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Managing Electoral and Political Competition in Africa: Lessons from Ghana's 2016 General Elections

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ABSTRACT

African elections are usually highly contested and competitive because of the winner takes all making of most of the political systems on the continent. Since the third wave of democracy (Huntington, 1991), due to the competitive nature of these elections, attention is usually focused on making these elections peaceful and often relatively credible. Little attention has been paid to documenting good practices across these retinue of elections with the bid to providing election practitioners opportunity to learn from good practices that could be applied in similar context and circumstances. This paper is an attempt at that. It chronicles some of the important measures deployed by different stakeholders towards successful 2016 General Elections in Ghana. It recommends that managing electoral competition in African election requires commitment of political stakeholders, development of mechanisms and measures for both political and judicial redress and commitment to rule of law through independence of the judiciary.

Keywords: *Elections, Democracy, Political Parties, Ghana and Electoral Commission*

1. INTRODUCTION

Elections in Africa are extremely competitive and contentious and can often result in violent conflicts and the exacerbation of political instability especially in fragile countries (Lindberg, 2004, Côté and Mitchell, 2016). Cases of different African countries experiencing crisis and war due to contention arising out of electoral process and outcome are well documented (Goldsmith, 2015, Matlosa and Shale, 2013, Fall, 2008). The interwoven nature of election and conflicts in Africa has made the study of election and electoral violence an important research agenda and spurred significant donor attention towards ensuring peaceful and successful elections in Africa.

Ghana is one of the countries in Africa that has consistently managed its elections and to a very large extent avoided electoral violence. It has consistently held peaceful elections and continues to improve its electoral and political processes since 1992 by conducting seven successful elections with three peaceful transfers of power from one political party to another. Political and electoral institutions have continued to withstand political pressure and electoral dispute has often been resolved through legal channels. Political elites have also shown commitment to political stability and to using legal means to seek redress for perceived injustice. This is also supported by a vibrant civil society and media that continues to play critical role in the electoral processes.

On 7 December 2016, Ghanaians took to the polls to elect their President and Member of Parliament in a General Election. The process leading to the Election Day was fraught with challenges and allegations of collusion against the Election Commission by the main opposition party¹. However, despite those challenges, the election was largely credible and successful based on reports by International Observation Missions (EUEOM, 2016, AUEOM, 2016). The success of the election can be attributed to actions of several stakeholders including the Electoral Commission, National Peace Council (NPC), Ghana Judiciary (the Courts), Civil Society Organisation, the Media and Development Partners.

The paper examines the consistent and successful conduct of elections in Ghana since 1992 and argued that the successful conduct of the 2016 election was due to a combination of institutional innovative reforms, preventive measures and practices supported by political maturity of the political stakeholders. It chronicles some of the most important steps taken by different stakeholders to ensure successful conduct of the elections. It is important to note that although there were several challenges during the election, the focus of this paper is on the measures deployed to ensure that the challenges were handled and managed for the overall objective of credible and peaceful elections. The reason for focusing on the measures is to highlight and document good practices that could be deployed in other countries with similar challenges.

The paper also highlighted key legal cases in the lead up to the 2016 election in Ghana to demonstrate the level of maturity and advancement of Ghana democracy and to show that perceived electoral injustices are addressed through legal channels in Ghana. In other African countries, disqualification of a candidate could result to high scale electoral violence. These cases further demonstrate the independence of Ghana's judiciary and the trust that political stakeholders have in the Court system as an instrument of justice and fairness. Although

[1] Details of NPP accusations can be found at <http://www.myjoyonline.com/politics/2016/December-6th/npp-accuses-ndc-ec-military-of-collusion-to-rig-election-intimidate-voters.php>

the 2016 elections in Ghana took place within the context of heightened electoral competition, accusations of partiality towards the Electoral Commission and retinue of legal cases, it was nonetheless a hugely successful election.

The paper concludes that Ghana's case could form a good learning curve for other countries in Africa.

