

# POLITICAL PARTIES and DEMOCRACY IN GHANA'S FOURTH REPUBLIC

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Political parties and  
democracy...



*Edited by*

**Kwame A. Ninsin and F.K. Drah**

*Political Parties and Democracy  
in Ghana's Fourth Republic*

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POLITICAL PARTIES AND DEMOCRACY  
IN GHANA'S FOURTH REPUBLIC

*Proceedings of a Seminar Organized by the  
Department of Political Science, University of Ghana, Legon  
on 2nd and 3rd July, 1992*

*Edited by*

Kwame A. Ninsin

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WOELI PUBLISHING SERVICES  
ACCRA  
1993

*Published by*  
Woeli Publishing Services  
P.O. Box K601  
Accra New Town

© Department of Political Science, Legon 1993  
ISBN 9964-978-14-6

Cover artwork S. A. Adom  
Designed and typeset by Woeli Publishing Services  
Printed and bound by Assemblies of God Literature Centre, Accra

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## PREFACE AND ACKNOWLEDGEMENTS

Once again the Department of Political Science, in pursuit of its outreach programme, has the pleasure to make available to the general public in book form the proceedings of a two-day seminar held at the Christ the King Hall in Accra on 2 and 3 July, 1992, on the theme "Political Parties and Democracy in the Fourth Republic"; and, as was the case with the one held on 21 June, 1991, on Ghana's transition to constitutional rule, the seminar was organized in collaboration with the Friedrich Ebert Foundation of Germany. Significantly, that a seminar on such a theme could be conceived and organized at all is because the ban on overt party political activities had been mercifully, if belatedly, lifted on 18 May 1992.

The theme was discussed under the following broad heads:

(i) The Constitutional and Legal Basis of Democracy; (ii) Society and Political Parties; (iii) Political Parties, Representation and Democracy; and (iv) The Institutional Mechanisms of Party Politics. Papers were presented by sixteen resource persons including a representative of the British government, Mr. Donald Anderson, a Labour Opposition Front Bench Spokesman on Africa. For some technical reasons, two of the papers could not appear in this volume.

It may be noticed that the present work is, in a significant sense, a sequel to our recent publication, *Ghana's Transition to Constitutional Rule* published in 1991. For, although each has a specific focus, both works are essentially concerned with the problems and prospects of Ghana's transition to constitutional-democratic rule. It is also worth emphasizing that the revised papers had already been submitted to the publisher before the presidential and parliamentary elections of November and December, 1992, respectively; and this is why it was not possible to update the material where necessary. Even so we believe that this does not detract, to any appreciable degree, from the major thrust and significance of the book as a whole. It is our fervent hope that the valuable lessons contained in this volume will inspire, warn and guide us in our fourth attempt at evolving a free, just and stable pluralist democracy in Ghana.

At this juncture, the Department wishes to place on record its debt of gratitude to a number of people. These include, first, Prof. D.A. Akyeampong, then the Pro - Vice Chancellor, University of Ghana,

Legon, who gave the keynote address in lieu of Prof. G. Benneh, the Vice-Chancellor; secondly, the chairmen of the various sessions — Mr. S.Y. Bimpong-Buta, Director, Ghana Law School, Mr. Justice George Lamptey, Appeal Court Judge, and Prof. G.K. Nukunya, then Head, Department of Sociology, now Pro-Vice Chancellor, Legon; thirdly, the seminar participants, including representatives of some of the newly formed political parties, for their lively and invaluable contributions to the discussions; and, fourthly, the Department's secretarial staff — especially Mr. Godfried Mantey, Ms. Selina Odame and Mr. Daniel Nii Noi, for helping with the organization of the seminar and preparing the typescripts for this volume.

While very grateful to all these people, the Department in all honesty must acknowledge its profoundest gratitude to the Friedrich Ebert Foundation and its Director in Ghana, Dr. G. Schirra — an indefatigable champion of constitutional democracy — ably supported by the Programmes Officer, Mr. E. Biriku-Boadu, and other staff members. Fully aware of the crucial importance of a healthy and vibrant competitive party system for the emergence and thriving of constitutional democracy, Dr. Schirra readily accepted the Department's proposal for the seminar and then — as he did in 1991 — successfully convinced the Foundation headquarters to provide ample funds for not only organizing it but also publishing its proceedings. We have no doubt whatsoever that, wherever he will be after his tour of duty in Ghana, he will continue to aid the cause of constitutional democracy through such contributions as these. In the same vein, the Department is most grateful to the Overseas Development Agency (ODA) of the UK for supporting the participation of Mr. Donald Anderson.

Finally, we would like to state that the responsibility for the views expressed in this volume lies strictly with the individual contributors only, and not with the Department of Political Science, the Friedrich Ebert Foundation nor the publisher.

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Part I

*Basis of Democracy*

## *Chapter 1*

# DEMOCRATIZATION IN BLACK AFRICA VIEWED FROM WESTMINSTER

Donald Anderson

### Introduction

When I was invited to participate in this seminar, I asked myself a simple question: "What is it from my background and experience that I can contribute?" I am not steeped in the academic literature on the subject. I am a journeyman, national politician of some experience, who counts myself as a friend of Africa and I shall speak in that light.

I am equipped to give the perspective of a British and European Parliamentarian to the dramatic and welcome democratic advance in Africa. I hope to have the humility not to parachute into Ghana and give prescriptive solutions. Hence this is a personal approach of a busy politician unsullied by Foreign Office duties! I stress a "British and European Parliamentarian" because British foreign policy will increasingly be influenced by our membership of the evolving European Community. The Maastricht Treaty seeks to establish "a common foreign and security policy based on co-operation between the member states." Such co-operation already exists at all levels. Individual member states will be lead countries in respect of states or regions with which they have a special interest or expertise, perhaps because of a past colonial relationship.

One further word of disclaimer: I see my role as a frank friend. I am confident that you will not shoot this messenger from Europe even if his message is not always what you wish to hear. It would be wrong for Africans immersed in the heady events of their democratic transition, to imagine that events here are of constant and deep concern in Europe. Later, I shall argue, as I look at events in Africa, from the other end of the telescope, that Africa as a whole, for reasons good and bad, slipped lower down the agenda of concern and that Africa and its friends must struggle and shout much louder than in the past to gain proper attention.

The starting point is undisputably that there is a wave of democra-

tization in Africa, which is most welcome. There are obviously exceptions to the in-coming tide of democracy — Mauritania, La Côte d'Ivoire,<sup>1</sup> Central African Republic and Burkina Faso. Zimbabwe and Zaire are marking time. Chad, Liberia, Ethiopia and Somalia give an unclear or contrary signal. But the picture is of real progress in the Cape Verde Islands, Sao Tome and Principe, Zambia and in Benin, Niger, Madagascar and Mali. Togo and the Congo exhibit special problems of transition; whilst there are real signs of hope in Nigeria, Sierra Leone, Tanzania, Kenya, The Gambia, Cameroon, Angola, Guinea Bissau, Burundi, Rwanda — and, of course, here in Ghana.

Clearly, these developments predated the “six months that shook the world” in 1989, from the free Polish election in June 1989, via the opening of the Berlin Wall in November, to the violent overthrow of Ceaucescu in December. But events in Africa were influenced and accelerated by the fall of communism in Eastern Europe and the end of the Second Cold War. The evidence for re-dating is charted by Professor Samuel Decalo.<sup>2</sup> President Bongo of Gabon later spoke of “the wind from the east that is shaking the coconut trees,”<sup>3</sup> and Decalo exaggerates, but has a point, when he writes of the consequent “devaluation” of Africa — “African states were transferred from Cold War pawns into irrelevant international clutter.”<sup>4</sup> I had personal experience of this on 9 November, 1989. I was flying overnight from Namibia to the United Kingdom, having been an international monitor at the pre-independence elections. I had a great story to tell of the peaceful birth of a new African democracy. Here was a happy model for all of Southern Africa and beyond. Yet, overnight the Western press switched off their interest; because that night the Berlin Wall was opened. Western powers are quick to respond that no aid has been diverted from Africa to Eastern and Central Europe. The truth is that attention across the board has been focused there for the past two years or so for understandable reasons of interdependence, proximity, more attractive markets and perceived danger from refugees and nuclear proliferation.

This process has come on top of a certain irritation with Africa over the past decade. Few British newspapers have regular articles on Africa, save the traumas of South Africa. The exceptions are the *Financial Times* (Michael Holman) and the *Independent* (Richard Dowden). The latter wrote a rather gloomy think-piece inferring that, apart from South Africa, the main factor behind the West's attention to Africa was humanitarian. This does, however, underline that Africa now has to seek attention in a harsher world context and with increased competition.

There is also the question of aid fatigue and its offshoot: conditionality and insistence on "good governance." The World Bank in its Report of 1989 stated: "... political legitimacy and consensus are a precondition for sustainable development. ... Underlying the litany of Africa's problems is a crisis of governance."<sup>5</sup> Douglas Hurd and Lynda Chalker spoke and wrote on the same theme in Britain as did President Mitterand to the assembled Francophone leaders in France. The Commonwealth Heads of Government Meeting (CHOGM) issued its Harare Declaration last October on the theme of democratic principles. (See the House of Commons Library Note on Good Government.)

Some of these criticisms were unfair. There were factors such as drought and the adverse terms of trade behind the crisis. Europeans forget the phenomenon of Hitler and their continental tragedy of Yugoslavia. But much could not be blamed on external factors and convenient scapegoats such as "neo-colonialism." There was Mengistu. There was a decade of mismanagement and decline in the 1980s. The courtesy of a guest only prevents me from looking at the history of Ghana since independence when it had a flying start, and the subsequent waste of resources and talent and erosion of civil liberties.

The memory of the misallocation of resources on the continent of Africa still poisons the international atmosphere. The recollection of false dawns of democratic advance blotted out by subsequent military coups, makes Western opinion slow to recognize and respond to the real progress now being made, symbolized by the dignified change of government in Zambia. Add to this an increased parochialism among Western politicians (few current British MPs have worked overseas), the ending of East-West rivalries, and Africa faces an uphill task.

How, then, can Western countries and politicians work with Africans in building democracy on sure and lasting foundations? One way, of course, is to seek means of underpinning the economies of the African countries. In an interview in *New Africa*, President Museveni stated: "We have postponed elections because of sheer logistical problems. We don't have paper for school children to write on, let alone for voters."<sup>6</sup> To discuss this would lead me to consider the terms of trade, protectionism and GATT — a fascinating study, but not for this chapter. Let us at least agree that without economic recovery on a sound and lasting basis, it will be much more difficult for democracy to be established, to survive and to prosper. That said, it is true that assistance to states in establishing democracies is now high on the agenda of international organizations, to the extent that there are

dangers arising from lack of co-ordination. Let me give examples of practical work by organizations of which I have some direct personal experience — irrespective of that done directly by governments and inter-governmental organizations.

*The Inter-Parliamentary Union (IPU)* has sent teams of Parliamentarians to monitor elections. I went to Namibia in 1989. The Conference at Yaounde in April was at a most opportune time in that country's democratic advance. The *Westminster Foundation for Democracy* was established in March 1992 to provide assistance in building and strengthening pluralistic institutions overseas, following consultations between the British Government and the British political parties.

The annual budget this year is one million pounds. *The Commonwealth Parliamentary Association (CPA)*, internationally and the individual national branches, help in election monitoring, run seminars and courses for Parliamentarians and help by placements in training those involved in the machinery of Parliaments. *The Parliamentarians for Global Action (PGA)* established in 1991 a special African task force which, for example, visited Togo during the political crises in December 1991 and June 1992, when I led the delegation. *AWEPA*, founded in 1984 to mobilize European Parliamentarians in the struggle against apartheid, is now re-focusing its activities to act as a lobby in Europe for African (particularly Southern African) development and democratization.

There is a recognition of the danger of over-enthusiastically seeking to transplant Western models into different soils, but there are universal principles and aspirations. Sharing experience and providing training can only assist the welcome process now under way.

My judgement is that, although opinion in the West has been soured by bad images of the past, there is now an increasing recognition of the well-based and important progress towards democracy in Africa. The way forward will not always be straight; there will inevitably be some reverses, but on the basis of mutual respect, we can share experiences and help those travelling along the road to an ideal goal which is always relevant but can never be totally attained.

### **House of Commons Library Note on Good Government**

UK policy on "good government" was first adumbrated in a speech by the Foreign Secretary, Douglas Hurd, to the Overseas Development Institute on 6 June 1990:

Nobody believes that good government alone can perform miracles where natural resources are inadequate. But too many of Africa's resources have been dissipated by war, bad management and in some countries, by corruption. Economic success depends to a very large extent on effective, honest government and political pluralism. (I would add, observance of the rule of law, freer and more open economies.)

These are choices for Africans, not for us to make. But aid donors can help where the will is there by providing assistance and training to strengthen legal, financial and other institutions which help form the fabric of a healthy society. And they should consider potential recipients of aid in the light of certain criteria. Countries which tend towards pluralism, public accountability, respect for the rule of law, human rights, market principles, should be encouraged. Governments which persist with repressive policies, corrupt management, wasteful, discredited economic systems should not expect us to support their folly with scarce aid resources which could be used better elsewhere.

This is not a doctrine for Africa. There is no justice, no point in singularizing, picking out one continent. These are exactly the tests which we are applying in Eastern Europe at the present time. We want to see these tests more widely accepted not because they are Western, but because where they are accepted, they are effective and beneficial. That is to say, no one has actually found out a better set of principles for government and effective policy by which to live.

The concept of "good government" was further amplified in an article by Lynda Chalker in the *Sunday Times* of 18 August 1991:

Errant regimes can no longer cloak their authoritarian tendencies in Marxist jargon or look to a superpower to bail them out. Not that good government necessarily means replicating Westminster-style institutions. National traditions and circumstances differ radically. I believe "good government" can best be judged by reference to three guiding principles: Sound economic and social policies which allow free rein to market forces. Governments should not take on tasks best left to others. Greater prosperity should enable poverty, illiteracy and disease to be tackled and opportunities to be created for popular participation. Arms spending should not exceed what is needed for legitimate self-defence. The second fundamental is the competence and accountability of government institutions. Ineffective policies and corruption can only be weeded out if governments are accountable through the ballot box and a free press. Bad government can result from inexperience as well as evil intent. So apart from penalizing authoritarian regimes, we should share expertise in areas such as

training civil servants, the organization of political parties and the mechanics of running free elections.

The third key aspect of good government must be respect for human rights and the rule of law. Entrepreneurs will not start businesses, nor outsiders invest, if there is no redress against arbitrary confiscation or corruption. These principles are neither the sole invention of the West nor the only product of the collapse of socialism in Eastern Europe. There has also been a growing realization in many developing countries that the key to prosperity lies largely in their own hands. No amount of aid or central control can produce the investment in productive economic activity on which advancement depends.

In Africa, some countries such as Botswana have followed such policies since independence. They tend now to be among the most prosperous and stable countries on the continent. Not all developing countries have yet embraced good government with the same enthusiasm. Some have set their faces against change. In such circumstances our aid cannot be unaffected. We are looking for at least a trend towards better government.

It should be noted that at no point does HMG specify that multi-partyism is an essential component of "good government." Mrs. Chalker stated that HMG was to spend 50 million pounds on "good government" over the next year. The money will go to areas such as reforming the structures of procedures of government, assistance in drafting legislation, training for police, customs and civil servants, election monitoring, support for the media, human rights groups and other NGOs and improving accountancy standards (ODA News Release 63/91, 19 July 1991).

The UK is a party to the Fourth Lome Convention, as signed in December 1989 by the states of the European Economic Community and the group of African, Caribbean and Pacific States, which includes all the states of Sub-Saharan Africa. In both the preamble and Article Five of Chapter One ("Objectives and Principles of Co-operation") the Convention establishes a clear link between development and human rights. The EEC has increasingly explicitly shaped not just its development policies but also its aid policies in the context of this link (*Africa Confidential*, 20 December 1991).

At the Commonwealth Summit in Harare in October 1991, the UK was active in ensuring that issues of democracy and human rights were high on the summit agenda. The Harare Declaration of 20 October 1991 included a pledge that all member-states would "work with renewed

vigour" to implement the principles embodied in the 1971 *Declaration of Commonwealth Principles*, concentrating especially in the following areas:

- (i) the protection and promotion of the fundamental political values of the Commonwealth:
  - democracy, democratic processes and institutions which reflect national circumstances, the rule of law and the independence of the judiciary, just and honest government;
  - fundamental human rights, including equal rights and opportunities for all citizens regardless of race, colour, creed or political belief;
- (ii) equality for women, so that they may exercise their full and equal rights;
- (iii) provision of universal access to education for the population of our countries;
- (iv) continuing action to bring about the end of apartheid and the establishment of a free, democratic, non-racial and prosperous South Africa;
- (v) the promotion of sustainable development and the alleviation of poverty in the countries of the Commonwealth through:
  - a stable international economic framework within which growth can be achieved;
  - sound economic management recognizing the central role of the market economy;
  - effective population policies and programmes;
  - sound management of technological change;
  - the freest possible flow of multilateral trade on terms fair and equitable to all, taking account of the special requirements of developing countries;
  - an adequate flow of resources from the developed to developing countries, and action to alleviate the debt burdens of developing countries most in need;
  - the development of human resources, in particular through education, training, health, culture, sport, and



- programmes for strengthening family and community support, paying special attention to the needs of women, youth and children;
- effective and increasing programmes of bilateral and multi-lateral co-operation aimed at raising living standards;
- (vi) extending the benefits of development within a framework and respect for human rights;
- (vii) the protection of the environment through respect for the principles of sustainable development which we enunciated at Langkawi;
- (viii) action to combat drug trafficking and abuse and communicable diseases;
- (ix) help for small Commonwealth states in tackling their particular economic and security problems;
- (x) support of the United Nations and other international institutions in the world's search for peace, disarmament and effective arms control; and in the promotion of international consensus on major global political, economic and social issues.

To give weight and effectiveness to our commitments, we intend to focus and improve Commonwealth co-operation in these areas. This would include strengthening the capacity of the Commonwealth to respond to requests from members for assistance in entrenching the practices of democracy, accountable administration and the rule of law (paras 9 and 10).

The UK has been accused at points of turning a blind eye to the misbehaviour of certain Sub-Saharan African signatory-states where economic or strategic interests dictate, above all, Kenya and Malawi. For most of 1990 and 1991 there appeared to some critics to be a reluctance on the part of HMG to use its not inconsiderable leverage to pressure President Daniel arap Moi to cease the harassment of his political opponents and to restore a multi-party system to Kenya. The US seemed much more willing to challenge the Kenyan authorities. But the UK's willingness to pressurize such governments appears to have increased

since the benchmark *Harare Declaration*. On 25-26 November 1991 the UK agreed to a decision at a meeting of the Consultative Group of Kenya's aid donors to suspend a decision on future aid to Kenya for six months pending moves there towards economic and political reform. Within days of this decision, President Moi announced that Kenya would return to multi-partyism.

The UK has been accused of a similar reluctance to put pressure on Malawi. But the level of UK pressure on President Banda is increasing.

We have already cut our programme aid to Malawi this year from ten million pounds to five million pounds because of lack of progress on human rights and good government. The Malawi Government is aware that we will place increasing emphasis on adherence to these principles in determining future aid levels. (HL Debate Vol. 532 c65W, 20.11.91)

#### NOTES

1. La Côte d' Ivoire now has a semblance of multi-party democracy.
2. S. Decalo, "The Process, Prospects and Constraints of Democratization in Africa." in *African Affairs* 91, 1992, pp. 7-35.
3. President Bongo reported in *West Africa* , 9 April, 1990.
4. S. Decalo, *ibid.*, p.17.
5. World Bank, *Sub-Saharan Africa : From Crisis to Sustainable Growth* . Washington DC, 1989, p.34.
6. *New Africa*, July 1991, p.14.
7. For a discussion of US policy on promoting democracy and human rights in Sub-Saharan Africa, see *Africa Confidential*, 6 December, 1991.

## Chapter 2

# POLITICAL PARTIES AND THE MACHINERY OF DEMOCRATIC GOVERNMENT

Kweku G. Folson

### Introduction

Since 1984 the people of Ghana have expressed on three separate occasions their preference for a liberal-democratic polity. On the last occasion, that is, on 28 April, 1992 they decisively opted for a constitution that was crafted to ensure such a polity.<sup>1</sup> The Draft Constitution of the Republic of Ghana, 1992, provides a machinery for running a liberal-democratic form of government. The constitution provides for a network of institutions which is a set of checks and balances. The power of Parliament to legislate is hedged around with "countervailing powers" that are exercised by the National House of Chiefs, the President, the Council of State, the Supreme Court and a number of Independent Commissions. Similarly, the powers of the President are hedged in with countervailing powers belonging to Parliament, the Council of State, a host of independent Commissions (including the National Security Council) and the Supreme Court. This network has been designed to ensure that the main institutions of government will exercise only limited powers and in prescribed ways, thus yielding a liberal-democratic polity. The constitution-makers, however, were not satisfied with this arrangement of offices.

In addition, the Preamble to the Constitution also proclaims that on adopting the constitution, the constitution-makers affirmed their commitment to "freedom, justice ... the principle that all powers of Government spring from the sovereign will of the people; The Principle of Universal Adult Suffrage; The Rule of Law; and the Protection and preservation of fundamental Human Rights and Freedoms." The purpose of this chapter is to explore the role political parties in the Fourth Republic can play within this machinery to promote the goal of democratic government.

There is a dialectical relationship between political institutions and human behaviour such that political institutions shape the

behaviour of those who work them whilst the institutions in their turn are shaped by the behaviour of the political actors. This point was forcefully made by John Stuart Mill in the nineteenth century. Reflecting on representative government in 1861, he wrote:

political institutions (however the proposition may be at times ignored) are the work of men; owe their origin and their whole existence to human will. Men did not wake on a summer morning and find them sprung up. Neither do they resemble trees, which, once planted, 'are aye growing' while men 'are sleeping.' In every stage of their existence they are made what they are by human voluntary agency. Like all things, therefore, which are made by men, they may be either well- or ill- made; judgement and skill may have been exercised in their production, or the reverse of these. And again, if a people have omitted, or from outward pressure have not had it in their power, *to give themselves a constitution by the tentative process of applying a corrective to each evil as it arose, or as the sufferers gained strength to resist it*, this retardation of political progress is no doubt a great disadvantage to them, but it does not prove that what has been found good for others would not have been good also for them, and will not be so still when they think fit to adopt it.

On the other hand, it is also to be borne in mind that political machinery does not act of itself. As it is first made, so it has to be worked, by men, and even by ordinary men. It needs, not their simple acquiescence, but their active participation; and must be adjusted to the capacities and qualities of such men as are available. This implies three conditions. The people for whom the form of government is intended must be willing to accept it; or at least not so unwilling as to oppose an insurmountable obstacle to its establishment. They must be willing and able to do what is necessary to keep it standing. And they must be willing and able to do what it requires of them to enable it to fulfil its purposes. The word 'do' is to be understood as including forbearances as well as acts. They must be capable of fulfilling the conditions of action, and the conditions of self-restraint, which are necessary either for keeping the established policy in existence, or for enabling it to achieve the ends, its conduciveness to which forms its recommendation."<sup>2</sup>

Thus a constitution made to promote democratic government will encourage democratic behaviour, but the behaviour of the people must also sustain the democratic ethos of the constitution if the objective of democratic governance is to be realized. A constitution with pronounced undemocratic features cannot promote democratic governance, and behaviour that runs contrary to the democratic ethos can

only smother the democratic features of a constitution.

No better way of determining the political behaviour of a people exists in the modern world than observing the behaviour of the people's political parties; for political parties are the institutions that directly link society, social groups and individuals in a natural association with government. The manner in which political parties will operate the machinery of government provided by the Draft Constitution 1992 will thus have a lot to do with whether democracy will flourish or not in the Fourth Republic.

### **The Modified Presidential System and Its Possibilities**

In broad outline, the machinery provided by the Draft Constitution 1992 is a modified version of the American system of executive presidency. The main modification is the bridge between the executive and the legislature provided by the requirements that (i) a majority of Ministers must be Members of Parliament<sup>3</sup> and (ii) that Parliament can pass a vote of censure against Ministers, in which case the President may dismiss them.<sup>4</sup> These are important variations on the American system that offer ample opportunities for both mischief-making and constructive governance. The convention of the American political system which keeps the executive and the legislature apart from each other<sup>5</sup> has been found obstructive of good governance, and attempts have been made, particularly through the party system, and other dubious methods, to overcome the separation.

The provision in the Draft Constitution that some of the Ministers must come from Parliament provides an opportunity for Ministers to interact on a continuous basis with the leaders of the party or parties in a majority in Parliament, if the President's party does not have such a majority. In a liberal-democratic system of government, political parties have many responsibilities to discharge. In both the British-type parliamentary system and the American congressional system, parties operate at all levels of government. They mobilize voters and opinion in a competitive race for or against the government of the day. This they do through rallies, campaigns and party conferences, and in Africa sometimes by enlisting the support of or taking over, non-political organizations such as trade unions, co-operative organizations, youth and women's associations and even social clubs.<sup>6</sup> The political parties are also the principal actors on the parliamentary stage. Finally, they

control the executive or administrative machinery. In all these spheres and at the various levels in the Fourth Republic, the political parties will have a heavy responsibility to ensure that the democratic machinery works. When party politics started in African countries in the late fifties and early sixties, it was not uncommon for political parties engaged in competitive bidding for support among the electorate to carry out this particular function to the accompaniment of violence. Over the years this penchant for violence has decreased, though there are recurring situations which are always in danger of regression into violence. At the level where violence does occur, it is the supporters and very junior officials of the party at the grassroots who are usually involved. In the Fourth Republic, it will be the duty of the regional and national officers of the parties to keep the temperature of political debate low and to restrain their supporters so that the temptation to violence can be held in check, and democratic stability encouraged. Experience in the Second and Third Republics suggests that, provided there is goodwill and there are no inflammable political issues extant, it should be easy to maintain at the grassroots level the conditions of democratic stability.

It should also be relatively easy for political parties to maintain the conditions of democratic stability on the executive level. Here there is no party competition. The executive by its very nature is unitary and different parties do not share it at one and the same time; they normally alternate in a liberal-democratic system in controlling it. Here, then, all that is required of political parties is not to abuse their power. In a liberal-democratic political system, it is vital that the administrative machinery of the state remain neutral as between the political parties so that any of the parties that wins an election can count on the loyalty of the machinery in implementing the party's policies. It is therefore incumbent on the party in power not to subvert the loyalties of the officials in the administration or to fill the administrative machinery with its supporters. This, of course, goes for the party or parties in opposition also. The governing party must not have grounds to complain that the opposition is subverting the officials in the administration and that it cannot be sure its policies are being faithfully executed.

The temptation to subvert the loyalties of public officials is particularly strong for highly ideological parties and parties that tend to see society in terms of sharp cleavages. Current political conditions in the country and the world generally are not likely to encourage parties to develop along such lines and to that extent the forces pushing parties into undemocratic practices will be relatively weak in the Fourth

Republic. It will still be necessary, though, for party leaders to bring pressure to bear on the more youthful and radical of their followers to ensure that moderation prevails. It takes only one major party to embrace an extremist ideology for the whole democratic structure to come tumbling down, as happened in Germany in the inter-war period.

Keeping the political temperature cool at the grassroots and keeping hands off public officials will thus be essential if political parties are to run the machinery of government in such a way as to promote democracy. The parliamentary stage, however, appears to hold the key to the maintenance of a democratic machinery of government. It is here that government policy is finally hammered into law. It is here also that there is a direct and intense clash between parties as they seek to fashion society according to their ideal images or to apportion resources to interests within society. Moreover the very manner in which legislatures proceed with their business is highly conducive to conflict. Here, there are channels which the opposition can use to frustrate the implementation of government policy and here too are opportunities the government can use to muzzle the opposition. Above all, some of the most powerful of the party leaders are in the legislature and therefore have the opportunity to hammer out consensus on policy before it is embodied in legislation.

The political parties in the legislature in the Fourth Republic, if they are to promote democracy, will have to co-operate, through "the usual channels"<sup>7</sup> to ensure that the wheels of legislation and policy-making are smooth, that there is cross-fertilization of ideas and that, in this way, consensus gains over conflict. By such behaviour, the political parties can surely make a powerful contribution to democratic stability. This, of course, does not necessarily flow from the mere presence of political leaders in Parliament; for in the past, opposition parties in the country have had occasion to complain in a way that suggests that the presence of Ministers in Parliament did not induce collaboration between the government and the opposition. But this only suggests that there are other forces which help to shape the behaviour of political parties towards one another. What this means is that the presence of opposition leaders and Ministers in Parliament presents an opportunity missing from the pure executive Presidency for legislature — executive cross fertilization which can be exploited to promote the public good. It is up to the parties to take up the opportunity. Few people realize the extent to which successful parliamentary democracy depends on the co-operation between opposing political parties inside the legislature, but

the maintenance of liberal democracy depends to a great extent on this.

