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by Angela Meyer

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The Consolidation of Democracy in Ghana: The 2012 General Elections in Perspective

by [Evans Aggrey-Darkoh](#) October 10, 2013 [Ghana's Elections](#) 0 Comments

In December 2012, Ghanaians went to the polls for the sixth time under the Fourth Republic to elect a president and 275 lawmakers. Despite Ghana's widely respected democratic credentials, key stakeholders during the months leading up to the elections felt compelled to protect the integrity of the electoral process and work assiduously to prevent any election-related violence. Leaders of faith-based and civil society groups employed various peacemaking initiatives, including peace walks, songs, and sermons, to ensure successful elections by encouraging voters and other political actors to play according to the rules of the game. Although euphoria greeted the ultimately peaceful outcome of the votes, some assumptions underpinning the rosy picture of Ghana as an African "model" of democracy have remained open to question.

This essay examines the connection between elections and democracy, drawing on the case of Ghana. It evaluates the role played by civil society and the Ghanaian Electoral Commission (EC) before and during the election and analyzes the impact of the death of President Atta Mills on the electoral fortunes of his National Democratic Congress (NDC). The decision of the opposition New Patriotic Party (NPP) to go to court to contest the outcome of the elections is also examined.

Elections and democracy

While elections may not be a foolproof mechanism for ensuring credible political representation, they remain a fundamental condition for democratic legitimacy. A functioning democracy renews itself through credible elections, providing the electorate with the power to choose their leaders or representatives, hold them accountable, and vote them out if they fail to deliver on their political promises to the people or behave badly. Democracy also offers a political framework that supports

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nonviolent resolution of conflict and facilitates political dialogue, cohesion, stability, and development.

According to Linz and Stepan, a consolidated democracy is one where “the overwhelming majority of the people come to believe that any further political change must emerge from within the parameters of democratic procedures.” Further, they argue, it is a political regime in which democracy has become the “only game in town.”¹ The successful holding of six consecutive elections (and two power alternations, in 2000 and 2008, which indicate the country has also passed Huntington’s “Two Turnover Test”)² appears to demonstrate that Ghana is consolidating its democracy.

In the West African sub-region, where the democratic project is still fragile, a lot can be learned from the Ghanaian experience of democratic consolidation. Any telling of the Ghanaian success story must, however, also point out some areas of weakness in the system, indicating democracy in the country is still a work in progress.

The role of civil society organizations

The 2012 elections confirmed the emergence of civil society as a key factor in Ghanaian democratic development.³ Some civil society organizations played constructive roles in the recently concluded elections, particularly in raising the level of political discourse beforehand. Their monitoring of the elections and support for the election observation processes were also key. For example, the Institute of Economic Affairs (IEA), a think tank, organized three debates, two presidential and one vice presidential. Although they may not have contributed directly to the fortunes of the participating candidates, such debates helped move the political campaigns from their propensity for vitriolic and personal attacks to being issue-based and connected to public discourse. The issues discussed provided the media with lots of insights into the parties’ plans for the country and the public with information that would influence their political choices.

Other civil society organizations took similarly constructive actions. The Ghana Center for Democratic Development (CDD-Ghana) was instrumental in organizing some debates for aspiring parliamentary candidates, among others. The Institute for Democratic Governance (IDEG) was instrumental in providing technical support to the National Peace Council (NPC) for the signing of the Kumasi Peace Declaration, which committed all the competing political parties to maintaining peace before, during, and after the elections. Through radio and television discussions, representatives of other think tanks analyzed a number of policy proposals put forth by the contesting political parties to give the citizenry an insight into the viability or otherwise of their promises. Faith-based organizations (FBOs) were also instrumental in calling on their congregations and the public to be mindful of the prevailing peace in the country and urging them not to do anything to undermine it.

One may argue, therefore, that civil society organizations contributed importantly to the success of the 2012 elections in Ghana. They were particularly active in getting political parties to refrain from sending inflammatory messages to their supporters and the electorate and accept the use of nonviolent methods of protest. Beyond the elections, such organizations also organized campaigns that addressed corruption, the effective utilization of oil revenue, social protection policies, unemployment, gender mainstreaming of policies and programs, and the need to promote democratic governance.

The role of the Electoral Commission

After months of deliberations, the EC decided to revise Ghana’s voters’ registration process by producing a biometric voters’ register (BVR). The decision to introduce BVR for the first time in the country’s history arose from the need to clean up the voters register by eliminating ghost names and preventing impersonation and double registration. The revision, which lasted for forty days, was initially hampered by difficulties linked to acts of intimidation toward people seeking to register to vote and the seizure of registration machines by thugs, but these were halted after members of the

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security agencies were deployed to protect the process. The EC also conducted a pilot voting exercise in selected polling stations throughout the country to test the biometric verification equipment and rectify any problems that might arise on voting day. Whether the pilot exercise achieved its aim is unclear, as numerous reports of technical problems on Election Day prompted the extension of the elections at more than 4,000 polling stations across the country. Also unclear is whether the EC learned any lessons at all from these technical hitches—a question that the conduct of future elections will help to answer.