2. GHANA ELECTION IN PERSPECTIVE: 1992 TO 2012

Ghana has experienced its fair share of democratic disruptions since it gained independence in 1957. It enjoyed period of democracy during pre-independence internal self-rule from 1951 to 1957 when it gained independence and immediately in the early post-independence period from 1957–60. Ghana was also under civilian constitutional democracy from October 1969–January 1972 and from September 1979–December 1981 but were forced to succumb to one-party dictatorship between 1972 and 1979 (Ayee, 2002, Buah, 1980). Ghana has also experienced its share of military dictatorships at different periods to the National Liberation Council (NLC) between February 1966 and October 1969, the National Redemption Council/Supreme Military Council (NRC/SMC) of January 1972–June 1979, the Armed Forces Revolutionary Council (AFRC) of June 1979–September 1979 and the Provisional National Defence Council (PNDC) of December 1981 that metamorphosed into a civilian democracy and started a new phase of democracy in January 1993 after the 1992 general elections (Hettne, 1980, John, 2017). Thus, following the transition plan, two major parties emerged. The National Democratic Congress (NDC) which was the brainchild of JJ Rawlings was leftist socialist oriented and drew support from mostly the Ewe speaking tribes and three northern regions of Ghana. The NPP on the other hands was formed by mostly the greater Akan speaking tribe of Ghana and was formed as a liberal right-wing market oriented party.

On November 3, 1992, the PNDC led government organized and won the presidential election that transformed Flt Lt J.J. Rawlings from a military dictator to a democratically elected President under the National Democratic Congress (NDC) in an election whose outcome was highly contested and rejected by the opposition NPP. Flt Lt J.J Rawlings defeated the New Patriotic Party (NPP) candidate Prof Albert Adu Boahen. Although the Commonwealth, declared the election free and fair, the main opposition party; the NPP rejected the result and declared that the election had been predetermined and staged in favour of the NDC (New Patriotic Party, 1993). In response and to push forward for reforms, the NPP boycotted the subsequent Parliamentary elections that took place on 29 December 1992 allowing the Progressive Alliance - made up of the NDC, the National Convention Party (NCP) and the Eagle Party to win 198 out of 200 seats in Parliament (Commonwealth Observer Group, 2017, p. 3).

One of the issues raised by NPP for reforms was the manner of the appointment of the Electoral Commissioners. NPP argued that the government did not follow due process and failed to make important and necessary democratic consultations (Ayee, 1998). The general perception was that INEC was in bed with the PNDC/NDC led government (Debrah, 1998, Gyekye-Jandoh, 2013). In support of the high level suspicion, the commonwealth reported that there was a sense of deep rooted suspicion about President Rawlings motives and actions before the election and hinted that the playing field was not even (Commonwealth Observer Group, 2017, p. 4). The opposition also raised the issue of the credibility of the voter register and argued that the register contained underage voters and deceased names. In response to the political disagreements and boycott of the Parliamentary election by the main opposition, Ghana's political elites remained committed to democracy and channelled efforts towards resolving their political differences

despite initial lack of attempt by the Rawlings led government to reach across the aisle. It was against this background that several changes were initiated before the 1996 elections. Some of the reforms were the merging of date for both presidential and parliamentary elections, the compilation of new voter register that led the registration of around 9,185,600 voters made up of 4.6 million male voters and 4.56 million female voters (Debrah, 1998). The voter registration exercise was also conscientiously monitored by political parties and up to 89,000 party agents were trained to monitor the voter registration exercise (Gyekye-Jandoh, 2013, p. 81, Ayee, 1998, p. 61). The reform equally introduced the use of transparent ballot boxes for the 1996 election to instil more confidence in the system. To create a platform for consultation between the Electoral Commission and the political parties, the Inter Party Advisory Committee (IPAC) was also established in March 1994 (Debrah, 1998). Since then, IPAC has served as the platform where political parties and Electoral Commission engage in a mutually beneficial manner to build consensus on any issue (Abdulai and Crawford, 2010).

Despite the electoral reforms, the electoral atmosphere in the lead up to the 1996 election was fraught with persistent complaints and agitations for further reforms. The NPP accused the ruling NDC of power overdrive and the use of public resources during campaign and argued that the playing field was not level due to its access to and lack of accountability in the use of public funds while denying other political parties public funds whilst stifling business communities that are disposed to supporting the NPP (Commonwealth Observer Group, 1996). After the elections, the NPP accepted the outcome and demanded further electoral reforms in several areas including result transmission and polling station security. The Political Party Act 574 of 2000, which stipulated specific rules regarding political party registration, internal organization and financing was passed. The Act thus provided the framework upon which Electoral Commission can regulate and monitor activities and behaviour of political parties.

