral system reiterated that the fact that the 2012 election petition has been successfully adjudicated “must not blind us to the flaws in our electoral system that the judicial review has brought to light”.

### ***5.2.2 The Roles of Stakeholders in Electoral Reforms and Democratic Deepening***

Extensive important findings of this research also relate to the degree of stakeholder involvement in the adoption of best electoral practices aimed at deepening Ghana's democracy. The Electoral Commission, political parties, civil society organisations, the media and the Donor Community have all made tremendous contributions towards the stabilisation of the Ghanaian electoral process. This confirms Pilet's study in 2007 which reiterate that a wide range of actors beyond political institutions intervene in the electoral reforms processes.

The consensus reaching approach adopted towards contentious and polarizing electoral issues since the disputed 1992 elections have immensely reduced the high levels of tension that normally characterize elections in many countries in the West Africa sub-region. The decision to reform Ghana's electoral reforms and procedures are genuinely motivated by, *inter alia*, the need to correct the deficiencies associated with the electoral system and increase confidence and trust in

the entire electoral process. This clearly explains the institutional approach to electoral reforms for which the study adopted. The EC have mostly acknowledged this and participated in forums geared towards refining Ghana's electoral process.

Civil society organisations, the media and the EC have engaged the citizenry through voter education and submitted proposals for consideration. In recent times, the Electoral Commission has been engaging political parties and other civil society organisations to deliberate on the way forward on reforms. Under the auspices of the Ghana Political Parties Programme, the IEA have held several stakeholder meetings on electoral reforms among political parties, EC and governance-related civil society organisations.

### ***5.2.3 Factors Militating against Electoral Reforms in Ghana***

The literature identified factors that have tended to militate against reforms in Ghana particularly during the Fourth Republic. The quest to maintain the status quo, political traditions, social structure and vested interests among others represent factors that impede the adoption of electoral reforms. Although what these scholars propounded does not fit perfectly into the Ghanaian context, it presents an opportunity to learn about other factors hindering electoral reforms.

The empirical findings though confirmed those viewpoints of these scholars (Boix 1999; Benoit, 2004; Brady & Mo 1992; Benoit, 2004; Pilet, 2008; Renwick, 2010; Pilet & Bol; 2011) which identified vested interests as a barrier to electoral reforms and point out that such decisions are purely based on the rational choice approach. This argument suggests that parties will have a strong incentive for supporting or opposing electoral reforms if per their assessment, they are likely to be the potential winners or losers of an electoral reform.

The two dominant political parties in Ghana, NPP and NDC have displayed their "love" and "revulsion" for electoral reforms when they deem it beneficial or inimical by the existing reforms.

For instance, the NDC vehemently opposed the introduction of the Representation of the People Amendment Bill, which the NPP Executive tabled in Parliament in 2004. This include, the Representation of the Peoples Law of 1992 (PNDC Law 284) which the NPP argued was to be amended to enable Ghanaians resident abroad to register and vote in elections. The NDC threatened to contest the election results in court if the Bill was passed. Public commentary by NDC commentators was reflective of the fact that because a number of those who live abroad are presumed to be those who escaped the heady days of the PNDC, the antecedent of the NDC, those abroad will use this as payback and vote against them. The sighting of NDC Members of Parliament boycotting parliamentary proceedings on this amendment and joining in street protests was a worrying signal.

And as if by design, in 2012, the NPP had challenges with the creation of the 45 new constituencies and at a point, the Minority Leader in Parliament accusing the EC of engaging in conduct that was “secretly, stealthily and silently a recipe for disaster”.

Added to the above, the empirical findings also identified financial limitations as a challenge to incremental reforms. In a developing country such as Ghana, the incidence of delays in the release of public funds presents adverse effects on the efficiency of state institutions including the Electoral Commission. Over the years, the EC has had cause to complain about the government delays in releasing funds for the conduct of elections. The challenge of inadequate funding and late arrival of funds has in some cases, led to postponement of electoral exercises and introduced disharmony into the programmes of the Electoral Commission.