If for one reason or another (say, tribal antipathy or personal animosity), the parliamentary leaders of the opposing parties cannot get on, Parliament will grind to a halt or obstructive opposition will generate incoherent policies. Moreover, the right to pass a vote of censure against Ministers could present great temptations. In a pure executive presidency, the farthest Parliament can go in embarrassing the executive is to turn down executive proposals made to parliament, or to hold up appointments. These measures come to parliament from the President, and even if they are defeated the administration can carry on whilst modifications are worked out. The one power in this system that can be employed by parliament to completely cripple executive action is the power to approve the appointment of Ministers. If Parliament refuses to approve the appointment of a Minister, to that extent the relevant Ministry is crippled. In the modified executive presidency provided for in the constitution for the Fourth Republic, a vote of censure against a Minister has the same effect politically, if not legally, and where the leaders of the parties are not in a mood to co-operate, the whole administration could be crippled in this way.

The bridge provided in the Draft Constitution by the presence of Ministers in Parliament therefore is either an opportunity the political parties can exploit to build confidence between the executive and the legislature so as to ensure that executive policy is suffused with the thinking of Parliament, thus promoting smooth administration and development, or it can be exploited to obstruct the machinery of government and thus promote instability.

### **Conception of Opposition and Behaviour of Political Parties**

In early nineteenth century British Parliament, before the idea of opposition had been refined, a leader of the Opposition claimed that it was the duty of the Opposition to oppose everything done by the government and to turn out the government.<sup>8</sup> No Opposition in a Ghana Parliament has ever adopted such a crude view of its function. Ghanaian opposition parties have however often operated on the assumption that it is the duty of the government to accept what the Opposition says, and the refusal of governments to accept criticisms by the Opposition has led to a certain desperation among the Opposition. Such desperation can easily lead an opposition party in control of Parliament under the



Constitution of the Fourth Republic to adopt obstructionist tactics, using in part the power to pass votes of censure. It is important, then, for opposition parties to understand that in a representative system, it is not incumbent upon the government to accept criticisms by the Opposition.

In the cabinet system, a desperate or frustrated Opposition can disrupt parliamentary business and thus make it difficult, if not impossible, for the government to govern, as the Irish nationalists demonstrated in the British Parliament in the 1880s and 1890s. In the final analysis, however, the Government in the cabinet system can have its way because it has a majority in Parliament. The danger under the modified presidential system provided for by the Draft Constitution is that the President may not have a majority in parliament, and the Opposition, with its majority in parliament, would then have complete freedom to totally cripple the government. This suggests that successful democratic government under the Fourth Republic will make a special demand on the statesmanship of the leaders of political parties in parliament; it will place a great premium on the capacity on all sides for compromise and on the ability of the government to take criticism without construing it into ill-will, lack of patriotism or treason, a practice that is all too common on the African continent, and is nurtured by a jaundiced perception of aspects of our culture.

A good example of this jaundiced perception of aspects of our culture on which modern authoritarianism feeds is the claim that there is not a word in any African or Ghanaian language for the English word "opposition." But what is necessary for a modern institution or practice to take root in a new society is not the existence of indigenous words corresponding in a one-to-one relationship to certain modern words, but traditional practices which serve the same purpose as particular modern practices. From this perspective, it is false to claim that there were no practices in African traditional political systems which served the function of a modern opposition. There was in the Akan political system an institution which was very similar to an "opposition" in a modern liberal-democratic political system. This was the institution of *Nkwankwaa* among the Asante. The expression is synonymous with another Akan word *mmerante* which means "youth." Essentially the *Nkwankwaa* comprised the free citizens who were neither members of the chief's council nor "elders." It is because of this that Busia called them "commoners."<sup>9</sup>

The *Nkwankwaa* constituted an unofficial unit recognized with a right to publicly express their opinion on matters concerning the

society, and this they did through an association of their own. The *Nkwankwaa* even had a recognized leader, the *Nkwankwaahene* (i.e. *Nkwankwaa* chief) whose title was, unlike other *ahenfo* (chiefs), not a hereditary one. He was chosen by the *Nkwankwaa* themselves for his bravery and eloquence and he articulated their views before the elders. In essence the position of the *Nkwankwaa* was that of the opposition in a modern liberal-democratic system. It stood outside the chief's government and had the right to criticize it. Indeed it is significant that whereas an elder ran the danger of being suspected of disloyalty or even treason if he criticized the chief, the *Nkwankwaahene* faced no such danger for discharging this function. The elder was part of the government, a cabinet Minister, if you like, and had no more right to publicly criticize the chief than a modern cabinet minister has to criticize his/her Prime Minister. On the other hand, the *Nkwankwaahene* stood outside the Government, and had the same right as the modern "leader of the Opposition" to marshal public criticism of the Government.

In the early part of the century, as the traditional political system reeled under the impact of "modern forces," the *Nkwankwaa* became such an effective focus of anti-chief sentiments that the Asante Confederacy abolished the institution of *Nkwankwaahene*. The institution of *Nkwankwaa* was highly developed in Ashanti, but under the name of *Asafo*, it was also to be found among both the Akan and non-Akan ethnic groups along the coast. Inability to tolerate criticism or opposition cannot therefore be ascribed to the culture nurtured by the traditional system of government. The political parties thus face no cultural barrier in developing the habits of responsible opposition and of acceptance of criticism.

It is crucial, however, to the success of democracy in the Fourth Republic to understand that governments come into power in democracies with their own programmes and that they come into power in an executive presidency such as is provided for under the Draft Constitution for a definite period during which they are under a political obligation to implement their programme. The government of the day may choose to modify its programme only if it is convinced by the arguments of the Opposition (a rather rare occurrence), by the turn of events, or by a change in public opinion.

But it is no part of democratic theory that the government must accept the criticisms of the Opposition; an Opposition that wants the government to accept its criticisms and change its policy as a result,

must rely for this on a change in public opinion. Opposition criticisms must therefore be responsible and well-informed.

An irresponsible and uninformed or ill-informed opposition is likely to expose itself as a merely fractious opposition out to discredit the government just so that it can gain office and the perquisites that go with it. In debates in the legislature an ill-informed opposition is likely to be worsted by the Government. On both counts the Opposition is unlikely to convince the public to return it to power. It is therefore important that the party or parties in opposition keep themselves well-informed if the alternation of political parties in power, a practice which keeps the liberal-democratic body politic so healthy, is to operate in the Fourth Republic. Political parties in opposition can keep themselves well informed by having their own research units and policy committees into which sympathetic experts are drawn. Even in developed countries political parties in Government which can indirectly rely on the expert services of bureaucrats and technocrats in government find it necessary to have such research units and policy committees, for they cannot assume ideological affinity with such officials.

Another condition of responsible and effective opposition is a free press. Without a press that ferrets out information, especially information that is inconvenient to the authorities, the party in opposition is bound to miss a lot of information that can give bite and solidity to its criticism, and the Government party is also bound to miss a lot of information that can make it effective and enlightened. Thus, it will be necessary early in the life of the Fourth Republic for the political parties to put their heads together to put flesh on the right to information guaranteed in theory by the new Constitution. (The Constitution only guarantees "the right to... information, subject to such qualifications and laws as are necessary in a democratic society.")<sup>10</sup> This can be done by passing a Freedom of Information Act which will compel officials to make available, at least to accredited journalists and bona fide researchers, any official information that is not legally and expressly classified as being confidential or secret, the Act narrowly defining what is confidential and what is secret. In this way the constitutional "right to information, subject to such qualifications and laws as are necessary in a democratic society" can be fleshed out and concretized so that journalists can in practice have access to official information<sup>11</sup> without having first to genuflect before officials or to subject themselves to threats and abuse. It is particularly important that journalists know in concrete detail what the "laws (and) qualifications necessary in a democratic

society" are.

Another way of ensuring that political parties will be effective, particularly in Parliament and in controlling the bureaucracy is via specialist committees in Parliament. Largely as a result of our British inheritance of cabinet government, we have not (i.e. until the Third Republic) made use of specialist committees in Parliament. Because of the fear of destroying or diluting cabinet control of policy and the collective responsibility of cabinet to Parliament, the British House of Commons has relied predominantly on "generalist" committees and shied away from specialist or select committees.<sup>12</sup> The generalist committees do not allow the legislature to develop that expert insight into administrative processes which it needs to be able to subject executive policy to informed and therefore effective criticisms. This is the justification of the strictures of the 1968 (Akuffo Addo) Constitutional Commission in respect of the ability of members of modern legislatures to cope with legislation:

Legislative work in modern states has tended to increase in volume and to cover very complex subjects. Owing to the vast volume of legislation that has to be dealt with and the complex nature of the subject matter involved, even the most assiduous of legislators have found themselves unable to understand most of the legislation which have to be churned out.<sup>13</sup>

Up to this point in the history of Ghana, Parliament had satisfied itself with generalist committees in carrying out its functions except for those committees that related to the internal organization of Parliament itself i.e. Public Accounts, Administrative and Rules Committees. The 1968 Constitutional Commission recommended that in addition to the generalist committees, specialist committees should also be appointed and given extensive powers to "investigate and inquire into the activities and administration, (including legislative proposals) of Ministers or Departments assigned to them."<sup>14</sup> The Commission failed to consider the implications of this recommendation for the cabinet system of government it recommended. It is not surprising that the 1969 Constituent Assembly declined to accept this recommendation.<sup>15</sup> It was not until the 1979 Constitution provided for an executive presidency that Parliament felt free to set up specialist committees even though such committees were not mandated by that constitution, and they performed admirably the responsibilities of being watch dogs over their ministries.

The collective responsibility of the cabinet to the legislature for

executive policy as a whole, which makes specialist committees problematic, is no part of the Constitution of the Fourth Republic. Parliament will therefore have every incentive to take up the constitutional power to set up specialist committees with extensive powers to undertake "the investigation and inquiries into the activities and administration of ministries and departments (which) may extend to proposals for legislation." <sup>16</sup> Political parties having representation in the first Parliament of the Fourth Republic will do well to set up such committees from the very beginning. The committees must have the authority to call for both witnesses, examine them on oath or affirmation, and compel production of documents. <sup>17</sup> In this way the committees will be able to bring to bear on the proceedings of Parliament informed considerations. Parliament in its turn will be able to scrutinize executive policy more effectively. Policy will gain thereby and so will development. The reputation of Parliament is bound to be favourably affected, and stability will thereby be promoted.

### **Political Parties and the Public**

Thus far we have argued that political parties need information for effective performance of their functions and they need a press with bite as well as specialist committees in the legislature for this condition to be fulfilled. We have suggested further that political parties themselves could help the press to do its work by getting a Freedom of Information Act passed early in the life of the Fourth Republic. The press will thereby be enabled to ferret out vital information which should enable Parliament and the political parties generally also to be effective. In the final analysis, however, the controlling authority in a liberal-democratic polity is the electorate. If the electorate is ill-informed, the political parties themselves cannot be encouraged to be well-informed, and policy, as laid down either by the legislature or the executive, is bound to be inadequate. No doubt this has been at least partly responsible for the inappropriate policies which have done Ghana and most African countries so much harm. Here the political parties have a peculiar responsibility.

In their dealings with the press, they can help it to generate reliable information to help raise the standard of knowledge and of the intelligence of the electorate. This they can do by appointing spokesmen on various topics whom the press can tap for informed positions of the

parties and specialist contributions to public debate. Such spokesmen doubtless have to be members of the party committees in their field. If they are members of Parliament they would also have to be members of the relevant specialist Parliamentary Committees. In this way political parties will lead a creditable campaign of public education, raise the tone of public discussion and improve the quality of public policy. The demagogue would increasingly be exposed for what he is, and an important prop of military adventurism would thereby be removed. No doubt it would be essential to ensure that a political party does not have a spokesman on a particular subject for which there is also a parliamentary spokesman and that members of party committees are not substantially different from their party members of the corresponding specialist parliamentary committee. Without ensuring this, the larger question of the relationship between the party in parliament and the party outside would arise. This is a question that has plagued many a representative legislature in their early life. Early in the century, the question arose in several European countries among "democratic" (mostly socialist or labour) parties whether the parties in parliament should be answerable to the party outside which worked for their election.

In Britain as late as the 1960s, this problem was highlighted by the repudiation of the nuclear policy of the Labour Parliamentary Party by the Labour conference in 1961. In Ghana it arose in another form in the Third Republic when the leader of the Parliamentary Opposition clashed with the leader of the whole party, the Popular Front Party (PFP) who was not in parliament and the former had to be changed. The basic question raised here is whether the party can be said to owe more allegiance to the party machinery in the whole country or broadly to the electorate itself. When and if this question arises during the Fourth Republic, a common sense solution would seem to be best. Both the national party machinery and the party inside parliament should be responsible to the electorate. The two are not independent of each other and cannot act as such. Some machinery must therefore be found for the two wings of the party to decide policy issues together. Thus the party specialists in parliament and those outside will have to co-operate in order partly not to confuse the public and partly to enrich general policy. Such co-operation will ensure that when a political party takes over the reins of government after an election, there will be people ready to take over the Ministries instantly and give informed direction to them.

In their new position, the Ministers may not be in a position to

relate to the public to the same extent as when they were in opposition. Here it would be useful to develop a cadre of public relations officers who would liaise with the public and keep it fully informed. The President would be well-advised to follow the American practice of having spokesmen to liaise with the press. All this would be conducive to good policy-making.

A free press is thus essential to responsible opposition. The Draft Constitution makes provision for this, and it is incumbent on the political parties to ensure that the free press is upheld in the Fourth Republic. The press ensures that information about public affairs is in the public domain. But it is now becoming increasingly clear that information that is kept in official files may be equally or even be more important for responsible and well-informed criticisms than information gathered from the public at large, and this has given rise to freedom of information laws in some countries.

The responsibility of political parties does not end here. If political parties exist to serve the electorate, and in pursuit of this they have to ensure that journalists have unfettered access to information on public matters, then it is surely their duty also to ensure that their internal activities as far as possible are not hidden from the public. In particular, the process of formulation of vital public policy and the election of party officers should be open to the public. Here too the public is bound to be represented by the media and other political parties; these should be in a position to detect and expose shady activities. It should not be possible in a democratic polity for a handful of individuals to pick a presidential candidate and impose him on a whole party without protest from the press and/or other political parties. Such an eventuality would corrupt the Fourth Republic *ab initio*. The belief that this is how the leadership of the People's National Party (PNP) was chosen under the Third Republic did much to undermine the leadership of the state and to eventually lead to its overthrow. It would seem to follow that political parties should be open to the public. Apart from activities which clearly needs confidentiality, all other activities of political parties should be open to the public at any rate through the press. All internal party elections should be monitored by the press and forums where public policies are hammered out should also be monitored by the press.

The Political Parties Law has made it mandatory for the Electoral Commission to supervise intra-party elections. The intention behind this provision may be praiseworthy; it may be an attempt to ensure that openness of political parties that is necessary to an "open" society. But

it can be an unwelcome intrusion into the affairs of political parties by the state. Though the Electoral Commission is designed by the Constitution to be independent of the Government, it is always difficult for institutions sourced by the state to be completely independent of the Government since the latter acts most of the time for the former and in any case it is the President who appoints members of the Commission, even if "in consultation with the Council of State."<sup>18</sup> For this and other reasons there is a question mark against the independence of the Electoral Commission. Only the Chairman of the Commission and his Deputies enjoy the conditions of service of the Court of Appeal and the High Court respectively, leaving the position of the four other members highly exposed. The latter can indeed claim other public offices. I would therefore put the onus for ensuring the openness of political parties on the parties themselves.

The provision of the Political Parties Law that the Electoral Commission should supervise elections within political parties is, then, at best a dubious provision. No doubt it was provided in pursuit of the provision of the Draft Constitution 1992 that "the internal organization of a political party shall conform to democratic principles."<sup>19</sup> But this constitutional provision itself is dubious partly because of the ambiguity of the expression "democratic principles" and partly because I believe that the operation of "inner party democracy" in this century has proved perfectly compatible with the existence of anti-democratic oligarchical tendencies within political parties; the "iron law of oligarchy" enunciated by Robert Michels some eighty years ago has been largely borne out by the history of the erstwhile communist party of the Soviet Union,<sup>20</sup> "the radical revolutionary" parties of the Third World<sup>21</sup> and the works of such scholars as Seymour Martin Lipset<sup>22</sup> and Robert T. Mckenzie.<sup>23</sup> Oligarchies are a mortal enemy of democracy, and nothing defeats them more than publicity.

It is worth noting that the informal links previously referred to are not confined to political parties in a democratic system of government. In a democratic polity there are also informal links, in addition to whatever formal ones there may be, between the political parties and non-political associations and social groups. There are the interest and pressure groups "which provide for the aggregation, articulation and transmission of group demands when these demands are made through or upon governments."<sup>24</sup> Executive policy and parliamentary and subordinate legislation affect a range of groups and associations with whom policy and legislation need to be discussed in a pluralist demo-



cracy. Some of these groups and associations are so powerful that they may be by-passed only at the risk of instability. There may be, there indeed usually are, official committees through which such powerful groups as trade unions, employers' and professional associations, students' unions and chiefs may formally be consulted at the stage where formal decisions are being made in the governmental machinery.

The political parties need to sustain these in the Fourth Republic. But long before this stage is reached, ideas are formulated which ultimately serve as the basis of policy and legislation. At this stage the formal machinery is not of much use, and informal links have to be exploited to the full. It is essential therefore that political parties in the Fourth Republic develop their informal links with social groups and associations as much as possible, for these are the avenues through which most of the inputs society as such makes into the political system are channelled. In the final analysis a political system exists to process the demands of society into policy outputs. This is only a technical way of expressing what Edmund Burke said in the eighteenth century, that a constitution is a contrivance of the human mind to satisfy human wants. Indeed, as Robert McKenzie said more than thirty years ago, "pressure groups, taken together, are a far more important channel of communication than parties for the transmission of political ideas from the mass of the citizenry to their rulers."<sup>25</sup> If political stability in the Fourth Republic is to have a reasonable chance of survival, the political parties must ensure that they are in constant dialogue with these interest and pressure groups, using the avenues of informal as well as formal links, to ensure that legislation and policies are not simply imposed but are the result of genuine consensus.

### **Political Parties and "Non-Political" Offices**

So far the discussion has centred on the more "political" sphere of the machinery of government. It has steered clear of the "administrative" machinery and the judiciary. In a liberal-democratic system, political parties in control of the executive branch of the state do lose elections and give way to other parties ever so often. The administration is expected to serve whichever party is put in charge of the executive by the electorate. For this reason the administration or the public service is normally expected to be neutral as between political parties, and the

political parties in return are expected not to have links with the public service other than what necessarily flows from their control of the executive upon winning elections. This is all that the neutrality of the civil service boils down to and is completely different from the larger question whether the Civil Service is neutral as between classes. But this limited position has not always been accepted in this country. During the First Republic it was maintained that the civil service should not be independent of the party in power and that it had to be brought into line with the "socialist aspirations" of the Convention People's Party (CPP).<sup>26</sup>

It must be recognized that Nkrumah was not a believer in liberal-democracy, and after 1962 the CPP was wholly antagonistic to the ideology.<sup>27</sup> Moreover the 1960 constitution was hardly liberal-democratic. Now the Constitution of the Fourth Republic is thoroughly liberal-democratic and seems to be acceptable to all the emerging parties, including those in the CPP-PNP tradition. In such a political atmosphere it would be going against the grain for any political party to seek to tie the Civil Service in particular or the Public Service generally to its apron strings either structurally or ideologically.

All political parties need to bear in mind that any attack on the political neutrality of the public services, as explained above, would constitute an attack on the democratic system of the Fourth Republic. And this will be so whether the attack consists of seizure of power to appoint and dismiss public servants or indoctrination of public servants, for any such attempt would ultimately violate the Constitution.<sup>28</sup> There is hardly any act permitted by the Constitution which cannot be done without first indoctrinating public servants or gaining absolute control over the public services. This is a crucial point that needs careful exploration, for it is sometimes argued that parliamentary institutions cannot be used to implement socialist principles. But to implement socialist principles which, for example, constitute an attack on the right to private property, it would only be necessary, under the Fourth Republic, to amend the constitution as it would be necessary if trade unions were to be abolished to facilitate the operations of market mechanisms. Thus the Constitution provides a way out of a seeming quandary.<sup>29</sup> So even a radical socialist party bent on a "revolutionary" reconstruction of Ghanaian society need not threaten democratic stability in the Fourth Republic, provided it is prepared to submit to the considered and expressed opinion of the electorate on matters of fundamental social importance.

It must be admitted that if such a party is not prepared to abide by the results of a referendum on a question that touches on the fundamental democratic rights guaranteed by the Fourth Republic, then the party is an anti-democratic one and hence anti-Fourth Republic. The other democratic parties will then have an obligation to isolate it, as both the communists and the Gaullists were isolated in the Fourth French Republic. This argument does not apply to only "revolutionary" attacks on the Constitution. Political parties need to be on their guard against any general doctrines that are incompatible with the constitutional order of which the Draft Constitution forms the core. The Constitution outlaws any attempt "to impose on the people of Ghana a common programme or a set of objectives of a religious or political nature,"<sup>30</sup> or the establishment of a one-party state or any attempt to "suppress the lawful political activity" of Ghanaians.<sup>31</sup> But it will not be politic to wait until a political party reaches for a constitutional instrument of political subversion before the other political parties act. As soon as a political party bares its unconstitutional or totalitarian teeth in the normal political fight, the democratic parties must team up to treat it like a pariah, thus denying it the opportunity of translating its ideas into executive policy. This will be no attack on the constitutional rights of the party under attack. Under the Constitution a political party only has a right "to participate in shaping the political will of the people, to disseminate information on political ideas, social and economic programmes ... and sponsor candidates for elections to any public office."<sup>32</sup> The Constitution does not guarantee the right to hold office or to be in power; that is the prerogative of the electorate, as represented by parties in parliament.

In the broadest sense, the judiciary is part of the machinery of government since the maintenance of law, order and justice is the first responsibility of the State on whose behalf the Government acts. Nevertheless it is inconceivable that any political party that forms the government in a liberal-democratic state and hence in the Fourth Republic could attempt to either establish its control over the judiciary or work out an organic relationship with it.

Control of a political party over the judiciary is one of the marks of totalitarian rule which the Constitution of the Fourth Republic is designed to exorcise in the first place, and any attempt to institute it would be a signal that the party attempting it has designs on the Constitution itself and is eligible for the status of a pariah, thus attracting the stern attentions of the other parties as suggested above. The independence

of the judiciary and its neutrality in political conflicts are vital to the maintenance of a liberal-democratic polity. A party that controls the judiciary is well on the way to using it as an instrument of political conflict; by such control a party acquires a formidable instrument to suppress other parties.

The argument that no party should attempt to control either the administrative machinery or the judiciary is only one concrete aspect of a general philosophy. Liberal democracy can only survive on the vital hypothesis that the machinery of the state is neutral both as between parties and as between classes. The latter aspect of the hypothesis is a vast topic that would take us far afield. In this chapter we must confine ourselves to the neutrality of the state machinery as between political parties. Liberal democracy substitutes peaceful resolution of political conflicts, however acute they may be, for violent resolution which plagued European states before they took to liberal democracy whilst at the same time involving the mass of the people in the affairs of state.

Peaceful resolution of social conflicts is not possible unless those who are thrown up in the political process can rely on the state machinery to implement the resolution that for the moment is acceptable to those in control. To attack the neutrality of the state machinery is thus to suggest that some political forces cannot implement their preferred resolution of social conflicts, no matter what the verdict of the political process is. It is this very claim by Marxists which makes Marxism incompatible with liberal democracy. As we have pointed out above, the Marxist denial of the neutrality of the state is premised on the irreconcilability of class conflicts. But it is not only the Marxist argument which represents a threat to liberal democracy. Every attempt to strip the state machinery of its neutrality, whether founded on inordinate ambition, short-sightedness or prejudice represents such a threat; and it is incumbent on political parties in the Fourth Republic to be on the look-out for the signs of attack, whether direct or indirect, on the neutrality of the state. The old saying that the price of liberty is eternal vigilance is thus particularly germane to the preservation of representative democracy in the Fourth Republic.

It must thus be recognized that the demand that is occasionally made that the "revolutionary organs" should be retained under the Fourth Republican Constitution could pose a problem. No one has so far authoritatively identified the revolutionary organs. They may, however, be said to be those political organs that either have supported the regime that was launched on 31st December 1981 or were called

into being as part of that regime. Of these the June Fourth Movement is the best known, but there are also the New Democratic Movement, the People's Revolutionary League of Ghana, the African Youth Command and the Pan-African Youth Movement. Of the second category of revolutionary organs (those called into being as part of the regime), the only surviving ones are the Committees for the Defence of the Revolution (CDRs). One of the distinguishing characteristics of the CDRs, at any rate during the period of militancy, i.e., the period, January - November 1982, was their hostility to the judiciary. Of late the CDRs have been quiescent but that appears to be tactical. There is the possibility that they may merge with a political party in the Fourth Republic, as the June Four Movement has already done, and press on with their hostility to the traditional judiciary. In so far as the rule of law is one of the indispensable pillars of the liberal-democratic system, such an eventuality would pose a threat to the democratic stability of the Fourth Republic. All political parties committed to the liberal-democratic system thus have an obligation to avoid harbouring the CDRs.

Cries for "continuity" in the Fourth Republic that are constantly being made by certain political forces in the country sometimes seem to suggest that the "revolutionary" organs themselves should be retained. This is a call that may or may not destabilize the Fourth Republic, depending on how the political parties react to them. The Public Tribunals are the only part of the state machinery that was called into being as a result of the "revolution" of 31st December 1981. The Public Tribunals have, however, been incorporated in the regular judiciary. Thus, these particular "revolutionary" organs have been retained; and since their retention has been done in such a way as not to threaten the rule of law, the Regional Tribunals under the Constitution are fully subject to the supervision of the Court of Appeal<sup>33</sup> and they will not be in a position to undermine the liberal-democratic system. The only other revolutionary organs left that are or purport to be part of the state machinery are the CDRs. Will their retention pose a threat to the political system of the Fourth Republic? The CDRs are not in reality part of the state machinery; they came into being in January 1982 in response to a call by the Chairman of the PNDC for "popular" support for the 31st December "Revolution." They have, therefore, provided a basis of support for the PNDC and are expected to perform essentially political functions such as checking corruption and detecting acts that can retard production. They have also been expected to ensure support for

the regime by "conscientizing" the people in defence of "the Revolution."

In the Fourth Republic one would expect the Government to rely on the regular security services to check corruption and the ordinary citizen to detect acts that retard production, thereby leaving only the function of conscientizing the people to the CDRs. For all that, however, the CDRs are in fact political bodies which should be able to co-exist with the Fourth Republic, provided they do not advocate the forcible overthrow of the Republic or subvert it. If they do not subvert the Fourth Republic or advocate its forcible overthrow, it should be legitimate for any political party to work with them or even absorb them. The fact that they came into existence to defend the 31st December Revolution should not make their continued existence incompatible with democratic stability. It is, of course, highly probable that the CDRs will advocate doctrines which, if accepted by the public, will undermine the liberal-democratic system. But this is a classic dilemma of liberal democracy which can be resolved in conformity with the liberal-democratic principle of freedom of speech by persuading the public by word and by deed to repudiate those doctrines. In the final analysis liberal-democracy can only survive by demonstrating its superiority over authoritarianism and dictatorship in satisfying the material and spiritual needs of society as a whole. Nevertheless, if the CDRs were to advocate such doctrines, it would be incumbent upon the political parties committed to liberal democracy to shun them, as already advocated. To shun them would encourage the public also to repudiate their anti-democratic doctrines.

It is not only the CDRs that constitute a threat to the liberal-democratic system of the Fourth Republic. In so far as the "31st December Revolution" has had a consistent ideology, (it is hostile to liberal-democratic politics, and all the revolutionary organs have shared this ideology) it is, to say the least, risky for any political party committed to the political system of the Fourth Republic to embrace such organs.

The whole question of what to do with these revolutionary organs in the Fourth Republic touches fundamentally on the freedom of political parties in the Republic. The Draft Constitution forbids compulsory membership of a political party or movement. Subject to this limitation, political parties are free to develop links with interest and pressure groups; and indeed all citizens are guaranteed the right and the freedom to form or join political parties of their choice. If political parties arise which (whether as a result of merging with revolutionary

organs or by virtue of their own ideology) turn out to be antagonistic to the liberal-democratic political system and in particular to articles 55(16) and 56 of the Draft Constitution, such political parties can only be said to be dysfunctional to the machinery of government of the Fourth Republic, and the country would be thrown back to 1963-66 during which the country became a one-party state.