The 2000 elections saw a change of government from one party to another since 1992 in what was hailed as a turning point in Ghana's democracy (Ayee, 2002). It marked Ghana's exit from a militarized democracy to civilian democracy and freedom from nineteen (19) years of the reign of JJ Rawlings. Ghana continued its electoral reform and in 2004, the Representative of the People (Parliamentary Constituencies) Instrument (C.I.46) was passed to determine the creation of new constituency seats. There were further reforms on the voter identification in 2004 that made provision for photographic identity on each Voter Identity Card. (Debrah, 2015). There was also reform that mandated the Electoral Commission to declare all election results at the polling station first before transmission. This enabled parties to deploy party agents to monitor processes and to ensure that correct results are transmitted.

Four years later in 2008 a second change of power from one party to another took place. After the first-round voting in the Presidential election, the NPP candidate secured around 48% of the total vote cast (which is not up to the required 50% plus 1), the NDC candidate won the election in the second round of voting with 50.23% of the total vote against 49.77% for the NPP candidate. The transition process in 2008 was particularly important because it was the second time since 1992, power is moving from one party to the other. The gap between the winner and the loser and the manner of the contest and acceptance of the outcome demonstrated Ghana's democratic credential. It was also the beginning of the recognition that power has finally left the barracks. In other words, democracy has firmly become the new elite consensus in Ghana.

The 2012 election came against the backdrop of Ghana's assured position as a stable democracy. However, by the end of 2012 elections in which the NDC retained the presidency

the call for further reform surfaced after question mark on the credibility of the results. Unlike the 2008 election in which the NPP accepted defeat, the NPP challenged the outcome of the presidential election results at Supreme Court on several grounds. Firstly, was the issue of biometric verification, which the NPP claimed was wrongly applied and violated Regulation 30 (2) of C. I. 75 thereby resulting in over voting in favour of NDC. Secondly, was the validity of the result. NPP claimed that there were widespread instances where different results were strangely recorded on the declaration forms in respect of polling stations bearing the same polling station codes². The NPP also asked the Supreme Court to nullify the results on the ground of lack of verification by Presiding officers or their assistants on the declarations forms as required under Regulation 36 (2) of C. I. 75. In its decision, the Supreme Court ruled that the outcome of the elections was credible but not without blemish. The Court thus mandated the Electoral Commission to embark on reform³ and tasked political parties to increase their efficiency to be able to function as institutions of governance and to ensure that appropriate attention is paid to the processes throughout the electoral cycle but specifically on election day. It further charged the Electoral Commission to become more consultative in its approach to election management.

3. PRELUDE TO 2016 ELECTIONS: ISSUES AND DEMANDS FOR FURTHER REFORMS

The decision of the Supreme Court awakened the opposition NPP who accepted the judgment but embarked on internal institutional strengthening and restructuring of the party towards 2016 elections. As a response, the NPP developed an internal membership database and started a campaign called “adopt a polling station”. This campaign targeted young liberal professional to become political station agents. The party also used the database to develop a resource mobilising functionalities that allowed party members to pay membership fees using different platforms such as mobile money, which is a popular, easy and quick means of payment in Ghana. Through the database, the developed an internal election tabulation database with comprehensive list of all polling station in Ghana. This database was subsequently used by NPP to tabulate the election results coming from the party agents independent of the Electoral Commission.

Some of the issues that emerged after the Supreme Court judgement included the credibility and viability of the existing voter register. There appeared to be consensus among the different parties that the register needed improvement. However, the various parties were divided on the way forwards. Whilst the NDC favoured the cleaning of the existing registers, the NPP favoured a compilation of a new register and argued that the old register contained names of deceased persons and aliens and is therefore not credible and cannot be relied upon for the 2016 elections. The remaining smaller parties aligned themselves either to the left of NDC or the right of NPP. In the midst of the disagreements, the issue was refereed back to the Supreme Court for interpretation in the case of Abu Ramadan and Nimako vs Electoral Commission and

[2] Visit <http://www.danquahinstitute.org/index.php/932-npps-petition-to-the-supreme-court> for more details

[3] Supreme Court Judgment in the matter of a petition challenging the validity of the election of John Dramani Mahama as president of the republic of Ghana pursuant to the presidential election held on 7th and 8th December 2012; 29 August 2013, page 48. The Supreme Court also recommended the following: The voters register must be compiled and made available to the parties as early as possible. A supplementary register may cater for late exigencies, the calibre of presiding officers must be greatly raised up, the pink sheet is too elaborate, a much simpler one to meet the pressures of the public, weariness and lateness of the day at the close of a poll etc., the carbon copying system must be improved upon, the Biometric Device System must be streamlined to avoid breakdowns and the stress on the electorate involved in an adjournment of the poll, invalidating wholesale votes for insignificant excess numbers is not the best application of the administrative principle of the proportionality test

Attorney General⁴. In its judgments, the Supreme Court ordered the Electoral Commission (EC) on July 5, 2016 to “immediately” delete the names of the 56,739 persons registered with National Health Insurance Cards from the register⁵. The Court had already ruled in 2014 that it was illegal for the EC to register persons with NHIS cards (Nkansah, 2016) and consequently embarked on a process of cleaning out names of deceased persons from the register.