This gap has generated the reliance on external support and subsequently the Donor Community has had to provide assistance in the form of funds and logistics in areas such as IPAC meetings, public education, inter and intra communications and this occurrence have been identified as



problematic. This is because the inability or refusal of donor assistance could jeopardise the electoral process and a recipe for chaos. Again the recent economic downturn around the world has resulted in the withholding of grants and concessionary loans as a result of donor fatigue and a sudden withdrawal of these funds might create a jolt in the budgetary consideration for the electoral process.

Again, the lack of expertise and logistical challenges were also identified as limitations to electoral reforms. Reported cases of sub-standard indelible ink, clear cases of some incompetent electoral staff, and broken locks of transparent ballot boxes have all served to introduce rigging methods into the electoral malpractices by unscrupulous persons. In the 2012 elections, some EC officials clearly could not handle or follow the instructions of the biometric machines which caused undue delays at polling centres. This unfortunate outcome resulted in voting taking place over two days (December 7 and 8, 2012) an occurrence never witnessed under any of the Fourth Republican elections. Such challenges are a recipe for rigging and an attendant chaos that could derail the purpose for which electoral reforms seeks to achieve.

### **5.3 Recommendations**

Based on the findings identified from this work, the researcher proceeded to proffer some policy recommendations with the hope that it will be given the necessary consideration.

In today's growing world where managing elections has become a very sophisticated and complex enterprise, the use of the most sophisticated equipment to overcome electoral challenges and unforeseen contingencies are so imperative to the sustenance of democracy in countries. This therefore means that a conscious effort to integrate the EC into the technological advanced system of running elections cannot be over-emphasised. Procuring the latest and modern equipment would

not only enhance the EC's work in the aspects of voter registration, ballot printing and election result transmission but generate the much needed transparency the Ghanaian election continue to crave.

It is in light of this, that the researcher commends the Ghanaian Government and the Electoral Commission's decision in acquiring the Biometric Voter System for the 2012 Presidential and Parliamentary elections. The researcher therefore joins well-meaning and democracy-loving Ghanaians in recommending the Electronic Voting System which has been proven in countries that have had the benefit of a much more transparent process with trust and confidence and a general acceptability of electoral results. To this, the Committee on Electoral Reforms should as a matter of urgency invite public views and opinions aimed at concrete proposals for a complete biometric process. While commending these reforms areas, the integrity of the Ghanaian electoral process could be enhanced if the positive effects of technological advancement is procured towards voter registration, voting and vote-counting processes.

The adage that democracy is expensive holds true for an efficient electoral administration in a burgeoning democracy such as Ghana. It is in this regard that the lack or delay in releasing resources as well as the reliance on donor funding for the conduct of the country's election can compromise the integrity of the election and the entire democratic process. For a country that looks for over 40 per cent of its budgetary support from development partners, an overly reliance on donor support for elections poses a threat to national security and places the "conduct" of elections partly in the hands of "outsiders". To overcome perennial inadequate financial resources for elections, the Government in consultation with the EC and political parties should as a matter of urgency set up an election fund akin to the Ghana Education Trust Fund (GETFUND) specifically for managing elections.

Critics might point to the economic situation of the country as a hindrance but the September, 2012 report of the Global Commission on Elections, Democracy and Security indicated that “evidence from around the world suggests that elections with integrity has provided an avenue for empowering women, fighting corruption, delivering services to the poor, improving governance... and can be a catalytic step towards realizing democracy’s transformative potential”

As part of the verdict on the 2012 Presidential Election, one of the panel Justices averred in his judgement that “even though the above suggestion (Election Fund) is likely to be a strain and an added burden on the EC, it is better to put such a stringent requirement on them, than to live with the type of mess that was created by the lack of control in the printing, marking, distribution and use of the pink sheets. Urgent steps should therefore be taken to reform the electoral landscape promptly to ensure a clean, fair and a level playing ground.”

The competence of EMBs and their staff can shape perceptions and engender confidence in the integrity of the electoral process particularly in a country such as Ghana where more often than not, the sheer incompetence of some electoral officials presents a major challenge. The incidence of electoral officials not being well-versed in the application of new reforms has in some cases, ended up transposing electoral figures of candidates for other candidates as well as being unable to write words for their corresponding figures. Such incidents as witnessed during the 2012 petition hearing is unpardonable and could increase the risk of misinformation, unrest, and even violence and these could jeopardise the legitimacy of the electoral process. Among other things, the researcher recommends the development and retention of human resource capacity for the EC at all levels and this can mostly be done if government and development partners direct adequate resources for capacity building on the adopted reforms for a smooth implementation.