## Conclusion

The existence of several political parties *per se* is not a requirement of democracy. What in this respect is a requirement of democracy is freedom of speech and association, and the existence of political parties is the inevitable consequence of this. It is perfectly possible to have a dominant one-party system as a result of the repeated choice of one party in free and fair elections by the electorate, as in India and as contemplated for the United Kingdom by Samuel H. Beer in the early Sixties.<sup>35</sup> Hence the Draft Constitution is right in guaranteeing "the right (of Ghanaians) to form political parties" and the freedom of parties "to participate in shaping the political will of the people .....", and forbidding compulsory party membership. This properly implies that there may be other groups and associations which may also participate in shaping the political will. These groups and associations are the interest and pressure groups mentioned above. I have suggested above that to create a really stable democratic social fabric, it is necessary for both formal and informal links to be maintained between political parties and these groups. It is through these links that "the political will" of the society is shaped in a democratic system. The formal links, I have also suggested, come into play at the stage when executive policy is being formulated or laws are being enacted. These links are thus vital to democratic stability. But perhaps even more vital are the informal links, for these enable the groups to make inputs into the formulation of basic ideas and attitudes of political parties which underlie much official policy.

In Ghana some of the more important groups with which links have to be established are the trade unions, the employers associations, the National Union of Ghana Students (NUGS); professional associations, youth associations, and religious associations. Of late there have come into existence associations of queen mothers which seem intent on making inputs into the political system. This innovation should remind us that if political parties are to strike roots deep into the Ghanaian society, they will have also to think of their links with the more tradi-

tional sectors of the society. In the past political parties have tended to operate mainly in the modern political system, leaving the traditional political systems to operate side by side with them and only exploiting traditional grievances and levying "taxes" on the political power of chiefs. Now that the Draft Constitution has forbidden chiefs to participate in partisan politics and the queen mothers are rather asserting themselves, it is perhaps time for political parties to strike direct roots into the traditional social structures. At the very least, the opportunities for cross fertilization that will be opened up are likely to bind the traditional and more modern political systems in such a way as to impart some of the stability of the traditional system to the more modern system. The stability of the modern political system in Africa has been at such a discount that no opportunity should be missed for increasing its salience.

#### NOTES

1. Preamble to the *Draft Constitution of the Republic of Ghana, 1992*.
2. J. S. Mill, *Utilitarianism, Liberty, Representative Government* London: M.J. Dent and Sons Ltd., 1954, p.177.
3. Art. 78 of the (i) the *Draft Constitution, 1992*.
4. *Ibid.*, Art 82 (i) and (5).
5. I say "convention" because the American Constitution does not prohibit congressmen from being Secretaries nor Secretaries from serving in Congress.
6. Thomas Hodgkin, *African Political Parties* . Penguin, 1961 p.73.
7. See Ivor Jennings, *Parliament* . CUP, 2nd ed. 1957 pp.151-152.
8. Ivor Jennings, *Ibid.* , p. 167.
9. *The Position of the Chief in the Modern Political System of Ashant* Frank Cass, 1968, originally published in 1951, p.9. (The account of *Nkwankwaa*: given here is based on this work esp. pp.9.ff.)
10. *Draft Constitution 1992*, Art. 21 (f).
11. See "G.J.A. Calls for Law Granting Access to Information" *People's Daily Graphic*, Saturday, June 27, 1992, p.1.
12. See A.H. Hanson and H.V. Wiseman, "The Use of Committees by the House of Commons" *Public Law*, 1959, reprinted in Benewick and Dowse *Readings in British Politics and Government*, London University of London Press, 1968 esp. pp.261-264.
13. *The Proposals of the Constitutional Commission for a Constitution for Ghana, 1968 Memorandum* par. 453.
14. *Ibid.* , pars 455-458; see also the *Proposed Constitution*: Art. 81 (2) and (3).
15. See *The Constitution of the Republic of Ghana, 1969 Art, 81(2) and(3)*.



16. See Art.103(3) of *Draft Constitution of the Republic of Ghana, 1992*.
17. *Ibid.*, Art. 103(6).
18. See Art. 43(1) of the *Draft Constitution, 1992*.
19. See Robert Michels *Political Parties*, Glencoe: The Free Press, 1949.
20. See Rupert Emerson, "Political Modernization: The Single-Party System" in C. Macridis, ed. *Political Parties, Contemporary Trends and Ideas* Harper Torchbooks, 1967.
21. S. M. Lipset, *Political Man, The Social Bases of Politics*. London: Heinemann, 1960, esp. chap. III.
22. S. M. Lipset, *ibid.*
23. R.T. McKenzie, *British Political Parties*; London: Heinemann, 1955. The much earlier work of M. Ostrogorski, *Democracy and the Organization of Political Parties*. London: Macmillan, 1902, is also instructive.
24. R.T. McKenzie, "Pressure Groups and the British Political Parties" in Benewick and Dowse, eds., *op. cit.*, p.144.
25. R.T. McKenzie, *British Political Parties*, p.42.
26. See *Programme of the Convention People's Party for Work and Happiness* Accra: The Central Committee of the Party, 1962., Section 129, and Kwame Nkrumah, *Africa Must Unite*. London: Heinemann, 1963, p.84.
27. B.D.G. Folson, "The Development of Socialist Ideology in Ghana," *Ghana Social Science Journal* Vol.1, Nos: 1 and 2 and the *Programme for Work and Happiness*.
28. Indoctrination would violate "freedom of thought, conscience and belief" guaranteed by Art. 21(b) of the *Draft Constitution 1992* and power to appoint and dismiss public servants would violate Arts. 191 and 195(1).
29. The quandary is very real for those operating in a country where there is no written constitution which provides the avenue of constitutional amendment and where therefore a radical socialist surgery can be legitimately regarded as an outrageous attack on the right to private property. This is the point such writers as Ralph Miliband miss. See his *Parliamentary Socialism* London , 1961 and *The State in Capitalist Society*. London, 1969.
30. *Draft Constitution 1992*, Art. 56.
31. *Ibid.*, Art. 3.
32. *Ibid.*, Art. 55(3).
33. *Ibid.*, Art. 137.
34. *Ibid.* , Art.55 (16) and Art. 56.
35. S.H. Beer "Democratic One-Party Government for Britain" in *The Political Quarterly*, 1961, reproduced in R. Benewick and R. Dowse, *op. cit.*, pp.22-32.

## LEGISLATION ON POLITICAL PARTIES

Kofi Kumado

### Introduction

While the question of their nature, role and funding remains controversial, political parties have been recognized as part and parcel of the foundations and the machinery of constitutional democracy. It was, therefore, not surprising that at a time when official attitude to political parties was decidedly hostile, a report on the government-sponsored forums on the future governance of Ghana was compelled to admit that the vast majority of Ghanaians were not opposed to them. That report by the National Commission on Democracy (NCD) ensured that, whatever the official misgivings about them may be, political parties would feature in the machinery established for the governance of the country in the Fourth Republic. This chapter discusses the current legislation on the formation and operation of political parties.<sup>1</sup>

Historically, legislation on political parties in Ghana has sought to achieve four basic objectives. Firstly and, most importantly, the legislature has tried to prevent the formation of sectional parties. Thus shortly after independence, the Avoidance of Discrimination Act was passed to prohibit organizations based on tribal, racial, religious or local affiliations from being formed to contest elections. Given the heterogeneous nature of the country, the pursuit of this objective is not surprising, though one must admit this particular legislation was later abused. Secondly, legislation has been aimed at establishing the machinery and the modalities for examining the sources of income of political parties. Thirdly, the legislature has sought to control and regulate the powers of the parties and to ensure that, as crucial participants in a democratic process, they are run along democratic lines. Lastly, legislation has been used to keep out of the political process persons deemed to be ineligible to hold public office by the government in power. As we shall see later in this chapter, current legislation pursues these and other objectives.

## Legislative Sources

Before proceeding to a detailed discussion of the rules, it will be helpful, at the outset, to draw attention to the relevant sources. The major sources of the current rules are (i) the Constitution prepared by the Consultative Assembly and approved at referendum by the people in April 1992; (ii) Public and Political Party Office Holders (Declaration of Assets and Eligibility) Law, 1992 (PNDCL 280) requiring the national executive members of a political party to declare their assets as a condition for being eligible to hold office in the party; (iii) Political Parties Law, 1992, (PNDCL 281) as amended by Law 281 being the principal legislation on the subject of this paper; (iv) Public Order Decree, 1972 (NRCD 68) in so far as it relates to the holding of meetings, rallies, protest marches and other demonstrations; (v) Income Tax Decree, 1975 (SMCD 5) as variously amended, in view of the provisions relating to the declaration of assets by principal office holders of political parties and the general rules for the financing of the parties to be found in the existing law; and (vi) Interim National Electoral Commission Law, 1991 (PNDCL 271) establishing the Commission (hereinafter referred to as INEC) as the principal state organ for the administration of elections and general oversight of the electoral process. While this chapter concentrates on the Political Parties Law and the Constitutional provisions, references will be made to the other sources whenever appropriate.

## Constitutional Provisions

The inclusion of rules on the organization and control of political parties in constitutional documents is of fairly recent origin. Political parties being in substance just social organizations reflecting the exercise by the people of their freedom of association, constitution-makers did not feel it necessary to single them apart from other politically-oriented voluntary associations. By the mid-fifties, however, the fact that the nature of their mandate and *raison d'etre* went beyond that of purely private organizations and therefore requiring some regulation within the basic law of the land had become accepted. By including provisions relating to them in the constitution, political parties were recognized as constitutional organs of state for securing popular input into government. Therefore it should not be considered surprising that the 1992 Constitution contains provisions on political parties. Indeed the 1979 Constitu-

tion had set the precedent.

The relevant provisions in the 1992 Constitution are Articles 21(3), 55, 56 and 248, and we will now consider them *seriatim*. Clause 3 of Article 21 preserves the associational rights of the citizen, including the right to form political parties.

The principal provision in the Constitution on the subject, however, is Article 55. This Article guarantees the right to form political parties for the purpose, *inter alia*, of shaping the political will of the people, disseminating information on political ideas and sponsoring candidates for election to any public office. The provision requires that political parties shall have a national character. Accordingly, parties based solely on ethnic, religious, regional or other sectional considerations are proscribed. Thus the national executive committee and the founding members of a political party must come from all regions. In the case of founding members the rule is that there must be at least one from each district of the country. At the moment, there are 110 districts. Besides, a political party is not allowed to have a name, emblem, colour, motto or other symbol that has sectional connotations. Interesting questions arise relating to the pursuit of parochial ideologies. But perhaps once these are practised through programmes which are *national* in character, they would not fall foul of the Article.

While thus providing for political parties, Article 55, in its clause 10, preserves the right of the citizen to participate as an individual both in the general political process and in the contest for elections. An interesting provision in this regard is clause 16. This clause provides that a member of an organization or interest group shall not, by virtue of such membership, be compelled to join a particular political party. An example may clarify the purport of this clause. The Trades Union Congress executive may choose to align the Congress with a particular political party. But it cannot compel the individual union members as union members to join that party. One may question whether attempts to compel members of certain social groups to join the government-sponsored National Democratic Congress are not inconsistent with this provision.

Article 55 also requires equal access to the public media for all political parties. Finally, non-nationals are not allowed to make financial contribution or donation to a political party. Article 56 merits full quotation. It reads:

Parliament shall have no power to enact a law to establish or

authorize the establishment of a body or movement with the right or power to impose on the people of Ghana a common programme or set of objectives of a religious or political nature.

This is an expanded version of provisions in the 1969 and 1979 Constitutions prohibiting Parliament from establishing a single-party state as had been done by Parliament under the Nkrumah regime. It has to be remembered, though, that the Nkrumah regime achieved that result after receiving the mandate from the people at a referendum as prescribed by the 1960 Constitution. By placing the limitation on parliament, the framers are hoping obviously to deny the procedural means by which a one-party state can be declared even if the people approved of it. However, nothing is provided to stop an amendment which removes the prohibition on parliament.

What is not clear from the text above is whether a body established to educate the citizenry on desirable goals or ideas such as democracy, constitutionalism and the rule of law will also fall foul of this provision. Indeed, at the moment, we have in existence the NCD established by law one of whose objectives is to educate us on democracy and other civic issues. Would it have to be disbanded after the Constitution comes into force? And if its existence, strictly speaking, is incompatible with the Constitution, should we dismantle it now as we make the transition from military rule to constitutional government? The key to a proper understanding of Article 56 would seem to be in the phrase "with the right or power to impose." It may be argued that a body established to educate people does not have *the right or power to impose* the ideas embodied in the educational programmes on the people. Ultimately the people decide what to do with those ideas to which they have been exposed. However, one may note in passing that the history of mankind and politics in the Third World shows that it is a short step from believing in a set of ideas as desirable to the inclination to take the necessary steps to put in place the machinery for realizing those ideas. On that reading, the issue raised in this paragraph becomes not so easy to resolve.

Finally, Article 240 excludes political parties from local government elections, and candidates in such elections are not allowed to use the symbols or machinery of political parties. This is a continuation of the no-party philosophy which is central to the local government reforms introduced by the Provisional National Defence Council (PNDC) government. While it may have made sense under a military government in which party political activity was a crime, the advisability of this

provision in a constitution that recognizes political parties explicitly and guarantees the freedom of association as well is difficult to fathom. Besides, a close reading of the constitutional document as a whole and a composite view of the complementarity of the different levels of government would suggest that this Article would be creating a lot of problems for governance in the Fourth Republic. Perhaps other ways should have been found to achieve the objective of establishing local government units as true autonomous zones by wrenching them from the apron-strings of central government which was the basic philosophy underpinning the PNDC reforms in this area. As it is, we now have a situation where political parties would try to influence local government by indirect means, creating a sort of charade. It is the contention of this chapter that this unhealthy situation merely creates a fertile area for invidious litigation in the Fourth Republic.

The extensive treatment the chapter gives to the provisions of the 1992 Constitution necessarily compels an examination of the question whether that Constitution is at present in force, in view of the fact that, later, it will be argued that certain statutory provisions do not accord with its letter or spirit. The view of the PNDC government and lawyers of the strict constructionist school is that the Constitution will come into force in January 1993 according to the government's declared programme. Until then its provisions are of no consequence. This view has the support of at least one High Court Judge who used it as a basis for declining jurisdiction in a case in which some litigants sought to overturn aspects of the electoral laws on the ground of incompatibility with the Constitution. Others have argued to the contrary based on the acceptance of the document by the people in a referendum, common sense and judicial precedent.

Indeed the controversy has produced startling public disagreement among senior judges. This in turn prompted an obviously bewildered reader to ask in a letter to one of the daily newspapers the age-old question whether constitutional construction depends on some neutral principles or the predilections of individual judges.

This chapter supports those who argue that whether the constitution is in force now is a non-issue. It is a dry legal issue. We should not conduct elections using rules which are not compatible with the provisions of the constitution under which the people to be elected would be working. The chapter is emboldened in its view by the fact that a booklet published by INEC for the public's guidance treats relevant provisions of the Constitution as applicable to its work.

## Statutory Provisions

This section will highlight the main elements in the Political Parties Law, 1992 (PNDC Law 281) in relation to some basic assumptions about political parties in contemporary constitutional theory. The treatment will be in four sub-divisions namely (a) definition of political parties, (b) general provisions, (c) registration rules, (d) financial provisions. The next two sections will then be devoted to an examination of the machinery established for the administration, control and regulation, and oversight of the political parties and the electoral process as well as general issues arising from the statutory provisions.

At the outset, we may note here that discussions of the Political Parties Law have been haunted by two basic factors. Firstly, the apparent lack of neutrality on the part of the PNDC government arising from the declared interest and suspicions about the political ambitions of key members of the PNDC, including its Chairman. Secondly, the lack of consultation with identifiable interests and political groups which reflects the irritating philosopher-king attitude and paternalism with which the PNDC has run the affairs of state since coming into power on 31st December, 1992. Thus the fear that the PNDC is trying to be player and referee in the political process is one which animates the reactions of others to the rules provided for playing the political game. Besides, Law 281 has been formulated in a cavalier fashion. It is wide in its sweep and range. And its impact on historically recognized rights of the people is demonstrably and unduly restrictive. It is as if the government loathes the fact that it has been compelled to allow political parties to operate and it has decided to make the process so burdensome and expensive as to make it unattractive and uninviting.

### *Definition of a Political Party*

The 1992 Constitution does not define a political party though it recognizes the party, unlike the 1979 Constitution which provided a definition in its Article 42(7). But section 33 of Law 281 defines a political party in more or less the same terms as the 1979 Constitution. Section 33, in language which is clearly not exhaustive, defines a political party as:

[including] any free association or organization of persons (whether corporate or un-incorporated) one of whose objects is to bring about the election of its candidates to public office or to strive for power by the electoral process and by this means to control or

influence the actions of Government.

Thus political parties, by this definition, are differentiated from other voluntary social organizations by the fact that they seek to achieve their aims through the electoral process. Conversely, a body which does not seek to attain its ends through the electoral process is not a political party according to this definition. Presumably, this will still be the case even if a social organization seeks to influence those who employ the electoral process consciously to control or influence government. On this reading, it will be interesting to determine whether a religious organization which continuously advises its members to vote for a particular candidate (whether a member of the organization or not) thereby becomes a political party. The point is given added urgency by the fact that section 7, echoing Article 55(10) of the Constitution, gives every citizen of voting age (i.e. 18 years) the right to participate in political activity intended to influence the *composition* and *policies* of government. Section 7 also makes an offence any attempt to suppress this lawful political activity of an individual citizen.

Another issue which arises is the suggestion in the definition that an un-incorporated body can be a political party. This is because section 3(3) stipulates that a political party, registered, under Law 281, shall be a corporate body with perpetual succession and may sue or be sued in its corporate name. This means at the least that an un-incorporated body will not qualify to be registered under Law 281 as a political party. There is a difficulty here which may have to be resolved by the courts at the earliest opportunity, especially since it is an offence to operate as a political party without being registered under Law 281.

### *General Provisions*

The Law allows every citizen of voting age to form or join a political party for the attainment of lawful ends. The right to form a political party is more explicitly stated here than in Article 55(1) & 2 of the Constitution. It thus restores the position originally approved by the Consultative Assembly but which was curiously changed into a general guarantee in the printed version of the Constitution.

As was provided in the Constitution, the Law prohibits sectional political parties as well as the use of symbols, slogans and words which smack of sectionalism. The rule against sectionalism is violated if the membership or leadership of a political party is restricted to members of



a particular community, region, ethnic group, profession or religious faith; the same applies if its structure and mode of operation are not national in character.

Under Law 281, a person is not qualified to be a leader, a founding member or a member of the executive of a political party if (a) he is not qualified to hold a public office, or (b) he is otherwise disqualified from being a parliamentarian by reason, for example, of being a chief or belonging to the category of public officers debarred from elective office by Article 94(3)(b); in addition, such a person must satisfy the assets declaration law. A difficulty which arises here is the level of executive officials covered. Does this include national, regional, district and other levels of executive officials of a political party or is this confined to the national executive only? Neither s.33 of Law 281 in its definition of "executive officers of a political party" nor section 10 of Law 280 in its definition of "principal office holders of a political party" would seem to put the matter beyond doubt. Pragmatism would suggest that the disability should attach only to the national executive while principle will argue for an all-embracing conception. Only practice and time can perhaps resolve this issue.

While the 1992 Constitution merely prohibits non-nationals from making a contribution or donation to a political party, Law 281 prohibits them from membership and holding of any office altogether. These limitations on the political rights of aliens within the jurisdiction of the country would seem to run counter to the grain of understanding under the international human rights instruments in general and in particular the jurisprudence under the International Bill of Rights and the African Charter on Human and Peoples Rights, whatever their justifications may be.

In line with the 1992 Constitution, under Law 281 the internal organization of a political party must be democratic. It is arguably in pursuance of this principle that INEC is to supervise the election of the regional and national executive officers of the political parties. This requirement, which reflects a similar one under the 1969 and 1979 Constitutions, is to be welcomed. As has been argued elsewhere in this chapter, political parties are good for the establishment of a vigorous and vital democracy. Their existence exploits the idea that in unity lies strength. They ensure that the people are not afraid to defend a constitutional democracy by mobilizing them to action. It is thus essential for the survival and flourishing of political pluralism in a state that political parties are organized, in relation to their own internal set-

up and practice, in conformity with democratic principles. This will bring the additional benefit of helping to mould a democratic culture within the society. Three misgivings that may be expressed here relate to the role of INEC in the election of regional and national executive officers, the absence of a definition of democracy in either the Law or the Constitution and the debarring of chiefs. INEC's role gives the state an unnecessarily intrusive responsibility. It is a role that has the seeds to embarrass the agency, given its other general oversight responsibilities to be considered later. The rule debarring the chiefs places an unjustifiable limitation on their freedom of association.

### *Registration Rules*

There is a general requirement of registration for all political parties. The registration must be with INEC. In this connection, it is to be noted that it is an offence (a) to operate a political party, (b) to put forward a candidate or campaign for votes for a political party, which has not been registered. In view of the conditions for registration stipulated in the Law, one would have thought that the pre-registration steps necessary for satisfying those conditions would be allowed by the Law. This is not so. The result is that these aspects of the Law have been honoured more in the breach than in the observance and with impunity. The legislature here could have taken a leaf from corporate law and practice which permits pre-incorporation measures and makes them binding on the corporate entity once it comes into existence. Clearly a legal requirement which is incapable of compliance with by the most law-abiding citizen does a disservice to society, is subversive of respect for law and thus undermines the rule of law. It is to be hoped that this aspect of the Law will be given an early review.

An application for registration must satisfy the general conditions noted earlier in this Section. In addition, it must comply with the specific modalities and conditions stipulated in sections 8 to 11 of Law 281. Briefly, a political party must have a constitution which is in conformity with the 1992 Constitution. The application must be accompanied with two copies of the constitution. The party must show evidence that (a) at least one of its founding members is ordinarily resident or registered as a voter in each of the districts of Ghana; (b) it has branches in all the political regions of Ghana; and (c) it is organized in at least two thirds of the districts in each region. No doubt, mathematicians will be kept busy.

In its application, a political party must show that its name,

emblem, colour, motto or other symbol does not offend against the rule prohibiting sectionalism nor closely resembles that of the Republic of Ghana nor that of a political party in existence or which was in existence in the First, Second or Third Republics. On the question of names, it may not use a name whose abbreviations are the same as those of a proscribed political party. The requirement relating to names, symbols and slogans has released the creative talents of Ghanaians as they endeavour to coin the acceptable and seems, from the burst of creativity it has engendered, not to pose a difficulty for the sponsors of political parties.

Further, a political party must have had its national chairman, leader, general secretary, national treasurer and the other members of its national executive committee elected under the supervision of INEC in accordance with section 17 of Law 281. And it must show that it is not otherwise in breach of the Law.

In addition, the application must be accompanied with (a) a list of the full names and addresses of at least one founding member from each district of Ghana; (b) a full description of its symbols, slogans and colours; and (c) the fee prescribed by INEC as well as any other reasonable particulars INEC may require. It is obvious that the requirements relating to the founding members and the symbols, slogans, etc. are intended to underpin the rule prohibiting sectionalism and the revival of proscribed political parties.

Registration is a two-stage process. Within seven days of the receipt of the application, INEC must issue the party with a provisional certificate. INEC will then cause a notice of the application to be published in the *Gazette*.<sup>2</sup> This is to enable any person with an objection to the application to do so. The objection may concern the party's constitution, name, aims, objects, symbols, slogans or colours. INEC itself may commission enquiries to be made relating to any of the particulars submitted. The Law provides a thirty-day period for objections.

At the expiry of thirty days after the publication in the *Gazette*, if there are no objections or such objections as have been raised are dealt with by the party and INEC is satisfied that all the registration requirements have been complied with, then the party must be registered. A party whose application for registration is turned down by INEC may apply to the agency to reconsider its decision. If, within fourteen days after such an application, the party is still not registered, it can appeal to the Court of Appeal whose decision shall be final. There is no time limit within which such an appeal may be lodged.

Once a political party has been registered, INEC must issue it with a final certificate. This acts as evidence that all the registration requirements have been satisfied by the party.

But there is one important flaw in the Law which can delay the process of registration. This is to be found in section 8(2). This subsection expects INEC to publish the fact of an application for registration in the *Gazette* only *as soon as practicable* but seems to leave the determination of the practicability to INEC.

Finally section 6(3) is such a curiosity that it merits full quotation. It reads:

A political party shall not be registered under this Law unless it has on its *national executive Committee or secretariat* a member ordinarily resident or registered as a voter in each region.

It is difficult to determine the rationale for this particular provision. Given the fact that there are ten regions, this requirement means that the national executive committee will consist at least of ten persons, assuming that the officers are chosen from within that group. In practice this is unlikely to be the case. Leaving the national executive committee aside for a moment, why is a political party required to have a national secretariat with a minimum of ten persons? To put it mildly, this is a surprising requirement in a cost-conscious age. Other provisions would seem to cater for the legitimate state interest in preventing sectional parties.

A key element in the conception of an effective multi-party system as the foundation for modern constitutionalism embraces the idea that political parties should have proper and adequate economic resources for financing their operations, including elections. Legislation should thus be designed to assist and encourage political parties to be cost effective. They should not be burdened with avoidable administrative expenses. This last comment sets the stage for the discussion in the next sub-section.

### *Financial Provisions*

By far the most controversial and burdensome of the provisions of Law 281 are those relating to the finances of the political parties and the disclosures required of them. They are also the most intrusive. They exceed by far what can justifiably be claimed to arise from the ground

rules contained in the Constitution. A summary of these requirements is necessary if the above opening comments are to be fully appreciated.

Firstly, within sixty days of the issue to it of a final certificate, a political party must furnish INEC with the following: (a) a detailed declaration of all its assets and expenditures including contributions, donations or pledges (in cash or kind) to its initial assets by its founding members; (b) the declaration must state the sources of all funds and assets; (c) satisfactory evidence of the location of its district, regional and national offices, indicating the street, road or avenue as well as the area of the location of the premises housing these offices; (d) information on the nature of the interest or estate it has acquired in these premises as well as the names, addresses and nationalities of their owners; (e) the names, titles and addresses of its district, regional, national and constituency officers; and (f) the name and address of the auditor approved for it by INEC. INEC is to publish this information within 30 days of its receipt in the *Gazette*.

Secondly, every political party must submit a statement of its assets and liabilities to INEC within twenty-one days before every public election. And forty days after every election in which it has participated, it must provide INEC with a detailed statement of expenditure on each of its candidates and indicate therein how the money was spent.

All the financial statements and declarations required to be submitted to INEC must be supported by a statutory declaration signed by the party's national secretary and national treasurer.

Thirdly, a political party is required to keep the following record at its head or national office: (a) a list of members; (b) contributions by founding members; (c) a statement of accounts showing sources of its funds, names of contributors, membership dues, donations (cash or kind) and financial transactions executed through that office; (d) properties of the party, indicating time and mode of acquisition thereof; and (e) any other particulars required by INEC.

Fourthly, citizens cannot contribute in excess of a sum to be determined by INEC in any one year to the coffers of a political party.<sup>3</sup> However, contributions by founding members to the initial assets of the party are excluded from this limitation.

Fifthly, no company, partnership, firm or business enterprise can contribute in cash or in kind to the funds of a political party. A question which arises here is whether it is lawful for such an entity to spend its money on its own steam and without reference to a political party but for the purpose of canvassing for the election of that party's candidates or

furthering its objectives. And why not? one may ask. Why should a business entity not expend money to support a party whose policies and programmes it deems will create a congenial atmosphere for the economy in general and business in particular?

Sixthly, no alien can make a contribution or a donation directly or indirectly or give a loan to a political party; neither may a political party accept such a contribution. But may a business entity give a loan to a political party? And may either a business entity or an alien support an independent candidate financially?

And lastly, but by no means the least, there is a requirement that the accounts of the political party be audited yearly by the auditor approved by INEC. A copy of the audited accounts must be filed with INEC, which may also order an audit at any time. Further, any person, whether a member or not, may inspect the accounts at the offices of INEC and, upon the payment of the prescribed fee, take a copy.

Finally, it must be noted that non-compliance with any of these obligations outlined above entitles INEC to cancel a political party's registration. However a political party whose registration is so cancelled can appeal to the Court of Appeal.

Several issues arise from the above financial provisions. They form the subject of the discussion in the next section.

#### **Implications of Financial Provisions <sup>4</sup>**

It is fair to begin our comments here by noting one important truism. That is the electoral process is the process which gives birth to the government itself in a constitutional democracy. It is therefore crucial that political parties as the key players in the electoral process are as free and unobstructed as possible. They should in principle not be subjected to greater intrusion by the state than other organizations. Legislation designed to regulate their operations should both facilitate those operations and encourage the citizenry, both the timid and the audacious, to seek to play an active part in those operations. In a constitutional democracy, it must be stated, time and again, that such legislation must be aimed at fostering the formation of a vibrant and genuine multi-partyism so that political representation in the organs of government would be founded on the true will of the people.

The limitations on contributions and the financial and property disclosure requirements can be said to be aimed at achieving a number

of legitimate state objectives. First, the limitations prevent the emergence only of political parties supported by the affluent sections of the community. Given the average levels of income of Ghanaian families, both rural and urban, the ₵1 million limitation in any one year may even be said to be overly generous and defeatist of the objective.

Secondly, the elimination of the disproportionate influence of moneyed and propertied interests on the political process gives a sort of boost to the principle of equality and equal opportunity for all citizens enshrined in the Constitution.