There was also an interpretative question regarding the Supreme Court’s ruling of the 2012 presidential election result. Whilst the Supreme Court recommended for the validation of result at the polling station level, it was not clear if copies of the validated result are to be given to party agents. This question was referred to the Supreme Court for further interpretation in the case of Kwesi Nyame Tease-Eshun vs. the Electoral Commission in which the petitioner sought to expose the flaws in the Electoral Law (CI 94), in which the EC is not mandated to supply copies of the collation sheet to political party representatives or agents. In its judgment, the Supreme Court ruled in favour of the petitioners and mandated the Electoral Commission to supply copies of declared and validated results to various political parties through their representatives or agents at the polling station⁶. This decision by the Court became very significant in the 2016 election and proved critical for the opposition party’s ability to collate and tabulate its own results independent of the Electoral Commission.

Other cases that were decided before the 7 December 2016 general election included the *Tufour and Others vs the Electoral Commission and Attorney-General* on the question of whether the special voting should be counted immediately or remain sealed until voting on the Election Day was completed. The plaintiff argued that sealing the voting until the end of Election Day voting is inconsistent with Article 49 of the 1992 Constitution which states that for any public polls counting of the polls shall be done immediately after the polls. The Supreme Court held that the close of polls means the close of polls in each constituency. In this case, the counting of special vote at the close of the general polls in each constituency is in line with Regulation 23 of CI 94 and consistent with Article 49 of the 1992 Constitution. Thus, upholding the plaintiff application will result in fractional declaration of results which could influence the voting pattern before the Election Day⁷.

In addition to the cases highlighted, the Electoral Commission on October 10, less than 2 months to the election, disqualified 13 presidential candidates mainly from the smaller political parties on grounds of wrong completion of nomination forms and other associated cases of irregularities, which the EC claimed amounted to criminality. This sparked a series of litigation by some of the disqualified candidates against the Electoral Commission. One of such cases was the case of *The Republic vs. Charlotte Osei and The Electoral Commission Ex Parte Dr. Papa Kwesi Nduom*. Dr Papa Kwesi Nduom was the Progressive Peoples Party presidential candidate for the 2016 elections and had been disqualified on the ground of violation of Regulation 7 (2) (b) of CI 94 which required candidates to correctly fill nomination forms and to take responsibility for wrong completion or delayed submission. This case was brought to the High Court in Accra who ruled in favour of the PPP candidate and requested the Electoral Commission to allow the candidate time to correct the error(s) in the nomination form. However, the Electoral Commission

[4] Details of the judgment can be found at <http://www.myjoyonline.com/docs/31255abu%20ramadan%20v%20ec%20statement%20of%20case.pdf>

[5] National Insurance card alone is not recognized as a proper identification to get voter register because non-Ghanaians can have insurance card

[6] More on the decision can be read at <http://dailyguideafrica.com/2016-elections-give-collation-sheets-parties-supreme-court-orders-ec/>. This case also be access at Supreme Court Decision No Suit No. J1/24/2016.

[7] Supreme Court judgment on *Tufour and Others v The Electoral Commission and Attorney-General* p.5

appealed to the Supreme Court against the decision of the High Court in *The Republic v High Court (Commercial Division); Ex parte Electoral Commission*⁸. The Supreme Court in its judgment affirmed the decision of the High Court and mandated the Electoral Commission to do the following: 1) extend the nomination period from 7th November 2016 to the close of 8th November 2016, 2) give Nduom the opportunity to correct the errors and accept his nomination upon submission 3) invite the other disqualified applicants who had submitted their nomination by 30th September, 2016 and give them a hearing within the extended period, 4) give candidates the opportunity to make correction in accordance with Regulation 9(2) of C.I. 94. The Supreme Court henceforth gave an order to stay all proceedings pending in the High Court. These legal cases are highlighted to demonstrate Ghana's commitment to judicial processes in resolving electoral dispute. The next section, will highlight and discuss some of the measures deployed by different institutions that contributed to the success of the election.