The professional training of EC staff should also include electoral education for major stakeholders to understand the essential dynamics of the electoral reforms as a means of earning their cooperation. This will help lessen conflicts arising from ignorance of party officials about the actual conduct and management of elections as well as political parties themselves being ignorant about a number of these electoral reforms and thereby blaming their electoral defeats on officials. The EC should also ensure that all permanent and ad hoc staff members they recruit are sufficiently trained in the task of administering elections and are aware of their day to day tasks throughout the election processes, i.e. ranging from registration exercises to voting days. Electoral officials and polling staff, especially individuals from the temporary staff pool, should receive more extensive training on the technical procedures and processes of voting, counting, and tabulation of results.

Under International Law, voter education is recognized as the means by which an informed electorate is able to effectively exercise their right to vote and make informed voting decisions. In this regard, state institutions mandated to carry out such functions must take specific measures to address difficulties that prevent persons from exercising their rights effectively. In Ghana, voter education and civic education are the primary responsibilities of the Electoral Commission and the National Commission on Civic Education (NCCE). The Electoral Commission focuses its efforts on the voting procedures while the NCCE tends to focus its work on encouraging citizens to participate in the political process, including elections.

Specific voter education efforts of the Electoral Commission have included public service announcements, community outreach programmes, media encounters, organising media workshops to train personnel aimed at increasing access for people on how to understand the voting processes. However, low budgetary allocations indicate that these efforts were limited in scope

and did not provide adequate education on electoral processes to the Ghanaian public. Electoral reforms require a certain amount of know-how and the researcher would like to commend the significant efforts made by the EC and NCCE to inform the public on electoral processes and procedures even with meagre resources. However, the researcher advocates collaboration among these two institutions as well with the state and privately-owned media to embark on more effective and timely voter education activities nationwide periodically to ensure that citizens are familiar with and understand new polling procedures.

Throughout the Fourth Republic, meetings of the Inter-Party Advisory Committee (IPAC) have provided an excellent opportunity for political parties to actively engage with the Electoral Commission to voice concerns and find solutions to common problems. The history of the IPAC has shown that its interventions has helped in assuaging anxieties and tensions that arises out of concerns of political parties in adopting new reforms. These IPAC meetings should be therefore be developed as a more regular platform of dialogue. In this regard, active and genuine cooperation is required for the smooth implementation of electoral reforms and instances where stakeholders approach the committee's work with mistrust, entrenched positions and a "do-what-I-want-attitude" must be eschewed. Perhaps the "winner-takes-all" must be given a critical look by stakeholders and reformed. Since independence, Ghana's electoral system has been structured along the majoritarian system in which the party that wins the General Elections forms the government much to the exclusion of other opposition parties. This practice has contributed to the heightened tension of the Ghanaian elections.

The EC has also been criticised for failing to convene regular IPAC meetings and issuing directives through press conferences, an action which other stakeholders felt deprived them of the opportunity to understand the methods and procedures for the implementation of the biometric

exercise and related processes. For instance, the strong criticism that greeted the creation of 45 new constituencies by students groups, CSOs, clergy and opposition parties could have been averted if sufficient meetings had been held and consensus reached between the Electoral Commission and the political parties. The institutionalisation of IPAC as a permanent body is long overdue with the recommendations of the Committee made quite binding. In doing this, caution must be taken so as not to make the IPAC activities usurp the workings of the Commission. Efforts should also be made to strengthen existing mechanisms for inter-party coordination through the regular conduct of national, regional and district IPAC meetings to deliberate on current electoral procedures and brainstorm on requisite reforms with the collective intent of making the Ghana election a beacon.

