Assessing the Progress of Democracy and Good Governance in Africa
The Ghanaian Case

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1. Abstract

After a prolonged military rule, Flt Lt. J.J. Rawlings’ Provisional National Defense Council (PNDC) government held multi-party presidential election in November 1992 to return the country to constitutional rule in January 1993. It was won by Rawlings’ National Democratic Congress (NDC). Because the major opposition parties boycotted the parliamentary election held in December 1992, the president’s party, the NDC, won 189 out of the 200 parliamentary seats. President Rawlings and the NDC won the presidential and parliamentary elections again in 1996. However, the opposition parties won more than one-third (67 out of the 200) of the parliamentary seats.

The paper argues that modest but significant gains were made in democratic governance since return to constitutional rule in 1993. The gains include political liberalization, larger political space for civil society and the proliferation of independent media. These notwithstanding, the paper also identifies and discusses some of the drawbacks to democracy and good governance. They include the high degree of fusion between NDC regime and key state institutions, the pervasive role of military and security establishment, the severe handicaps that confront civil society institutions and the inability of the government to show commitment to its much touted rhetoric of transparency, probity and accountability.

In a nutshell, the Ghanaian experience has not yet disproved those who expect democratization to spur institutional reform and improved governance.

2. Introduction

I set out to address a number of issues in this paper. First, the paper outlines the criteria that will be used to assess the progress of democracy and good governance in Ghana. In this connection, the paper provides operational definitions and features of democracy and good governance. Second, it highlights the features of the governance environment in Ghana. Third, the paper evaluates progress made in democracy and good governance since the country returned to constitutional multi-party rule in 1993. Finally, the paper discusses the implications of the Ghanaian experience for other African countries.

The indicators used for assessing the progress of democracy and good governance in Ghana can only be established after defining the concepts of democracy and good governance and identifying their salient features.

3. Definition and Features of Democracy

The visualization and definition of democracy varies from situation to situation. However, in almost all circumstances democracy may be conceived as involving the guarantee of social justice, government accountability and human freedoms. In broad terms, therefore, democracy refers to a system of governance in which the rulers are held accountable for their actions in the public realm by citizens, acting indirectly through the competition and cooperation of their elected representatives (Dahl, 1971: 1982).
For democracy to take root, thrive and endure, certain “procedural and institutional minimal” conditions must be met; and civil and political rights must be recognized and observed. According to Schmitter and Karl (1993: 40, 45), a political system which is incapable of imposing such limitations on itself and fails to abide by the “rule of law” regarding its own procedure cannot be described as democratic.

The main features of democracy include the following:

- contestation for political office and policy choices;
- popular participation in election and other elements of political decision making;
- the accountability of elected officials under the rule of law;
- guarantee of human rights and political freedoms;
- military accountability to civilian authority;
- presence of civil society;
- an independent judiciary; and
- openness of society;
- a democratic culture and democratic spirit;
- constitutional limitation of political power through the separation of powers, checks and balances (Dahl, 1971, 1982; Schmitter and Karl, 1993).

In practice, however, democracy tends to have its shortcomings. For example, in most liberal democracies the common citizen is far removed from the levers of governmental power, and policy decision in reality are the domain of a select group of elites. In addition, in countries where there exists a majoritarian form of democracy, it is not uncommon for the rights of minorities to be ignored. In order for democracy to approach its true ideals, political elites must be committed to more than the achievement of the democratic procedural minima: they must be committed, too, to social justice and the upholding of human and political rights for all. Noting the limits of democracy, Sklar (1989) favors a hybrid, “developmental democracy”, that is “democracy without tears.”

Democratization, on the other hand, refers to the process of replacing the institutions and culture of a civilian or military dictatorship with those of democracy. Two broad stages of the process have been identified. The first stage, which is generally short-lived, has to do with the transition from a dictatorship to a civilian government formed through multi-party elections under a democratic constitution. The later outlines the formal institutions that must be established together with the norms that should be observed. The second stage is what is termed democratic consolidation. This is the process whereby the formal institutions and the norms of democracy attain widespread acceptance and thereby become entrenched as the preferred system for conducting public affairs. In other words, in democratic consolidation, the majority of the citizens, including, especially, the political leadership must “believe, at a minimum, that democracy is the least bad form of government” for society and themselves (Huntington, 1993: 23-25). This second stage, unlike the first, is generally protracted.

4. Definition and Features of Good Governance

The World Bank (1989:60) defines good governance as the “exercise of political power to manage a nation’s affairs”. Hence good governance is regarded as synonymous with sound development (World Bank, 1992:1). Good governance can be understood in terms of three major components: first is the form of political authority that exists in a country
(parliamentarian or presidential, civilian or military and autocratic or democratic); second is the means through which authority is exercised in the management of economic and social resources; and third is the ability of governments to discharge government functions effectively, efficiently and equitably through the design, formulation and implementation of sound policies (World Bank, 1992).

According to the World Bank (1992), six aspects of good governance are of particular importance: political accountability, freedom of association and participation, a fair and reliable judicial system, bureaucratic accountability, freedom of information and expression, and an effective and efficient public sector management.

- Political accountability involves the effectiveness of a government that depends on perceptions of its legitimacy. The favored method (in the West) for ensuring some degree of political accountability is to subject political leadership, and possibly other public officials, to periodic tests of their acceptability to the people by holding elections and limiting periods of office;
- Freedom of association and participation involves the freedom to establish religious groups, professional associations and other voluntary organizations with social, political or economic purposes;
- A fair and reliable judicial system is necessary to create a predictable and secure living and working environment for ordinary citizens, and a conducive environment for entrepreneurs, farmers and other economic actors. A particular important aspect is the uniform application of the law, meaning that all should be subject to it so that violations by the rich or powerful are dealt within the same way to it so that violations by the rich or powerful are dealt within the same way as those of other citizens. A fair and effective legal framework requires, first, that there exists a set of rules which is known in advance; second, that the rules are in force; third, that means exist to ensure the application of the rules; fourth, that conflict resolution is a function of binding decision made by an independent and credible judiciary; and fifth, that procedures are in place for changing the rules when they cease to serve the purposes for which they were intended;
- Bureaucratic accountability requires a system to monitor and control the performance of government officers and organizations, particularly in relation to quality, inefficiencies and the abuse of resources. Open systems of financial management and procurement, accounting and auditing, and of revenue collection (for example, customs duty) – together with enforced penalties for malfeasance – are also necessary. Transparency is a key element of bureaucratic accountability which entails, among other things, making available for public scrutiny all public accounts and audit reports. Transparency is a protection against government error, the misallocation of resources and corruption. Environmental protection and all forms of procurement are areas in which transparency is critical to effectiveness and the containment of corruption. Procurement in particular offers considerable opportunity for malfeasance;
- Availability and validity of information promotes efficient markets and bureaucratic transparency. Likewise the debate of public policy issues can be widened if governments make available date pertaining to national accounts, balance of payments, employment, cost of living, and so on. The independent analysis of information is also of importance and civil society organization such as autonomous research institutions and universities can have key roles to play in this. Quality of decision making, and therefore risk and cost, are all a function of the quality of information supply. Government is clearly a major source of information as well as a
major user. Government policies are vulnerable to poor quality information in the same way that information about the economy and market conditions is essential to valid private sector calculations. The insistence on the availability and validity of information is to stimulate consultative processes between the government and private sector over policy development;