Thirdly, by deterring the "buying" of elections and minimizing the influence of the large contributor, the legislature hopes to save elective public office holders from becoming hostage to those interests. This will ensure that the office holders are relatively free to pursue the national interest without the fear of the sort of blackmail which could threaten their survival.

The objective of the disclosure requirements is presumably the belief that by promoting full disclosure of finances and financial transactions of political parties, the purity and open-ness of the electoral process will be maintained. The justification here is clearly the government interest in limiting corruption and the appearance of corruption. Disclosure, no doubt, is an effective way of revealing the type of political support that is sometimes coupled with expectations of special favours or rewards. Disclosure also serves an informational purpose. It is intended to help the voters to define their candidates more. Here the interest being served is the public right to know as much as it can about those vying for power in the society.

But comparative law and politics teaches us that limitations on political contributions and disclosure requirements need to be carefully crafted. Otherwise they have the adverse reverse effect of being invidious and rather chilling effective citizen participation in the political process; and this for a number of reasons.

Firstly, the limitations may well discourage participation by some citizens in the political process. Secondly, the limitations affect the citizens' important twin political rights of freedom of speech and association in ways that are not clearly supportable by a close reading of the Constitution's provisions on fundamental human rights. Thirdly, they unfairly discriminate against political parties in relation to other groups which have the same or even more capacity to impact on the government and the political process than political parties. Why, we may ask, is the citizen free to contribute limitless amounts to his Church

groups which in this country have the potential to influence the political process at least in the short term more than political parties but be limited in what he can give to the party of his choice?

The disclosure requirements may serve the interests noted above but there are serious negative sides to this coin which ultimately outweigh the benefits. First, quite often contribution to a political party is a form of speech i.e. symbolic speech. It helps to leave one in no doubt as to where a person stands in the political spectrum and what his political convictions are. But fear of reprisal may deter contributions, especially in a repressive regime like the PNDC.

Freedom may be a hazardous ideal to pursue but the disclosure requirements are worse. It is as if political parties are being treated as pariahs. They are not.

Thirdly the public's right to know is not absolute. It should never be treated so, especially where its exercise will reveal other people's private political convictions. It must be carefully balanced against privacy rights. As Chief Justice Burger of the US Supreme Court said in the case of *BUCKLEY v. VALEO*, secrecy, like privacy, is not *per se* criminal. Hence one of the greatest pillars of democracy invented in our contemporary times has been the secret ballot. In this connection, it must be said that the stringent disclosure requirements in Law 281 will have the same chilling effect that the abandonment of the secret ballot system in Kenya and Nigeria is reported to have had.

Fourthly, for a country making a transition from eleven years of military dictatorship to civilian constitutional rule, the administrative costs which the requirements saddle political parties with are staggering. These alone are enough to prevent the formation of small parties to prosecute minority interests and unpopular causes. The ultimate aim is the creation of a rich and competitive political process. Paradoxically its effect will be to give a disproportionate influence to those with money who are therefore able to make large contributions to the initial assets of a political party. They will put their money only where the chances of rewards are real. The Law clearly overplays the fact that political parties have public functions within the political process.

## **Administration of the Political Process**

The main agency established for the administration, regulation, control and oversight of the political and electoral process in general and



political parties in particular is the Interim National Electoral Commission (INEC). It was created by Law 271. But to determine the full extent of its powers, we have to read Laws 271 and 281 together. It has a potential membership of eleven persons, all of them to be appointed by the PNDC. Again the issue of neutrality and independence arises here. How can an agency whose members are appointed by the PNDC in its sole discretion and without reference to any other authority be impartial and independent of the PNDC which is sponsoring a political party and whose Chairman's political ambition, a common secret? It must be noted here that in the 1992 Constitution, although the members of the Electoral Commission are to be appointed by the President, he is required to act on the advice of the Council of State, a formulation which binds him to the advice proffered by the Council of State. In the transitional period, an acceptable compromise would have been for the PNDC to consult with other political groupings or even the Consultative Assembly which formulated the Constitution. But this was not done.

Be that as it may, INEC is the authority responsible for registering political parties under Law 281. For this purpose, it has extensive rule-making, enforcement, investigative and adjudicating powers. But it is not the final arbiter in the matters over which it presides. For its decisions are appealable to the Court of Appeal in all cases. In relation to its decision to cancel the registration of a political party, it may even be argued, from the language of section 16 of Law 281 as compared with section 12, that there is a further appeal possible to the Supreme Court.

INEC also serves as the national clearing-house for information on elections and political parties. For it is the principal repository of the numerous reports, statements and declarations which political parties are required to file in respect of their sponsors, officials, members and finances. It thus has record-keeping and disclosure functions as well. It is given the power to make these records available to the public.

When INEC prohibits a political party, Law 281 gives the Attorney-General power to apply to the High Court for the winding up, dissolution and disposal of that party's assets, rights and liabilities as appear to the Court just and equitable.

The initial indications are that INEC is going to have a rocky ride. But some of its members, especially the Chairman, have exhibited commendable capacity to be independent of government. Commend-

able too is INEC's willingness to consult with the emerging political groupings and forces to deal with the issues arising from the draconian legislation that it is operating under. One only hopes that INEC members will soon get over the temptation to make too many public speeches, some of which even betray a lack of proper appreciation of the legislation the agency is operating under.

## Conclusion

This chapter has argued that the current legislation on political parties provides a comprehensive but oppressive code of rules defining political parties, their constitutional role and legal principles relating to their internal organization and governance. It also establishes the legal rights and duties of individual party members as well as the general public. The chapter argues further that the legislation is too intrusive, errs too much in favour of a misguided view of the public interest. In the end it creates a stranglehold over political parties which can ultimately be dysfunctional to the political process. Some of the observations made in here have been made by others in the public media. A government responsive to the views of the people would have by now set in motion a major review of the rules. Given the philosopher-king attitude of the PNDC, however, this type of sensitivity is perhaps too much to expect. We hope and pray that the baby which the current unsatisfactory legislation delivers is able to sustain democracy in the Fourth Republic.

## NOTES

1. Legislation is used liberally in this chapter to refer compendiously to statutory provisions as well as relevant parts of the Constitution adopted in a referendum in April, 1992.
2. INEC may also publish information required to be published in the *Gazette*, in the national daily newspapers, on the radio and National Television.
3. At the time of writing this chapter, INEC had fixed the ceiling at €1 million - see PNDCL 283.
4. See generally the discussion in the following cases:
  - *Citizens Against Rent Control v. City of Berkeley*, 454 US 290 (1981);
  - *Buckley v. Valeo*, 424 US1;

- National Citizens Coalition and Colin Brown v. Attorney-General, Court of Queen's Bench of Alberta, reported in *McWhinney. Supreme Courts and Judicial Law-Making: Constitutional Tribunals and Constitutional Review.* (Dordrecht: Martinus Nijhoff, 1986) pp.19-208;
- See also German electoral law controversies discussed therein at pp.194-208.

## CONSTITUTIONAL FRAMEWORK OF DEMOCRACY

**Kofi Kumado**

### **Introduction**

We live in exciting times. The fall of the Berlin Wall is now part of history. The two Germanies have united. And the bankruptcy of communism in Eastern Europe and the former Soviet Union is now clearly beyond redemption. It is not, perhaps, that communism as an intellectual ideal has no more appeal. Rather communism as a framework for satisfying the complex needs of human beings has lost its legitimacy. So has been its economic twin of central control of the national economy. Though the transition in the political field from communism to constitutional democracy and, in the economic field, from central control to market forces is by no means out of the woods yet, truly may we say with Francis Fukuyama that one epoch of human history has come to an end.<sup>1</sup>

The democratization wave has not passed us by here in Ghana. External and internal factors have ensured that, whatever the personal ambivalence of the Chairman of the Provisional National Defence Council (PNDC) may be, personal autocratic rule will give way to pluralist democracy. The military factor remains an unknown quantity in all these calculations but that reflects more nervousness about the ambitions of the PNDC Chairman than fears about the ambitions of the armed forces as an institution.

This chapter examines the framework which has been devised for the democratic game in the Fourth Republic. But before looking at the structures and ideas on which our democracy in the Fourth Republic is founded, a few preliminary observations are necessary.

### **Constitutional Democracy**

Without attempting a comprehensive definition of the term "democracy," it may be stated at the outset that, from a close study of the process of transition to the Fourth Republic, what we want is not just democracy

but *constitutional democracy*. Democracy, as a concept, basically connotes government by the will and consent of a sovereign people. There are structures and mechanisms for the distillation of the will of the people. And because the people are a dynamic force, the system provides for periodic renewal of their consent. The opportunity for periodic renewal of the mandate of the people makes democracy superior to other systems of governance for the simple reason that it provides an internal self-correction mechanism. But democracy means more than the undifferentiated will of the majority of the people.

In our contemporary society, it means constitutional democracy. That is, the system of government in which the power-wielders are subject to clearly defined and pre-determined rules which place appropriate brakes on the aggrandizing nature of power. Constitutional democracy ensures that minority interests are safeguarded. And it keeps open the processes which permit the formation, in the polity, of majorities according to different issues.

Our decision to go for constitutional democracy is good for one important reason, namely, the heterogeneous nature of our society. An examination of the demographic profile of the Ghanaian society shows that the pure application of the democratic principle, for instance, of one person one vote will always produce a government which is unrepresentative of the major ethnic interests and whose legitimacy will, therefore, be constantly subjected to attack. By constitutionalizing our government, we are enabled to compel the formation of political alliances across ethnic lines and other sectional interests.

But constitutional democracy is a difficult system because of its reliance on deliberation and its positive utilization of dissent and opposition. It flourishes only if there exists within the ethos of the society belief in the idea that power and its exercise should be subject to limitations. Fortunately for us, our traditional political systems are founded on this belief. It is part of our cultures. The acute student of our chieftaincy systems will realize that, even though access to the highest political office (that of the chief) is based on the hereditary principle, our traditional political leaders who pretend to tyrannical power do not last. This point bears reminding ourselves of as we move from a period which glorified the aggressive use of power based on an extreme positivistic view of law.

Given its complexity, it is not surprising that some in even the most advanced democracies are not always able to keep the faith. I will like to refer to two recent matters to drive this point home. The first relates

to the Danish vote on the Maastricht treaty. By a slim majority, Danish voters rejected that treaty which is designed to foster greater union of the European Community nations. An important principle on which the treaty was negotiated was that of unanimity. Strictly speaking, therefore, the Danish rejection scuppered the process. And yet there have been suggestions from other parts of the community, including Britain's John Major, that the results of the Danish vote would not lead to a renegotiation of the treaty. Secondly, in the June 15 issue of the American weekly magazine, *Newsweek* there is a feature article on Ghana. The writer all but states that the prospect of democracy for Ghana is bad news for the World Bank-sponsored economic strategy pursued by the PNDC. The writer fails to note that the absence of genuine open debate about the structural adjustment programme has resulted in a lukewarm attitude on the part of the populace, visible signs of progress notwithstanding. This in turn has denied the programme the local productivity and initiative needed to solidify its gains. Well indeed might it be said that for some Western capitalist interests dictatorship in the third world is a friend while democracy is an enemy. This attitude is unfortunate. For society's tried and tested way of instituting enduring development has been through the democratization and taming of its politics and politicians.

The machinery of constitutional government is expensive. Just think of the monies spent on elections, referendums, peoples' initiatives, parliaments, etc. It requires a literate and well informed citizenry, actively participating in the process. For it is not a game for just professional politicians and intellectuals. This need gives additional importance to education at all levels of the society. But it need not be foolishly expensive.

Constitutional democracy requires agreement on the major ground rules (at least some of them), hence a formal constitutional document has been found to be a good and indispensable midwife. But the proper functioning of the document depends in turn on the existence of a bold, competent and far-sighted judiciary able to operate as the conscience of the people — a sort of continuing consultative assembly: the kind of judicial statesmanship exhibited by Chief Justice Marshall of the US Supreme Court in the famous case of *MARBURY v. MADISON*.<sup>2</sup> It bears reminding ourselves of this fact as we make the transition from a decade of military dictatorship in which the judiciary have lost practice and individual judges in any case may have been chosen more for their inability to hurt the dictatorship than for being able to take a long term

view of the society's values.

In a constitutional democracy, the opposition is a respectable part of government. The campaign to unseat the government does not end with the elections. Rather the campaign to win the minds and hearts of the electorate at the next election begins immediately with the post mortem. In this respect, we may run into a cultural block. Under our traditional constitutional systems, open campaign and opposition would seem to end with the selection and enstoolment of one of the contestants.

Ultimately, then, it can be said that the key elements of a constitutional democracy are the rule of law, government by consent, separation of powers or the absence of an accumulation of power in one person or body of persons, judicial review and human rights — a marvel of compromise and balance. Let us now examine the 1992 Constitution in the light of what has been said in the preceding paragraphs.

### **The 1992 Constitution**

On April 28, 1992, the people approved the 1992 Constitution at a nationwide referendum. The document which provides the framework for democracy in the Fourth Republic was the work of a Consultative Assembly instituted by the PNDC. The Consultative Assembly's work was based on the earlier constitutional documents of 1957, 1960, 1969 and 1979 as well as the report of the Committee of Experts appointed by the PNDC to formulate a draft. While the document contains some new and interesting ideas, a casual reading of it reveals that it substantially reflects the 1979 Constitution. The Constitution comes into force on 7 January, 1993.

The Constitution provides for the traditional triad of the executive, legislative and judicial organs of state. But new centres of power expressly provided for in Ghanaian constitutions since 1969 have been retained. This refers to political parties and buffer institutions such as the Council of State, the Auditor-General and the Ombudsman now renamed the Commission for Human Rights and Administrative Justice.

The structural arrangements of the Constitution contain elements of both the parliamentary and presidential systems of government. Thus though the President is not answerable to Parliament, yet he is required to select the majority of his ministers from Parliament. The parliamentarians appointed as ministers by the President retain their seats in Parliament. Further, questions of what other kinds of paid work

a minister is able to engage in are to be resolved curiously not by the President but by the Speaker of Parliament, even for those ministers chosen from outside Parliament.

The relationship envisaged between the legislature and the executive under the constitutional arrangements betray the deep-rooted grip which the parliamentary system has had on the political psyche of Ghanaians. The requirement that the majority of ministers should be parliamentarians carries with it some dangers. Prof. Folson, in his chapter, has discussed some of the benefits and dangers of this arrangement. In addition, two more potential dangers may be noted. First, there is the question of the additional cost to the nation of the governmental machinery if it is decided to appoint parliamentary secretaries to assist those ministers with their constituency work. Secondly, unless good sense prevails, unhealthy rivalry may develop between those ministers who are parliamentarians and those who are not. This is not an idle observation if we take into consideration the rivalry which has developed in the District Assemblies between appointed and elected members. The adverse consequences of such rivalry and the retardation of government business which it will give rise to can only give constitutional government a bad name. I take the view that whatever the benefits may be, the arrangement under the 1979 Constitution by which there was strict separation of personnel between the legislature and the executive but with mutual access given to the members of both institutions was superior to the present arrangements.

In two areas, the PNDC has clearly got its way. First is the integration of certain levels of the public tribunal system into the pre-31st December 1981 judicial system provided for in Chapter Eleven of the Constitution; second is the provision debarring political parties from local government elections. Whether this will be good for democracy in the Fourth Republic only time can tell.<sup>3</sup>

There is some confusion in functions under the Constitution. The responsibilities given to the Commission for Human Rights and Administrative Justice and the National Commission for Civic Education may be cited in this connection. Further the respective roles of the Commission for Human Rights and Justice and the High Court with respect to the protection of human rights have not been defined with sufficient clarity. Besides, one is not sure about the advisability of establishing the National Commission for Civic Education. There are not enough safeguards in the Constitution to prevent it from being manipulated and used as an ideological tool by the government in power. This institution



clearly contains the seeds for undermining the rationale behind Article 56 which prohibits Parliament from establishing a movement with the right or power to impose a common programme, or a set of objectives of a religious or political nature on the people of Ghana.

By far the biggest problem is whether the Courts, especially the Superior Courts, will be able to play their role as constitutional arbiters in the Fourth Republic. As noted elsewhere in this chapter, constitutional democracy will flourish in the Fourth Republic only if our judges using the power of judicial review under the 1992 Constitution do their work conscientiously. The early signs do not give one much to hope for.

First, it took a High Court judge ten days to decide whether he had jurisdiction in an important public law litigation. Then the judge decided that he had no jurisdiction in a matter in which it was alleged by one side that the rules relating to an important element in the political process, namely, the formation of political parties, were unfair. The decision of the High Court judge in this case must have come as a shock to all who have been brought up to know that, in the common law tradition, the High Court of Justice always has in addition to its statutory powers, *inherent* jurisdiction to do justice. Secondly, in the trial of the journalist, George Naykene, the Circuit Court judge failed to appreciate and therefore to consider the public law implications of the criminal libel charge brought against the accused. The implications and effect of his decision on the societal interest in freedom of speech and of the press seemed completely lost on the learned judge. As a result, in a matter in which the inadequacy of a civil action for damages by those who felt defamed by the offending publication was not demonstrated at all, a journalist was sentenced to eighteen months imprisonment. In a constitutional democracy, it behoves the judiciary to constantly keep in mind the fact that every aspect of the law has constitutional implications in the short or long term for the society.

There are three other matters which are worth discussing as we contemplate the fortunes of constitutional democracy under the 1992 Constitution in the Fourth Republic. The first relates to the legitimacy of the Constitution itself. As noted earlier, the principal architect of the Constitution has been the Consultative Assembly established by the PNDC. Candour will make us admit that there are many Ghanaians who were suspicious of the motives of the PNDC at the beginning and who therefore did not participate in the work of the Assembly. Though the final document was better than had been feared, the haste with which the referendum was held revived old fears and suspicions entertained

by a not-insignificant section of the population. It is not an exaggeration to state that there are many Ghanaians who believe that a major surgery would have to be made on the Constitution in the early years of the Fourth Republic if it is to achieve nation-wide legitimacy.

The second issue relates to the disqualification of chiefs. It is an observable fact that a majority of chiefs are unhappy about this provision; not so much because they entertain ambitions to plunge into the political arena but because of its discriminatory nature in spite of the avowedly good intentions with which it was made. It has to be noted that throughout our chequered national constitutional history, chiefs have remained a major stabilizing force. It will be unfortunate therefore if this disqualification were to alienate them completely from the national political process.

Thirdly, and undoubtedly, the most explosive and controversial issues relate to the Transitional Provisions contained in Sections 34, 35 and 37 of the First Schedule to the Constitution. These sections pose the gravest threats to constitutional democracy in the Fourth Republic. They stick out as an unnatural growth in the constitutional document. No one can deny their potential for rocking the very foundations of the society. How will the courts handle the issues involved here particularly in the light of the Supreme Court decision in the KWAKYE CASE<sup>4</sup> where the majority of the august court faced with similar provisions in the 1979 Constitution declared itself impotent in certain circumstances? Again only time can tell.

But this chapter can and must end on a cheerful note. It is clearly an observable fact, throughout the length and breadth of this country, that Ghanaians are looking forward to a democratic future. Perhaps, a little too eagerly, one may say. But the goodwill to make our democratic experiment succeed this time round is great. The Preamble to the 1992 Constitution accurately captures and reflects the basic ideals embodied in constitutional democracy. Where there is a will, there is always a way, so the old adage goes. While the signs in the transition period may not give too much hope for the future, there is no doubt that the overwhelming desire of the people to live in freedom will ensure that democracy will flourish, with its usual ups and downs, in the Fourth Republic.

## NOTES

1. Francis Fukuyama, "The End of History" in *The National Interest*, Vol.16 (1989), pp.3-18.
2. 1 Cranch 137 (1803).
3. See the chapter on "Legislation on Political Parties" for discussion of this provision.
4. (1981) G.L.R. 644.

Part II

*Society and Political Parties*

THE SOCIO-CULTURAL MATRIX AND MULTI-PARTY  
POLITICS IN GHANA: OBSERVATIONS AND  
PROSPECTS

Kumi Ansah-Koi

Introduction

Students and observers of politics have long noted the salience of cultural factors and the socio-cultural matrix for political behaviour. Almond and Verba's *The Civic Culture*<sup>1</sup>, S.E. Finer's *The Man on Horseback*<sup>2</sup>, and Ali A. Mazrui's *Cultural Forces in World Politics*<sup>3</sup> are three outstanding scholarly efforts which attempt, with varying degrees of success, to explain political phenomena on the basis of cultural variables.<sup>4</sup>

For Ghana, Maxwell Owusu's *Uses and Abuses of Political Power: A Case Study of Continuity And Change in The Politics of Ghana*,<sup>5</sup> Victor T. Le Vine's *Political Corruption: The Case of Ghana*,<sup>6</sup> and the *Final Report of the Commission on Bribery and Corruption*<sup>7</sup> appropriately take cognisance of the socio-cultural matrix in their respective concerns.

Historically, each of Ghana's three attempts at multi-party constitutional rule highlighted and focused on institutional/structural and procedural issues to the utmost exclusion of the socio-cultural matrix. With independent Ghana's first attempt at multi-party constitutional rule which was inaugurated under the 1957 Independence Constitution, for example, the Westminster model of government, with a few notable innovations like the Regional Assemblies, was transplanted on to the Ghanaian social context without much effort at effecting any attitudinal or cultural change. In the case of the 1969 Second Republican Constitution, the effort was generally geared towards the institution of a constitutional matrix which would well-nigh make a repeat of dictatorial rule impossible in Ghana. The 1979 Third Republican Constitution on the

other hand was more of a cross between the American and Westminster models of constitutionalism than an innovative formulation particularly tailored to suit the Ghanaian cultural matrix.

In each of these instances, the constitution was to a large extent perceived, so to speak, as an end in itself. Considerable efforts went into the formulation of a supposedly appropriate and perfect constitutional arrangement on the assumption that such an accomplishment would ensure a democratic and stable multi-party regime in the country.

As is well-known, those expectations were never met; because military intervention, deriving from a complexity of factors, ultimately abrogated each of those constitutional experiments. The lapses that characterized previous attempts at constitution-making applies today as, Ghana, through the on-going efforts and processes geared towards the envisaged Fourth Republic, works towards the establishment of multi-party constitutional rule scheduled for early 1993.

The present chapter is based on the axiomatic assumption that the disregard of cultural factors constitutes the prime causatory and explanatory factor for the ultimate collapse of Ghana's First, Second and Third Republics. It focuses on Ghana's cultural variables in relation to the restoration of multi-party constitutionalism in the Fourth Republic. Impressionistic and documentary sources are scientifically utilized to identify pertinent aspects of (political) culture in Ghana which could have an adverse effect one way or the other, on the goal of establishing durable, multi-party constitutional rule in Ghana. In this regard it is important to recall that the Ghanaian state, as at present constituted, is certainly a "young" one. It has existed in such a centralized form for barely a hundred years. Even more significantly, it has existed as an independent entity for less than four decades.

The state itself is largely the creation of European colonialism; and it comprises various ethnic groups with their own peculiar — if not widely varying subcultures. The present chapter however focuses on the emergent (and still unfolding) national (political) culture which exists over and above (and notwithstanding) those various subcultures. Narrower still, the chapter does not concern itself with the entirety of the emergent national political culture in the country. The focus is strictly confined to an identification and discussion of those aspects of the nation's political culture which do not augur well for the practice and survival of multi-party constitutionalism in Ghana. The point of such narrowed focus is to enable in-depth and thorough discussion of those negative aspects with a view to coming up with concrete proposals

which, if put in place, would serve as a remedies and help make Ghana's on-going attempt at durable constitutional rule turn out successfully this time round.

A discussion of the methodology adopted here should be apposite. There has been no stratified sampling of the Ghanaian population for our present purposes. Close observation (both participant and non-participant) spanning over slightly four years has been a major methodological option. That apart, reliance has of course been placed on my professional acquaintance with certain societal and political manifestations over about a decade. I have also used the relevant material on the subject.

It should be noted, however, that the trends noted in the work constitute a pioneering account that draws on personal basis of observations, unstructured and random interviews, and a close scrutiny of various relevant press and other documentary evidence on national issues. The reader's columns of the Ghanaian print media have been particularly scrutinized, as they have manifested public opinion on various national issues.

The present work aims at presenting, in fairly broad but accurate strokes, the emergent national political culture in Ghana in so far as they negatively impinge on Ghana's long-held democratic aspirations. Sequels to the work should properly aim at formulating hypotheses out of the stated trends and observations with a view to subjecting such hypotheses to rigorous empirical tests and analysis.

## Identification

Stemming from the above concerns, the following may be identified as salient features of the emergent national political culture in Ghana which have potentially negative implications for the nation's aspiration towards durable multi-party constitutionalism in Ghana. The first of these is the prevalence of a definitely non-confrontational, submissive, and compliant attitude towards authority. This behavioural disposition is generally manifested towards all forms of authority — parental, social, political, religious, and so on. There is extreme reluctance to publicly question, ridicule, or diverge from official standpoint. The exercise of authority — whether by elder siblings, parental figures, traditional office-holders, and other public officials — rarely draws challenging or divergent responses. The tendency is for people to comply; or at least refrain from public and open challenge, disputation, contestation or confrontation.

Closely related to this tendency is a widespread perception of divergence from and challenge of the authorities' standpoints — and indeed non-conformity with the common stance — as marks of disloyalty and of subversive intent. Such challenges and divergences are commonly regarded in most cases as unnecessarily confrontational and somehow improper. Consensus is much prized; and such divergence from the consensual stance is seen as a stubborn and arrogant insistence on individuality and a concomitant failure to submerge individuality in the consensual pool.

Indeed there is an intense dislike of, and serious misgivings and apprehension about, open/public disputation and argumentation. There is a marked preference for unanimity on public issues; and indeed both open and subtle pressures are often brought to bear in efforts towards achieving such consensus. Open divergences and long-standing controversies (whether academic or general) are particularly frowned upon.

Another feature of the emergent political culture in Ghana which has possible negative import for durable multi-party constitutional rule in the country is that national politics hinges basically on personalities rather than on principles, ideas, or issues. A close examination of media coverage of electoral contests in Ghana and of the campaign strategies and ploys of individual and group contestants at elections in Ghana, clearly illustrate the rather low significance of abstract ideas and obtuse principles in such contests. Symbolic, sentimental and metaphysical influences, as opposed to ideas and principles *per se*, would seem to be far more salient. Mike Oquaye illustrates this point in his *Politics in Ghana 1972-1979*:

Some PNP campaigners employed the element of the mysterious and the supernatural which had proved very successful in Nkrumah's days. Even though it was not officially claimed by the party, its supporters repeatedly propagated the news that President Nkrumah's spirit had been consulted and that he had chosen the name, emblems and colours of the party assuring them that the palm-tree would lead the party to a victory, and if the party failed, that would lead to the total ruination of the country. It was further said that Nkrumah had put a curse on Ghana and that this would be removed, upon Ghanaians voting for the PNP. These utterances were quite meaningful if one considers the fact that Ghanaians believe in the supernatural and secondly, that Ghana had actually sunk and continued to sink since Nkrumah left the political scene.<sup>8</sup>



Hence, very few Ghanaians, even among the educated, can carry on sustained meaningful discourse on the manifesto of their preferred political parties.

A further feature is the prevalence of a highly cynical and an extremely economical-instrumentalist perception of politics. The state and national politics, are widely seen as a gold mine to be exploited for personal and/or group gain and for social mobility. Concomitant to this, there is a cynical attitude towards representation of politics as an avenue for selfless public service. Apparently very few believe in the reality of (or even approve of) altruistic public service through the political arena. Appointees to top political positions who are unable to "feather their nests" whilst in office and leave such office poor, or poorer than they were prior to their taking up such high-level political appointments, are commonly regarded as being stupid.

Yet another feature is a widespread tendency to veer away, as far as possible, from such activist political manifestations as demonstrations, civil disorder, and critical public debates.

There is also a generally fatalistic, resignatory attitude towards political issues in particular and public issues in general. This tendency would seem to derive its support from a widespread belief that issues would somehow sort themselves out with time. Common street expressions which manifest this attitude include such sayings and responses as "alavanyo"<sup>9</sup>; "ebaahi"<sup>10</sup>; "ebeye yie"<sup>11</sup>; "Nyame bekyere"<sup>12</sup>; "Nyame ndae"<sup>13</sup>; and "ehuru a ebedwo"<sup>14</sup>. What all these features have in common is that they constitute aspects of the emergent national political culture in Ghana which neither augurs well for, nor will enhance the practice and prospects of, a stable multi-party constitutionalism in Ghana.

This does not mean, however, that the emergent political culture is entirely negative as regards the national aspiration for multi-party constitutionalism. There certainly are positive aspects of it. (For example, there is a marked dislike of political violence under virtually all conditions.) The positive aspects, however, do not constitute the concern of the present chapter. As indicated above, our focus is on the identification and discussion of the negative aspects of national political culture and its bearing on the national quest for stable multi-party constitutionalism.

The mere identification and presentation of these negative aspects of Ghana's emergent political culture is however inadequate. Some equally pertinent issues still remain. For example: how is that reality to

be accounted for? What factors shaped or determined the emergent political culture outlined above?