The legal frameworks including constitutional instruments guiding reforms should also be clearly spelt out without any ambiguity. The Public Elections Regulations Law (2012) and the Public Elections (Registration of Voters) Regulation 2012 (C.I 72) and any statutory instruments connected to public election processes including delimitation of constituencies (C.I 73) and (C.I 75) which regulates the biometric register and voting system need to be clearly addressed at IPAC meetings to forestall the problems that confronted the 2012 election process. Moreover, the Commission needs to ensure the passage of legislations to grant the EMB full autonomy to enable it to force political stakeholders to comply with the provisions of the regulatory frameworks guiding the electoral process. There will therefore be the need to enhance the INEC's autonomy by deferring the appointment of its commissioners by a body other than the President of the Republic.

It is also expected that electoral reforms in Ghana should seek to guarantee citizens including minorities greater participation and competition in elections. In this regard, a re-delimitation of

constituency boundaries should be done to ensure fair representation of the people. This can be done if adjoining villages and small towns that possess common cultural, customs, linguistics and land mass can be grouped into a single constituency and large cities delimited into several constituencies taking its population quota into consideration. Relatedly, marginalised groups such as organised women, youth groups and disability groups can be accredited to participate in the election of their representatives to parliament.

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## **APPENDICES**

### **APPENDIX A: Samples of Interview Guide**

#### **INTERVIEW GUIDE (Director of Elections)**

##### **Introduction**

This interview guide is designed to solicit views on Electoral Reforms and the prospects of Deepening Democracy in Ghana. The researcher is a Master of Philosophy (MPhil) student of the Department of Political Science, University of Ghana. This research is being implemented in partial fulfilment of the requirement for the award of MPhil Political Science Degree.

I would be very grateful if you could help by volunteering information for this study. This interview is purely for an academic purpose and your responses will be treated with the strictest confidentiality. Thank you for your anticipated cooperation.

Researcher: Joseph Kwame Okrah

Tel: 0243361536      Email: myjosephonline@gmail.com

##### **Interview Questions**

- 1) Comment on the conduct of General Elections in Ghana since the advent of the Fourth Republic
- 2) What have been the challenges to electoral administration in Ghana (financial, constitutional etc?)
- 3) Comment on the adoption of Electoral reforms in Ghana since 1992

- 4) What are some of the factors militating against electoral reforms in Ghana?
- 5) How can these factors be addressed?
- 6) How has the E.C work with other stakeholders in the adoption of advanced electoral practices needed to reform our electoral system and procedures?

### **INTERVIEW GUIDE (Director of Finance of the Electoral Commission)**

#### **Introduction**

This interview guide is designed to solicit views on Electoral Reforms and the prospects of Deepening Democracy in Ghana. The researcher is a Master of Philosophy (MPhil) student of the Department of Political Science, University of Ghana. This research is being implemented in partial fulfilment of the requirement for the award of MPhil Political Science Degree.

I would be very grateful if you could help by volunteering information for this study. This interview is purely for an academic purpose and your response will be treated with the strictest confidentiality. Thank you for your anticipated cooperation.

Researcher: Joseph Kwame Okrah

Tel: 0243361536      Email: [myjosephonline@gmail.com](mailto:myjosephonline@gmail.com)

#### **Interview Questions**

- 1) Comment on the conduct of General Elections in Ghana since the advent of the Fourth Republic

- 2) How have elections in Ghana been funded?
- 3) What have been the challenges to electoral administration in Ghana? (Financial)
- 4) Comment on the adoption of Electoral reforms in Ghana since 1992
- 5) What are some of the financial factors militating against electoral reforms in Ghana?
- 6) How can these factors be addressed that is working with stakeholders such as government and other donors?

### **INTERVIEW GUIDE (Political Party officials)**

#### **Introduction**

This interview guide is designed to solicit views on Electoral Reforms and the prospects of Deepening Democracy in Ghana. The researcher is a Master of Philosophy (MPhil) student of the Department of Political Science, University of Ghana. This research is being implemented in partial fulfilment of the requirement for the award of MPhil Political Science Degree.

I would be very grateful if you could help by volunteering information for this study. This is purely for academic purpose and your response will be treated with the strictest confidentiality. Thank you for your anticipated cooperation.