- Effective and efficient public sector management means an open and audited public service which has the bureaucratic competence to help design and implement appropriate polices and manage whatever public sector there is (World Bank, 1992; Leftwich, 1992; 1993; Healey and Robinson, 1992; Blunt, 1995).

Democracy has been linked to good governance because the later has the ingredients, features, the functional and institutional prerequisites as well as the building blocks of the former. Indeed, the two concepts are inseparable because their features reinforce each other. No wonder the two concepts have been merged into what is now called “democratic good governance”.

5. Indicators of Evaluation the Progress of Democracy and Good Governance

Based on the foregoing, the progress of democracy and good governance in Ghana will be measured by the following indicators, which we think are appropriate and relevant not only in the Ghanaian context but also that of other African countries:

- political accountability;
- freedom of association and participation;
- a fair and reliable judicial system;
- bureaucratic accountability; and
- freedom of information and expression.

6. Governance Environment

Ghana is one of the few countries in Africa that has had significant experiences with democratic political life. It operated as a democracy during the pre-independence internal rule period, 1951-1957, during the early post-independence period, 1957-1960, before succumbing to one-party dictatorship, and during two brief periods of civilian, constitutional government, October 1969 - January 1972, and September 1979 - December 1981 (see Table 1). Ghana has also experienced prolonged period of military dictatorship in the last several decades, under the National Liberation Council (NLC) in February-October 1969, the National Redemption Council (NRC) in January 1972 - October 1975, the Supreme Military Council (SMC) in October 1975 - June 1979, the Armed Forces Revolutionary Council in June 1979 - September 1979 and the Provisional National Defense Council (PNDC), December 1981 – January 1993. Despite prolonged periods of military rule, there are important social and political forces embedded in the fabric of Ghanaian society that believed deeply in democratic government.

In November, 1992, the PNDC government led by Flt. Lt. J.J. Rawlings held multi-party presidential election to return the country to constitutional rule. It was won by Flt. Lt. Rawlings’ National Democratic Congress (NDC). Although international observers, like the Commonwealth Observer Group (COG), declared the elections as “free and fair”, the outcome of the democratic transition was highly disputed by four opposition parties, namely, the New Patriotic Party (NPP), People’s National Convention (PNC), National Independence
Party (NIP) and People’s Heritage Party (PHP). Consequently, the legitimacy and moral authority of the whole democratic transition and the new democratic institutions were cast in doubt (Ayee, 1997a; 1997b; 1998). Indeed, the opposition parties were so enraged at what they considered the unfair electoral environment, PNDC control over the Interim National Electoral Commission (INEC) and voter registration and manipulation of the presidential elections themselves that they decided to boycott the parliamentary elections in December 1992. As a consequence, during Ghana’s first four years of its fourth attempt to establish constitutional government, the government party, the NDC virtually controlled all (189 out of the 200) seats in parliament (Ayee, 1997a; 1997b; 1998).

On 7 December, 1996, the Ghanaian political went through the democratic exercise of choosing an Executive President and Parliamentary representatives. The 1996 presidential and parliamentary elections in Ghana are extremely important in the process of democratic consolidation for two reasons. First, this is the very since independence in 1957 that the country had a democratic election under democratic rule. Second, and more importantly, the elections became a test of the durability of the democratic transitions which were established under the 1992 Constitution.

Once again, the incumbent government, the NDC won in both the presidential and parliamentary elections. While the NDC won 133 seats in the 200 seat parliament (one seat less to gain two-thirds majority needed to amend the constitution), while the opposition parties won 67 seats (one seat more than one-third). Although there were serious irregularities in the elections, the opposition parties did not regard them as serious enough as to alter the results in their favor. Consequently, unlike in the 1992 elections, they conceded defeat and congratulated the NDC for its victory (Ayee, 1997a; 1997b).

A plethora of factors contributed to the success of Rawlings and the NDC at the poll. They include the exploitation of incumbency advantages (an uneven playing field), the appeal of the NDC message to a majority of the electorate in the rural areas, the inability of the opposition to forge a united front, like in 1992, and the failure of the opposition to garner resources to produce an effective organizational machine (Ayee, 1997a; 1997b; 1998).

The 1992 Ghanaian Constitution, which embodies the governance principles of the state is based on a quasi-executive presidential system of government. Unlike the American presidential system which operates a separation of powers, the Constitution stipulates that majority of ministers of state in Ghana are appointed from among members of Parliament. The rationale is based on the experience of the conduct of parliamentary business under the abrogated 1979 Constitution, which, although excluded ministers from membership of parliament, impeded the implementation of legislative programmes under the Constitution. In other words, the appointment of majority of minister from Parliament is meant to promote good governance, effective implementation of public polices and the striking of a good rapport between the executive and the legislature. In spite of the doctrine of separation of powers, what is crucial for purposes of the rule of law and good governance is the unqualified independence of the Judiciary from both the Executive and Legislature which the Constitution in theory guarantees (Ayee, 1993).

Generally, there are five key governance principles which are enshrined in Chapter Six of the 1992 Constitution entitled, “The Directive Principles of State Policy”. They are the realization of:


- basic human rights and popular participation;
- a healthy economy;
- the right to work;
- the right to good health care; and
- the right to education.