Another effort undertaken by the EC was the introduction of Constitutional Instrument (CI) 73 by the EC, which metamorphosed into CI 74 and ultimately CI 78 and sought to create forty-five new constituencies and regulate the elections. CI 78 eventually matured into law on Tuesday, October 3, 2012. The introduction of a new constitutional instrument generated many controversies. Various interest groups and associations, including the Presbyterian Church, urged the EC not to cause unnecessary tension in the country by pushing the measure so close to the elections, in response to which the commission argued it was discharging a constitutional obligation. The 1992 constitution of Ghana provides in article 47 (5) that “the Electoral Commission shall review the division of Ghana into constituencies at intervals of not less than seven years, or within twelve months after the publication of the enumeration figures after the holding of a census of the population of Ghana, whichever is earlier, and may, as a result, alter the constituencies.”⁴ The figures from the population and housing census conducted in 2010 were published after two years, which perhaps explains why the EC indeed had no choice but to introduce CI 73 as late as it did. It is, however, curious that the EC went ahead and organized primaries for the NDC in the newly- created constituencies even before the law governing their creation was eventually passed by Parliament.

For its part, the minority NPP opposed CI 73, perhaps fearing the NDC was behind the creation of the new constituencies before the general elections in a bid to enhance its parliamentary majority. In the event, their fear was unfounded, as the NPP won twenty-three out of the forty-five seats created under the new law.

The conduct of the elections

The elections were held on December 7, 2012. Eight candidates participated in the presidential elections. Among them were John Dramani Mahama of the NDC, Nana Addo Danquah Akufo-Addo of the NPP, Henry Lartey of the Great Consolidated Popular Party (GCPP), Paa Kwesi Nduom of the Progressive People’s Party (PPP), and Akwesi Adaye of the United Front Party (UFP). Also running were Hassan Ayariga of the People’s National Convention (PNC), Abu Sakara Foster of the Convention People’s Party (CPP), and Jacob Osei Yeboah, an independent candidate.

The NDC won both presidential and parliamentary elections, taking 151 out of 275 parliamentary seats, while the biggest opposition party, the NPP, trailed with 120. The PNC won one seat, with the remaining three going to independent candidates. The presidential candidate of the NDC won the election with 50.7 percent of the valid votes cast, as against 47.74 percent for Nana Akufo Addo of the NPP.⁵ The elections recorded 80.5 percent turnout, one of the highest under the Fourth Republic.

The conduct of the 2012 general elections exposed some lapses in the country’s democratic process. For instance, the credibility of that process was partly undermined by the parties’ attempting to influence voters with gifts rather than canvassing for votes on the basis of well-thought-out programs and positions on political issues. The presentation of twelve four-wheelers to the National House of Chiefs by the ruling party ten days prior to the elections was seen as an inappropriate act of patronage. Widespread distribution of laptops to youths, especially those in the second cycle and tertiary institutions, was also reported. These and other reports of distribution created the impression that the elections could be bought.

Incumbency may also have given the ruling party some advantages over the other contending political parties, including access to resources, state-owned media, and public institutions that enhanced its visibility and influence. The smaller parties, in contrast, were barely able to make any meaningful impression on the electorate. The political terrain on which the elections took place thus did not provide a level playing field, and the chances of smaller parties at the polls were thereby diminished. The result was the effective reduction of the election to a two-horse race between the NDC and NPP.

Also important to note is that the EC failed to provide adequate technical backup for the verification machines. As mentioned earlier, some broke down during the voting exercise, resulting in a one-day extension of voting. Apart from this were reports of the late arrival of voting materials at some polling centers, which in some instances did not show up until midday on Election Day.

Finally, the voting process was marred in some areas by acts of intimidation toward voters by some party supporters, creating an atmosphere of insecurity during the exercise.

Altogether, these lapses provided an important lesson regarding the conduct of the elections: the EC needs to fine-tune the electoral system to strengthen its transparency and credibility and further reduce the possibility of any future reversal of the democratic process.

The death of President John Evans Atta Mills and the NDC's strategies

In the months leading up to the 2012 general elections, it became apparent that President John Evans Atta Mills' health was failing, despite official denials. His frequent trips outside the country gave the average observer cause for worry. His sudden demise on July 24, three days after his sixty-eighth birthday and his return from what government officials described as a "routine medical checkup," provided yet another opportunity for the country to demonstrate its democratic resilience.