Researcher: Joseph Kwame Okrah

Tel: 0243361536      Email: [myjosephonline@gmail.com](mailto:myjosephonline@gmail.com)

#### **Interview Questions**

- 1) In your view, can you comment on the conduct of General Elections in Ghana since the advent of the Fourth Republic?
- 2) How have these elections contributed to deepening democracy in Ghana?
- 3) Your party has been one of the foremost proponents of electoral reforms, why do we need electoral reforms?
- 4) How can the adoption of electoral reforms contribute to democratic deepening in Ghana?
- 5) From your party's perspective, what are some of the challenges facing the adoption and implementation of electoral reforms in Ghana?
- 6) As a stakeholder in the electoral processes, what role can you play in the adoption of reforms aimed at advancing Ghana's democracy?

### **INTERVIEW GUIDE (Civil Society Organisations)**

#### **Introduction**

This interview guide is designed to solicit views on Electoral Reforms and the prospects of Deepening Democracy in Ghana. The researcher is a Master of Philosophy (MPhil) student of the Department of Political Science, University of Ghana. This research is being implemented in partial fulfilment of the requirement for the award of MPhil Political Science Degree.

I would be very grateful if you could help by volunteering information for this study. This is purely for academic purpose and your response will be treated with the strictest confidentiality. Thank you for your anticipated cooperation.

Researcher: Joseph Kwame Okrah

Tel: 0243361536

Email: myjosephonline@gmail.com

### Interview Questions

- 1) What are your general impressions about the conduct of General Elections in Ghana since the advent of the Fourth Republic?
- 2) How well have these elections met civil society's expectations?
- 3) In your view, how much have these elections contributed to democratic deepening in Ghana?
- 4) Comment on the introduction of electoral reforms in Ghana's body politic since 1992?
- 5) How have these reforms impacted on democratic deepening in Ghana since the Fourth Republic?
- 6) From the Civil Society's perspective, what are some of the challenges facing the adoption of electoral reforms?
- 7) As a stakeholder in the electoral process, how better can you contribute to the adoption of advanced electoral practices in Ghana aimed at reforming our electoral system and procedures?

## **INTERVIEW GUIDE (Political Science Lecturers)**

### **Introduction**

This interview guide is designed to solicit views on Electoral Reforms and the prospects of Deepening Democracy in Ghana. The researcher is a Master of Philosophy (MPhil) student of the Department of Political Science, University of Ghana. This research is being implemented in partial fulfilment of the requirement for the award of MPhil Political Science Degree.

I would be very grateful if you could help by volunteering information for this study. This work is purely for academic purpose and your response will be treated with the strictest confidentiality. Thank you for your anticipated cooperation.

Researcher: Joseph Kwame Okrah

Tel: 0243361536      Email: myjosephonline@gmail.com

### **Interview Questions**

- 1) What occasioned the quest for liberalisation of the electoral space in Ghana pre-1992?
- 2) What are your general impressions about the conduct of General Elections in Ghana since the advent of the Fourth Republic?
- 3) In your view, how much have these elections contributed to democratic deepening in Ghana?
- 4) Comment on the introduction of electoral reforms in Ghana's body politic since 1992?

- 5) How have these reforms impacted on democratic deepening in Ghana since the Fourth Republic?
- 6) What are some of the challenges facing the adoption and implementation of electoral reforms?
- 7) What measures do you suggest will go a long way in addressing these challenges?
- 8) What roles can stakeholders in the electoral process play in contributing to the adoption of advanced electoral practices in Ghana aimed at reforming our electoral system and procedures?

**APPENDIX B: Constituencies created for the 2004 Elections**

REGION	DISTRICT	OLD CONSTITUENCY	NEW CONSTITUENCY
WESTERN	Shama		
	Ahanta-East	Sekondi	Sekondi
			1. Essikado / Ketan
	Sefwi-Wiawso	Sefwi-Wiawso	Sefwi-Wiawso
			2. Sefwi-Akontonbra
	Aowin-Suaman	Aowin-Suaman	Aowin
			3. Suaman
CENTRAL	Twifo-Hemang		
	Lower Denkyira	Twifo-Hemang Lower Denkyira	Twifo / Esti /Morkwaa
			4. Hemang - Lower Denkyira
	Upper Denkyra	Upper Denkyra	Upper Denkyra East
			5. Upper Denkyra West
GREATER ACCRA	Dangbe East	Ada	Ada
			6. Sege
	Tema Municipality	Ashiaman	Ashiaman
			7. Adentan
	Ga North	Ga North	Abokobi / Madina
			8. Dome / Kwabenya
	Ga South	Ga South	Tro-Bu / Amasaman
			9. Domeabra / Obom
			10. Weija
VOLTA	North Tongu	North Tongu	11. North Tongu
			Central Tongu
	Nkwanta	Nkwanta	12. Nkwanta North
			Nkwanta South
	Krachi	Krachi	13. Krachi East
			Krachi West
EASTERN	Birim North	Birim North	Abirem
			14. Ofoasi /Ayirebi
	Abuakwa	Abuakwa	Abuakwa South