These positive rights, it must be noted, are in theory rather than in practice. The government, however, has taken steps to ensure their full and early realization.

Specifically, the governance principles include the:

- establishment and strengthening of a democratic state, values, processes and social order based on the ideals and principles of freedom, equality, regional and gender balance, justice, probity, accountability, transparency and competence;
- eradication of corrupt practices and the abuse of power;
- institution building and reform;
- establishment of a sound and healthy economy, with a reduction in the role of the state in the economic life of the country through shifting of more responsibility to the private sector and an environment that encourages investor confidence;
- decentralization of administrative and financial machinery of government to the regions and districts; and
- development of “value for money” public services.


7. Progress Made in Democracy and Good Governance

The governance principles enshrined in the Constitution and other government publications have coincided with the features of democracy and good governance identified earlier on. Our task in the next section is to assess the progress of democracy and good governance in Ghana based on the criteria indicated.

8. Political Accountability

Two sets of presidential and parliamentary elections were held in 1992 and 1996. On the whole, foreign observers judged them to be “free and fair”, in spite of allegations of irregularities such as fake voter identification, fake voter register, voting by non-Ghanaians and children and intimidation of members of political parties. Judged by these standards, Ghana’s elections in December 1996 were fairer than those held in November-December 1992. To this extent one can speak of a partial institutionalization of the electoral rules of the game. Unlike in 1992, the 1996 elections were held on a single day, December 7. The stakes were enormous. Dire predictions borne of anxiety and fear that Ghana would explode were being shrilled in certain quarters. But in a climate of peace and calm, of a total of 9.2 million registered voters of an estimated population of 18 million Ghanaians, 7.2 million or 78.3 per cent of those registered turned out. The losing candidates accepted the results.
In 1997, the Department of Political Science, USAID and the International Foundations of Electoral Systems (IFES) conducted a post-election survey of political attitudes in Ghana—the first survey of its magnitude ever conducted in Africa. No fewer than 92 per cent of all Ghanaians said they believed the elections were honest. Only 15 per cent said the Electoral Commission was not neutral. Seventy per cent said they were satisfied with the level of political freedom. This is strong evidence that the 1996 elections were a giant stride toward the consolidation of democracy in Ghana (Ayee, 1998; McCarthy, 1997).

In spite of the freeness of the elections, it is by no means fair. This is because of the exploitation of incumbency advantages by the ruling government, which we will discuss under the drawbacks to democratic governance.

9. Elite Consensus

One of the most important pre-requisites for consolidated democracy is elite consensus. Indeed, it has been argued that a disposition toward compromise, flexibility, tolerance, conciliation, moderation, and restraints among elites is a sine qua non of consolidated democracy. For a democratic system to persist and flourish, elites must be engage in “politics-as bargaining” rather than “politics-as-war” (Field and Higley, 1980; Sartori, 1987). Elite consensus requires agreement on the worth of political institutions and on the rules of the political game played within and around those institutions. Furthermore, it involves formal and informal communication networks that encompass all or most elite groups and that enable them to defend and promote their interests through access to central decision-making processes (Higley and Gunther, 1995).

Elite consensus was somehow achieved in Ghana with the formation the Inter-Party Advisory Committee (IPAC) (an elite consensus committee). IPAC promoted elite interactions before and after the election and demonstrated how national elites transcended their disunity through settlements and convergences. Elite consensus is the key variable that determined the acceptance of the outcome of the 1996 general elections by both the government and minority parties.

The genesis of the formation of the Inter-Party Advisory Committee (IPAC) in March 1994 could be traced to events leading to Ghana’s return to constitutional rule in 1992, which the opposition parties regarded as the creation of an uneven playing field by Rawlings’ PNDC government in the run up to the 1992 General Elections. The refusal of the government to talk to opposition leaders, the dictation of the transition timetable by the PNDC, the tilting of the electoral playing field towards Flt. Lt. Ralings by his campaigning for several months before he declared his candidature and before his rivals were permitted to do so, and the use of state resources to assist Rawlings’ National Democratic Congress (NDC) created an atmosphere of tension, suspicion, mistrust and wranglings between the government and the opposition parties just before the 1992 elections. The tension and mistrust reached its height after the 3rd December 1992 presidential election in which the opposition parties accused the government of massive vote rigging with the complicity of the INEC. Consequently, the opposition parties made three demands which must be met before they can contest the 29 December parliamentary election. They are:

- a transitional authority to supervise, among other things, the electoral process;
- a completely new voters register to be compiled and identity cards issued to voters;
the replacement of the Interim National Electoral Commission (INEC), which conducted the elections, by a new commissions whose members would include representatives of the competing political parties (Jeffries and Thomas, 1993; Ayee, 1996).

When the government failed to meet the demands, the four opposition parties, namely, the New Patriotic Party (NPP), People’s National Convention (PNC), National Independence Party (NIP) and People’s Heritage Party (PHP), carried out their threat and boycotted the parliamentary election. From then on, both the government and opposition saw “politics as war” rather than “politics as bargaining”. A communication gap existed between the government and the opposition and the NDC government was not willing to entertain any dialogue with the opposition parties. Not even the gesture of the NPP “to do business” with the government could have any telling effect on the sour relationship.

After the elections, the Commonwealth Observer Group (COG) that monitored the election reiterated the practical value of dialogue and consultation as a building block toward democratic consolidation. It therefore recommended the need to institutionalize the process of dialogue, even informally, along the lines of the Election Council established for the 1980 independence elections in Zimbabwe (Goodwin-Gill, 1994). The COG found the Election Council extremely useful because it served not only as a forum in which parties could air grievances but also as a useful gathering in which those responsible for the election could consult with parties and inform them of recent developments. It had no executive role and its usefulness lay in its function as a sounding-board (Commonwealth Observer Group, 1992:62-63).

The Inter-Party Advisory Committee (IPAC) was established in March 1994 to discuss and try to build a consensus on electoral issues. It consists of representatives of the various political parties and the Electoral Commission (EC). Sometimes donor agencies, like Danish Development Agency (DANIDA), European Union (EU) and the International Federation of Electoral System (IFES) are invited to attend the monthly meetings, which are usually held behind closed doors. The meetings are held in the premises of the EC and are chaired by its officials.