## Sources

Major sources of such a national political culture are the various traditional cultural norms of Ghana's ethnic groupings which, incidentally, have considerably much in common despite their various differences and diversity. Traditional customary practice, for example, virtually frowned upon confronting legitimate authority unless absolutely necessary and critical. The preference was clearly in the direction of submission, obedience, consensus and unanimity. Prolonged and sustained debate over public policy, and criticism particularly after a decision of some sort had been made, were certainly frowned upon. Such customary attitudes and norms have been transmitted over the years through the processes of socialization, and have become a feature of the emergent national political culture.

Another source is the historical experience of colonialism in Ghana. Colonialism did not spawn a democratic culture. If anything, it heightened and stultified the undemocratic aspects of the traditional heritage. The institution of chieftaincy, for example, was under colonialism freed of some of its in-built checks and balances which kept it off dictatorship. Also the Provincial and District Commissioners, through their position in the Crown Colony's administrative set-up, did nothing to encourage a democratic ethos among the colonized population and their traditional rulers. On the contrary, their *modus operandi* did a lot to enhance and sustain a political legacy of conspiratorial and elitist policy formulation which operated without much reference to, and without much input by, the colonized masses.

Colonialism thus encouraged an alienated and a paternalistic framework of government which did not facilitate the democratic practice of open discussion, fairly unfettered criticism of public policy, and mass involvement in public policy formulation. The well-known dictatorial and authoritarian tendencies of successive governments since the attainment of independence have also reinforced these negative aspects of political culture in Ghana.<sup>15</sup>

Furthermore, the prevailing situations like the massive scale of adult illiteracy, the high school drop-out rate, the adoption of English (a foreign language) as the official language, and severe deprivation and

poverty have also contributed significantly towards the emergence of the negative aspects of Ghana's political culture that I have just discussed.

## Conclusion and Recommendations

Democracy cannot thrive for long if the socio-cultural matrix is not conducive to the perpetuation of democratic rule! In this regard it is inadequate, as the tendency has so far been in Ghana, to focus almost exclusively on institutional and legal frameworks in the bid to establish democratic governance. Certainly the rule of law and those constitutional and legal pillars are indispensable for democratic governance. Appropriate and well-functioning institutions and structures are a *sine qua non* for stable democratic rule as well. However, the socio-cultural matrix is no less important and therefore should not be ignored.

There is certainly a pressing need for public education to get the general public to imbibe, appreciate, and defend the democratic ethos way of social organization and national existence. Admittedly some efforts in that direction have been made in the past. The Centre for Civic Education established by the National Liberation Council, which continued into the Second Republic, is an example of such efforts. Earlier, the Extra-Mural Studies programme of the then University College of the Gold Coast had served a similar purpose. For now, however, no specific national institution exists to carry out this function. It must be said in passing that over the years, the initiative of various regimes in establishing bodies devoted to public political education has often incurred suspicion, misgivings and animosity. In the light of this record, it would seem most appropriate to leave the important task of national political education to a time-tested body like the Institute of Adult Education of the University of Ghana. The body has certainly exhibited, over the years, evidence of impartiality, independence from governmental control and effectiveness.

To ensure adequate financial provision for the performance of the task, one per cent of each year's defence budget should be offered to that Institute to carry out the task of civic education.

Furthermore, sustained and well-conceived programmes must be put in place to reduce the massive scale of public alienation from policy formulation. In this regard there should be strenuous efforts to:

- (i) reduce the unfortunately high level of adult illiteracy;
- (ii) overcome the English language barrier which excludes a significant majority of citizens from active participation in national affairs;
- (iii) ensure the involvement of all social segments in policy affairs;
- (iv) incorporate civic education much more significantly in school curricula; and
- (v) reduce the undemocratic and anachronistic features of traditional culture.

It is only when these have been achieved that a durable multi-party constitutional rule could thrive in Ghana.

#### NOTES

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2. S.E. Finer, *The Man on Horseback*, London: Macmillan, London, 1962.
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4. For a succinct and concise discussion of the concept of political culture, see Dennis Kavanagh's *Political Culture*, (Studies in Comparative Politics), London and Basingstoke: MacMillan, 1972.
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7. *Final Report of the Commission on Bribery and Corruption*, Accra, 1974. Membership of the Commission comprised Justice P.D. Anin (Chairman), Dr. Ephraim Amu, Rt. Rev. G.K. Sintim-Misa, Prof. K.E. de Graft-Johnson, Lt. Col. K.A. Buckman, Kwame Afreh, and P.A. Dako.

8. Mike Oquaye, *Politics in Ghana 1972-79*, Accra: Tornado Publications 1980; p.173.
9. Ewe dialect for "all will be well."
10. Ga dialect which also translates into English as "all will be well."
11. Akan expression also meaning "all will turn out well."
12. Akan for "God would ultimately decide or provide."
13. Akan for "God is not asleep."
14. Akan for "it cannot be boiling perpetually; it would certainly cool!"
15. The historiography of Ghana is replete with works indicating such tendencies. For two examples, see Naomi Chazan's and Mike Oquaye's works, already cited above. *An Anatomy of Ghanaian Politics. Managing Political Recession, 1969-1982*, Boulder: Westview Press, 1983; and Mike Oquaye, *Politics in Ghana 1972-79*, *op. cit.*

## CIVIL SOCIETY AND THE TRANSITION TO PLURALIST DEMOCRACY

F.K. Drah

### Introduction

In the light of the acceptance of the Draft Constitution in the referendum held on 28 April, 1992, and the subsequent hectic preparations towards the inauguration of the Fourth Republic on 7 January, 1993, it may be assumed reasonably that Ghanaians as a whole have resolved to make yet another attempt at *evolving* a pluralist democracy. It may be recalled that the three previous attempts made in 1957-1960, 1969-1972 and 1979-1981 were aborted for a number of reasons. As the platitude goes, "a country deserves the type of government it has" — that is, in *normal* times. Little wonder that a number of social scientists have observed that the character of a country's social structure has a great deal to do with the emergence and thriving of pluralist democracy.

This chapter, then, is a modest attempt at exploring the issue of whether or not Ghana does have the type of civil society that will facilitate the transition to, and help to ensure the thriving of, pluralist democracy in the Fourth Republic. For the sake of convenience the rest of the chapter falls into four parts. In part one the terms pluralist democracy and civil society are broadly delineated; in part two is offered an overview of the chequered history of civil society in the post-independence period up to 31 December, 1981; part three deals broadly with civil society during the Provisional National Defence Council (PNDC) era; while part four contains the conclusion and recommendations.

### Pluralist Democracy and Civil Society Explained

Briefly, *pluralist democracy* is characterized by the following key elements: the existence and protection of civil and political rights, including the right to form relatively independent associations/organizations like

political parties and pressure groups resulting in a competitive party system; free and fair elections; limitations on the powers of government; the rule of law and an independent judiciary; a free press; accountability; local self-government; tolerance of diverse opinions; political compromise; acceptance of decisions by majority procedure and respect for minority views; peaceful resolution of differences; and supremacy of civil authority over military and other security institutions. Thus broadly delineated, pluralist democracy is not different from constitutional or liberal or multiparty democracy.<sup>1</sup>

Historically speaking, *civil society* was narrowly conceived and equated with the economy.<sup>2</sup> Nowadays, it is broadly conceived and located in the general society which includes the economy. Hence, broadly speaking, civil society denotes the presence of a cluster of intermediary organizations/associations that operate between the primary units of society (like individuals, nuclear and extended families, clans, ethnic groups and village units) and the state. These intermediary groupings include the following: labour unions and associations of professionals, farmers, fishermen, women, youth and students; religious and business organizations; cultural and recreational clubs; as well as political parties.

However, in the literature on the subject competing models of civil society have been identified. The major ones are the "corporatist" and "pluralist" models. In the former the intermediary organizations are sponsored and often sustained by, and dependent on, the state. Membership of such organizations is usually involuntary or semi-voluntary. A typical example is the medieval European guild. A person was born into it as a son of a guild member; otherwise he had to join it if he was to have any opportunity to practise his occupation in the first place. It is important to note, though, that the "corporatist" model, which emerged within the liberal-democratic context, must not be confused with the Fascist notion of the "corporate state." The major thrust of the advocates of the "corporatist" model is that increasing state intervention in some established liberal democracies, particularly in the sphere of the management of the national economy, has made it necessary for the state to seek the advice and co-operation of certain strategically placed groups like business and labour. And this has led to the incorporation of such groups in the decision-making process. In the event, the state has gained greater social control in return for giving functional representation to such groups. For us here, however, the danger is that the "corporatist" model, if not carefully applied, can lead to totalitarian dictatorship.<sup>3</sup>

In the "pluralist" model a variety of organizations emerge voluntarily to compete with one another in pursuit of their own interests without, however, ignoring cross-cutting interests. In their operations they may be likened to market forces. Civil societies which approximate the "corporatist" and "pluralist" models are to be found, for example, in Switzerland, Germany, Austria as well as the Scandinavian countries, and the United Kingdom, Canada and the United States of America, respectively<sup>4</sup>.

It would appear from historical experience that the "pluralist" model of civil society is better and more easily able to facilitate the transition to, and help to sustain, pluralist democracy<sup>5</sup> — despite some weaknesses associated with this model like unequal distribution of economic power and the threat of extreme particularism embedded in it. But if a civil society of this kind is to play its role in the process of democratization, then a number of conditions must be met.

First, as many of the social forces and interests that find organized expression in groups should see themselves as constituting relatively autonomous and counter-vailing centres of economic and political power in relation not only to the state and its agencies but also to the primary units of society.<sup>6</sup> Secondly, these intermediary organizations (or subunits of civil society) must be characterized by organizational continuity in a large measure; while their rights and entitlements on which their very corporate existence rests must be accepted, respected and protected by the state. For, in the modern era especially, there is no civil society without the state; that is why there is also the need for co-operation between the state and civil society without prejudice to the latter's autonomy. Thirdly, it is imperative that these sub-units are tolerant of one another in pursuing their interests. But this will be impeded to a large extent if there exist gross inequalities based, for instance, on either the distribution of material rewards or traditional distinctions of tribe, caste or race within the society.<sup>7</sup> Fourthly, they must develop a capacity for democratic self-governance. Leaders should be periodically and democratically elected to ensure accountability for their stewardship; while deliberation about group action must be free, open, tolerant and fair. Finally, these subunits must cultivate what has been termed the "civic spirit"<sup>8</sup> which broadly means conscientious respect for the rights of all (including actual or potential competitors) and keen concern for the welfare of the larger community.

The emergence of a variety of intermediary organizations in a society must be highly appreciated and encouraged rather than de-



plored — particularly in the light of the tragic consequences of the severe constriction of civil society under communist rule in the former Soviet Union and elsewhere. For even their mere existence diversifies and enriches the institutional environment. Thereby, citizens are given ample opportunity to choose which organizations to affiliate with; and choice, it may be noted, is very crucial to the successful operation of pluralist democracy.

Besides, as already indicated, these subunits of civil society fill a great many roles which are not considered as falling within the province of the state. And they provide the social space in which citizens can explore both the possibilities of freedom and the responsibilities of self-governance, free from the potentially oppressive arm of the state.<sup>9</sup>

At this stage, it is appropriate that the relationship between political parties and other segments of civil society is tackled, but only briefly since it is amply discussed by Prof. Folson in another chapter. Of all the subunits of civil society, it is political parties which are most manifestly political in their objectives and operations. They seek, above all, to attain or retain political power, normally through elections, in order to form the government of the country either alone or in concert with other parties.<sup>10</sup> Failing that, they may go into opposition and try to influence the government in many ways.

Admittedly, most of the other subunits such as single-issue pressure groups may present or support candidates for election to the legislature to promote their cause. Occasionally, a subunit or a section of it may itself form a political party as the leadership of the Ghana Trades Union Congress (TUC) did in 1979; or it may forge very close ties with a political party as the American Federation of Labour-Congress of Industrial Organisations (AFL-CIO) has done with the Democratic Party of the USA, and the Roman Catholic Church with the Christian Democratic Parties in Germany and Italy. Many of these subunits may prefer to lobby the government and its agencies in order to influence them on certain issues and policy decisions; and thereby, seek to make the authorities responsive to the wishes of the citizens, and accountable for their policies and actions.

On the whole, however, these other subunits of civil society constitute the building blocks of political parties. They provide many of the members and sympathisers of these parties. Moreover, political parties are the vehicle whereby the various interests and concerns articulated by individuals and the other subunits are "aggregated" into "policy packages", usually expressed in "party platforms" or party

manifestoes. Thus, even though their conflict-minimizing (and hence unifying) role is usually overlooked by "no-party" advocates, political parties in fact play a significant role in reducing conflict and bridging the wide gaps between different alternative sets of preferences.<sup>11</sup> That is why a democracy could degenerate into "anomic violence" in the absence of genuine parties. It is in these and other respects that political parties, as a subset of civil society, are very crucial to the successful operation of pluralist democracy.

## Historical Overview

### 1957-1966<sup>12</sup>

Although colonial rule in Ghana was on the whole autocratic, it did not, paradoxically, obstruct the emergence of voluntary organizations of many kinds – especially from the end of World War I onwards. The colonial authorities even encouraged and guided the growth of the labour and co-operative movements. What they did not and were unwilling to do was to encourage the growth of an indigenous, self-sufficient and autonomous entrepreneurial capitalist class;<sup>13</sup> just as until 1951 they allowed only token popular participation in government.

Even so it is no exaggeration to observe that independent Ghana inherited a nascent civil society which was potentially vibrant. For there clearly existed a variety of social forces which had voluntarily established organizations to pursue, *inter alia*, occupational, social, self-help, religious, recreational and political goals; some of them were pressure groups as well.

Among these intermediary organizations were the following: the National Farmers' Union, Asante Farmers' Union, United Ghana Farmers' Council and Alliance of Co-operatives; the Chambers of Commerce and Mines, Ghana Employers' Association, Ghana Manufacturers' Association, and Women Traders' Associations in some of the main towns; the trade unions of which the largest and most important were the United Africa Company Employees' and Mine Workers' Unions, and over which a Trades Union Congress uneasily presided; the Ghana Bar Association, Ghana Medical Association and Ghana Midwives' and Nurses' Associations; the Christian Council of Churches, National Catholic Secretariat and Ghana Muslim Council.

There were also sports clubs, self-help associations (like credit

unions), literary clubs, as well as old boys' and old girls' associations, especially of the major second cycle educational institutions, all of which established networks for social interaction, debate and support. And last but not least were the politically oriented associations — the Convention People's Party (CPP), National Liberation Movement (NLM), Togoland Congress (TC), Northern People's Party (NPP), and Muslim Association Party (MAP) — which aggregated and canalized the diverse interests and demands of their constituents in society. A great number of these voluntary intermediary organizations were ethnically cross-cutting in membership.<sup>14</sup>

At independence, then, there was no question that what may be termed the voluntary, pluralist basis of social and political action had emerged — however fragile it was.<sup>15</sup> And at the party political level, the numerical weakness of the parliamentary opposition (33 against the CPP's 71) belied the sizeable electoral support it mustered in the 1956 general elections (the last before independence)<sup>16</sup> It was the expectation that civil society would develop further to serve as the engine to propel the first constitutional-democratic enterprise to success.

To some people, one of the grounds for such expectation was the magnificent speech<sup>17</sup> Nkrumah delivered on 12 November, 1956 in the Legislative Assembly in which he extolled, and promised to uphold, the cardinal tenets of liberal democracy. Only the main points will be highlighted here.

First, he acknowledged the immense value of constitutional opposition, the competitive party system, free and fair elections based on an "accurate register of voters" and supervised by an independent and impartial electoral commission, as well as the independence of the judiciary. Secondly, he expressed his belief in and respect for the rights of regional minorities. According to him, it was the government's duty to ensure that "in the various regions of Ghana any minority party" was accorded "fair consideration in the regional machinery of government."<sup>18</sup> Thirdly, Nkrumah underscored "the equal importance of the rights of individuals." These included: (i) "freedom from arbitrary arrest"; (ii) the inviolability of the individual's home, and freedom from arbitrary search; (iii) freedom from arbitrary confiscation of property; and (iv) freedoms of speech, thought, conscience — and of association: "the Government believes that any individual should be entitled to join any trade union, political party or other associations of his choice" (thus acknowledging the relevance and importance of a pluralist civil society for liberal democracy).

But that all this was mere rhetoric — part of “tactical action” — calculated to conciliate the NLM-dominated opposition and convince the British government to fulfil its promise of granting independence to the country after the 1956 elections,<sup>19</sup> is confirmed by Nkrumah’s revealing remark in the preface to his *Autobiography*. According to him, in the post-independence period it might be necessary to support even a political system founded on social justice and a liberal-democratic constitution with emergency measures of a totalitarian kind.<sup>20</sup>

The motivation for this remark is not explained entirely by the lessons Nkrumah may have drawn from the bitter CPP-NLM conflict during 1954-1956. The plain fact is that, ideologically, Nkrumah was a fierce advocate of “developmental dictatorship” of a socialist kind.<sup>21</sup> In his view the economic and social development of Ghana must be “jet-propelled” to enable it catch up with the developed countries. Hence he did not see why the government’s efforts at development should be hampered by constitutional limitations of the kind enshrined in the Independence Constitution. Besides, he was aware that developmental dictatorship is, generally speaking, incompatible with a strong civil society which will restrict its autonomy. Hence he sought to arrest its development in Ghana. Before discussing the steps he took in this direction, it is necessary to outline some of the major changes that were made to the constitutional-political structure in the period.

Soon after independence there occurred certain events which the CPP and the government adroitly exploited to great political advantage. These included: the Alavanyo riots in the Volta Region involving the Togoland Congress (TC); the Ga Shifimo Kpee protest movement in Accra; and the alleged assassination attempt by some opposition elements on Nkrumah’s life in December, 1957.<sup>22</sup> The government then embarked on a systematic dismantling of the Independence Constitution, the ultimate purpose of which was revealed by Kofi Baako, a Ministerial Secretary and an ardent disciple of Nkrumah, when he said in July 1958 in the National Assembly: “We shall never allow the Opposition to unseat us. The CPP shall always sit here as the Government.”<sup>23</sup>

The Constitution (Repeal of Restrictions) Act, 1958 removed all the special provisions on constitutional amendments and cleared the way for the amendment of the Independence Constitution in many other respects. The regional assemblies, which had been elected in 1958, were dissolved under the Regional Assemblies (Amendment) Act, 1959. Amendments affecting the judiciary, the constitutional provisions on

which had been entrenched, were effected by ordinary legislation. The most significant of such amendments dissolved the judicial service commission which was devised to ensure fairness in the appointment of superior court judges in particular.

The Independence Constitution was eventually replaced by the 1960 Constitution under which Ghana became a republic on 1 July, 1960. Nkrumah, who became the first President (as Head of State and Government), was vested with enormous powers — as exemplified by article 55 and his power to appoint, without reference to any other authority, all superior court judges. He could also dismiss the chief justice at will and at any time. The other superior court judges enjoyed security of tenure since they could be removed only through a special procedure. However, by the Constitution (Amendment) Act, 1964, the President could dismiss such judges also “at any time for reasons which to him appear sufficient.” Nkrumah’s control over the judiciary was total.

In the immediate post-independence period, the government also devised what Harvey<sup>24</sup> has aptly called the legal instruments of political monopoly. These included: the Deportation Act, 1957 under which some people, alleged to have been foreigners but were opposition supporters, were deported; State Council Ordinances which were aimed at undermining the authority of some paramount chiefs and weakening their position as opposition supporters; and the Avoidance of Discrimination Act, 1957 which made illegal political parties based on tribe, region or religion. In anticipation of this enactment the opposition parties which would have been affected by it came together and formed the United Party (UP). But realizing that by these measures the opposition had not been completely eliminated, and impatient with the complexities and the slow pace of due process of law, the government enacted the Preventive Detention Act (PDA) in July 1958. Under this enactment hundreds of people, including not a few of CPP members who hailed it because they thought it was aimed at the opposition only, were detained without trial.<sup>25</sup>

In the republican era the Criminal Code (Amendment) Act, 1961 made it an offence to publish anything considered defamatory or insulting to the President. Since Nkrumah, the President, had by this time become an autocrat and occupied the centre stage in almost every aspect of Ghana’s political life, this law severely limited political debate and discussion. The Newspaper Licencing Act, 1963, which ensured the government’s complete control of newspaper publication, added the *coup de grace*: it crippled press freedom.

Besides all these legal measures, a number of political measures were taken to strengthen the CPP's hold on the country. Such measures included: (i) the re-structuring of the party which involved the appointment of party faithfuls — rather than civil servants — as district and regional commissioners to control the local institutions and population especially; and (ii) the absorption of trade unions, farmers' co-operatives, and womens' and youth organizations — which could thwart the CPP's efforts at domination — as "integral wings" or "composite parts" of the party. Such bodies were the Trades Union Congress (TUC), United Ghana Farmers' Co-operative Council (UGFCC), National Council of Ghana Women (NCGW), Builders' (later Workers') Brigade, Ghana Young Pioneers (GYP), and all other bodies involved in the training of the youth.

It must be noted, however, that the CPP leadership did not have an easy time of absorbing the trade unions and farmers' co-operatives, for instance. It is, therefore, appropriate to narrate, if only rapidly, the history of their struggle against government and party control.

It is no foreshortening of history to observe that the country's labour movement came into political limelight in January 1950 when the Gold Coast Trades Union Congress (GCTUC) called a general strike in support of Nkrumah's declaration of "positive action."<sup>26</sup> The direct consequence of this strike and its suppression by the colonial government was the collapse of the GCTUC. In January 1951 it was revived under the guidance and encouragement of the Labour Department. Its leadership included such non-political moderates as D.K. Foevie and S. Larbi-Odam, the leaders of the Mine Workers' and UAC Employees' Unions respectively. After the CPP's electoral victory in February 1951, Nkrumah and some union leaders, who had been imprisoned as a result of "positive action" and the general strike, were released. Some of these union leaders formed a rival central labour organization called the Ghana Trades Union Congress (GTUC). In 1953 there was a merger between the GCTUC and GTUC under the former's name; but the leadership was drawn from both bodies.

The period 1953-1958 witnessed an interesting struggle within the labour movement involving three groups. The first group comprised the relatively well-established unions; for example, the Railway, UAC, and Mine Workers' Unions. These sought to maintain the independence of the labour movement. The second group consisted of union leaders who supported the CPP; and prominent among them was J.K. Tettegah who considered that their control of the labour movement would pave

the way for eventually attaining strategic positions in the CPP. The third group was the CPP itself which hankered after control of the labour movement for its own purposes.

In this period the CPP could not impose itself on the unions not only because it lacked the resources to do so but also because such a step would have served partly as a convenient pretext for the British government to delay independence. And this, coupled with the very pre-disposition of the first group, dictated caution on the CPP's part.

On the other hand, the first group itself had to tread warily because it could hardly afford, nor did it seek, an all-out confrontation which might estrange a party that was most likely to assume state-power at independence. The CPP supporters in the unions also had to be cautious in their approach for two main reasons. First, since they did not have their own unions, they lacked a strong support-base in the labour movement.<sup>27</sup> Secondly, they had both friends and enemies in the government; and Tettegah particularly was considered a potentially serious potential threat to the CPP leadership.

But there was one factor which apparently favoured the Tettegah faction. This was the disenchantment of many unionists with the fragmentation of the labour movement into a great number of small unions with meagre financial resources. According to the annual report of the Ministry of Labour, in 1957 there were approximately 130 registered unions with a total membership of nearly 80,000. Of these unions 21 had less than 50 members each, 31 had between 50 and 250 each, and 16 had between 250 and 1000 each.<sup>28</sup> The Tettegah faction could well have exploited this disenchantment by convincing the smaller unions to regroup themselves into bigger unions, while authority would be centralized in the TUC.

It is true to say that under its constitution of 1956<sup>29</sup>, for instance, the GCTUC had extensive powers over the affairs of the affiliated unions. These included the powers of intervention in all industrial disputes, of investigation into union misconduct, and of expulsion. In reality, however, the TUC's control of the unions was anything but effective, as evidenced by the financial arrangements it had with them. The constitution enjoined every union to contribute 3d per member annually; this was nearly two per cent of membership dues. And yet the unions only occasionally made even this meagre contribution to the TUC.

Despite such problems confronting the labour movement, the Tettegah group made continued, but futile, efforts to dominate it. Matters came to a head in September 1955 when the non-political group

broke with the GCTUC and established the Congress of Free Trade Unions (CFTU), only to return to the GCTUC a year later. But the group still resisted all attempts to centralize authority in the GCTUC until after independence; and even then some unions were still unyielding.

At its 14th annual conference in January 1958 the TUC, under the leadership of Tettegah as Secretary-General, was widely expected to adopt a proposal for a new structure of the labour movement. Its main thrust was the creation of a centralized trade union organization — as had all along been advocated by the Tettegah group. Although it was adopted in principle, the proposal was fiercely opposed by some unions, notably the powerful UAC and Ghana Railway Employees' unions. They insisted on retaining their independent and separate existence.

But since the CPP was then the governing party in an independent Ghana, and since it was determined to control the labour movement at all costs, the government took the bull by the horns and enacted in 1958 the Industrial Relations Act which spelt out the new structure. Because of continued opposition by some unions, much sterner measures — in the form of amendments to the 1958 Act in 1959 and 1960 — were adopted. Briefly, through these laws authority was centralized in the TUC; all unions were merged, first into 24 and later reduced to 10; union dues were deducted at source; and all non-unionized workers including civil servants automatically became unionized, meaning that their right to choose to join or not to join a trade union was eliminated.<sup>30</sup>

By 1960, then, there was not the slightest hint of any possible autonomy for the unions. The democratic election of union leaders, especially of the TUC, rarely occurred. Indeed, they were accountable not to the rank and file, but to the government and party (in effect to Nkrumah) since, as already noted, the TUC was incorporated in the CPP. And the Secretary-General of the TUC, J.K. Tettegah, became a Minister Plenipotentiary and an Ambassador Extraordinary.<sup>31</sup> Thus was achieved government and party control of the labour movement, but not without opposition from some unions.

The co-operative movement, of which the farmers' co-operatives were a part, was also brought under government and party control. But the movement resisted such control until 1961.

The co-operative movement began in the 1920s. By 1945 it had grown into a vital social force. After a drawn-out struggle with the colonial government, under whose encouragement and guidance it flourished, the co-operative movement won a large measure of autonomy from government control which it jealously guarded<sup>32</sup> It also



cherished the general co-operative principle of political neutrality. Accordingly, it is in order to outline broadly the structure of the movement existing before the CPP's intrusion in 1952.<sup>33</sup>

The co-operative movement comprised registered primary, village produce marketing societies, secondary or district unions, and national or apex unions. These bodies as a whole were fairly democratic in structure and operation.

The affairs of a primary society, for example, were managed by an elected management committee. The latter entrusted the society's daily affairs to its chief executive who was subject to such directives as the committee might give in accordance with the society's bye-laws. The general meeting of the society's members was the final authority.

The district unions consisted of not less than two registered primary societies which dealt in the same produce/crop or engaged in a similar business venture and operated in the same district. These unions enabled the primary societies to market their produce collectively, and provided them with finance and storage facilities. The unions comprised representatives of the primary societies who at periodic meetings exchanged views and took decisions on common problems. The powers of a union were derived from the primary societies. Its affairs were managed by a committee elected from members on "an equal vote basis." Final authority lay with the general membership, and was exercised through votings at periodic meetings. Each union had a staff headed by a secretary experienced in co-operative affairs.

By 1952 there were three national bodies within the co-operative movement, namely, the Ghana Co-operative Marketing Association, the Ghana Co-operative Bank, and the Alliance of Ghana Co-operatives. The Marketing Association, originally called the Gold Coast Co-operative Federation, was formed in December 1944. Its major task was to arrange the most economic co-operative marketing of cocoa for the societies and unions that dealt in cocoa and were known as Cocoa Farmers' Marketing Co-operatives. The Association was under a management committee composed of one elected representative of each union. Shares in the Association were held by the unions.

The Co-operative Bank emerged in October 1946 to serve as a medium for financing co-operative activities. Its membership was open to all registered co-operatives at all levels; and all of them were also shareholders. The Bank's management committee consisted of elected representatives of all the members.

The Department of Co-operatives (established in April 1944) under

the Registrar of Co-operatives was solely responsible for co-operative education, promotion, and publicity. However, the co-operative movement came to feel that an independent body should perform these tasks. Hence the formation of the Alliance of Ghana Co-operatives in December 1951. All the registered societies and unions as well as the Marketing Association and the Co-operative Bank were members, and shareholders as well. A committee of representatives of the members managed the Alliance's affairs; while ultimate authority rested with the general membership. Unlike the two other national bodies, the Alliance was non-commercial. Therefore, it relied on the financial support of its members (who were its owners) for its continued existence.