4. MANAGING ELECTORAL AND POLITICAL COMPETITION IN GHANA'S 2016 GENERAL ELECTIONS

"Ghana held a competitive but overall well-managed vote with reasonably strong turnout -It's time now to tackle concerns over misuse of incumbency and confidence in institutions" (EUEOM, 2016)

"AUEOM Reports Generally Peaceful and Well Administered Elections; Calls for Calm While Final Results are Awaited"(AUEOM, 2016)

"Our overall conclusion is that the opening, voting, closing and counting process at the polling stations on 7 December 2016 were credible, transparent and inclusive" (Commonwealth Observer Group, 2016)

There is one simple commonality among the three conclusive statements by the different International Election Observation Missions, which is that the election was credible, transparent and peaceful. Details of comprehensive assessment of each Mission can be accessed in their respective reports. In this next section, the paper examines the measures taken to ensure that the election was credible, transparent and peaceful.

4.1. Administrative and Integrity Mechanisms

The independence enjoyed by any Electoral Commission always translates into increased integrity. The Global Commission views electoral integrity as an election that is based on the democratic principles of universal suffrage and political equality as reflected in international standards and agreements, and is professional, impartial, and transparent in its preparation and administration (The Global Commission, 2012). Without integrity, leaders and the public lack confidence in election outcome. Lack of confidence in electoral outcome can easily translate to electoral dispute, violence and expensive electoral litigations. Electoral integrity is also a political problem that is often linked to the level of external interference and meddling in the actions of the Election Commission. For the 2016 General Election in Ghana, several administrative and integrity measures taken by the Electoral Commission helped in upholding the integrity of the Commission and the credibility of the election outcome.

[8] Further details on the case can be found on *The Republic v High Court, (Commercial Division (Exparte Electoral Commission – Papa Kwesi Nduom-Interested Party, 2016 Civil Motion No. J5/7/2017.*

4.1.1. Upgrading the Biometric Voter Identity with Unique Bar Code

One of the key challenges faced in the 2012 election was the malfunctioning of the biometric machine on the Election Day. The African Union Observation Mission reported that the malfunctioning of the biometric machine in 2012 election raised questions and nearly denied voters their fundamental rights to vote (AUEOM, 2012). It was also one of the main reasons for NPP's legal challenge of the outcome of the result. To avoid similar situation for the 2016 election, the Electoral Commission embarked on total overhaul of the biometric system for voter identification. For the 2016 election, each voter ID had a unique bar code. The unique code ensured that a voter does not possess two voter IDs and in effect cannot vote twice. The Electoral Commission also recognises that machines can malfunction at any time and thus made adequate preparation that ensured that every voter was biometrically or manually verified before they vote. Where manual verification was used, Presiding Officer (PO) filled a form, which was signed by the PO, the voter, and agents at the polling station. The Commission also made two additional extra Biometric Machine available for each polling station in case of malfunction. These machines were kept at the nearest District Office closest to the polling station.

4.1.2. Deactivation of Voter Card After Voting

Over voting was also one of the reasons the NPP prayed the Court to nullify the 2012 elections. Some scholars have argued that controlling double voting has proved a credible means of controlling over voting and in effect limiting voter fraud (Goodin and Tanasoca, 2014). Therefore, to curtail cases of over voting, the Electoral Commission introduced an innovative approach of deactivating voter's card immediately after the finger is marked with the indelible ink. By deactivating the voter's card after voting, the Commission closed the gap against fraudulent double voting and trained officers to detect and report attempt to police for prosecution.

4.1.3. Polling Station Specific Register

Several scholars have argued that guaranteeing electoral integrity begins with the compilation and management of voter register (van Ham, 2015, Wolf, 2009, Maley and Maley, 2016). As a way of management, the voter register, the Electoral Commission introduced further measures designed to checkmate fraud at the level of the polling station by reducing the number of voters per polling station to between 800 and 850 as well and producing polling station specific register. This means that a voter can only appear and vote in one polling station where the name can be traced on the register. In the words of the Chairperson of the Electoral Commission in a briefing with international observers, this measure was conceived and implemented to prevent double voting at different polling station level. This is because in past elections in Ghana, there were cases of voters attempting to vote many times at different polling stations.

4.1.4. Serialised Ballots and Result Sheets

The serialisation and personalisation of the ballots and result collation sheets at polling station level was also another innovative approach deployed by the Electoral Commission to checkmate electoral fraud and irregularities. By serialising the ballot and result sheet, the Commission ensured that ballot and result sheets are polling station specific. Replacements in the event of damage were given to Regional Centres and were also serially numbered and differentiated. This was conceived to ensure that the ballots and result sheets are not moved from one polling station, district or constituency to another. Thus, by making each ballot and result collation sheet location specific, the chances of ballot stuffing and dumping of thump printed ballot into box was reduced.