The importance of the IPAC in promoting elites consensus could be discerned from its operations and activities before and after the 1996 Elections. Before the 1996 elections, the IPAC offered a two-way opportunity as a channel of information for both the EC and the parties. On one hand, the IPAC enabled the EC to discuss all aspects of its programmes and activities with the parties, elicit inputs and explain matters where necessary. On the other hand, the political parties were able to bring their concerns to the attention of the EC. For instance, the parties discussed how their agents could be trained to monitor the conduct of the elections at the designated polling stations. They also enquired from the EC when and where such programmes could be organized by their agents and the stipend that would be given after the conduct of the exercise. Even though they were divergent views about the mode of organization of such programmes and payment of such stipend at the end of the meeting, a compromise was struck with the intervention of the EC. Question on the issuance of the voters’ identity card with regard to destinations at which people could have their pictures taken and embossed on their ID cards was thoroughly discussed. Some representatives of the parties expressed concern about problems that eligible voters who were desirous of obtaining identity cards went through at such stations and various alleged attempts of impersonation (Tsen, 1997). Although issues were more often than not dispassionately discussed, IPAC
meetings were sometimes very acrimonious to the extent that the EC representatives had to step in and act as mediators. As a result of its purely advisory role and non-statutory nature, decisions reached at the IPAC meetings were not in principle not binding on the EC. In practice, however, it has been asserted that the EC gave serious attention to such decisions, provided that they were practical, legal and cost-effective (Badu and Larvie, 1996).

From 1994 to 1996 in monthly IPAC meetings the parties and the Electoral Commission proposed a total of 52 suggestions for changes to the electoral process. Of these, 27 requests would have required a change in the Political Parties Law, and thus were beyond the Electoral Commission’s authority. The remaining four suggestions were initiated partially. The political parties participated deeply in the process of constructing the checks and balances in the electoral process. That they did so went a long way toward insuring that the results of the election would not be disputed.

After the elections, the IPAC has concentrated its activities on the revision of the Political Parties Law, which they see as too restrictive and inimical to the growth of political parties. With financial support form IFES, the EC in collaboration with IPAC organized regional roundtable for which representatives of the parties, other identifiable groups, opinion leaders and the general public discussed ways and means of advancing the course of democracy through the revision of the Law to suit the realities of the times. In this way, the electorates seem to be satisfied that they have been consulted on decisions concerning the enhancement of activities of political parties and not ideas formulated by the EC. IPAC itself has put forward proposals for a revision of the Law as well as the creation a level playing field for all the parties. Among them is the recommendation that the declaration of assets, expenditure and liabilities before and after elections should be scrapped since it is “unreasonable” and a “burden” on political parties without corresponding advantages. IPAC also considered the acquisition of party offices in all districts and constituencies as a drain on party resources and called for the repeal of the provision of the Law which stipulates that parties present detailed accounts of expenditure on 200 candidates for a parliamentary elections within 40 days after an election on the grounds that it is “unreasonable”. On the issue of annual accounts, IPAC recommended that time should be given to parties to prepare their accounts and these should be presented not later than 31 March of the following year rather than 31 December of the reporting year.

A number of benefits have been derived from the IPAC meetings that have tended to promote democratic consolidation. First, the IPAC offers the political parties an equal opportunity to articulate their own ideas on the reform of electoral system. The parties are given the chances to comment or complain about the electoral process and regulations without fear of victimization or intimidation from each other. Even though the parties share differences, they nevertheless sit together to express such views. For instance, it is through such deliberations that the EC has directed the parties to send memoranda on the ways of funding political parties. The parties throughout their discussions with the EC and the donors have consistently expressed their frustrations about the implementation of some provisions of the Political Parties Law which they consider restrictive and hence called for its review. Thirdly, the IPAC meetings have been of immense benefit to the EC. Speaking at a public forum on the Political Parties at Koforidua on 30 September 1997, the Deputy Chairman of the EC in charge of Operations commended the IPAC for assisting the EC to promote multi-party democracy in Ghana (Daily Graphic, 1997). In his view, the EC found the IPAC as a very good instrument for not only discussing the Political Parties Law but also as a platform to enforce compliance with the Law. Moreover, the EC got consent to impose sanctions on political parties like the
PCP and PNC, if by the end of October 1997 they fail to submit audited accounts of money spent during the 1995 elections (Public Agenda, 1997). Fourthly, the IPAC meetings have also benefited the IFES since it gets to learn, understand and appreciate the peculiar problems facing the parties and tailors its own contributions to assist them. Fifthly, it also assists the donors in the formulation of programmes towards the country’s electoral process (Tsen, 1997).

The practical value of dialogue and consultation among the political parties through the mechanism of IPAC must be considered as an important building brick of the peace that Ghana is enjoying after the 1996 elections. The rapport and the trust among the political players generated by the fact that they were co-opted by the Electoral Commission into election management, even if informally, have in no small way contributed to the acceptance of the process and the respect for the outcome of the elections. Some people have argued that the role of IPAC has been symbolic rather than crucial in consolidating democracy. The writer does not accept this assertion because IPAC is an elite group that share a consensus about rules and codes of political conduct and the worth of political institutions. Through IPAC the political parties as players have shown commitment to make democracy work in Ghana.

10. The Emergence of a Free Press

Action by civic associations led to the emergence of an independent media in Ghana just before the ban on political activities was lifted in April 1992. Article 162(3) of the 1992 Constitution provides that. There shall be no impediments to the establishment of private press or media; and in particular, there shall be no law requiring any person to obtain a license as a prerequisite to the establishment or operation of a newspaper, journal or other media for mass communication or information.

However, translating this constitutional article into practice in a time of political transition proved problematic. Various civil organizations including religious groups and the Independent Media Corporation of Ghana (IMCG) applied to the newly established Frequency Board for frequencies on which to broadcast. The Frequency Board acted on none of the applications. The IMCG then went ahead and established a private radio station called Radio Eye, which started operating without a license. The police forcibly seized their equipment and closed the station down.