			15. Abuakwa North
ASHANTI	Bantama	Bantama	Bantama
			16. Nhyiaeso
			17. Kwadaso
	Manhyia	Old Tafo / Suame	18. Old Tafo / Suame
	Asokwa	Asokwa East	Asawase Asokwa
		Asokwa West	19. Oforikrom
	Adansi West	Obuasi	Obuasi
			20. Akrofuom
	Kwabre	Kwabre	Kwabre East
			21. Kwabre West
BRONG AHAFO	Jaman	Jaman	Jaman South
			22. Jaman North
	Nkoranza	Nkoranza	Nkoranza South
			23. Nkoranza North
	Kintampo	Kintampo	Kintampo North
			24. Kintampo South
NORTHERN REGION	Gushiegu- Karaga	Gushiegu-Karaga	Gushiegu
			25. Karaga
	Tamale	Choggu-Tishigu Gukpegu-Sabonjida	Tamale North
			Tamale Central
			26. Tamale South
	West Mamprusi	Walewale	Walewale East
			27. Walewale West (Yagaba / Kubori)
UPPER EAST	Bawku East	Bawku Central	Bawku Central
			28. Pusiga
UPPER WEST	Wa	Wa Central	Wa Central
	Sissala	Sissala	Sissala East
			30. Sissala West

Credit: Electoral Commission of Ghana Report. (2007).

**APPENDIX C: Constituencies created for the 2012 Elections**

<b>REGION</b>	<b>CONSTITUENCY</b>
ASHANTI	<ol style="list-style-type: none"> <li>1. Obuasi East</li> <li>2. Manso Edubia</li> <li>3. Atwima Nwabiagya North</li> <li>4. Manhyia North</li> <li>5. Juaben</li> <li>6. Asante Akim Central</li> <li>7. Sekyere Afram Plains</li> <li>8. Ahafo Ano South-East</li> </ol>
EASTERN	<ol style="list-style-type: none"> <li>9. Aburi</li> <li>10. Asene/Akroso/Manso</li> <li>11. Achiase</li> <li>12. Atiwa East</li> <li>13. Fantekwa South</li> </ol>
GREATER ACCRA	<ol style="list-style-type: none"> <li>14. Ayawaso North</li> <li>15. Okaikoi Central</li> <li>16. Ablekuma West</li> <li>17. Tema Central</li> <li>18. Trobu</li> <li>19. Bortianor Ngleshie Amanfrom</li> <li>20. Anyaa Sowutuom</li> </ol>
BRONG AHAFO	<ol style="list-style-type: none"> <li>21. Banda</li> <li>22. Berekum West</li> <li>23. Dormaa West</li> <li>24. Pru West</li> <li>25. Sene West</li> </ol>
CENTRAL	<ol style="list-style-type: none"> <li>26. Cape Coast North</li> <li>27. Gomoa Central</li> <li>28. Awutu Senya East</li> <li>29. Assin Central</li> </ol>
WESTERN	<ol style="list-style-type: none"> <li>30. Kwesimintsim</li> <li>31. Mpohor</li> <li>32. Boti</li> </ol>

	33. Bia East
VOLTA	34. Adaklu 35. Akatsi North 36. North Dayi 37. Krachi Nchumuru
NORTHERN	38. Damango 39. Kparibeto 40. Zabzagu 41. Sagnarigu 42. Yunyoo
UPPER WEST	43. Dafiamma/Bussie
UPPER EAST	44. Bolga Central 45. Garu

Credit: myjoyonline.com