It must be emphasized that the co-operative movement, prior to its forcible absorption by the CPP, was financially autonomous. Its units were primarily self-financing through entrance fees, share subscriptions, donations, and annual levies on members. As the Omaboe Committee on the re-organization of the co-operative movement put it in 1964: "Member investment formed one of the solid foundations of the (old) co-operative movement."<sup>34</sup> Interestingly, all management committees, including office-holders, served the societies without remuneration other than refund of transport and subsistence expenses incurred while travelling on business for the societies. The only exception was the treasurer who normally was paid a fixed allowance. It was only later that, as a result of the increased volume of activities, full-time, paid Directors were appointed to head the committees on the national bodies.

Besides the Co-operative Bank, the most enterprising and successful of the co-operatives were the cocoa farmers' marketing societies and unions. It has correctly been observed that 1948-1961 was their "golden age." Although they faced keen competition from UAC and Cadbury, they were able, through the Marketing Association, to capture a sizeable portion of the cocoa market: their share of the total cocoa purchases increased from 10 per cent in 1948 to 30 per cent in 1961.<sup>35</sup>

The cocoa marketing co-operatives, which were strongest in Ashanti and Brongland, were mostly dominated by the more entrepreneurial wealthy farmers. They were politically neutral and almost indifferent to the nationalist agitation for independence. Though Nkrumah, after the CPP's formation in 1949, was not enthusiastic about them partly for this reason, he shrewdly saw the cocoa marketing business as the key to the cocoa sector. Its significance for building support for his party was not lost on him: he could exploit to advantage the potential hostility of many smaller cocoa farmers to the bigger, wealthier ones.<sup>36</sup>

Little wonder that the government established in 1952 the Cocoa Purchasing Company (CPC) as a cocoa buying agent and a subsidiary of the Cocoa Marketing Board (CMB). It soon became a centre of patronage for the selective distribution of loans to CPP supporters in the cocoa growing areas in particular. As such it was resented by many Ashanti cocoa farmers and the Opposition.<sup>37</sup>

In 1953 the CPP established the United Ghana Farmers' Council (UGFC) to replace the National Farmers' Union (an opposition group). Initially a subsidiary of the CPC, the UGFC continued to operate after the collapse of the parent body. Democracy was virtually non-existent in the structure and operations of the UGFC. Secretary-receivers were appointed to run the village societies each of which had a three-member village advisory committee comprising the chief farmer and two other appointed representatives — all of whom were CPP members. The Secretary-General was also a party appointee. The UGFC was thus a bulwark of support for the CPP in the 1956 general elections.

In 1957 the government declared the UGFC the sole representative and mouthpiece of all farmers in the country, and made it one of the CMB's licensed cocoa buying agents. The government also directed the CMB to pay the UGFC an annual subvention of £100,000; and decided to build a £100,000 national headquarters for the Council into which it moved in 1959. In 1958 the UGFC's marketing section was registered as the Ghana Farmers Marketing Co-operative Ltd.

In cocoa marketing the UGFC encountered strong competition from the independent African cocoa brokers, UAC and Cadbury, as well as the Ghana Co-operative Marketing Association. To capture and monopolize cocoa marketing, the CPP through the UGFC had to remove these competitors. Eventually, the first two groups bowed out without resistance. But the third group resisted strongly until 1961. After all, the older established cocoa marketing co-operatives also had allies among Opposition and CPP backbenchers in the National Assembly.

In 1959 the government announced its plan to unify the co-operative movement. The older co-operatives correctly saw it as an attempt to bring them under government and party control through the UGFC. The latter, they argued, had violated all co-operative principles by being a CPP organ. Unfortunately, their united front was broken in July 1960 when the Ashanti, Brong-Ahafo, and Sefwi cocoa marketing co-operatives formed a separate body, the Ashanti, Brong-Ahafo, and Sefwi Co-operative Organization (ABASCO). The break was appar-

ently due to fears of southern domination of the Marketing Association. The UGFC and the CPP saw the break as an opportune moment to strike. In late 1960 they negotiated the absorption of ABASCO into the UGFC. The remnants of the Marketing Association were decreed out of existence, and their considerable assets seized, when in May 1961 the government made the UGFC the sole licensed buying agent of the CMB; that is, the only body that should handle "the local marketing of the whole cocoa crop of Ghana."<sup>38</sup>

Earlier in August 1959 the independent Alliance of Ghana Co-operatives had been dissolved and the National Co-operative Council (NCC) had been formed to perform its functions. The NCC, clearly a government and party organ, was itself replaced in July 1962 by the Central Co-operative Council (CCC). The CCC was a smaller, administrative unit within the Ministry of Labour and Social Welfare "responsible for publicity and international representation of the co-operative movement."<sup>39</sup>

The flourishing and autonomous Co-operative Bank was also dissolved in November 1960. The Omaboe Committee was so impressed by the Bank's achievements that it wrote: "At the time of its liquidation the Bank had assumed a very effective role in the development of the Co-operatives. ... The Ghana Government guaranteed the Co-operatives to borrow up to £G2.05 million from the Commercial Banks for cocoa marketing and this sum was channelled through the Bank and so efficiently managed by it that it was never necessary for the Government to be called upon to honour its guarantee." Besides, "the effects of its (liquidation) contributed in no small measure to the financial plight (of) most of our present (co-operative) societies."<sup>40</sup> The tone of this assessment suggests that the Committee regretted the Bank's dissolution. For the government and the CPP, however, it was as well that another autonomous centre of economic power had been eliminated.

The UGFC was renamed the United Ghana Farmers' Council Co-operatives indicating its new character as an umbrella organization for all the country's co-operative and non-co-operative farmers and fishermen. Interestingly, the Omaboe Committee considered the new name untidy, and recommended instead the United Ghana Farmers' Co-operatives Council (UGFCC), which was accepted.<sup>41</sup>

The UGFCC was, clearly, not a genuine co-operative organization, but a government and party instrument for subduing the farmers and fishermen who constituted a vital social force. For his contribution to this end, Martin Appiah-Danquah, the UGFCC's Secretary-General, was

rewarded with the post of Minister Plenipotentiary and Ambassador Extraordinary — like Tettegah. However, the resentment of the majority of the Co-operative cocoa farmers arising from their elimination from cocoa marketing and the high taxation of the cocoa sector, contributed in no small measure to the general disaffection with the government and the CPP during 1960-1966.

At this juncture we must look briefly at Nkrumah's approach to Ghanaian private enterprise. Historically, it has been asserted, industrialization leading to transitions to pluralist democracies occurred on the initiative of individuals and groups that were able to develop entrepreneurial activity separate from and largely independent of the state.<sup>42</sup> However, it must be added, for individuals and groups of any modern society to fill such a role, it is imperative that they cultivate the habits of independence and self-reliance to enable them resist the state's monopolization of all power. Thus qualified, the assertion generally holds. That is, the availability of a strong, autonomous and self dependent entrepreneurial class of people in civil society is one of the crucial prerequisites for the transition to pluralist democracy — a point to be taken on later.

As already noted, although the colonialists did not encourage the growth of a Ghanaian capitalist class, at independence the material for its emergence and development was available in the sizeable minority of Ghanaian business people, besides the wealthy cocoa farmers. These were very eager and ready to strike out on their own in industry, commerce and finance. What was lacking was an enabling institutional framework for harnessing indigenous ideas as well as human and material resources.<sup>43</sup>

Truly enough, in the immediate post-independence period Nkrumah himself, under W. Arthur Lewis's influence, recognized the necessity of a mixed economy in which indigenous private enterprise would play a significant role. But since his ultimate objective was the Marxist-socialist transformation of the inherited colonial economy, Nkrumah did not provide the needed framework for local business people to expand and diversify their activities. Instead, he took certain anti-capitalist measures which aimed at severely curtailing their activities in even the sphere allotted to them, namely, "small-scale Ghanaian private enterprises." The "Work and Happiness" programme of 1962, which reflected Nkrumah's "Left-turn" in 1961-62, emphasized the need to develop at an accelerated rate the state and co-operative sectors. These would progressively replace all other economic structures and eventu-

ally play the dominant role in the economy.

The dissolution of the old, autonomous co-operatives has already been noted. Their replacements under the UGFCC were highly regimented. They eventually proved an unmitigated disaster, especially in agricultural production and marketing.

A great number of state enterprises were established to supplant indigenous private interests in industry, finance, and commerce. Foreign private interests were directed to work with the state rather than with their indigenous counterparts. The aim was to cripple the private sector by breaking its links with foreign private interests. And, as the Ollenu Commission on import licences revealed in 1967,<sup>44</sup> Nkrumah tried to cajole some successful Ghanaian industrialists-including the young Robert Ocran, part-owner and managing director of Mankoadze Fisheries - to abandon their private enterprises to assume management positions in state enterprises. Besides the ideological factor, there was another reason for Nkrumah's efforts at smothering the already fragile bases of the indigenous private enterprise sector. Since wealth is power, he knew that the emergence and development of a class of rich Ghanaian capitalists, who would constitute countervailing centres of power in civil society, would gravely threaten his grip on state-power. Hence another crucial social force was stunted.<sup>45</sup>

Having penetrated and captured the labour and co-operative movements; and having suppressed the growth of domestic private enterprise, Nkrumah and the CPP relentlessly tried to spread their tentacles into other social institutions. Attempts were made to form CPP branches in religious organizations and introduce the Young Pioneer Movement in first and second cycle educational institutions but not without opposition from some school and religious authorities. Leaders were imposed on organizations like the Muslim Council and professional associations like the Association for the Advancement of Management. Nor were the universities at Legon, Kumasi (which bore Nkrumah's name), and Cape Coast spared. Chapters of the National Association of Socialist Students' Organization (NASSO) were opened in all of them. They were known as "study groups" devoted to the assimilation and propagation of "Nkrumaism".<sup>46</sup>

Although Nkrumah was statutorily the nominal Chancellor of the three universities, he was determined to direct and control academic affairs, particularly staff appointments and programmes of instruction. For example, he instituted what were called "Presidential" or "Osagyefo State Professors of Law" to teach "socialist jurisprudence and legality,"

among others, at the Legon Law Faculty. Such appointments were not made through the normal academic procedures.

Then in November 1964 a committee was appointed to "work out a system to ensure the removal of all publications which do not reflect the ideology of the Party or are antagonistic to its ideas" — in plain words to prescribe "socialist" textbooks for teachers and students, and proscribe those considered "capitalist."<sup>47</sup> Earlier in January 1964 a CPP mob led by N.A. Welbeck, a Minister of State, descended on the Legon campus, attacked a number of the staff and students, and caused considerable damage to property — all in a bid to coerce the university into submission to Nkrumah. Immediately after, six expatriate members of the academic staff were deported. In spite of all these efforts, Nkrumah could not completely penetrate and take over the universities, secondary schools, christian churches, and the Ghana Bar Association.

By 1964, however, Ghana had become a *de facto* one-party dictatorship. For, the numerical strength of the parliamentary opposition had been reduced to a trickle through the detention of some of its members or through enforced carpet crossing or exile by others. It only remained for the Constitution (Amendment) Act, 1964 (enacted after the managed referendum of that year) to regularize the situation. The Act legalized the CPP as the only political party. In early 1965 the National Assembly, elected in 1956, was dissolved. Then the CPP's central committee (in effect Nkrumah, since as Life Chairman he appointed its members) nominated and declared 165 people "elected" unopposed as members of parliament.

Ghanaians as a whole were thus effectively disenfranchised and disempowered. The real meaning of what Nkrumah called a "People's Democracy" became clear: power came from above and not from the bottom up; and the expression "The CPP is Ghana and Ghana is the CPP" in fact became "Nkrumah is Ghana and Ghana is Nkrumah."

The advent of a "People's Democracy" drastically affected the relations of individuals and social groups (both primary and secondary) to the state in many respects. First, political pluralism was effectively eliminated and the great majority of Ghanaians were equally effectively excluded from the political marketplace. For example, a vital mechanism — the parliamentary opposition linking UP members and sympathizers to the state — was smashed. Recruitment into public office and access to state resources depended on personal or party connections rather than on popular support or achievement. Citizen participation was redefined to mean solidarity with, and unflinching loyalty to,

Nkrumah and other party influentials. Hence the proliferation of patron-client networks with the inevitable corrupt practices. Many individuals and groups devised mechanisms for sheer survival outside the state apparatus (a phenomenon that was to become most pronounced years later during the Acheampong and Rawlings regimes, especially).<sup>48</sup> Some took refuge in religious worship, particularly in the pentecostal churches; while others in the urban slums carved niches for themselves in the growing informal economy; and still others simply "voted with their feet."

In the first half of the 1960s, the "culture of fear" (induced by the indiscriminate use of the PDA) notwithstanding, various individuals and social groups including the trade unions, students, universities, professionals, and the christian churches voiced their disaffection with the government and party. Religious leaders protested the deification of Nkrumah. The trade unions, led by the Sekondi-Takoradi railway workers, in 1961 embarked on the most serious of the industrial actions that occurred in this period; it was ruthlessly suppressed.

A number of people, including Opposition leaders like Joe Appiah, Victor Owusu, William Ofori-Atta, and J.B. Danquah, were detained for allegedly instigating the strike. Danquah, who persistently challenged the repressive laws in courts, was detained again after his release from the first detention. He could not survive the second. Meanwhile the underground political opposition was active; Accra shook periodically with bomb explosions; and there were some assassination attempts on Nkrumah's life.

The liberal-democratic experiment was aborted for two major related reasons. Civil society was itself fragile and limited in scope at independence. But since Nkrumah knowingly precluded pluralist democracy from his political agenda, it only followed logically that he would try to arrest the steady growth of the kind of civil society that was capable of nurturing it. Consequently, civil society became even more fragile and contracted than it was at independence. Yet not a few of its subunits managed to hold their ground somehow. In the event, civil society, together with a number of primary social groups in the rural communities and urban slums, contributed in no small way to the kind of situation that partly but significantly impelled some sections of the armed forces and the police to topple the Nkrumah autocracy.



The National Liberation Council (NLC) was subsequently established with Major-General (later Lt.-Gen. J.A. Ankrah as Chairman and Head of State and Mr. J.W.K. Harlley, the police chief, as his vice. In nature and design, the NLC was temporary and corrective. Its intention was to clear the Nkrumah mess and hand over power to liberal - minded and responsible people.

It valiantly tried to tackle the country's economic problems like the fast deteriorating balance of payments position, raging inflation and the huge foreign indebtedness. It also sought to reduce the high level of state intervention in the economy by, *inter alia*, dismantling several state enterprises and instituting measures for the sound management of the remainder. Its economic policies were not wholly negative; for in 1968 it launched a two-year Development Plan which emphasized rural development.

However, as was correctly observed in 1968: "The NLC brought to Ghana a freedom unknown for years ... for the vast majority of Ghanaians ... this, and not its economic policies, was its chief justification" <sup>49</sup> — despite the enormous economic difficulties that faced Ghanaians. It restored the judiciary's independence, freedom of expression including press freedom (though some form of press censorship continued), and freedom of association (though party political activity was banned).

Indeed, the NLC encouraged associational life resulting in the resurgence of the subunits of civil society, reactivation of old ones dissolved by the Nkrumah regime (like the Ghana National Farmers' Union and Ghana Co-operative Farming and Marketing Association) and the emergence of new ones (like the Eastern Region Transport Co-operative Union and Ghana National Contractors' Association). Although it was not always as much of a necessity as it should have been for a civilian regime, the NLC made it a cardinal policy to create channels of communication and consultation with the public on numerous issues through these voluntary organizations, a number of which were also pressure groups.<sup>50</sup> For example, the NLC established a network of advisory committees and appointed many commissions and committees of inquiry on a number of which representatives of some of the occupational groups especially served.

Of course, all was not rosy. The trade unions became dissatisfied with the low level of wages and other conditions of service which they

attributed to the close rapport between the government and private sector employers who were mainly foreigners. They launched a series of strikes in 1966-69. One of the most serious of these involved the mine workers at the Ashanti Goldfields in Obuasi (which had been taken over by Lonhro) three of whom the police shot dead. Nor did the NLC actively encourage the re-organization of the revived co-operative movement along pre-1961 lines as it did with the TUC under B.A. Bentum — an attitude which the Busia administration also adopted. On the whole, however, civil society came back to life during 1966-1969. The NLC, finally, bequeathed to Ghanaians a liberal-democratic constitution crafted by a Constitutional Commission and approved by a Constituent Assembly on both of which significant segments of civil society were represented.

Following keenly contested general elections in August 1969 in which voter participation reached the high level of 63.2 per cent of registered voters, the NLC on 1 October 1969 gave way to a civilian government. The latter was formed by the Progress Party (PP) led by K.A. Busia, with the National Alliance of Liberals (NAL) led by K.A. Gbedemah as the dominant opposition party. (The two were "revised versions" of the UP and CPP respectively.)

The PP government assumed office on the tidal wave of strong and widespread expectations that the foundations of pluralist democracy would be laid gradually but firmly. After all, the party's leadership made no secret of its great admiration for liberal democracy. It was also hoped that civil society during NLC rule had fairly well recovered from the shock it received from Nkrumah to lend its support to the second democratic experiment. Indeed, the prevailing conditions favoured its own growth and the fulfilment of the task thrust upon it.

First, under the Constitution, freedom of expression and association was guaranteed; while preventive detention without trial and the single-party state were outlawed. Secondly, there existed a freely elected parliament comprising government and opposition members to serve as a channel of communication between state and society. Thirdly, in line with its preference for limited government and free enterprise, the PP government confined its role to establishing an institutional framework for individuals and social groups to promote and fulfil their goals. The tasks of state agencies would be regulatory rather than interventionist. The private enterprise sector would be reactivated with the emphasis on agriculture and rural development. The government in fact established a separate Ministry for Rural Development, and enacted the

Ghanaian Business Promotion Act to indigenize small - scale retail trade and business. These and other policies and measures gave associational life a new lease of life, and in a measure helped to widen the scope of civil society. And yet the second democratic experiment lasted barely twenty-seven months. This was due to many factors, a couple or so of which are discussed briefly here.

First, the government antagonized, and in some cases alienated, certain powerful social forces by some of its economic and political measures. Its inefficient implementation of the Aliens Compliance Order of 1969 resulted in the mass exodus of farmhands in the rural areas where it had its bulk of support. Many big cocoa farmers were affected and became dissatisfied. Moreover, in late 1971 its inability to pay the cocoa farmers for their crops — as a result of the deepening economic crisis — compounded their disaffection with government.

On account of the increasing disparity of income and wealth, the workers became highly dissatisfied with the daily minimum wage of 75 pesewas. In its July 1971 budget, aimed at tackling the worsening economic situation, the government refused to raise the minimum wage but simultaneously imposed on all working people a National Development Levy to raise funds for rural development projects. In August many trade unions expressed their anger through wildcat strikes. To forestall a possible nation-wide strike, the government made the workers all the angrier by passing the Industrial Relations (Amendment) Act, 1971 to enable "every union to be free and independent" but which in effect dissolved the TUC and fragmented the labour movement.

The growing economic difficulties resulting in general restiveness offered the remnants of Nkrumah's supporters the opportunity to revive and brazenly propagate his ideas and policies. The government rightly considered this development a serious threat to liberal democracy. It, however, over-reacted in the most incompetent manner by banning the display of Nkrumah's portraits and the use of CPP slogans like "freedom" under the Criminal Code (Amendment) Act, 1971.

Earlier in 1970 the government had dismissed 568 civil servants (an action popularly called "Apollo 568") under the transitional provisions of the 1969 Constitution; this action was unpopular because it was considered unfair. Even worse, the "Sallah Case" that followed led Busia into conflict with the judiciary. Mr. Sallah, a public servant, challenged the legality of his dismissal in court. After the Supreme Court's decision in his favour, Busia remarked in a radio and television speech that no court could compel the government to re - instate any dismissed public

servant. Although legally justified, that remark was unnecessary. For it gave the wrong impression that Busia of all people despised the rule of law and the independence of the judiciary; an impression which has persisted to this day.

The government also came into confrontation with the students, led by the National Union of Ghana Students' (NUGS), with its introduction of the Students Loan Scheme by which grants to students would cover only tuition and examination fees. Furthermore, the students angered the government by requesting all ministers of state to declare their assets as the Constitution required, and by supporting the call of ex-CPP supporters for an amnesty for all political exiles, including Nkrumah.<sup>51</sup> The student leaders were summoned before the bar of parliament and severely reprimanded. There followed a rash of student demonstrations and disturbances.

There was also the parliamentary Opposition to contend with. Its numerical weakness (35 to the PP's 105) was compounded by the early removal of its leader, K.A. Gbedemah, from parliament under the disqualification law. This action made his supporters all the more bitter. Perhaps, his removal, however legally justified, contributed in no insignificant measure to the undermining of the second democratic experiment. For, as one of the few opposition members with considerable parliamentary experience, he could have exerted a moderating influence on his younger and inexperienced colleagues. As it happened, the parliamentary Opposition most often adopted an uncompromising stand in debates on many burning issues, including "Apollo 568," the expulsion of aliens, dialogue with South Africa and the deteriorating economic situation. By late 1971 the Opposition had become highly distrustful of the government and virtually alienated from it.

Secondly, patron-client networks with the attendant corruption and nepotism persisted. The general belief was that such networks benefitted only certain groups and individuals, implying that others had been deliberately excluded from access to state resources. Not surprisingly, the government's frequent calls on the general public to tighten their belts — while government and party officials, for example, were reportedly loosening theirs — were derided.

Thirdly, the government's not infrequent high-handed approach to issues and the corresponding uncompromising reactions of some groups, especially the parliamentary Opposition, showed to a large degree that the liberal-democratic ethos was yet to strike deep roots in the society as a whole. In January 1972 the very anti-democratic forces

in the society, which the Busia government tried in vain to contain, conspired with a few of their counterparts in the armed forces to overthrow it. They were not resisted mainly because they cleverly used the generalized grievances (accentuated by the 44 per cent devaluation of the cedi in December 1971) of various social groups as a pretext for their action. But, as they discovered subsequently to their bitter cost, certain vital elements of civil society had become fairly self-consciously autonomous to tolerate for long any interference in their affairs and dictatorship itself.

### 1972-1981

The National Redemption Council (NRC) comprised six middle-level military officers and one civilian with Colonel (later General) I.K. Acheampong as Chairman and Head of State. In October 1975 the NRC became a purely advisory organ to the Supreme Military Council (SMCI) which replaced it as the ruling body. The SMCI comprised the commanders of the Army, Navy, Air Force, and the Border Guards as well as the Inspector-General of Police with Acheampong as head.

The Acheampong regime proclaimed the establishment of a socialist, self-reliant society through "capturing the commanding heights of the economy" for Ghanaians as its ultimate goal. And in the first phase of its rule (1972-75), the government's grand designs on civil society gradually unfolded. The government consciously avoided participatory organs and sought to work out a grand alliance of the military, bureaucracy, and traditional rulers. Obviously neo-corporate in character, the alliance was designed to depoliticize public life.<sup>52</sup>

In the early phase the government made bold attempts to tackle economic problems, notably in agriculture. The "Operation Feed Yourself" programme, for example, was modestly successful; and popular discontent was defused to some extent. But from 1975 on, there set in a severe scarcity of "essential commodities," deterioration of the basic physical and social infrastructure, smuggling, trade malpractices, including "kalabule" (black-marketeering and excessive trade profiteering through dubious means), rampant corruption with the government as the most notorious culprit, and sheer economic mismanagement. The economy was in a shambles.

It was against such a background that various organizations like the Bar Association and the Christian Churches demanded a return to

civilian, constitutional rule. This demand was backed up by a series of protests and strikes by doctors, nurses, lawyers, students, university teachers, and so on. The government responded with massive repression, including the use of armed force and detention without trial under the Protective Custody decree.

Then, in a bid to defuse the very high political tension in the country, Acheampong conceived the idea of a "new system of government" which he termed "Union Government" (Unigov). Such a system would take the form of a national government without political parties; and it would include representatives of the armed forces, police, and the civilian population (APC). According to Acheampong, party politics in Ghana had "brought division, nepotism, and other evils." On the other hand, the inclusion of soldiers would end all coups!

An Ad-hoc Committee was appointed to collect and collate the views of Ghanaians on Unigov. In its report the Committee recommended the following, among others: a national government without political parties, and without military or police participation either; an Executive Presidency, a unicameral legislature, as well as a purely advisory Council of State; and a national referendum on Unigov to be held on 30 March, 1978.

Predictably, theSMCI launched an extensive propaganda machinery to enlist support for Unigov. A number of government sponsored pro-Unigov groups were formed. These included the Ghana Peace and Solidarity Council, the Friends of Society, and National Charter Committees. The TUC leadership as a whole was pro-Unigov (and in fact very pro-SMC), although the majority of wage earners were anti-Unigov. The chiefs as a whole sided with the government as usual, and so were strongly for Unigov.

In sum, Unigov, as Acheampong originally conceived it, was meant to marginalize, and atomize for easy manipulation, civil society in order to legitimize his military dictatorship. Unigov was neo-fascist in conception, design, and structure. But Acheampong's efforts had the unintended consequence of inducing greater cohesion and solidarity among a number of the subunits of civil society, and fortifying their resolve to resist dictatorship. Notable among them were professional associations like the Bar, Medical, and University Teachers' Associations — which operated under the newly formed Association of Recognized Professional Bodies (ARPB) — and the students led by NUGS. There also emerged politically-oriented groups like the People's Movement for Freedom and Justice (PMFJ) with

K.A. Gbedemah and General Afrifa among its leaders and the Front for the Prevention of Dictatorship (FPD) led by Dr. Safo-Adu. These organizations and a few others fiercely resisted the establishment of Unigov which they correctly perceived as another form of military dictatorship in a different garb. Acheampong in vain used massive armed force to halt them in their tracks.

In the wake of the public anger that greeted the manipulated referendum results, Acheampong's colleagues on the SMCI acted to remove what they disingenuously called his "one-man show" by forcing him into retirement. They re-constituted the ruling body which came to be called SMCII with Lt.-Gen. F.W.K. Akuffo as the new Chairman and Head of State. SMCII lasted barely a year when it was overthrown on 4 June, 1979 by junior officers and other ranks.

Although civil society contributed significantly to the demise of Acheampong's dictatorship, it suffered a degree of contraction under it. To cope with the harsh economic situation in this period, numerous groups and individuals adopted a variety of strategies for survival, and became rather indifferent to the state and its agencies. These included extensive smuggling, a complex and illegal parallel market, reversion to subsistence agriculture, the mass exodus of trained and untrained manpower, and extensive participation in the informal economy.<sup>53</sup> It is also indisputable that the Acheampong regime created the conditions for the emergence of a culture of extreme left-wing radicalism and violence in Ghanaian society and politics from 4 June, 1979 onwards.

The Armed Forces Revolutionary Council (AFRC) that was subsequently formed was headed by Flt-Lt. J.J. Rawlings. Earlier on 15 May, 1979 he had staged an abortive coup, which, according to him, would have launched a Mengistu-style revolution in Ghana. The AFRC thus embarked on what it called a "house-cleaning" exercise involving the purging of the top brass of the armed forces; and a number of high-ranking officers including three former heads of state were executed. The exercise was extended to the larger society resulting in the most callous brutalization of civilians including women traders, especially. The scale of violence that occurred in this brief AFRC period was unparalleled in Ghana's post-independence political and social experience before 4 June, 1979. It was to be surpassed during the greater part of the era of the Provisional National Defence Council (PNDC).

The AFRC's project was to subvert what was perceived as the inadmissible elitist bases of civil society, restructure social and political relations along populist lines, and introduce probity, accountability and

social justice into public life. The project, which could not be completed within this brief period, was to be continued by the PNDC.

The constitutionally elected government of the People's National Party (PNP) under Dr. Hilla Limann was inaugurated on 24 September, 1979, thus apparently ending eight years of military, dictatorial misrule of which Ghanaians as a whole had become tired. The tasks that faced the new government were formidable, to put it mildly.

As a result of Acheampong's massive economic mismanagement coupled with the AFRC's reckless and erratic economic measures, the economy had ground almost to a halt. The level of stocks of goods in the system was abysmally low; and the state coffers were virtually empty. Politically, the new government had to contend with Rawlings' ominous threat issued in his handing-over address that it was on probation; and he was still visibly around to stir up anti-establishment sentiments among the populace with his populist rhetorics. The PNP itself had hardly settled down to the business of ruling when it began to be torn apart by dissension among its leaders centred on power brokerage, the distribution of patronage, and accusations and counter-accusations of corrupt deals.

Fully aware that there was no magic formula for arresting the deplorable economic situation, the government adopted a pragmatic approach. It introduced a trade liberalization programme (for which it was condemned by some Marxist-oriented radicals), initiated an investment code to attract foreign capital, and eventually succeeded in having the international economic blockade slapped on Ghana during the AFRC period lifted. However, the liberalization programme resulted in soaring prices; and by the end of 1981 the inflationary rate had reached 116.5%. The production of cocoa, the country's major foreign exchange earner, was on the decline; and even the reduced quantity available was locked up on the farms. The factories were operating far below capacity, what with the inadequate supply of spare parts and raw materials. It was evident that the PNP government needed a much longer time to turn the economy around.