Despite the crackdown, an independent media was born in Ghana. In 1992, the capital Accra had but a single FM radio station, which was government-owned. By 1998 three television and six radio stations were on the air and nearly two dozen independent newspapers were published in Accra. In addition, independent radio stations have sprung up in two of the regional capitals. The active presence of these media, as well as court orders mandating equal opportunity for political party broadcasts, helped to generate a high degree of public interest in the 1996 elections and contributed greatly to the unprecedented 78 per cent turnout (Ayee, 1997).

11. State-Civil Society Relations

Sections 21(1) Chapter 5 “Fundamental Human Rights and Freedoms” of the 1992 Ghanaian Constitution seeks to create a favorable environment for the evolution and operation of
pluralist civil society in Ghana under which the fundamental rights and freedoms of individuals and groups is recognized. According to the Constitutions:

All persons shall have the right to:

- freedom of speech and expression, which shall include freedom of the press and other media;
- freedom of thought, conscience and belief, which shall include academic freedom;
- freedom to practice any religion and to manifest such practice;
- freedom of assembly including freedom to take part in processions and demonstrations;
- freedom of associations, which shall include freedom to form or join trade unions or other associations, national or international, for the protection of their interests;
- freedom to information, subject to such qualifications and laws as are necessary in a democratic society; (and)
- freedom of movement which means the right to move freely in Ghana, the right to leave and to enter Ghana and immunity from expulsion from Ghana (Ghana, 1992).

These provisions seek to do two things. First, they define the social and political space within which civil associations can emerge and function with relative freedom. Secondly, they regulate the relationship between civil society and the state, that is, the government. It should be noted that without the freedoms of associations, movements and assembly, for example, civil society cannot emerge and operate freely and effectively. In the absence of the freedom of expression civil associations cannot make their objectives, interests and demands openly know, much less publicize their activities as well as their views and comments on the government’s policies and programmes. The freedom of assembly which includes the freedom to participate in processions and demonstrations enables individuals and civil organizations to demonstrate openly their approval of certain harsh policies and measures of the government. On the other hand, civil society does not exist if it is distinct from the state. Hence the crucial importance of a state institution like the judiciary which is generally expected to play the role of an impartial umpire in disputes between the state and civil associations, or between individuals and civil associations, or between one CSO and another.

Consequently, constitutional rule in 1992 opened a larger political space for civil society in Ghana. Civic associations and non-governmental organizations (NGOs) increased in number under the Fourth Republic. Many were devoted to the protection of human rights and the promotion of democratic governance. They included the Ghana Legal Literacy and Resource Foundation, the Ghana Committee on Human and People’s Rights and the Institute of Economic Affairs (IEA). Since 1992 when the country returned to civilian rule after over 12 years of military rule under the PNDC, many initiatives had been made by CSOs to promote the development of democracy. Civic groups and public-interest organizations like the CCG, the CBC, Pentecostal Council, the Charismatic Churches Council and the Muslim and Ahmadiyya Movement Councils had sought to improve the quality of analysis and deliberation in Parliament through memoranda and expert testimony, and some even attempted to mediate a dispute between President Rawlings and his then vice, Kow Arkaah. The CSO-based initiatives were not always welcomed by the ruling National Democratic Congress (NDC), but they show a new level of independent societal involvement in politics. Thus, relations between the government and key elements of civil society reflected mistrust. Consensus remained elusive regarding such key questions as how best to promote direct investment and fund basic and tertiary education (Gyimah-Boadi, 1997).
With the opposition in boycott between 1993-1996, state-civil society relations did not improve under the single party NDC government that headed the first Parliament of the Fourth Republic. A significant confrontation occurred following March 1, 1995 when the government imposed a 17 per cent Value Added Tax (VAT). The implementation of VAT resulted in phenomenal increases in prices of goods and services throughout the country, thereby raising the cost of living to an unprecedented level for almost every working Ghanaian. On May 11, 1995 a group called the Alliance for Change (AFC) composed of a cross section of opposition parties constitutional right of freedom of assembly enshrined in Article 21(1)(d) which guarantees freedom of assembly including freedom to take part in processions and demonstrations, pro-government supporters allegedly made up of former PNDC militants attacked the protesters. Four demonstrators were reported killed. The incident has never been officially investigated. The Association of Ghana Industries (AGI), the TUC, the opposition parties, pro-democracy forces and the Ghana Union of Traders Association were uncompromising critics of VAT. Its withdrawal, barely three months after its implementation, has been construed as a victory for the social forces of civil society.

The role of civil society in democratic governance in Ghana could be assessed by looking at the role it played in the 1996 elections. Although the great improvements made in the electoral system since the last election and the presence of 60,000 party agents at polling stations on election day were crucial to the success of the 1996 elections, a share of the credit must go to civil society. Having played only a limited role in 1992, it emerged as a major player in the 1996 elections. Determined to avoid their mistakes of 1992 and the bitter disputes that they engendered, and desiring to assert a stake in the electoral process, key elements of civil society mounted programmes to support the election. Prominent CSOs such as the Christian Council, the Conference of Catholic Bishops, the Ghana Legal Literacy and Resource Foundation, and others undertook campaigns of voter education.

The role of CSO involvement in the electoral process was clearly demonstrated by the emergence – in spite of strong opposition for the ruling NDC government – of two society-based domestic election-watching bodies: the Ghana Alert led by the journalist Ben Ephson and the Network of Domestic Elections Observers (NEDEO), led by Joseph Kingsley-Nyinah, a retired Appeals Court Judge and former chairman of the Electoral Commission. NEDEO consisted of prominent national organizations such as the Christian Council, the Catholic Secretariat, the Federation of Muslim Councils, the Ahmadiyya Muslim Mission, the Ghana National Association of Teachers (GNAT), and the National Union of Ghana Students (NUGS). The groups helped to mobilize most of the available domestic resources for non-governmental election monitoring. In additions to selecting suitable personnel from their organizations for training and deployment as monitors, the member groups of NEDEO placed communications and transport equipment at the network’s disposal (Ayee, 1997a; Ayee, 1997b; Gyimah-Boadi, 1997).