Within six hours after the death of Atta Mills, the vice president, John Dramani Mahama, was sworn into office as the president in accordance with article 60 (6) of the 1992 constitution, which states that "whenever the President dies, resigns or is removed from office, the Vice-President shall assume office as President for the unexpired term of office of the President with effect from the date of the death." Subsequently, Kwesi Amissah Arthur was nominated by the new president, vetted by Parliament, and sworn into office as the new vice president, in good time to participate effectively in the funeral arrangements for Atta Mills. The seamless transition in July and August 2012 was hailed as a mark of political maturity, even though it took place within the party.

This event altered the strategy of the ruling National Democratic Congress. A number of emergency decisions put the party in good stead to win the December elections. The National Executive Council (NEC) announced it would support the newly sworn-in president Mahama to be the flag bearer of the party. The decision to select the new vice president from the Central Region from which President Atta Mills had hailed was seen as a strategy to compensate the region for the loss of Atta Mills and to court its support in the impending elections. The move to retain the "caretaker president" and the vice president was considered pragmatic; since the candidates were not new to the political terrain, their candidacies were relatively easy to sell to the electorate. The emergency congress of the party endorsed Mahama as its candidate in the December elections.

Another factor that worked in favor of the NDC was incumbency. As mentioned above, the running of political campaigns favors the ruling party in a country where the state is so big and the executive has access to vast resources and personnel. The media, especially the state-owned media with nationwide coverage, skewed their coverage in favor of the ruling party, even though a program was put in place to give the other competing parties and candidates a reasonable opportunity to present their policies and programs to the electorate.

The investiture of the president and some outstanding matters

In accordance with the 1992 Constitution of the Republic of Ghana, John Dramani Mahama was sworn into the office of president on January 7, 2013, amid fanfare. The inaugural ceremony was attended by people from all walks of life, including thirteen heads of state and eighteen representatives of governments from all over the world. The list of dignitaries also included the only two surviving former heads of state of Ghana, Jerry John Rawlings and John Agyekum Kufuor.⁶

It is worth pointing out that the inaugural ceremony was boycotted by the NPP members of parliament (MPs) in protest of what, in their view, was a flawed election marked by massive rigging, the declared results of which the party petitioned to challenge at the Supreme Court. Since the court had not even started sitting on the case, they might have participated in the inauguration to reinforce the democratic credentials of the country. The NPP's director of communication argued, however, that since the party had decided not to accept the outcome; it would be illogical for them to be part of the swearing-in ceremony. He further contended that since "the inauguration and the swearing in are on the basis of the disputed election... we find it difficult to lend our support to a ceremony which will legitimize those results."⁷ The DPP and PPP boycotted the ceremony on the same grounds.

The contrary decision of former president Kufuor (an NPP member) to attend the inauguration was received with mixed feelings by loyalists of his party. Interestingly, twenty-four hours before the ceremony, some NPP youths besieged Kufuor's residence to prevent him physically from going to the function. After extensive dialogue with the group, Kufuor was able to attend. While some claimed this was an act of betrayal, others argued that, as a statesman, the ex-president had to place national interest above partisan interest. Among the latter was the Council of Elders of the NPP, who gave Kufuor the green light to attend. Kufuor himself later justified his action on the grounds that he was invited as a former leader of the country and not as a politician, declaring,

Anybody who says that I have betrayed the NPP by attending president Mahama's inauguration is only following his emotions. Leading a nation is not easy so where I have reached, I am more of a statesman than [a] mere party person. Leadership comes with lots of responsibilities so if I am called to a function by people who made me president some time back, who am I to decline?⁸

The decision of the NPP to go to court

Some have argued that in light of the procedural democracy in operation in Ghana, Machiavelli's dictum that "the end justifies the means" is not applicable here. According to the NPP, the procedure of making a law or a decision under democratic dispensation is as important as the outcome of the process. The NPP claimed to have detected some foul play in the conduct of the elections and, consequently, wanted the EC to defer the declaration of the results to enable the redressing of their grievances. The commission went ahead, however, with its declaration of John Dramani Mahama the winner.

