

INTRODUCTION

GHANA DEFIES THE ODDS YET AGAIN

The December 2012 Elections in Perspective

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On 7 December 2012 Ghanaians came out en masse to elect a new president and members of Parliament, representing the country's 275 electoral constituencies. Of the 23 registered political parties only seven fielded presidential candidates. The candidates were Nana Dankwa Akufo-Addo, of the main opposition party, the New Patriotic Party (NPP); John Dramani Mahama of the National Democratic Congress (NDC); Michael Abu Sakara Foster of the Convention People's Party (CPP); Hassan Azariga of the People's National Convention (PNC); Papa Kwesi Nduom of the Progressive People's Party (PPP); Akwasi Addai Odike of the United Front Party (UFP) and Henry Herbert Lartey of the Great Consolidated Popular Party (GCPP). Jacob Osei Yeboah ran as an independent candidate, making a total of eight presidential candidates.

Mahama, the incumbent, was declared the winner, with 5 574 761 (50.7%) against Akufo-Addo's 5 248 898 (47.74%).

Although the elections generally went well and peacefully, as attested by reports of domestic and international election monitoring groups (Commonwealth Observer Group 2013; Coalition of Domestic Election Observers – CODEO 2012a, 2012b), they were not without some monumental challenges, most notably the malfunctioning of electronic voting machines on polling day. In some other climes, particularly in many African countries, such a technical problem could have scuttled the electoral process and rendered the entire exercise a charade.

Another fundamental challenge relates to the fact that the elections were the first to be conducted under the new political economy of oil in Ghana. The discovery of oil has elicited both positive and negative responses, drawing on comparative experiences of what has come to be known as the 'resource curse' (Obeng-Odoom 2012; Gary 2011). The presence of oil automatically raised the electoral stakes, becoming the central theme of the campaigns of the two leading parties, the NDC and NPP, validating the question of whether oil will build or break the back of Ghana's democracy (Harvey 2010). The centrality of oil in the electoral contests only underscores the submission that

[n]ow that oil has come to the forefront of the political economy, it remains to be seen how the struggle for oil revenue among competing groups/party traditions will begin to shape and reshape the democratisation process in Ghana. If not well managed, the discovery of oil may alter the equilibrium and stability of democratisation in Ghana.

Omotola 2012, p 163

Serious disagreements over the boundary delimitation process, during which the Electoral Commission of Ghana (ECG) created 45 new constituencies, bringing the total number of members of Parliament to 275, also contributed to the heightening of pre-election tensions. These and related issues had caused some concern about the prospects of the ECG maintaining its impressive record. The odds were grossly stacked against the 2012 elections, threatening to end Ghana's reputation as a maturing and consolidating democracy.

But, in a sudden twist of events, the electoral process became another important milestone, betraying all prophets of doom who had anticipated that the elections would end in fiasco. The peaceful conduct of the 2012 elections will better be appreciated against the background of the foregoing crucial factors that shaped the elections in no small measure.

Ghana defied the odds again! The elections generally went well, in an atmosphere of peace and tranquillity.

Despite controversies over the outcome of the elections, including litigation over the result of the presidential election, the main political actors, particularly the ruling party and the leading opposition party, pursued their cases within legally permissible limits, without undue recourse to violence. The outcome of the litigation, which many had anticipated might generate violence, irrespective of who emerged the winner, also passed without much ado. The opposition, which lost its application, accepted the verdict in good spirit and urged its supporters to eschew violence.

Notable landmarks of the election process included the ability of the ECG to forge a consensus among all the players through the Inter-Party Advisory Committee (IPAC). This was particularly the case at the crucial moment of heightened tensions over the technical problems relating to the electronic voting machine. The resultant collective decision to extend the voting period in affected areas to ensure that eligible voters were not disenfranchised was the magic wand that helped mitigate a possible legitimacy crisis.

The speed with which the ECG processed and released the election results was also commendable. Anything short of that might have been catastrophic, serving as an open invitation to mutual suspicion and chaos, including the questioning of the validity of the results and the overall integrity of the elections.

The ability of the incumbent president, John Dramani Mahama, to put up an impressive showing in a hugely competitive and largely legitimate election, without recourse to the use of violence, stands out and may not be unconnected with the gains of electoral and party institutionalisation. Mahama had been in office for barely five months, having been sworn in on 24 July 2012 after the sudden death of then President John Atta-Mills.