4.1.5. Printing of Ballot and Result Sheets

One of the recommendations of the Court to the Electoral Commission was for improved consultation with the political parties and as the elections drew closer, political parties demanded greater involvement in the printing of ballot and result sheets. Hence, in its bid to make the process consultative, transparent and participatory, the Electoral Commission invited the political parties to monitor the printing of ballot paper, results declaration forms and collation sheets. Parties were given the opportunity to raise their concerns and issues raised by any party were resolved or clarified by the Commission during the printing process. In the end, all the political parties through their various agents and representative witness the printing of the ballot, results and collation sheets. The parties were also allowed to lock the ballot boxes with their respective keys as an extra measure to confirm that the ballot will not be opened on transit. Some political parties also hired security agents to provide security to the location where the ballots were stored.

4.1.6. Redesigning of Ballot

According to Lutz (2010), the placement of ballots may have an impact on electoral success. In 2012, a total of 251,720 ballots were rejected in the Presidential election⁹. To reduce the number of rejected ballot for the 2016 elections, the Electoral Commission redesigned the ballot paper by ensuring that the boxes where voters put their thumb are larger and the lines separating one box to the other are thicker. This was done to avoid mutilation of ballot and to ensure that a mistake by a voter who might not place the thumb carefully does not invalidate the ballot. Furthermore, two separate inks with different colour combination were also made available. One ink colour for indelible ink and another ink colour thumb print pad.

4.2. Legal Changes and Measures:

Beside the administrative and integrity measures, the Electoral Commission implemented other legal measures by the Electoral Commission intended to improve the electoral process. One of those reforms, which were critical for the success of the 2016 General elections in Ghana, was the declaration, verification and publication at the polling station level. As a result of the Supreme Court's decision on the case of Kwesi Nyame Tease-Eshun vs. the Electoral Commission as earlier discussed, the Electoral Commission enforced the judgment and complied by supplying copies of results to political party agents at each polling station. The validation and release of result sheets at the polling station to the various political parties played an important role in the way political parties individually collated and calculated the result before the final declaration by the EC. In short, the parties knew the result before it was declared and this helped calm the situation and made the acceptance of the result by the parties easier.

One of the recurring issues in African elections is the collusion between electoral officials and political parties in distorting and determining the outcome of elections against the will of the people. This has gone unchecked in many countries simply because officials who collude with political parties and candidates are rarely prosecuted. To deter such collusion, election officials and party agents were made to take oaths before a Magistrate or Judicial officer instead of an officer of the Commission. This served an important way of holding electoral

[9] Presentation made by the Chairperson of Ghana Electoral Commission on 2 December 2016 to group of International Election Observers.

official accountable and putting responsibility at the fore of electoral process in Ghana whereby errant official could face legal prosecution and sanctions.

For the 2016 elections, the Electoral Commission also took legal measures to make sure that unforeseen circumstances are considered and planned for accordingly. As such, the Commission sponsored a reform bill to the provisions in C.I. 94 regarding adjournment of polling in the event of a disruption caused by nature or human activity. Thus, if election cannot hold at any specific location due to unforeseen circumstances, the Commission is legally mandated by law to act and could postpone the election for that said locations and reschedule at another possible time. Therefore, the power of the Commission to postpone elections until December 8 in riverine rural locations due to poor transportation network derived from the changes made to C.I 94.

4.3- Preventive Diplomacy Measures

Preventive diplomacy (PD) has been recognised as a means of conflict prevention (Steiner, 1998) and has become part and parcel of modern world politics both at the international, regional and national (Steiner, 2001). At the international level, the United Nations has employed PD in several instances to resolve conflicts (United Nations, 2011). The African Union has equally recognised and made PD one of its approaches to conflict prevention and resolution in Africa (Gomes Porto and Ngandu, 2014). Scholars such as de Goede and van der Borgh (2008) and Witt (2013) have provided insight into the role of PD in African Union conflict prevention and resolution effort while Williams (2014) argued that it is in fact, the African Union Peace and Security Council's first option for conflict prevention. PD has also become popular in resolving electoral dispute between political actors and political parties in several countries. The African Union Panel of Eminent Personalities employed PD in dealing with political stakeholders in the aftermath of the 2007/08 electoral dispute in Kenya (Juma, 2009). Coady and Solomon (2012) equally highlighted the role of PD in resolving Zimbabwe's electoral dispute in 2000 and 2009.