The framers of the 1992 constitution of Ghana knew they were not dealing with a perfect system, and that one way of ensuring democracy endures is the institutionalization of mechanisms for redressing such grievances within the political system. When their concerns about the election results were dismissed by the EC, the NPP decided to test article 64 (1), which states that "the validity of the election of the President may be challenged only by a citizen of Ghana who may present a petition for the purpose to the Supreme Court within twenty-one days after the declaration of the results of the election in respect of which the petition is presented."⁹

The decision to go to court rested on a number of factors. Notably, the NPP wanted to enhance the confidence of Ghanaians in the electoral system and prevent a situation where aggrieved people might resort to crude and unlawful means to win elections in the future. Second, the court case was

important to the strengthening of governance institutions based on the principle of the separation of powers, particularly as pertaining to the independence of the judiciary. Third, the NPP argued that elections in Ghana must not be determined within the EC. Allegations that such corruption had occurred in the 2012 election were refuted by both the EC and the ruling NDC, who referred to them as “legally poor, and logically inconsistent, unmeritorious and frivolous.”¹⁰

The action of the NPP is going to be a test case for Ghana’s judiciary. Some contend the Supreme Court will adopt an activist role and rule in favor of the opposition if the petitioners are able to prove their case, resulting either in a runoff or the declaration of Nana Akufo-Addo as the winner, while others believe the court will adopt a conservative stance in spite of overwhelming evidence and rule that the results announced by the EC must stand.

It is also interesting to note that the PPP and the NDP have criticized the elections as hindered by serious setbacks. The NDP was less charitable to the EC, describing the elections as fraught with anomalies. NDP chairman Nii Armah Josiah Aye is quoted as saying, “We believe that the EC on hindsight will be humble enough to accept its problems of mismanagement and go ahead to carry out major reforms.”¹¹

Conclusion

The 2012 elections provided Ghana an opportunity to reaffirm its democratic credentials. Increasingly, all the major stakeholders have come to appreciate that democratic elections should be the only game in town. The introduction of the biometric voters register, though impeded by a few setbacks, was a significant development in the country’s electoral history.

However, the continued influence of money in elections must be curtailed to safeguard the democratic process and insulate it from infiltration by those whose motives and sources of wealth are questionable. A transparent system of public financing of electoral campaigns should be adopted and reinforced by other reforms that will increase popular participation in elections and promote the integrity of representative democracy.

To guarantee free and fair elections in the country, the various stakeholders must play by the rules of the game. It is important for the EC to maintain high levels of integrity, professionalism, and neutrality and be guided by the national interest in all its activities. It is important for the EC to do due diligence in the recruitment of temporary staff to ascertain their suitability for the assigned tasks. And it is important for political parties and politicians to appreciate that the successful conduct of elections will leave behind a less divided country to govern. To accomplish this, campaigns must be issue-based and devoid of vitriolic and personal attacks. If they hope to enjoy the support of the citizenry, civil society organizations will have to deepen their neutrality with regard to political discourse. The tendency to toe the line of the government in power because of a desire to attract financial support can undermine their relevance to the opposition parties within the country. The security of the electoral process is of paramount importance to the country, and security agencies must be seen to be evenhanded in dealing with infractions of the law before, during, and after elections to deter potential miscreants in the society from undermining it.

Finally, it is important to promote highly professional, accountable, and responsive government institutions, as well as the transparency of corporate contributions to political parties and campaign funds. Special attention should be paid to the potential of new technologies to increase transparency in the electoral process and strengthen accountability in democratic governance. This will enhance the credibility of the electoral process and minimize allegations of rigging and lengthy litigation in courts. The lesson of the 2012 general elections in Ghana is that even though this African model of democracy has, since 1992, gone through six successive and relatively violence-free and fair elections, the country

is far from consolidating its electoral democracy. Democracy in Ghana is still a work in progress, and there is no room for complacency.

1. J. J. Linz and A. Stepan, "Towards Consolidated Democracies," in *Consolidating the Third Wave Democracies*, ed. Larry Diamond, Marc F. Plattner, Yun-han Chu, and Hungmao Tien (Baltimore: Johns Hopkins University Press, 1997), 15. ↪
2. To pass the "Two Turnover Test," which indicates it has made a transition from an "emergent democracy" to a "stable democracy," a nation must undergo two democratic and peaceful turnovers. See, Huntington S., *Third Wave of Democratization in the Late Twentieth Century* (Oklahoma: University of Oklahoma Press, 1991): 266. ↪
3. Emmanuel Gyimah Boadi, "A Peaceful Turnover in Ghana," *Journal of Democracy* 12, no. 2 (2001): 107. ↪
4. Republic of Ghana, *Constitution of the Republic of Ghana* (Tema: Ghana Publishing Corporation, 1992). ↪
5. This was the result of the general elections as declared by the chairman of the EC on December 9, 2012. ↪
6. *Daily Graphic*, January 8, 2013, 1. ↪
7. Nana Akomea, director of communications of the NPP, as quoted on *myjoyonline.com*, January 5, 2013. ↪
8. John Agyekum Kufuor, former president of the Republic of Ghana, as quoted on *www.myjoyonline.com*, January 4, 2013. ↪
9. Republic of Ghana, *Constitution of the Republic of Ghana*. ↪
10. *Daily Graphic*, January 10, 2013, 5. ↪
11. *Daily Graphic*, December 20, 2012, 1. ↪

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