These feats may not entirely surprise keen observers of the Ghanaian democratisation process during the Fourth Republic, during which the quality of electoral administration in the country has become a regional model and the cynosure of the international democracy aid industry. The height of this noble attainment would appear to be the peaceful alternation of power between the NDC and the NPP, as seen in 2000 and 2008 (Omotola 2010a, 2012; Whitfield 2009).

What is it about the electoral process in Ghana that makes it the bedrock of the democratisation process? In particular, what factors and issues underlay the relatively effective administration and democratic quality of the 2012 elections? What does the successful conduct of these elections mean to Ghana, Africa and the world at large? Are there lessons for troubled African democracies with respect to effective electoral governance?

These are the questions the articles in this special issue of the *Journal of African Elections* seek to examine critically, with a view to providing some refreshing insights. The primary objective is to illustrate how this remarkable electoral feat was accomplished, underscoring the high and low points of the process. The issue also seeks to tease out possible lessons for other emerging and consolidating democracies in Africa and beyond.

Despite the advances there is still room for improvement. The leading opposition party seriously challenged the validity of the results and instituted litigation in the Supreme Court. Whereas this development could be seen as a sad reminder of the popular view that African power seekers hardly ever accept or concede defeat, the recourse to court action and not to violence is commendable.

Despite palpable tensions over the likely outcome and the violence-generating tendencies among Ghanaians, associated with the legal tussle, the eventual outcome, with the court upholding the victory of Mahama's NDC, coupled with the peaceful manner in which both the NDC and NPP accepted and reacted to the outcome, helped release the tensions.

The civil society forum also contributed to the peaceful outcome of the litigation by working assiduously, championing the cause of a non-violent response to the outcome of the election petition, irrespective of where the judicial pendulum might swing. To complement the sensitisation and mobilisation of civil society the two parties also socialised and mobilised their supporters about the need to eschew violence and accept the judgement.

Moving forward, it is important for all political actors to join hands to ensure that Ghana's democratisation process does not go the Nigerian way, particularly now that oil has become a major feature of the political economy. This is achievable provided oil proceeds are used judiciously to improve the standard of living and general wellbeing of the average Ghanaian.

For other African democracies the overall lesson is that there is nothing that intrinsically prohibits effective electoral governance and the deepening of democracy in Africa. All that is needed is appropriate institutional design, effective leadership and a democratic attitude and behaviour among all the players. A totally independent election management body that is not subject to 'the control or direction of any other authority' and a functional mechanism for inter-party relations, such as Ghana's IPAC, are a good starting point. These and related issues engage the scholarly attention of contributors to this special edition.

OVERVIEW OF THE ARTICLES

In addressing these crucial concerns this issue starts with an insightfully masterful piece written by E Remi Aiyede, Idris Erameh and Tosin Orimolade, which engages critically the institutional premise of the elections, including both the constitutional and non-constitutional rules about electoral governance. The article focuses specifically on such issues as electoral management, delimitation of constituencies and assembly size, the electoral system, voting procedure and ballot structure and the party system.

Noting the apparently weak start to the democratisation process in 1992, given that the transition process was not only guided by the military regime of Jerry Rawlings but also witnessed the transformation of Rawlings from military dictator to civilian ruler, the article also stresses how the parliamentary election of 1992 was largely boycotted by opposition parties, resulting in a low voter turnout of 26%.

However, no sooner had the process started than it began to transform positively. The elections of 1996, 2000, 2004 and 2008 were not only peaceful, they were largely competitive, participatory and legitimate, with the results broadly accepted by both the ruling and opposition parties. Ghana enjoyed relative political stability, with alternations of parties in government, as a result of which it has been touted as an emerging political success story and an example for other African countries. The democratic success of Ghana has been attributed to the character of its democratic institutions, especially its electoral commission and party system (Omotola 2012).

Aiyede, Erameh & Orimolode note with concern, however, the contestation of the 2012 election results by the NPP. Although the Supreme Court upheld the ECG's decision, the judges observed that revelations during the hearing of the petition raised some disquiet about the abilities of the ECG and the integrity of Ghana's electoral institutions. It is against this background that they undertake a critical intellectual engagement with the institutional foundations of the 2012 elections.

This is important because, as they claim, 'several institutional changes occurred in the Ghanaian system in the build-up to the election. There were also changes in the general political economy of the country that has rendered access to public office particularly attractive.'