For the 2016 General Elections in Ghana, preventive diplomacy was employed to diffuse growing tensions in many quarters. The deployment of preventive diplomacy towards successful 2016 elections in Ghana came from different stakeholders and included both high-level engagement and mediation as well as grassroots engagement, awareness and sensitization. Below I highlight and discuss some of the PD measures deployed.

4.3.1. Peace Messaging

The National Peace Council (NPC) is one of the national institutions that played a critical preventive role during the election period. The NPC through support from the United Nations Development Programme (UNDP) developed peace messages using flyers, stickers and t-shirts that were distributed across the entire country. This initiative supports United Nations acceptance of the use of soft preventive approach in preventing electoral related dispute (United Nations, 2011). The messages encouraged citizens to vote peacefully and to avoid violence but at the same time highlighted both the individual and collective consequences of electoral related violence and the long-term destructive impact on Ghana economy and politics. The stickers and flyers were complemented with video messages through different media channels¹⁰. Social media platforms like Facebook, Twitter, WhatsApp as well as traditional media outlets like television, radio and newspapers were used as dissemination channels. Different political parties also

[10] Highlights of UNDP support can be found at <http://www.gh.undp.org/content/ghana/en/home/ourperspective/ourperspectivearticles/2017/01/03/how-undp-supported-ghana-s-successful-election-2016.html>

adopted the peace messages and took initiative to spread messages of peace.

4.3.2. Early Warning (EW) and Response Channels

The use of early warning approaches was also employed as a PD tools for maintaining peace and preventing electoral violence during the 2016 elections in Ghana. Different intuitions were involved in the deployment of early warning mechanisms. This effort was led by the NPC in partnership with UNDP and the West African Network for Peace Building (WANEP). The mechanism was structured from the grassroots level to the national level involving peace monitors at the lowest level, the regional peace councils at each of the ten regions and the National Peace Council at the apex. An Early Warning and Response Group was established at the national and regional level. Each region had 20 members comprising 13 board members of each of the regional peace council and additional 7 selected members from the community based on their perceived access and convening power. The same number applies to the National Early Warning and Response Group. The Group had both preventive, mitigation and mediation mandate and information, data and analysis that supported their engagement and intervention emanated from the peace monitors deployed around the country. The regional peace council had a mandate to respond to regional issues but received support from the National Peace Council when needed. As the election became close, WANEP established an Election Situation Room for Ghana Election that brought together national, regional and international stakeholder and served as a channel for resolving immediate dispute during the elections (WANEP, 2016, p. 35).

4.3.3. Use of Good Offices

The use of Good Offices is recognised within the United Nations systems as an effective means for preventing and mitigating electoral related disputes and conflicts (United Nations, 2011). Through the United Nations Office for Special Representative for West Africa, the UN engaged with the main political parties to reinforce UN's desire for and commitment to peaceful elections. Several high-profile meetings were held between the UN Special Representative for West Africa and the major presidential candidates¹¹. In the last period leading to the election, the United Nations, the African Union and ECOWAS engaged several stakeholders and reminded them of their responsibility to peaceful elections and to follow legal processes to resolve any disputes or perceived injustices.

4.3.4. Presidential Dialogue and Peace Accord

Political parties and candidates are arguably the most important actors in any electoral democracy and securing their trust and confidence is important for any Electoral Commission. When political parties question the neutrality and impartiality of an Electoral Commission, the outcome of the election is also likely to be questioned as well. Accordingly establishing trust between the political parties/candidates and Electoral Commission is critical and failure to do so might lead to legitimacy questions of elected government, lack of political participation, electoral fraud and poor voting behaviour (Krauss et al., 2017, Fortin-Rittberger et al., 2017). Lack of trust in the system could also potentially turn members of the civil society and the press against electoral institutions (Ariely, 2015).

The 2016 election in Ghana had trust issues and the opposition parties have on

[11] The Special Representative to the Secretary General called for peaceful elections in a press conference after a meeting with Political stakeholders. <https://unowas.unmissions.org/mohamed-ibn-chambas-calls-credible-inclusive-and-peaceful-elections-ghana>

many occasions accused the Electoral Commission of partiality. This trust question emanated from the voter register controversy, poor communication between the EC and the political parties and the consistent legal battles. Some of the issues could not be resolved through the IPAC leading to tensed relationship between the Electoral Commission and the NPP few weeks before the Election Day.