The domestic election-watching groups began preparing to monitor the poll as early as July, five months before the elections. They were better placed than most international observers to monitor developments before, during, and after the voting. The IEA initiated a programme that rained and deployed personnel to 35 key constituencies to observe and report on the pre-election environment up to three months before polling day. It also commissioned a team based at the School of Communication Studies of the University of Ghana to monitor the coverage of the election in the local media, both state-owned and private. But the domestic poll-watching groups’ most ambitious efforts involved the training of election monitors at the national, regional and district levels and their deployment of polling stations across the
country on election day. In the end, more than 4,200 domestic monitors were deployed to polling stations (Ayee, 1997a; Gyimah-Boadi, 1997).

All this presented a sharp contrast to the 1992 elections, when only about 200 domestic monitors took part. At that time, the government and its agencies dominated the field, with external observers (including the African-American Institute, the Carter Center, the Commonwealth Secretariat) playing only a limited role. In 1996, local NGOs and civic organizations were heavily involved. Before the voting, they provided their own independent analyses of the situation to international observers. In 1996, moreover, a sizeable share of outside contributions for the support of democracy flowed to local NGOs and civic groups, whereas four years earlier the government had received almost all such funds. This funding shift was the second major factor in the growing sense of local ownership of the electoral-cum-democratization process and that of the institutional playing field. Furthermore, the full cooperation that the Electoral Commission gave to domestic election-observation groups, including complete access to Commission officials and facilities, did much to enhance both the election’s transparency and the Commission’s credibility. The Commission accredited domestic poll-watching groups and ensured their unhindered access to polling places. Such cooperative actions, combined with the ability of NEDEO to set up independent mechanisms for a crude parallel vote count, assisted efforts to check claims of fraud, deterred chicanery, and boosted public confidence in the voting and its outcome.

Gyimah-Boadi (1994) has asserted that while civil society has developed substantially since 1992, it continues to suffer severe handicaps. Civic groups in Ghana are enthusiastic, but beset by organizational and financial shortcomings. First, they depend heavily on external agencies for funding, and sometimes for moral and political support. Domestic election-observer groups, for instance, depended almost completely on foreign donor. NEDEO had a strong human resource base, but little money of its own, slender material resources, and no experience in something as massive and complex as monitoring an election. NEDEO could not have trained and deployed its monitors, or collated reports on elections, without the generous funding it received from the US Agency for International Development (USAID) and the US based National Democratic Institute.

Yet such dependence was not an unmixed blessing. The prospect or hope of individual organizations’ receiving their own donor money and being able to report directly to their external backers seems to have provoked factionalism and bickering among CSOs. Credibility, efficiency and democracy-building suffered. At the same time, NEDEO also survived in part because donors preferred to give to a coalition of observers rather than to individual groups.

Secondly, negative official attitudes have also inhibited the growth of CSOs. The NDC government is openly hostile to organizations not under its control, especially if they are not apolitical. The government was happy to invite international election observers. Its agents attempted to compromise the domestic observer groups, especially NEDEO. They opposed the Electoral Commission’s decision to grant accreditation to domestic observers, and made outrageous demands the NEDEO change its name and drop key members (such as the Christian Council, the Catholic Secretariat and GNAT) demand to oppose the government. The entire domestic observation process was threatened when the government publicly contemplated forming an alternative network of domestic election observers out of NDC-aligned groups unless NEDEO agreed to bring such groups under its umbrella (Ayee, 1997a; Ayee, 1997b; Gyimah-Boadi, 1997).
Some of NEDEO’s member groups (including the Catholic Secretariat, Christian Council, GNAT and the Ghana Union Traders’ Association) had a long history of struggles with the state – a circumstance that reinforced the NDC’s erroneous perception that NEDEO was partisan. The problem derives largely from Ghana’s prevailing political culture, in which dissent is often viewed as treason and government officials are not used to the presence of countervailing domestic forces. NEDEO broadened itself to include Muslim and other organizations not normally seen as anti-NDC, and carefully selected and trained its monitors, but this availed little in the government’s eyes. In the event, with domestic observers reports favorable to the incumbent, the regime decided to tolerate NEDEO, and did not arrest or detain any domestic observers (as President Frederick Chiluba had done after the Zambian election of 1996) (Gyimah-Boadi, 1997).

The actions of civic groups in opposition to the military regime in 1978-1979 and again in 1986-1992, the establishment of the brief-lived Radio Eye leading to the birth of an independent media, and the violent demonstrations that led to the withdrawal of VAT, all illustrate one thing. Civil society has played and is continuing to play a crucial role in the re-establishment and consolidation of multiparty democracy in Ghana.

12. Drawbacks to Democracy and Good Governance

Such achievements notwithstanding, there are a number of drawbacks to good governance. First, the political liberalization did not encompass the separation of state from the ruling party, the NDC. Departments in some ministries, including the Ministry of Education and the state media (especially the Ghanaian Times and the Ghana Broadcasting Corporation), are practically the “colonies” of the ruling NDC government. Some of these bureaucratic institutions were established during the PNDC days; their top executives are holdovers from that period, and nearly every official in them of middle to higher rank has ties to the PNDC so-called “revolutions”. They are reported cases of resources allocated to such departments for their regular functions being diverted to NDC political tasks. Editors of the Ghanaian Times and other state-owned newspapers have continued to propagandize in favor of the NDC government while spewing venom at its perceived opponents (Sandbrook and Oelbaum, 1997).

There is also a high degree of fusion between the NDC regime and key state enterprises such as the Ghana National Petroleum Corporation (GNPC), the Ghana National Procurement Agency (GNPA), the National Mobilization Programme (NMP), the Social Security and National Insurance Trust (SSNIT), and several state-owned banks run by the PNDC-era appointees. They lined up alongside the ruling party with varying degrees of openness, and some have served as top political advisers to the regime. By accident or design, some of these government-aligned state enterprises, notably GNPC and SSNIT, are also some of the most active institutional investors in the state companies now undergoing privatization. The strong relationship between the heads of such enterprises and the NDC creates possibilities for self-dealing, and gives the NDC huge advantages in building an electoral war chest (Gyimah-Boadi, 1997; Sandbrook and Oelbaum, 1997).