Overall, the authors demonstrate how these electoral institutions were implicated in the challenges of Ghana's electoral process during the 2012 elections, providing insights into how to overcome them.

Despite these challenges they submit, quite persuasively, that the 2012 elections constituted an important step in democratic consolidation in Ghana and not only because of their peaceful nature. More importantly, they argue that the resort to due process and the patent transparency with which the petition brought to the Supreme Court by the NPP was prosecuted demonstrated the gradual entrenchment of democratic values in Ghana.

Better still, the controversial nature of the elections, they contend, 'provides Ghana with an opportunity to assess the strength of its institutions and to confirm that the country is gradually developing a culture of routine political transition'.

The institutional analysis of the elections continues in J Shola Omotola's interrogation of the role of the Electoral Commission of Ghana in the administration of the 2012 elections. He argues that the administrative and financial autonomy of the ECG, assured not only by statutory provisions but also by years of continuity and stability, good leadership and experience, is central to the enhancement of the professional competence and overall ability of the ECG to promote democratisation by election. As he puts it, Ghana's 'electoral and democratic success stories have been largely associated with the autonomy-

enhancing institutional design and leadership of the ECG, which were engendered by some degree of public confidence and trust in the institution’.

Drawing on the quality of the 2012 elections, measured by the level of participation, competitiveness and legitimacy, as well as by the actions and inactions of the ECG at critical stages in the electoral cycle, Omotola posits that the elections reflected an ominous twist in the hitherto sacrosanct nature of democratic legitimacy in Ghana. While the ECG could be judged to have done well, especially on the first two indicators, given the high level of voter turnout (80.15%) and the closeness of the total votes and seats won by the ruling NDC and main opposition, the NPP, the legitimacy of the election was fiercely challenged with the opposition’s rejection of the results and attendant litigation. Although the court upheld the result, two of the nine members of the bench saw enough problems to dissent.

The legitimacy problem, according to Omotola, may have been accentuated by a number of factors. These include the new political economy of oil and the strong desire of leading parties to access and control the oil windfall, the messy application of the biometric voter verification system as a result of the malfunctioning of the equipment and the controversy generated by the delimitation of 45 new constituencies in a manner interpreted by opposition parties as gerrymandering.

Omotola concludes that ‘it seems these are not heady days for Ghana’s democracy. Rising levels of adversarial elite behaviour not only pose serious democratic threats, they raise questions about the depth of the much touted institutional foundations of Ghana’s democracy.’ With the impending retirement of the chairman of the ECG, who has largely been credited with the success of the organisation, Omotola believes only time will tell how the new leadership (and the discovery of oil) will shape the future of the politics of Ghana.

Whereas the first two papers focus on the formal institutions of democracy by election, Richard Asante’s useful contribution emphasises the importance of informal institutions in explaining variations in electoral outcomes. In so doing Asante focuses on IPAC, which was formed primarily to serve as a channel of information to enable the commission, the parties and donors to discuss all aspects of the programme and activities of the commission; ensure that parties and donors contribute to the management of the electoral process and at the same time discuss their concerns and facilitate regional, district and constituency-level IPAC meetings.

The central argument of the article is that quasi-public entities or informal institutions play critical countervailing roles in the making of peaceful and credible elections, particularly in a competitive multiparty democratic system characterised by strong ethnic and regional mobilisation for votes and where the

stakes are extremely high and the agency responsible for conducting elections is generally perceived as partisan.

In such political systems, Asante argues, the presence of functional and effective informal institutions can help mitigate the potential for excessive partisanship, ethnic and political polarisation and conflicts and ultimately avoid democratic breakdown and national disintegration.

Whereas successful and pragmatic interventions in the 1996, 2000, 2004 and 2008 elections earned IPAC recognition and acceptance both domestically and internationally as a major instrument for inter-party dialogue, confidence-building, moderating political behaviour, actions and activities and promoting political stability, the committee was unable to perform a similar role in the 2012 elections.

This failure, according to Asante, was due to the shocking decision of the ECG to sideline IPAC in decisions about major electoral reforms. The implication of the neglect, as Asante points out, was that inter-party disagreements and other electoral matters that would have been addressed and resolved harmoniously in IPAC were allowed to play out in the media and the courts. Asante, therefore, advocates electoral reforms that will strengthen IPAC to enable it to perform its democratic and election-related functions.