Hence, to build trust and to reaffirm its neutrality and impartiality as well as the readiness to conduct a transparent and credible election, the Electoral Commission with technical and financial support from the UNDP convened a One Day Presidential Dialogue. The Presidential Dialogue was conceived as an innovative alternative Preventive Diplomatic move to reduce tension and secure the trust of the major parties to the elections. The idea was to provide a platform for all presidential candidates, their running mates and the leadership of the Electoral Commission to have face-to-face frank discussion on some of the issues that have created tension and mistrust between them. In organising the Presidential Dialogue, the Electoral Commission set out clear objectives: (1) to update the presidential candidates and running mates on the state of preparedness of the Commission, (2) to listen to their expectations, (3) to update them on the key legal changes and new integrity measures, (4) to brief them on result transmission plans, (5) to explain further the role of agents and most importantly (6) to listen to their complaints and find ways to address them. It was also designed as a high-level dialogue involving all the presidential candidates, the Electoral Commission thus invited high level neutral observers. The UN Resident Coordinator, UNDP Country Director, Chairperson of National Peace Council and Assistant Secretary General of the Commonwealth observed the dialogue.

In practical terms, the dialogue provided an opportunity for the Electoral Commission to address the presidential candidates and respond to questions. It eventually provided the space for both the Electoral Commission and the candidates to deal with all pending issues. At the end of the dialogue, all presidential candidates reaffirmed their confidence in the Electoral Commission to perform its function without fear or favour. In fact, the Presidential Dialogue was instrumental in clearing doubts and restoring trust between the Electoral Commission and the presidential candidates and became the turning point that convinced the presidential candidates to sign of the Accra Peace Accord, which committed all presidential candidates to peaceful elections.

5. CONCLUSION: WHY HAS GHANA SUCCESSFULLY MAINTAINED DEMOCRATIC STABILITY?

Answering the question why Ghana has successfully maintained democratic stability since 1992 requires a quick look through some of the discussions and analysis in this paper. The first important point to accept is that democracy is both a function of the institutions as well as the character of actors (The Global Commission, 2012). While institutions are important for the functioning of democracy, the actors responsible for implementing institutions design must adhere to the dictates of the institutions. The history of Ghanaian politics since 1992 demonstrates deep commitments and respect for democratic institutional arrangements. The commitment to following judicial process to seek redress demonstrates Ghana's commitment and acceptances of its institutions of democracy such as the court.

The second important point in answering the question relates to the level of political maturity and trust. Low level of trust has often been interpreted as a lack of support for democracy. This paper highlighted issues of trust between the electoral commission and the political parties, which has been argued is the hallmark of matured and stable democracy (Hooghe et al., 2017).

Thus, this issue of trust between the Electoral Commission and political parties should rather be seen as a form of democratic maturity and the consistent demand for reforms supports this point.

Thirdly, since 1992, Ghana has consistently reformed its electoral process and continues to improve from previous elections. The demands for those reforms and the acceptance for the need for reforms is one of the many reasons Ghana has maintained its democratic standing in Africa. Historical account provided in this article showed Ghana's political struggle to move from military dictatorship to democracy in 1992. The paper also showed that throughout all the elections since 1992, the political elites have consistently adopted reform to existing institutions as the way forward. Hence, there is an acceptance in Ghana that institutions can facilitate intertemporal political cooperation and compromise (Scartascini et al., 2010).

The preventive role of national institutions cannot be overlooked. Over the years, NPC has proactively engaged in activities intended to prevent or mitigate electoral related conflicts. Thus, political elites recognise the role of institutions like the NPC in convening and engaging with political stakeholders to prevent electoral related violence. The Accra Declaration is an example of the convening power of the NPC, which it has used since its establishment through an Act of Parliament in 2011 (Parliament of Ghana, 2011). Added to this is the independence of the Electoral Commission to act without fear or favour. Evidence has shown that starting from 1992, the Electoral Commission as a body has consistently adopted measures to improve the integrity of Ghana's electoral processes and the 2016 election further demonstrates this commitment.

It was Fukuyama (2014) who argued that the state, rule of law, and democratic accountability are the three basic components of a modern political order. While the state concentrates and uses power, law and democracy constrain the exercise of power, indicating that there is an inherent tension amongst the three concepts. Therefore, for democracy to thrive it is important that its relationship with the state and law is mediated and balanced to achieve optimal results. Ghana has demonstrated its capacity to mediate and balance the tension that arises from the tripartite relationships between the state, rule of law, and democratic accountability, hence the reason for its continued and consistent democratic progress.

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