The 110 district assemblies (Das) and the 110 presidential appointed district chief executives (DCEs) supposedly have nothing to do with partisan politics, according to some provisions of the 1992 Constitution, and yet are fused with NDC political structures. Many of the DCEs hold appointments dating back to the late 1980s and have close ties to the Minister for Local Government (a key NDC political operative) and the old authoritarian instruments of
mobilization such as the 31 DWM, the Association of Committees for the Defense of the Revolution (ACDRs), and other groups. Along with the party hierarchy and many traditional rulers, this array of people and organizations constitutes the political machine that makes President Rawlings and the NDC so strong in the country. This strength, in other words, comes not simply from the regime’s record of rural development, but flows in at least equal measure from the resilient clientelist network that the PNDC developed in the late 1980s and nurtured into the 1990s (Sandbrook and Oelbaum, 1997; Ayee, 1997).

The continued fusion of party and state suggests that political liberalization has failed to bring such democratic essentials as separation of powers or checks and balances to Ghanaian political life. That there has been no alternation in power is all the more significant in view of the military antecedents of the incumbent regime. The PNDC may have been unconventional as military regimes go, but it was under-girded by an extensive paramilitary security and police apparatus controlled politically, along with the regular army, through mostly informal and personalized channels. These agencies, once subjected to no public oversight, now receive only slight oversight.

A second drawback to good governance is that the return to constitutional rule has so far done little or nothing to bring Ghana’s military and security establishment in conformity with democratic standards. The question of the proper role of the military under democracy has been broached, but only indirectly and with great circumspection. The military command structure remains largely unchanged. Parliamentary and Auditor General’s oversight of military and security agencies has been extremely superficial. In theory, the old PNDC-sponsored paramilitary units, especially the Forces Reserve Battalion, popularly known as the commandos of 64, have been disbanded or integrated into the regular army. In practice, this has been only partly accomplished: the paramilitaries have mostly gone underground, resurfacing occasionally to act against opponents of the government, as happened in the gunning down of four people who belong to a group of demonstrators, protesting against the introduction of the Value Added Tax (VAT) in mid 1995 (Gyimah-Boadi, 1997).

A third drawback to good governance is the inability of the government to show commitment to its much-touted rhetoric of transparency, probity and accountability. The report of the Commission on Human Rights and Administrative Justice (CHRAJ) severely indicted some top government officials, including ministers and presidential staffers, of corruption and abuse of office. Corruption seems to have grown in step with the extension of clientelism, as Rawlings acknowledged in a speech in 1993 to mark the first anniversary of his election as President. He then warned the corrupting effect of political power: “The victory we won was not a victory we have come to eat”. He pointed out that opportunism had led to the demise of earlier ruling parties, including Nkrumah’s Convention People’s Party, Busia’s Progress Party and Hilla Limann’s People’s National Party. In December 1995 Rawlings reportedly administered a severe beating to his then Vice-President Kow Arkaah, allegedly because the latter had publicly accused his cabinet colleagues of corrupt activities. In October 1996, the Commission on Human Rights and Administrative Justice (CHRAJ) issued a courageous report which reprimanded two ministers, and the presidential advisor on cocoa affairs, for various nefarious activities. The independent press is filled with reports of irregularities in the award of state contracts, particularly for road building and drainage works. To be successful, contractors allegedly needed to be supporters of the NDC and to pay kickbacks. These allegations gained further credibility when a member of the NDC asked in Parliament “whether the government was trying to develop a new class of businessmen where political party cards qualifies one for assistance” (Sandbrook and Oelbaum, 1997).
Instead of the government taking action against the officials, it issued a White Paper, which castigated the recommendations of CHRAJ. In addition, the Auditor General’s Report for the last five years has consistently pointed to escalating embezzlement, corruption and other improprieties in most government institutions. In most cases, established fiscal procedures were not followed (Ayee, 1997).

A fourth drawback to good governance is the unlevel playing field. The NDC government has enormous incumbency advantages. It has more money than the opposition, widely attributed to kickbacks on state contracts, which were channeled into the coffers of the ruling party. That the NDC is far ahead in terms of resources is no secret, although party officials claimed that the 1996 elections campaign was financed from legitimate fund raising activities, mainly from contributions made by contractors and donations of party branches in the UK and USA. Of course, it is difficult to separate state resources from party ones, and there are indications that state funds were diverted into NDC chest.

Admittedly, the electoral playing field was much sloper in the 1996 elections than in 1992. Indeed, the opposition parties had quite a reasonable time to prepare themselves unlike in 1992 and the bias of the state-owned media was some extent counter balanced by the independent opposition press and private radio stations. This notwithstanding, the advantages of the incumbency were just too vast to contemplate. It is true that incumbency advantages were enjoyed everywhere in the world, as was the case in the December 1993 Russian elections and the Chilean referendum in 1978 and 1980 plebiscite (Goodwin-Gill, 1994). However, in the case of Ghana and other African countries, they were over-exploited and over-used. Consequently, electoral campaigns in Africa have negated an important prerequisite for free and fair elections, that is, those competing in an elections should have a reasonable opportunity to get their message across.

The NDC’s use of all the resources of the state to put itself at an advantage in the 1992 and 1996 elections has once again reinforced the call by the Commonwealth Observer Groups for “de-linking the ruling party from the government”. As the Commonwealth Observer Group, Kenya (1992: 7) put it

Recent Commonwealth experience suggests that at the political level two elements are of particular importance to the conduct of free and fair elections... the creation of a level playing field for the lawful activities of all political parties and a thorough delinking of governmental affairs, personnel and resources from those of the ruling party.

Although there seems to have been very little coercive pressure or over intimidation of voters, for example, of the kind exerted by the Moi regime in Kenya in 1992, assaults of suspected supports of opposition parties and party agents occurred from time to time. Some incendiary speeches by NDC leaders included threats to use whatever means were needed to crush the opposition, characterized as “thieves and rogues who are desperate for the spoils of the nation’s wealth to enrich themselves. Even Rawlings was reported to have warned a Sekondi rally that, if the NDC lost the 1996 elections, “perhaps we can only get (power) through another June 4th (coup)”, and “if June 4, 1979 repeats itself 10 times, I will do what I did then 10 times over” (Ghanaian Chronicle, 1996).

Despite the fact that the incumbent enjoyed many advantages during the nationwide campaign, and the uncivilities, scattered irregularities, and acts of intimidation periodically
erupted, the concessions made to the opposition lent legitimacy to the electoral process. The opposition was willing to abide by the ground rules and bide its time.