It is often said that one of the fundamental problems of African democracies, or, rather, of political parties, is their weak, if not absent, ideological foundations (Omotola 2009; 2010c), yet little or no attention has been paid to the ideological premises of democratisation in many African countries. It is this gap that Franklin Obeng-Odoom attempts to fill in his important contribution.

Drawing insights from Giovanni Arrighi's theory of ideology, as spelt out in *The Long Twentieth Century*, Obeng-Odoom explores ideological orientations in the 2012 elections, illustrating them with examples from the speeches, manifestos and press releases of the main political parties. On the basis of empirical evidence Obeng-Odoom argues that 'in the 2012 elections, Ghanaian political parties espoused three archetypical ideologies, namely, social democracy, property-owning democracy and socialism of the Nkrumahist type; and political campaigns were largely organised around these belief systems'.

However, as the article further contends, 'beyond asserting difference, the substantive position of the dominant parties is one of common economic liberalism rather than multiple ideologies. So, while rhetorically and superficially the parties asserted their differences, substantially and substantively it was aspirations rather than ascription that were the common unifying logic of the two major political parties in the country.'

For Obeng-Odoom this finding has both positive and disturbing implications. On the positive side, since most political actors subscribe substantively to the

same ideology, political inclusiveness is more feasible. But, on the other hand, this assessment shows a further shift to the right in Ghana's political economy, with implications for continuing, if not intensified, social differentiation. The reason is that

as an ideology that prioritises profits over human needs, neoliberalism in Ghana is locking the vast majority of the poor into a whirling vicious cycle. There is likely to be more prosperity, but this will typically be in the air and be grasped only by economic giants. For economic dwarfs, it is tough, if not impossible, to capture the fruits of prosperity. So, the 2012 elections and the neoliberal ideology it entrenches make it tough to attain inclusive prosperity, in spite of the numerous claims that this form of progress can be attained.

Although Obeng-Odoom identifies an alternative to economic liberalism among the smaller parties, he argues that 'continuing internal discord, rancour, and acrimony, together with external forces, eclipse the possibility that they will capture power any time soon'.

This conclusion is instructive, given the long-standing belief that Ghanaian politics has always been structured along two-party lines, namely, 'the socialist Nkrumahism and the more liberal market-based Danquah-Busiaism' (Ohman 2002, p 7; Omotola 2012, p 137). Although, some have questioned the contemporary relevance of this political distinction, one indisputable point is the fact that the NPP is a clear descendant of the Danquah-Busiaist tradition, while the ideology of the NDC has been seen as an admixture of Nkrumahist socialism, a relatively newfound belief in market solutions and the populism of Jerry Rawlings (Ohman 2002, p 7). By reducing political competition to two distinctly defined options, what Amponsah (2005, p 288) has called the 'incipient two-party tradition in Ghana', these political traditions tend to simplify the crucial issue of party affiliation and electoral choices.

In their important contribution focusing on the youth and party manifestos Ransford Gyampo and Emmanuel Debrah use party manifestos to explore the determinants of the voting behaviour of Ghana's youth in the 2012 elections. The focus on the youth is as important as that on the manifestos because, as they demonstrate, Ghana's youth not only constitute a sizeable proportion of the population, they also form a significant percentage of the voting population under the Fourth Republic.

Also important is the fact that 'whereas studies on explanations of electoral outcomes in Ghana abound, there is little on the contributions of party manifestos in shaping the youth's voting behaviour'. Manifestos have, therefore, been a

missing link in attempts to explain the political behaviour of young people, especially from an empirical perspective.

The study draws on primary data collected from 15 December 2012 to 21 January 2013 through face-to-face interviews conducted with 200 respondents, 80 of whom were women. The interviewees were drawn from the youth and officials of the NDC and NPP, non-partisan civil society groups in charge of youth advocacy and development and academics chosen from Accra and Tamale to satisfy geopolitical complexion and reflect the spread of the youth across the two-party divide. The conclusions were that, contrary to established wisdom, which tends to qualify African voters as clientelist/ethnic, particularly in Ghana (Lindberg & Morrison 2009), the youth were actually influenced by rational choice and especially by party manifestos.