On the political front, there was freedom of expression; and the mass media could publicize opposing views without fear — although inept attempts to remove some editors of the state-owned newspapers, like Elizabeth Ohene of the *Daily Graphic*, were unpardonable. But it is to the credit of the government that it believed in political pluralism. No wonder the political opposition was very vigorous, visible and outspoken both within and outside parliament. And it was even able, with the



support of some PNP parliamentarians, to defeat a vital government budget! Civil society, despite its vicissitudes under Acheampong and the AFRC, had fairly well recovered and was vibrant. These were healthy signs. It was, therefore, hoped that with time the third attempt at pluralist democracy would succeed.

But some social forces were sceptical, if not downright cynical, and impatient. The majority of workers in state employment, particularly in the civil service and public corporations like the Ghana Industrial Holding Corporation (GIHOC) and the Tema docks, resented the low level of wages and the high price levels with the attendant drastic fall in living standards. Consequently there were rampant wildcat strikes culminating in the TUC-backed nation-wide strike in 1981. Salary increases for parliamentarians further fuelled workers' discontent; and some GIHOC workers, led by Amartey Kwei (a future PNDC member), invaded parliament and damaged some property. Their alienation from the system was almost total.

The students were another source of dissent and discontent. In 1980 there was a series of student demonstrations on the university campuses due to the deteriorating conditions there; a number of students were injured and one was killed, resulting in the closure of the universities. In May 1981 the NUGS issued a statement deploring the worsening economic situation and asking the government to take stringent measures to arrest it. There again followed disturbances on the campuses. Other educational institutions also had their fair share of violent demonstrations and disturbances as happened, for instance, at the Nkawkaw Secondary School and the Foso Training College in April 1980.<sup>54</sup> The impact of the violent AFRC interlude was being felt.

There emerged also certain radical left-wing and anti-establishment groups which became self-appointed watchdogs over the government's activities in order to protect the "gains" of June 4 and promote its objectives. These included the June Fourth Movement (JMF) supported by Rawlings, and the New Democratic Movement (NDM). And within the PNP itself the Kwame Nkrumah Revolutionary Guards (KNRG), led by Johnny Hansen (a prospective PNDC secretary), called for a return to Nkrumah's version of Marxist-Leninist scientific socialism.

It was groups such as these — radical workers, students, intellectuals — joined by radical soldiers and backed up to the hilt by Rawlings that did not give pluralist democracy the dog of a chance to thrive in the Third Republic. Like Nkrumah, their mentor, their political agenda

excluded it. And, thanks to the Limann government's undoubted failings and ineptitude, the liberal-democratic forces of civil society, represented notably by the professionals as a whole, were not sufficiently strong to resist the onslaught.

### *The PNDC Era*

Interestingly, it is arguable that the bulk of the population were not expecting a violent, unconstitutional change of government — despite their harsh living conditions during the Limann era. Hence, most probably, the general public's initial lukewarm reaction to the coup of 31 December, 1981. Some PNP stalwarts reportedly even demonstrated against the coup in the Upper Region. So, public demonstrations in support of the coup had to be stage-managed by organizations like the JMF and KNRG in the regional capitals besides Accra.<sup>55</sup> In the early phase the PNDC's support-base was mainly urban and derived from workers, students, leftist intellectuals, the youth, as well as the urban unemployed.

The PNDC led by J.J. Rawlings declared that its major aim was the "revolutionary transformation of Ghana" which would involve the complete "transfer of power from the group of power brokers to the ordinary people of this country" to enable them participate effectively in the decision - making process. The distinguishing features of the "new participatory democracy" were said to be probity, accountability, and the pursuit of social justice.

To make "the ordinary people's power" a reality certain popular organs were established. These included People's and Workers' Defence Committees (PDCs and WDCs) in the community and at workplaces respectively, public tribunals, the Citizens' Vetting Committee (CVC), the National Investigations Committee (NIC) and Mobilization Squads (Mobisquads). A repressive security apparatus emerged to back up the PNDC: the Bureau of National Investigation (BNI), Civil Defence Organisation (CDO), People's Militia, and Commandos etc. An equally repressive set of "laws" like the Protective Custody and Habeas Corpus (Amendment) laws appeared in the statute books.

The Interim National Co-ordinating Committee (INCC) and later the National Defence Committee (NDC) which replaced the INCC were formed to oversee the activities of the Defence Committees. Membership of the latter was initially restricted to "the ordinary people" who

were sharply contrasted with "the citizens." The former encompassed the underprivileged, disadvantaged, marginalized, downtrodden, and the exploited; while the latter covered the social elites — professionals like lawyers, judges, managers, doctors, bureaucrats, university teachers; wealthy business people; top military and police officers, and so on.

"The citizens" were described as parasites who should be rooted out of their privileged positions. Accordingly, they were targeted for ridicule and attacks of all kinds, including murder—such as happened to the three judges and retired army officer. Little wonder that the PNDC era as a whole was marked by lawlessness and violence on an unprecedented scale in line with Rawlings' call for "the democratization of violence." Therefore, the PDCs, WDCs and the NDC were dissolved in January 1984 and replaced with the Committees for the Defence of the Revolution (CDRs) and a CDR Secretariat not so much because of their violent activities as because they threatened to become the "parallel government."

In creating these organs the PNDC sought to bypass the established subunits of civil society and deal directly with the ordinary people: no intermediary organizations of the "old order" should interpose themselves between such people and the state.<sup>56</sup> True citizen participation was thus redefined to mean direct involvement of the ordinary people in the revolutionary transformation of Ghana and the struggle against "bourgeois decadence." The true citizen was the true representative of the exploited majority. Whoever did not answer to such a description could not become part of the revolutionary project.

The efforts at ignoring the major elements of civil society had the serious consequence of depriving the state of the services of the very people with the technocratic skills necessary for its efficient and effective operation. Not surprisingly, then, in this populist phase of the PNDC the state was in serious danger of falling apart in the face of many staggering problems. There were severe food shortages due partly to the drought and bush fires, and worsened by the return of about one million Ghanaians expelled from Nigeria in January 1983; the physical infrastructure was on the verge of collapse; social services were fast deteriorating; and the standard of living was far worse than it was during the second half of Acheampong's dictatorship. Besides, Rawlings' own populist rhetoric and policies compounded these problems by frightening away potential Western donors and investors. Ghana's bargaining position with the West was considerably weakened thereby.

Fortunately, Ghana's social and political life did not disintegrate

because people adopted certain survival strategies to cope with the situation. These included emigration to other parts of West Africa, Europe and North America (the "exit" option), the involvement of more people in the informal sector resulting in its rapid growth; the proliferation of welfare societies, credit unions, artisan groups, and farmers' co-operatives for mutual support; and the emergence of pentecostal and charismatic groups in addition to the established muslim and orthodox christian organizations to offer spiritual and material succour to people in the midst of great suffering.<sup>57</sup>

It was against this grim background that the PNDC made overtures to the old social elites by drastically reviewing the original form and role of the Defence Committees. In his famous broadcast of 6 March, 1983, Rawlings accused the Defence Committees of "exercising power without authority." And in a reconciliatory mood he invited "the professionals, men and women of religion, chiefs, the lodges and everyone to break out of their insulating walls and shells and give the national effort a push." He then pleaded: "The character and commitment of the individual is more important than the class from which he or she comes or the position one holds."<sup>58</sup>

Thus the revolutionary and class approach to citizenship was discarded. Membership of the Defence Committees became open to all classes of people; and the requirement of "revolutionary commitment" was only a gloss. If the motto of the P/WDCs was "Power to the people", that of the CDRs was: "Mobilize, Defend and Produce." The CDRs were to contribute to economic growth and improvement, and leave politics alone.

The gearing of the CDRS towards production and productivity and the harnessing of professional expertise were required for the successful implementation of the harsh IMF/World Bank-sponsored Economic Recovery Programme and later the Structural Adjustment Programme (ERP/SAP); their harsh implementation by the PNDC alienated not only most ordinary people but also a sizeable number of the social elites many of whom still safely distanced themselves from the regime. And its urban support base eroded considerably. It is arguable that the main beneficiaries of the economic reforms were the rural dwellers, notably the cash crop producers. But their support for the PNDC was rather diffuse and unorganized. The establishment of the District Assemblies was designed to canalize such a support.<sup>59</sup> In spite of its radical review of the populist notion of citizenship the PNDC still monopolized power, averse as it was to power sharing. In fact, the Defence Committees in

their heydays did not even serve as channels of communication and consultation between the PNDC and "the ordinary people": for example, they were not consulted on a crucial issue like the negotiation with the IMF/World Bank on the economic recovery programme.

We now turn to attempts made to penetrate, control or take over business, labour, farmers', women's and religious organizations. Regarding the first two the initiative came from the Defence Committees; while regarding the rest the PNDC acted on its own.

In January 1982 the WDC took over the Ghana Tobacco Company (GTC) and appointed its own Managing Director. It was alleged that the Interim Management Committee (IMC) which replaced the Managing Director before the 31st December coup was "reactionary and hostile to workers' interests." The Ghana Ports and Harbour Authority (GHAPHA) was taken over by the WDC in February 1982 for the alleged corruption of the management. A five-member IMC was appointed to run its affairs. In March 1982 the WDC took over the Subin Timber Company Limited and appointed a twelve-member IMC to manage the factory.<sup>60</sup> These actions which contravened the Companies Code of 1963 (Act 179) were legalized by the Interim Management Committee (Public Boards and Corporations) Law, 1982 (PNDC/L 6). In November 1982 a section of the workforce took over the Ghana Textiles Printing (GTP) Limited at Tema, dismissed the management, and appointed an IMC comprising workers' representatives. The PNDC subsequently endorsed these actions.<sup>61</sup>

In April 1982 militant elements in the labour movement, not without PNDC connivance, overthrew the existing TUC leadership under the Acting Secretary-General, J.R. Baiden, and appointed IMCs to run the TUC and the seventeen unions. The chairman of the TUC's IMC was E.K. Aboagye. Before the 31st December coup, these radical elements had constituted themselves into the Association of Local Unions (ALU) with Amartey Kwei as a leading member. It is true to say that most workers were disenchanted with the old TUC leadership under A.M. Issifu for its collaboration with successive governments in the 1970s and with its lack of concern for their welfare. However, it is truer to say that the PNDC, through the ALU-WDC faction, sought to replace real shop floor union organization with the WDCs.<sup>62</sup> In January 1982 the Accra-Tema workers went on a stage-managed demonstration in support of the PNDC at which Issifu was prevented from speaking. (He resigned soon after this episode.) But Rawlings addressed the gathering and urged workers to decide for themselves whether or not

they would continue to obey the existing TUC leadership. Petitions for abolishing the TUC were later published in the state-owned newspapers.

After his ouster Baiden justifiably said: "The PNDC is afraid to tolerate the existence of legitimate, free and independent institutions that might question some aspects of the Revolution." <sup>63</sup> The labour movement succeeded in resisting the take-over when the IMC was thrown out with the election of a new TUC leadership headed by A.K. Yankey as the Secretary-General. Given the type of repression that could be deployed against it, the TUC leadership adopted a policy of collaboration with the PNDC — although there were periodic protests against some government policies and actions.

To penetrate farmers' organizations the PNDC actively encouraged the formation of the Ghana Federation of Agricultural Co-operatives (GAFACOOPS) in 1982. The organization could not entice large numbers of farmers into its fold for several reasons. First, among its leadership were certain people, notably Martin Appiah-Danquah, who were linked with the infamous CPP-controlled UGFCC. Secondly, under the ERP/SAP the PNDC tended to rely more heavily on the private sector for the distribution of agricultural items than on GAFACOOPS. Thirdly, as a state-sponsored organization, GAFACOOPS was not very strongly placed to negotiate producer price increases with the government; a step which would have made it more attractive to farmers. Finally, GAFACOOPS was afflicted with mismanagement, corruption and struggle for power.<sup>64</sup> It collapsed eventually and was replaced by the equally state-sponsored National Council of Farmers and Fishermen (NCFE) which was not enthusiastically patronized by farmers.

Concerning the penetration of women's organizations the PNDC has been rather successful with the 31st December Women's Movement (DWM). It was founded in May 1982 by Nana Agyemang Rawlings and a few others with the active support of her husband. To all intents and purposes, it has been a state-sponsored, and not a non-governmental, organization. There is no doubt that, despite its laudable efforts in other directions, its major purpose has been the mobilization of political support for the PNDC and the "revolution" as its name shows. Although it has enjoyed considerable PNDC logistical support, the DWM has failed to supplant all women's voluntary organizations.

Besides numerous instances of harassment, intimidation and ridicule, the PNDC sought to exercise control over religious organizations,

notably the orthodox christian churches, through the Religious Bodies (Registration) Law, 1989 (PNDCL 221). This law required all religious bodies to apply for government approval through the National Commission on Culture for their continued existence. A religious body might be prohibited if the Commission was satisfied, *inter alia*, that (i) its activities might lead to civil disobedience, constitute a public nuisance, and be contrary to public order, interest or morality; (ii) acceptable standards of decency were not observed at its meetings; and (iii) there were any other reasonable grounds for doing so. The Commission's decisions were final; and a prohibited religious body's assets could be forfeited to the state.

The law was clearly meant to cripple religious freedom, and assure state control of religious organizations. The Christian Council, the Catholic Bishops' Conference and other religious leaders opposed it on these grounds. They argued further that the law was unnecessary because adequate legal provisions already existed for dealing with all types of misconduct enumerated in it. In a 17-point statement the Catholic Bishops' Conference, for example, rightly observed that "the law was setting a precedent which might be used to proscribe all forms of religious expression in the future."<sup>65</sup> It is to the eternal credit of the orthodox christian churches especially, that they refused to register under this obnoxious law. After a series of futile mediation efforts, the matter was quietly shelved. The churches successfully resisted the PNDC's attempt to subdue them not only because they have been centres of spiritual and economic power but also because of their strong commitment to religious freedom. By so doing they struck a blow for autonomy as such.

In spite of the culture of fear and silence induced by the regime of repressive laws and actions, many individuals and social groups often criticized and opposed certain policies and measures of the PNDC. The society as a whole, led by the Association of Recognized Professional Bodies (ARPB), Ghana Bar Association (GBA), Christian Council of Ghana and Catholic Bishops' Conference, condemned the abduction and murder of the three high court judges and a retired army officer in June 1982. But for the public outcry, that tragic event would have been quietly covered up. The government's violation of human rights, economic recovery package, education reform programme etc. were severely criticized by many social groups. Many trade unions embarked on a series of strikes in reaction to the government's intransigent refusal to consider their just demands. The opposition of the churches

as a whole to the Religious Bodies Registration law has already been mentioned. The GBA perceived very early the inherent defects of the public tribunals and rejected them by disallowing its members to appear before them.

Realizing that "nothing can beat" representative, pluralist democracy, many social groups began as early as 1982 to demand a return to constitutional rule.<sup>65</sup> The GBA staged a strike from April to May 1983 and called for the immediate return to civilian rule. Encouraged by developments in the former Soviet bloc and pressures from Western donors from 1987 onwards, the domestic social forces intensified the pressure on the PNDC until it finally caved in.<sup>66</sup> Obviously, then, civil society was not quiescent; and its bases were fairly well strengthened as a result of certain developments that occurred during the implementation of the ERP/SAP.

A major unintended and paradoxical effect of ERP/SAP, that is from the PNDC's view point, was the proliferation of voluntary associations (at the local and intermediate levels of society) covering occupational, social service, community, religious and human rights interests. Most of these groups began to accumulate resources and capital independent of the state and establish their own autonomous spheres of action. There emerged also a new generation of entrepreneurs who were neither linked to the state nor dependent on its resources. More mobile and better off than the salaried employees in the state and private sectors, they joined the established elements of civil society to demand change. These remarkable developments were due partly to the growing informal sector where many small-scale industries had sprung up and partly to the inflow of resources from abroad. The scope of civil society thus expanded to some extent.<sup>67</sup>

But while such developments were occurring rather imperceptibly, the PNDC was simultaneously trying to obstruct the activities of some established local entrepreneurs (like Dr. Safo-Adu and B.A. Mensah) against the very logic of the ERP/SAP: namely, to give free rein to market forces and energize private enterprise. Like Nkrumah, Rawlings feared the emergence of a group of economically powerful domestic entrepreneurs who might challenge the PNDC's monopolization of power. The emergence of the new breed of Ghanaian entrepreneurs shows that, for the sake of economic development at least, the Rawlings strategy is in the long run unviable.

Although it reluctantly accepted the demand for a return to pluralist democracy, the PNDC was unprepared to share power with, much



less see it fall into the hands of, the pre-31st December social and political elites. This explains why the transitional programme was crafted without consulting them. Probably, the vital elements of civil society could have done much more in resisting not only this programme but also the PNDC dictatorship itself. There is no mistaking the signs, however, that, given the severe constraints in which it operated, civil society has bounced back to life. The amazing rapidity with which the so-called social clubs were formed just before the ban on party politics was lifted in May 1992 attests to this. In this respect the private press, whatever its defects, has played a crucial role in disseminating vital information about certain government activities which otherwise would have been shrouded in secrecy — as usual.

## Conclusion and Recommendations

Since independence Ghana's civil society has alternated precariously between contraction and expansion, depending on the nature of the regime in power. Ghana's experience of pluralist democracy has been intermittent and brief because the liberal-democratic culture has not struck deep roots in the society as a whole; and yet a society is never better than the individuals and groups that constitute it. On the other hand, dictatorship has not persisted, over a very long period of, say, two decades at one particular point in time because of the subtle resistance and aversion to this type of government on the part of certain vital subunits of civil society supported by some primary groups. Another marked feature is that massive poisonous doses of violence, hatred, bitterness and vindictiveness have been injected into our political culture by especially the AFRC and the PNDC.

Despite its vicissitudes, no dictatorship has succeeded in decreeing civil society out of existence. For some vital segments of civil society — like the Bar Association, Catholic Bishops' Conference, Christian Council of Ghana, NUGS (in the greater part of its existence), University Teachers Association of Ghana (UTAG), Registered Nurses' Association, Medical Association, Traders' Associations and so on, have over the years evolved a liberal culture of resistance to state interference in their affairs. The pluralist ethos has also proved fairly durable in these intermediary organizations as well as in a number of local groups. On the whole, one may conclude that civil society has become even more vibrant at present. But it is suggested that current

developments should not be taken for granted. If civil society is to evolve further to provide an enabling environment for the continued democratization of Ghana along pluralist lines, then a number of conditions must be fulfilled. Failing that, civil society will be rather weak to prevent yet another onslaught on our fourth attempt at pluralist democracy.

First, the various subunits of civil society must be characterized by the following, among others: (i) membership must be voluntary and must cut across existing social cleavages; (ii) the groups must themselves be capable of democratic governance since charity begins at home: i.e. their internal structures must be democratic, thereby providing meaningful participation for their members; and executive officers must be held accountable to the entire membership and must be seen to be transparent in their transactions; (iii) the spirit of initiative as well as independence of mind and action must be religiously cultivated; they must be autonomous both organizationally and financially to prevent their becoming appendages to the government.

In these respects our farmers' and workers' organizations, for example, have been woefully lacking; they have hung on the coat-tails of successive governments for too long. Farmers must cultivate the capacity, so splendidly displayed by earlier generations of farmers in the colonial days, to form their own organizations without looking up to government to do it for them. That way, they will be their own masters. If in difficulty, they can enlist the services of the appropriate consultants. Trade union leaders must change from the practice of "entrepreneurial leadership", whereby the union is considered a business enterprise to profit its "owner", to the practice of "bureaucratic leadership", whereby the organization itself and one's professional career in it become the over-riding concern.<sup>68</sup>

Secondly, it is important that as many social forces as are capable become centres of economic power to enable them both to avoid dependence on the state for survival and to resist its power-monopolizing tendencies. Of course, as intimated earlier, the relationship between economic power and the capacity to resist autocracy is very complex. History is replete with examples of economically powerful groups and individuals who were partly responsible for the rise of autocracies, as exemplified by Hitler's case. A group of individuals, who are slaves to the acquisitive instincts but have not cultivated the habits of autonomy (being free from intentional interference and coercion by others) and tolerance, are most unlikely to resist the impulses

of others to dominate society, if they themselves are able to strike it rich. Until a significant number of social forces learn this lesson, no amount of economic power will induce them to lend their support to pluralist democracy in Ghana's Fourth Republic; instead they are most likely to aid the cause of anti-democratic, power-hungry adventurers still in our midst who know no other instrument for deciding political issues than fraud and violence.

In the post-independence era, business groupings, like those of farmers, have so far not played a conspicuous role in the resistance to dictatorship — although not a few business people in their individual capacities have contributed as best they could. To enable business play its expected role, the various business associations — like the Chamber of Commerce, Manufacturers' and Employers' Associations — should be strengthened organizationally, and brought together under one umbrella organization similar to the Confederation of British Industries (CBI), while simultaneously retaining their individual identities. In this way, they will be able to counteract more effectively government encroachment on their autonomy and become a more powerful social force. It is hoped that the Association of Ghana Industries (AGI) will be nurtured to fill such a role. The same applies to the scattered Trades Associations of carpenters, masons, tailors, blacksmiths, goldsmiths, bakers, hairdressers, auto-mechanics *et al* as well as to small-scale business groupings. Their importance and relevance for the future growth and health of civil society cannot be over-emphasized.

Thirdly, civil society, for its own sake, must try to contain the menace of ethnicity and eventually free itself from it as much as possible — since ethnicity belongs to the category of primary units. It is true to say that in independent Ghana ethnic conflict has so far not resulted in separatist movements; but ethnicity has surfaced now and again as a divisive factor in some districts and at the national level. Since political support has derived mainly from the manipulation of local issues and concerns, ethnic identification has not infrequently been very much pronounced, particularly during elections. It is also evident in people's perceptions of the pattern of the distribution of political and public service appointments as well as development projects. Fourthly, and related to the third, the intermediary organizations of civil society provide many of the building blocks for political parties — as already noted. In Ghana it is imperative that if the emerging political parties are to be viable vehicles of national integration, then they must be genuinely ethnically cross-cutting by trying to

reach beyond their safe constituencies to forge informal links with those constituencies they may regard as "enemy territory".

Fifthly, as many groups of civil society as possible should wake up to the imperative of concerted action in the face of clear and present danger to the safety and welfare of our dear republic. It is arguable that hitherto, except on a few occasions, there has been a singular lack of dialogue and collaboration among the various subunits for mutual benefit. Almost all of them have appeared to be rather parochial in pursuing their own interests, forgetting that united action – as and when necessary – could make them formidable social forces to be reckoned with by the managers of the state of whatever political persuasion. The very limited success of the Alliance of Democratic Forces (ADF) and its very brief existence throw into bold relief the point being made here.

Finally, to facilitate the constant dialogue and united action just mentioned, what we may call a constituent group of constitutional democrats will have to emerge. It will comprise a sizeable minority of the more active, vital and enlightened segments of the citizenry who are committed to liberty and justice (in all its dimensions) and are determined to institute, promote and sustain a just constitutional-democratic polity, irrespective of the heavy odds stacked against them. And they will serve as catalysts and inspirers to the rest of civil society. It must be added that these are onerous responsibilities which must be undertaken with the greatest sense of humility, tolerance, and patriotism.

## NOTES

1. There is the respectable view that what is better suited to Africa is a variant of *consociational democracy* in a federal setting. The major difference between it and pluralist democracy is that it is manifestly ethnic-based, or, as in Switzerland, canton-based. For a powerful argument for this position, although the term is not used, see W. Arthur Lewis, *Politics in West Africa*. London: Allen and Unwin, 1965. For an equally powerful, critical review of this book, see B.D.G. Folsom, "Single Parties, Tribes and Federalism" in *The Economic Bulletin of Ghana*, Vol. X No.2, 1966. For an exposition of consociational democracy, see Arend Lijphart, *Democracy in Plural Societies: A Comparative Exploration*. New Haven: Yale University Press, 1977.

2. See, e.g., E.Gellner, "Civil Society in historical Context" in the *International Social Science Journal*, 129, 1991. This writer is grateful for the brief account of civil society given here to Gellner and P. Schmitter, "Society" in *The Transition to Democracy: Proceedings of a Workshop*. Washington D.C.: National Academy Press, 1991.
3. A.R. Ball, *Modern Politics and Government*. London: Macmillan, 1983, pp.102-3.
4. It must be noted that both are ideal types and coexist in these countries. See P. Schmitter, *ibid.*, p.19.
5. Schmitter thinks, however, that the "corporatist" model may be better suited to some developing countries, and cites Spain and Germany as examples to be followed, *ibid.* p.25.
6. Freedom from primary units is particularly stressed by Gellner; and not only from the state; *ibid.*, p.500.
7. Schmitter, *ibid.*, p. 18.
8. For a more technical definition of "civic spirit", see Gellner, *ibid.*, pp.500-1.
9. United States Information Agency (USIA): *What is Democracy?* 1991, p.6.
10. Ball, *op.cit.*, p.75.
11. D. Pirages, *Managing Political Conflict*. New York: Praeger, 1976, p.75, and Ball, *op. cit.*, p.77.
12. More space has been given to this period because it was supremely critical for the emergent civil society. The structure and pattern of state-civil society relations in the period largely shaped subsequent developments.
13. It was not in the interest of the colonial state to do so since that would have undermined British industrial exports and British firms operating in the colony.
14. Ethnic and other ascriptive groups and associations have been excluded because they belong to the category of primary units. See Note 6 above. But this is not to deny their crucial role in state-society confrontations in the African context.
15. For an excellent discussion of this point, see Naomi Chazan, *An Anatomy of Ghanaian Politics: Managing Political Recession, 1960-1969*. Boulder: Westview Press, 1983. ch. 2.
16. Total votes and percentage of total votes cast for the CPP were 398,141 (57%) and the non-CPP forces 299,116 (43%). See D. Austin, *Politics in Ghana, 1946-1960*. London: Oxford University Press, 1964. p.354.
17. *Legislative Assembly Debates* (LAD), Official Report - First Series, Vol.2, 12 November, 1956, columns 30-31.
18. This assurance was necessitated by the general acceptance of regional assemblies.

19. B.D.G.Folson, "The Development of Socialist Ideology in Ghana, 1949-58" in *The Ghana Social Science Journal*, Vol.I No.I, 1971, p.7.
20. Kwame Nkrumah, *Ghana: the Autobiography of Kwame Nkrumah*. Edinburgh: Thomas Nelson, 1957, p.x.
21. For tactical reasons, this was not boldly stated during 1949-1956; but there were intimations of it in, e.g., the *Autobiography*.
22. See D. Austin, *op. cit.*, ch. VIII.
23. *Parliamentary Debates*, Official Report - First Series, Vol.II, 9 July, 1958, Col.335.
24. W.B. Harvey, *Law and Social Change in Ghana*. Princeton: Princeton University Press, 1966, ch. VIII.
25. The constitutionality of the PDA under the 1960 Republican Constitution was challenged unsuccessfully by J.B. Danquah in court in the *Baffour Osei Akoto* case in 1961. See Harvey, *op. cit.*, pp.285-90.
26. This account of government-trade union relations is based mainly on E.J. Berg and J. Butler, "Trade Unions" in J.S. Coleman and C.C. Rosberg, Jr., eds., *Political Parties and National Integration in Tropical Africa*. Berkeley: University of California Press, 1964; and V.G. Damachi, *The Role of Trade Unions in the Development Process With a Case Study of Ghana*. New York: Praeger, 1974.
27. Berg and Butler in J.C. Coleman and C.C. Rosberg, (eds.), *op. cit.*, p. 350.
28. Ghana: *Annual Report of the Ministry of Labour, 1957-1958*. Accra, 1958.
29. The Gold Coast TUC Constitution... 1956. Accra. 1956.
30. Ghana: *Industrial Relations Act, 1958; Industrial Relations (Amendment) Act, 1959; and Industrial Relations (Amendment) Act, 1960*. It is only fair to add that on the recommendation of the International Labour Organization (ILO) the Industrial Relations Act of 1958 with its 1959 and 1960 amendments was drastically amended in many respects in 1965 including the restoration of the freedom to unionize; but in the prevailing circumstances this freedom was only nominal, and the TUC still remained an integral wing of the CPP. See Damachi, *op. cit.*, p.55.
31. Suspecting that Tettegah harboured inordinate political ambitions, Nkrumah removed him from the TUC leadership and had him elected the first Secretary-General of the All-African Trades Union Federation (AATUF) in 1962. Damachi, *op. cit.* pp.51-52.
32. C. Young, N.P. Sherman and T. H. Rose, *Co-operatives and Development: Agricultural Politics in Ghana and Uganda* Madison: University of Wisconsin Press, 1981, 1981, pp. 176-182. See also Bjorn Beckman, *Organizing the Farmers: Cocoa Politics and National Development in Ghana*. Uppsala: Scandinavian Institute of African Studies, 1976.
33. See the unpublished *Report of the Cabinet Committee on the Reorganization of the Co-operative Movement in Ghana* dated 29 June, 1964, for an excellent

brief account of the historical development of the co-operative movement. The Committee's chairman was E.N. Omaboe, the Government Statistician. Hence the Committee is hereafter referred to as the Omaboe Committee in the main body of the chapter.