A sixth drawback to democratic governance is the enfeebled role being played by the legislature and the judiciary. Although the opposition parties in Parliament have constantly criticized the government on issues, it could not have much impact because of their numerical disadvantage (government has 133 out of the 200 seats in parliament). Parliament is not certainly a rubber stamp but, at the same time, it does not pose any countervailing force to the government.

The judiciary, on the other hand, has given certain decisions which seem to portray that it does not want to “rock the boat”. For example, in 1997, the government severely resisted the opposition demand for “retained” ministers (ministers who were vetted by Parliament in 1993 and who the President wanted to retain as ministers in 1997) to undergo another scrutiny by Parliament. When the matter was taken to the Supreme Court by the opposition, the Court gave a very controversial verdict that although “retained” ministers are subject to another scrutiny, the procedure for such a scrutiny should be left to Parliament to decide. Consequently, with its majority in Parliament, the ruling NDC government by a resolution in Parliament, endorsed the appointment of “retained” ministers without going through a vetting process. Before the resolution was approved, the opposition staged a walk-out. Such controversial decisions by the courts in Ghana have not helped much in the way of promoting the concept of separation of powers.

13. Conclusion: Lessons

This paper has shown that modest but significant gains have been made in democratic governance in Ghana. This included political liberalization, allowing Ghanaians to enjoy a much wider range of rights and liberties and giving vibrant, privately owned media scope to emerge. The period also saw a modest improvement in governmental transparency, made possible by the new media and the resumed publication of the Auditor General’s Reports, the institution of parliamentary debate, and the increasing operations of constitutionally created bodies, like the Media Commission and the Commission on Human Rights and Administrative Justice (CHRAJ).

This notwithstanding, consolidating existing gains in good governance under the NDC seems arduous, in spite of a stronger opposition presence in Parliament, a resurgent civil society, and a vibrant independent press. The opposition parties, like other key institutions in democratic politics, remain weak. The ruling NDC has almost two-thirds majority in Parliament. Civil society does not yet present a strong countervailing force to the state. The independent media continue to struggle with an unfriendly legal system, slender resources, and government machinations designed to circumvent constitutional guarantees of free speech. The courts have expanded the scope of the country’s already strict criminal libel laws, and have shown themselves eager to punish journalists who run afoul of the powers that be. Official attitudes toward watch dog agencies such as the CHRAJ and the Media Commission have ranged from lukewarm to plainly hostile. Clearly, Rawlings and his NDC seem not to be inclined to enhance transparency and accountability. There is little in civil society or the Constitution capable of compelling a significant degree of governmental openness. Sandbrook and Oelbaum have reinforced the lack of governance principles. In their words Highly centralized personal rule sanctified by periodic elections characterizes the Fourth Republic. In some ways, little has changed from the days of the PNDC. Rawlings continues to
dominate the scene from his seat in the Castle Osu, chafing against restraints on his power imposed by the Constitution or civil society. And he retains control of a significant coercive apparatus. In other ways, however, much has changed from his early days. Having carried out two coups ostensibly to stamp out the informal institutions of neo-patrimonial rule – especially clientelism, rent seeking and corruption – Rawlings has ended by surreptitiously embracing these same stratagems. He and his lieutenants have built a political machine that rivals that of Nkrumah’s CPP. Pervasive clientelism and personalism have inevitably stoked the fires of corruption (Sandbrook and Oelbaum, 1997: 618-619).

A number of lessons can be identified. First, acknowledging the legitimacy of democratic institutions and respecting rules of democratic procedure discourage governing elites in new democracies from trampling on the rights of opposition groups. A lack of such commitment, on the other hand, could be compatible with a progressive abridgement of democracy that might ultimately culminate in its transformation into a limited democracy or an authoritarian regime. In short, because governing elites share the consensus supporting a democratic regime, respect for its norms and institutions serves as a check on abuses of executive power (Lamounier, 1988). Second, democratic consolidation contributes to stability by reducing the intensity of the expression of conflict and by restricting conflict to peaceful institutionalized channels. Acknowledgement of a common set of democratic norms of behavior reduces uncertainty about what constitutes proper or improper political behavior and contributes to the routinization of nonviolent and mutually respectful expression of political conflict. Insofar as these norms eschew violence and intimidation, their widespread acceptance reduces mutual fears and suspicions. As rightly pointed out by Burton et al., (1995:30) And insofar as losing in a political conflict is not usually perceived as posing a direct threat to a physical or material well-being of either side, the intensity of the conflict is mitigated, and incumbents who lose an election are more willing to step down, confident that they will survive and perhaps return to power at some point in the future.

In this connection the formation of IPAC has a number of useful lessons. First, it has further demonstrated the importance of elite accommodation and consensus in the functioning of democratic consolidation. The behind-the-scene negotiations among the political parties have contributed in no small way to ensuring peace and stability in Ghana. Second, the formation of IPAC has supported the contention that elite awareness of the potential for destructive political conflict, usually motivated by memories of past conflicts, is an important factor that induces elites to take extraordinary steps to restrain current and future conflicts. In the words of Lijphart (1969: 213): “The essential characteristic of consociational democracy is not so much any particular institutional arrangement as the deliberate joint effort by the elites to stabilize the system.”

Finally, democracy and good governance cannot be promoted if the government denies financial resources to its opponents, while using all the resources at its disposal to put the opposition at a disadvantage. The Ghanaian experience at democracy and good governance has reinforced the point that the fairness of a poll depends on two inextricably lined conditions: namely,

- the creation of a level playing field for the lawful activities of all political parties;
- a thorough delinking of government affairs, personnel and resources, from those of the ruling party.
In practice, such identification has proved difficult to unravel not only in the Ghanaian elections of 1992 and 1996 but also in the 1991 and 1996 Zambian elections and the 1992 elections in Kenya. The desirability of establishing, as far as possible, a level playing field is usually linked to the rationale for public funding of political parties and elections expenses. Perhaps public funding cannot be ruled out in Ghana and other African countries, where the party in government over-exploit incumbency advantages. Consequently, the experience of the established democracies, like France and Italy, where there is some state funding of elections may be a worthwhile consideration by Ghana and other African countries. Otherwise, the disparity in resources between governments and opposition in Africa would begin to lead people to pose the polemical question: Does democracy require an opposition party?
References


The Independent 91996) 15-18 November.