This finding is particularly instructive, given the fact that both the NDC and the NPP received the bulk of their votes from their traditional strongholds. This development, according to Gyampo & Debrah, was attributable to the jettisoning of what they called 'gutter politics', defined as 'a kind of politicking that focuses on mudslinging, vituperation, personal attacks and character assassination', and its replacement with issue-based politics. The transition from gutter politics to issue-based politics was not unconnected with the intervention of civil society organisations such as the Institute of Economic Affairs.

In their contribution, Charles Nyuykonge and Keitumetse Letsoalo examine the role of the new political economy of oil in the presidential election. This is an important issue when viewed against the background of the experiences of other African countries which have fallen victim to the 'resource curse'. If oil revenues are to bring about economic transformation and benefits for the citizens of Ghana, the resources, and the proceeds from them, must be managed prudently. If this is not the case, the oil boom, Nyuykonge & Letsoalo argue, may prove to be a challenge rather than a boon to Ghana's democratic development.

The preliminary signs, they argue, are not very promising. The Jubilee Field, as the oil field is called, raised the stakes in the 2012 presidential election to such an extent that the manifestos and election campaigns of both the NDC and the NPP were largely built on what to do and/or not to do with oil revenues. It is against this backdrop that Nyuykonge and Letsoalo posit that the possibility of Ghana suffering from the 'resource curse' cannot easily be dismissed. The authors, therefore, warn that unless 'visible and apolitical accountable structures are institutionalised to manage the oil and its revenues, multinational lobbyists could fuel post-election political tensions in subsequent elections by funding different parties' pursuit of power, thus accelerating an end to Ghana's long-celebrated democratic stability'.

In the final article Festus Auby and Mustapha Abdallah examine the role of the National Election Security Task Force (NESTF) in the 2012 elections. They

begin by tracing the history of electoral politics in Ghana's Fourth Republic since 1992, emphasising significant developments and security challenges. The article also discusses the structure, composition, powers and the functions of the NESTF before delving into a critical evaluation of its performance in all three phases of the electoral cycle. In doing so, the authors not only highlight the responses of the NESTF to security challenges and threats in the electoral cycle, but also identify emerging security issues that require urgent policy reforms.

Drawing on survey data derived from face-to-face interviews and participant observations, the article notes that all three phases of the elections were marked by extreme violence. This was due, in part, to the challenges posed by the novelty of the biometric voter registration and verification system. However, the positive intervention of the NESTF helped moderate and avert possible conflict after the declaration of results. The authors believe that in subsequent elections the security forces should be seen to be neutral and government should also ensure adequate provision of logistics, transport and communications devices to ensure free, fair and violence-free elections.

CONCLUDING REFLECTIONS

The articles in this special issue raise a number of fundamental issues that transcend the immediate concerns and challenges of the 2012 elections to include the future of democratisation by election in Ghana. This is important because, as the extant body of knowledge has demonstrated, the beauty and success story of Ghana's democratisation has most often been predicated not only upon its institutional design but also on the workability of the institutions, as well as the congruent political behaviour of key political actors, including the formal and informal, the high and the low.

But, as these articles show, the validity of some of the claims about the institutionalisation of elections and election-related institutions were heavily challenged in a number of ways. First, there were tensions associated with the pre-election phase, most notably controversy over the delimitation of new constituencies and the new voter register; second were the challenges confronted on election day, particularly technical hitches in the application of the biometric voting system, which necessitated the addition of a second day of voting, and third were the challenges posed by the rejection of the results of the presidential election and subsequent litigation by the NPP, questioning the legitimacy and integrity of the whole electoral process. There were also the issues of the centrality of the role of oil to the election campaigns of both the NDC and the NPP, as well as some security concerns.

As influential as these issues could be, especially in interpreting the quality

of the electoral process and outcomes, one inevitable conclusion drawn from the articles is that the problems were not serious enough to compromise the integrity of the whole process. Rather, they should be seen as a crucial test of the institutional strength of Ghana's democracy. The resort to litigation instead of violence and the acceptance by the NPP of the Supreme Court judgement are positive signs that, contrary to expectations, Ghana's democratic institutions may have emerged strengthened from the judicial process. There is, however, a need for the civil society forum to intensify its socialisation programmes about the need to eschew violence.

The main lesson of the 2012 elections, therefore, is the opportunity they offer Ghanaians to re-examine critically the institutional foundations of the country's democracy. Sustainable reform measures that address such institutions in an apolitical manner are desirable.

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