34. *Report of the Cabinet Committee ...* p.14, par. 40.
35. Young, Sherman and Rose, *op. cit.*, p.183.
36. Young, Sherman and Rose, *op. cit.*, pp.183-84.
37. In the wake of increasing allegations of scandalous corrupt practices, the government in May 1956 appointed a Commission of Enquiry into the affairs of the CPC chaired by Mr. Justice O. Jibowu of the Nigerian Supreme Court. In its report the Jibowu Commission *inter alia*, found no direct proof that CPC funds were used to finance the CPP but stated that it could not be satisfied that "loans ... might not have been used for other purposes"; it found that corruption, bribery and extortion among a number of officials existed, and that "the allegations that the CPP controlled the CPC is justified". - pars 203-16.
38. *Report of the Cabinet Committee...* p.24, par. 69.
39. *Report of the Cabinet Committee...* pp.28-29 par. 85
40. *Report of the Cabinet Committee ...* pp.11-12, par. 33 and p.34, par. 104.
41. *Report of the Cabinet Committee...* p.45 par.123.
42. K. De Schweinitz, *Industrialization and Democracy*. New York: Free Press, 1963, p.10
43. T. Jones, *Ghana's First Republic, 1960-1966*. London: Methuen, 1976, p.162.
44. *Report of the Commission of Enquiry into Irregularities and Malpractices in the grant of Import Licences*. Accra, 1967 (Ollenu Report) pp.77-79, pars. 367-381.
45. Tony Killick, *Development Economics in Action: A Study of Economic Policies in Ghana*. London: Heinemann, 1978, p.37; and Ollenu Report, p.10, par. 59-60.
46. Subsequently, the "study groups" were dissolved, and the NASSO disbanded, when the "radical socialists" became too assertive for Nkrumah's liking. See Kwame Nkrumah, *Guide to Party Action* Accra, 1962.
47. *The Ghanaian Times*, 27 November, 1964. The Committee's chairman was Prof. W. E. Abraham, head of the Philosophy Department, and a year later Pro-Vice Chancellor, at Legon. See also H.L. Bretton, *The Rise and Fall of Kwame Nkrumah: A Study of Personal Rule in Africa*. London: Pall Mall, 1966, pp.89-90.
48. Naomi Chazan, *Anatomy of Ghanaian Politics...* pp.191-203, and Debora Pellow and Naomi Chazan, *Ghana: Coping with Uncertainty*. Boulder: Westview Press, 1986, pp.167-72.

49. *West Africa*, 27 January, 1968, p.86.
50. R. Pinkney, *Ghana Under Military Rule, 1966-1969*. London: Methuen, 1972, pp.18-36.
51. The campaign for amnesty was spearheaded by the People's Popular Party - an Nkrumaist party - led by J. Hansen who appeared to the government to be the very embodiment of all that the PP was opposed to. Indeed, that was exactly the government's reason for enacting the Criminal Code (Amendment) Act. See *Parliamentary Debates*, Vol.8, 23 August, 1971, cols 703 ff.
52. See Naomi Chazan, "Ghana: Problems of Governance and the Emergence of Civil Society" in L. Diamond, J.J. Linz, and S.M. Lipset, eds., *Democracy in Developing Countries: Africa* (Vol.2). Boulder: Lynne Rienner, 1988, p.107.
53. Naomi Chazan, "Citizenship, the State and Social Relations in Ghana: Patterns and Trends". (Paper prepared for presentation at the 31 Annual Meeting of the African Studies Association, Chicago, 28-31 October, 1988), pp.10-1
54. *People's Daily Graphic*, issues of 1 and 15 April, 1980.
55. See, e.g., Zaya Yeebo, *Ghana: The Struggle for Popular Power, Rawlings, Saviour or Demagogue*. London: New Beacon Books, 1991, pp.47-50.
56. Chazan, "Citizenship, the State and Social Relations in Ghana...", p.12.
57. Chazan, *ibid.*, pp.13-14.
58. *Ghanaian Times*, 8 March, 1983. See also *Forging Ahead: Selected Speeches of Flt. Lt. Jerry John Rawlings ... January 1st 1983 - December 31st 1983*. (Vol.Two). Accra: Information Services Department, n.d., p.10, and *Guidelines for CDRs - The CDR Eagle Flies*. Accra: Nsamankow Press, 1986.
59. The point is not elaborated here; but for a contrary view, see K.A. Ninsin, "The PNDC and the Problem of Legitimacy" in Donald Rothchild, ed., *Ghana: The Political Economy of Recovery*. Boulder: Lynne Rienner, 1991, pp.59-60.
60. *Ghanaian Times*, issues of 25 January, and 18 February, 1982; *People's Daily Graphic*, issues of 5 and 6 March, 1982.
61. The topic is treated in some detail by Yao Graham, "From GTP to Assene: Aspects of Industrial Working Class Struggles, 1982-1986" in E. Hansen and K.A. Ninsin, eds., *The State, Development and Politics in Ghana*. London: Codesria Book Series, 1989, pp.52-53.
62. E. Hansen, "The State and Popular Struggles in Ghana, 1982-86," in Peter Anyang' Nyong'o, ed., *Popular Struggles for Democracy in Africa*. London: Zed Books, 1987, p.179.
63. *West Africa*, 17 May, 1982, p.1296.
64. See E. Gyimah-Boadi, "Economic Recovery and Politics in the PNDC's Ghana" in *The Journal of Commonwealth and Comparative*



*Politics*, Vol.XXVIII No.3, November 1990, p.337.

65. See, e.g. the *Association of Recognized Professional Bodies (ARPB) News Bulletin*, Issue Vol.2 No.1, 20 July, 1982. The ARPB called on the PNDC to step down for a government of national unity "to prepare the country for an elective government by September 1983". Many other organizations issued bold, public statements on this and other burning issues.
66. It may be speculated that, but for Gorbachev's abandonment of the "Breshnev doctrine" and embrace of "glasnot and perestroika" which eventually resulted in the disintegration of the Soviet bloc and the end (hopefully) of the second cold war (developments which some third world dictators masquerading as national saviours have bemoaned), the PNDC would have defied domestic and external (mainly Western) pressures to democratize along the lines of political pluralism. It would have used the "no-party"- based District Assemblies as electoral colleges for electing a national assembly which in turn would elect a political executive. The beneficiaries would, of course, have been the PNDC. Rawlings' persistent rejection of the multiparty system lends powerful credence to this line of speculation.
67. Chazan, "The Political Transformation of Ghana under the PNDC" in Rothchild, ed., *op. cit.*, p.33.
68. See Margaret Peil, *Consensus and Conflict in African Societies: An Introduction to Sociology*. London: Longman, 1977, p.298.

## THE PARTY SYSTEM AND DEMOCRACY IN GHANA

Yaw Manu

### Introduction

Signalling the beginning of the reforms was the Coussey Constitutional Committee — an entirely African body charged with drawing up a constitution for the country. Most importantly it proffered a legislature that would be elected partially by universal adult suffrage fused with some indirectly elected members. The implication was the introduction of an electoral system — an obvious inducement to competitive politics. Indeed, the Secretary of State for the colonies, commenting on the Coussey Report, observed that for a parliamentary system to work successfully, it would require a well tried party system.<sup>1</sup>

That political and ideological differences which prevailed in the leadership of the UGCC suggested incipient partisan politics to be at work. Considering himself as a Marxist, Dr. Nkrumah was pitted against the generality of the leadership of the UGCC — whom he regarded as conservatives — indeed reactionaries.<sup>2</sup> When he formed his own party in June, 1949, he was giving vent to those ideological differences.

### The Convention Peoples' Party (CPP)

Seeking a society that would realize egalitarian principles, the Convention Peoples' Party (CPP) opted for a socialist state. In its revised constitution of 1961, it claimed that its purpose was to organize the common people "and lead the masses in the struggle for the attainment of National Independence and Self-determination for the chiefs and people."

But far more relevant to the common man was the promise "to promote the political, social and economic emancipation of the people,

more particularly, those who depend directly upon their own exertions by hand and by brain for the means of life."<sup>3</sup>

Anticipating the Coussey Report which was submitted on October 26, 1949, the CPP according to Padmore, was already well organized with a network of branches throughout the colony area and Ashanti. It later penetrated into the Northern Territories.<sup>4</sup> Elaborating a little more on this organization, David Apter noted that the CPP was highly organized; it could be likened both to a Communist party and to the British Labour party: the latter allowed for more public latitude to members than the former, while the former presented the structure of democratic control.<sup>5</sup> Possessing organizational unity, the party nevertheless allowed members holding differing views to participate effectively. Accordingly, David Apter says that the party was far more flexible than a communist party and was committed to the form and discipline of unity than any particular dogma or party line.<sup>6</sup>

### The Rival Political Parties

If the Coussey constitution provided the occasion for the exercise of even partial suffrage, it unleashed a plethora of parties set to compete for political power.

The various minor parties — the National Democratic Party led by the well known lawyer — Nii Amaa Ollenu; the Gold Coast Liberal Democratic Party, led by Nii Kwabena Bonne; the Peoples' Democratic Party and the Freedom Defence Party, all appeared to be parties of the right, advocating free enterprise economy. However, the National Democratic Party was prepared to see the country undergo about fifteen more years of British tutelage to equip the people further for the proper management of their economy.

Bereft of its radical elements, the UGCC led by Dr. J.B. Danquah was committed to liberal democracy and free enterprise. Its programme aimed at ensuring that the optimum diffusion of private enterprise and ownership of property would be developed alongside the maximum attainment of personal liberties within the framework of the welfare state.<sup>7</sup> Thus the programme of the UGCC was more enlightened than that of the National Democratic Party.

Offered as an instalment in the constitutional evolution of the country, the limited adult suffrage was applicable in the cities — Accra, Kumasi, Cape Coast and Sekondi-Takoradi. Elections in the rural

areas was indirect, and through electoral colleges.

The outcome of these arrangements was that the ensuing elections of 1951 failed to give a better picture of the national strength of the political parties. The CPP secured a total of 36 out of 84 seats; the UGCC obtained 4 seats, Independents 3 seats, chiefs and traditional rulers, 32 seats. Included in the legislature were to be representatives of special interests: 2; and ex-officios: 3.<sup>8</sup>

This performance of the CPP assessed by some authorities attribute to the CPP its appeal to the masses and a mastery in the manipulation of the party's key symbols. "It had a clear-cut orientational focus which (excited) the general public, giving general opportunity to participate and serving to reassure and define for the public a programme of progress in which self-respect and income would be provided."<sup>9</sup>

### **The Coalescing of the Opposition and The Elections of 1954**

Contesting the election of 1951 and winning this election having led to the formation of government, placed the CPP in a dilemma of having to reconcile its slogan of "Self-government Now" with a partial self-government conceded and accepted by it. Although Dr. Nkrumah claimed that the move was tactical, Basil Davidson says that there was a minority in the CPP leadership — the minority radical wing closely identified with the Positive Action of 1949 who were not "as delighted as others." For them, "tactical action had all the smell of defeat."<sup>10</sup> Their expulsion from the CPP only aided the augmenting of the opposition. For the failure of the UGCC to make good showing in the elections of the previous year seemed to occasion the formation of a new party — the Ghana Congress Party (May 2nd), with Dr. K.A. Busia as its leader.

Determined to offer effective opposition to the CPP government, the Congress which grouped previous opposition members of the erstwhile minor parties as well as traditional rulers now embraced the radical CPP elements expelled from their party.

The need to re-group, if it was designed to prevent the CPP achieving full self-government under its leadership, must also have been prompted by the impending elections under a new constitution — the Nkrumah constitution negotiated by the latter with the British government since 1951.

Other opposition groups making common cause with the Congress Party included the Northern Peoples' Party (NPP), and the

Togoland Congress Party. The former, organized in April 1954 by some leading educated men of the North, aimed at promoting the interests of the North. Distrusting the people of the south, it objected to immediate self-government — preferring self-government within a period of fifteen years. But the Togoland Congress, formed about 1951, while not averse to self-government, desired that both British and French Togolands be unified as an Ewe homeland. Its opposition to the CPP was on grounds that the latter desired the integration of the British Trust area with the Gold Coast. While the opposition of the NPP against the CPP was not solely on grounds of time-table for independence but that the CPP lacked respect for traditional rulers.

The Congress Party provided the needed parliamentary leadership for these groups. When carefully assessed, however, the Congress appeared to have difficulties of its own which would prevent it from being viable. A major problem was the absence of internal unity — caused by disputes among the leaders of the party. Furthermore, the admission into its fold of radical ex-CPP elements made the Congress a battleground between the CPP elements and those “whose education and outlook led them genuinely to dislike the authoritarian ways of the CPP.”<sup>11</sup>

Notwithstanding liabilities of internal disputes and a record of defeat in previous elections, the Congress was geared for the elections of 1954. It promised cocoa farmers it would improve prices; and vowed to rid the country of corruption. On the other hand, the CPP having made the issue of self-government a plank in all its manifestoes and thus seeming to have monopoly as chief advocate deprived the opposition of any challenging programmes. And to its advantage it had a record of electoral victories to entice voters to its side.

Within the parties, there were the competing claimants for nomination as party candidates which need not occupy us. But the elections, democratically conducted, and on the basis of universal adult suffrage and secret balloting, confirmed the CPP once more as the dominant national party: Out of a legislature of 104, the CPP won 71 seats; Independents 16 seats, the NPP 12 seats; the Togoland Congress 1 seat, the Ghana Congress Party, 1 seat; and 1 each for 2 other smaller parties.

As for the significance of this particular election, the legislature it produced consisted entirely of popularly elected representatives. But the need to reflect the continuing British authority in the absence of complete sovereignty was that three ex-officio British expatriates served as cabinet members, while the Governor could still apply the veto.

The outcome had considerable meaning for the opposition; they foresaw an emerging sovereign state under a government with socialist orientations and values which they were opposed to.

### **Politics on the Eve of Independence**

The nature of politics on the eve of political independence (1951-1956) was that it had the features of violence and the characteristics of previous politics — persuasion and the canvassing of support. It was uncompromising and militant, seeking direct political action — coercion and sometimes the application of force to achieve consent.

### **The National Liberation Movement (NLM)**

The probability was that the failure of the Congress Party to achieve satisfactory results in the previous elections prompted a need for the creation of a new body — a movement that was known as the National Liberation Movement (NLM) in September 2, 1954.

Embracing former opposition groups, the NLM could be described as a new force emergent in the body-politic; seizing on a variety of issues this strategy had the effect of further broadening the base of the movement and making it more national than the opposition groups of the past.

Most importantly, it demanded a federal form of constitution but its other aims appear directed to safeguarding traditional systems and values. An example was that it advocated loyalty and allegiance to traditional rulers and the obligation of the youths to show respect to age.

It was apparent that support for traditional rulers would be reciprocated. The movement drew support from traditional rulers. Indeed, its founding and leading member — the Asantehene's linguist, was a traditionalist — and the demand for federalism seemed to have been made with the traditional rulers in view — to give them a place in the new order of things. Be it as it may, it was necessary to wrestle power from the CPP. The demand for federalism was diametrically opposed to a unitary system and so created an impasse.

Here, it is necessary to explain that the condition under which the colonial power (Britain) would concede independence was that consensus should prevail among the people on the nature of the constitution required. The necessity to make an impact on the electorate

and no less the British authorities, therefore, could not be lost to the Movement.

In support of their demand, some of the arguments made were as follows: That there were differences of ethnic and tribal cultures, differences in the levels of development and the fact that the various regions came under British jurisdiction at varying times. However, that such arguments would not achieve the desired results made violence necessary. Commenting on this phase of politics, Dr. Nkrumah said that "with the failure of a purely political campaign, a campaign of violence developed in Ashanti. ..." <sup>12</sup>

Unable to break the deadlock through negotiations both the Government and the opposition were willing to go to the polls. And the results of the elections held in April 1956 showed the CPP winning 71 seats; the NLM and its allies 31 seats. <sup>13</sup>

This victory of the CPP, the third of such electoral victories seemed to entrench the CPP as an obviously dominant party. It had become a *de facto* single party system.

## The Single Party System

Commenting on the growth of the CPP, David Apter indicated earlier on that it had a membership of over a million, and was the most effective mass political organization in Africa. <sup>14</sup> Already we have referred to the appeal it was able to make to the masses and its mastery in the manipulation of the party's key symbols. These factors, no doubt accounted for its repeated victories since 1951 so that by 1960 its strength in a legislature of 114 was 98.

The party engaged in deliberate mobilization of the populace into various units to constitute wings of the party; so that the CPP was referred to as a big tree with several branches — the Young Pioneer Movement, the Workers' Brigade, the Trades Union Congress, the Ghana National Farmers Union, and the National Council of Ghana Women. Looking at the long term impact of the party, it needs to be said that its organizational methods which proved effective constituted a model for future political parties.

The party had become a *de facto* one party system; however what constituted the bedrock of this *de facto* one party system was the Republican constitution which by its nature entrenched the CPP for as long as it would be possible. However, with the referendum held in

1964 on constitutional change, the status of the party was raised to one of *de jure*.

The party and its leadership, it will be recalled, subscribed to socialism. And although it achieved electoral victories through democratically organized elections it continued to adhere to socialist norms. The decision of the Central Committee of the party to constitute the legislature of 1965 not by electoral processes but by selection of candidates went against liberal democracy and provided the rationale for the military, coup d'état of 1966.<sup>15</sup>

## **The Politics of the Second Republic**

The Convention People's Party (CPP) — an ideological party — was proscribed by law in 1966. Consequently, the beginning of the Second Republic marked the beginning of the end of ideological politics. But the organization of parties on mass basis did not cease for it had become a model of political organization.

### **The Parties**

In anticipation of the elections of August 1969, several parties were formed. When examined, the most viable seemed to be the Progress Party (PP) led by Dr. K.A. Busia. The National Alliance of Liberals (NAL) led by Mr. K.A. Gbedemah, one-time Minister in the Nkrumah regime, no doubt, also appeared to have great promise.

The other parties, seeming to lack substantial following, included the United Nationalist Party under the chairmanship of Dr. Bannerman, the All People's Republican Party led by Mr. P.K.K. Quaidoo and the People's Action Party under Mr. Imoru Ayarna. Indeed these parties appear to have undergone some initial transformations. Sharing common goals, (which we shall examine soon,) political rivalry among them was not based upon any particular ideological differences.

### **Organization**

The approach adopted by the National Alliance of Liberals to assure itself of permanence and continuity was the establishment of an organizational structure of the party. While Mr. Gbedemah occupied the



leadership of the party, leaving the Chairmanship to Mr. Kobina, — a Kumasi lawyer — a national executive was formed through electoral processes. Constituencies in each region would meet so as to elect a member of the party as the Regional representative of the party to the national executive body.

Thus when the two hundred delegates from the twenty-two constituencies of the Eastern Region met during the month of June in Koforidua, they elected Mr. E.H. Boohene, a lecturer at the School of Administration as the regional representative to the NAL national executive.

National and regional party officers elected by national delegates conferences and regional constituency conferences included organizing secretaries, propaganda secretaries, campaign strategists and financial secretaries.

On the other hand, the constitution of the Progress Party made membership of the party open to all persons who were eighteen years old and above. Such persons could apply for and return completed application forms to the constituency secretary; the form was then considered by the branch committee. The Progress Party was, thus, a mass party and members paid dues to enable the party raise money for its work.

Although Dr. Busia was the leader, the constitution called for election of the leader who should also be the chairman. The elections had to be conducted by elected delegates at an annual conference of the party. The leader who should hold office for five years presided over the Annual Conferences at the meetings of the National Executive. Each region had a Vice-Chairman elected at a Regional Conference.

The important national officers of the party included the General Secretary and a Treasurer appointed by the National Executive. The Progress Party and the National Alliance of Liberals were equipped with national, regional, constituency and district party organs which would meet annually at national delegates conferences to assess work and initiate new programmes.<sup>15</sup> But although the All Peoples' Republican Party and the Peoples' Action Party like the United Nationalist Party were mass parties not enough evidence existed of the effectiveness of their organization. And yet in the competitive politics designed to win support these parties appear to have canvassed the electorate in nearly all constituencies.<sup>16</sup>

## The Issues and the Elections

To clarify issues and prescribe solutions seemed to constitute the essence of political contest. Describing tribalism as a negative force, the leader of NAL, Mr. K.A. Gbedemah promised that the NAL would work towards a new nation devoid of tribalism and nepotism. Concerned with other aspects of life such as employment, he assured the electorate of more job opportunities and the intention to initiate an agricultural policy that would enable the country to produce all her food requirements. And for the civil servants, ample security of office without coercion or intimidation would be made so long as they were loyal to the nation and to the government.<sup>17</sup>

Since there was absence of ideological differences (as already noted); it is only natural that solutions and promises offered to the electorate would overlap. The Progress Party, while promising a nation that would be liberal democratic and pursuing a welfare system, assured the nation it would support the farmers; it would improve the quality of education, health, and housing, and provide job and employment opportunities for the workers.

The United Nationalist Party (UNP) was committed to a New Deal entailing respect for democratic principles and the pursuit of the objectives of employment and equal opportunity for all. The party would follow comprehensive and realistic economic policies, promote agriculture, communications, health and education. The People's Action Party of Mr. Imoru Ayarna spoke in the same vein as the others except that it hoped, when elected into office, to extend the railways to the North.<sup>18</sup>

Upon examination, the manifestoes of the parties had similar contents. A vital factor in determining the voters' choice therefore was likely to be the differences in the personalities of the leaders. The advantage to Dr. Busia was his identification with the Opposition that constantly advocated liberal democracy. There could also be the factor of tribalism, and the outcome of the elections of 1969 suggested this.

In his research, conducted in 1969, Professor Yaw Twumasi revealed the following: That 63.5 per cent of those registered actually voted. Of the total votes cast, the PP obtained 58.68 per cent; NAL 30.44 per cent; UNP 3.8 per cent; PAP 3.43 per cent; APRP 1.83 per cent. Independents 1.82 per cent; each of the major parties contested 138 seats.<sup>19</sup>

Contesting the elections organized in the 140 single member

constituencies, the PP emerged with 105 seats and 29 seats for NAL. In Ashanti, the PP won all the seats as it did in Brong-Ahafo and in the Central Regions — all Akan-dominated areas.

The victory of the PP appeared to be a victory for its leader — Dr. Busia — a long time advocate of liberal democracy. Therefore upon taking office as the Prime Minister at the end of 1969, the challenge was offered him to promote democracy. He had earlier said that “it is the person operating the Fundamental Laws of the land that will determine” the proper operation of the laws. And the people’s best bet was him as the leader of the Progress Party.<sup>20</sup>

In office, and faced with realities, however, he was said to have defied court-ruling with the assertion: “No court; no court.” He further caused the dismissal of 568 civil servants without much reason. Nevertheless he was believed to have promoted democracy for no evidence existed of arbitrary detention of persons without trial. He was nevertheless overthrown in a coup d’état in February, 1972. But the re-emergence of competitive politics in the Third Republic affirmed the nation’s abiding concern with the search for liberal democracy.

## Politics of the Third Republic

In the preceding pages we observed that the political parties were characteristically mass parties. Of the several reasons accounting for this phenomenon, there was that of financial need (which was as important as the desire to organize support). Careful scrutiny of the parties of the Third Republic reveals that the parties retained the organizational structures of those of the First and the Second Republics. Indeed, the membership of these parties appears to be a carry-over of membership from the erstwhile political parties. So that even though party designations had changed, the changes appear to be in name only.

Deviating from the trends noted above were some emergent parties which tended to revolve closely around personalities and whose potentialities seemed limited. Among these parties will be included the United National Convention (UNC) under its founder, William Ofori-Atta (Paa Willie); the Action Congress Party (ACP) led by its founder, Colonel F.G. Bernasko; and the Third Force Party, headed by its founder, Dr. John Bilson. But in a category of its own was the Social Democratic Front (SDF) whose leader emerged from electoral processes. The policies of these parties will be examined subsequently. We now look at

the major parties — the People's National Party (PNP), and the Popular Front Party (PFP), which represent continuity and change.

### **The People's National Party (PNP)**

The antecedents of the PNP may be traced to the Convention People's Party (CPP). Banned since 1966, the CPP nevertheless collectively operated clandestinely as a social organization under the leadership of Alhaji Imoru Egala, one time Minister in the Nkrumah regime. This social organization — (Funeral Committee) was transformed into the People's National Party (PNP) with Egala as its founder. The latter, however, designated Dr. Hilla Limann, as the leader of the party and was confirmed subsequently by the Party Congress held in Kumasi in 1979.

Dr. Hilla Limann, apparently, set considerable store on the heritage of the party. During the first post-election Congress held in Kumasi in 1980, he asserted that "The People's National Party (was) committed, within the law, to the pursuit of Nkrumah's ideas and the consolidation of his good works;"<sup>21</sup> stressing that "that is why I have, in recent times, had occasion to call for a return to the ideals and aspirations of the founding fathers."<sup>22</sup>

The PNP appeared to be a replica of the CPP taking the organizational form of the erstwhile party, including its membership and ideas. Indeed, its victory in the 1979 elections was believed to have resulted from a unified front of Nkrumaists in support of the PNP.<sup>23</sup>

Launched in time to contest the elections of the year, and like the CPP, it promised to "consolidate and maintain the independence and sovereignty of the State of Ghana; promote national reconciliation and unity and safeguard the freedom of the people." It sought to ensure that the economy would operate in five separate sectors: State enterprises, enterprises owned by foreign private interests, enterprises jointly owned by State and private foreign entrepreneurs, co-operatives, and Ghanaian private enterprises.<sup>24</sup>

Existing factors which aided the party's achievements shall be examined below. A major problem, however, of the party was its organizational structure. Did the party leaders in office have the endorsement of the members? As the party prepared for its post-election Congress, the press reported that "the youths were insisting that for peace to be achieved in the party, all national officers in the party must be elected: and these included, the chairman, the vice-

chairman, national treasurer, the general secretary and the national organizer."<sup>25</sup>

This demand by the youth seemed to be the consensus of many members of the party as parliamentarians and law students of the University of Ghana, who were party members, made the same demands. Also prevailing dissensions were reflected first in the dissolution of the Central Committee of the party and then in the indefinite adjourning of the Congress in order to save the party from imminent split.<sup>26</sup>

### **The Popular Front Party (PFP)**

The Popular Front Party (PFP) when examined, seemed endowed with structures, organization and cohesion which were lacking in the PNP. In several ways, the PFP left no one in doubt that it was a continuity of the Progress Party (PP). An important deviation, however, concerns leadership which had to be determined through a democratic process of selection. Such election was never necessary in determining leadership of the PP. With the founder, Dr. Busia, being the undisputed leader of the party, no contest was necessary.

The organizational structure evolved by the Progress Party was inherited by the PFP. The constitution of the PP made provision for the election of national officers, regional officers, constituency, and district officers. Following the constitutional provisions as prescribed by the PP constitution, Mr. Victor Owusu was the democratically elected leader of the PFP. It should be noted, however, that perhaps on account of personal efficiency, the General Secretary of the PP, Mr. B.J. da Rocha, a lawyer, maintained this post under the PFP — an obvious indication of continuing membership in both parties.

The continuity of organizational form was coupled with membership that spanned the two organizations. It can be assumed then that the underlying values held by the Progress Party continued in the PFP — the desire for personal liberties, freedom of the press, better health for the people and greater security for the working people through better social security provisions.

## **The Other Parties**

The United National Convention (UNC), briefly discussed earlier on had some affinity with the Popular Front Party (PFP). The leader — Mr. William Ofori-Atta (Paa Willie) was an executive member of the UGCC and a relation of Dr. J.B. Danquah; he was the son of Nana Ofori-Atta I of Akim Abuakwa and shared in the liberal values of that family. The membership of the UNC more or less subscribed to the values of the PFP. Indeed, it was always probable that these members may have been at one time members of the Progress Party or of the United Gold Coast Convention.

The UNC desired an administration free of corruption and sought political reconciliation in the nation; it promised to provide health, electricity and better education.

The aims of the Action Congress Party of Colonel Bernasko included the promotion of better agriculture for the country by providing farmers with adequate and proper inputs. This focus of the Congress was different from those of the Social Democratic Front (SDF) and The Third Force Party.

The SDF desired the promotion of the welfare of, most particularly, the workers, even though it would also promote education, national reconstruction and the development of a better economy. On the other hand, the Third Force Party emphasized the need for better leadership — a leadership which should be honest, dedicated, and bold.

## **The Elections of 1979**

The aims and objectives of the parties have been stated already. And there were the differences such as contained in the objectives of the UNC, the ACP and the SDF. The Action Congress, like the SDF, had definite clients they wanted to cater for, while not neglecting, the total national interest. The policies of both the PNP and the PFP were comprehensive; they covered about the same areas of life so that the electorate did not seem to have clear-cut alternative choices. But the PNP appeared advantaged; the achievements of the CPP in the past — such as bringing independence to the people and the vast developments such as the infrastructure that ensued were pointed to as their heritage of achievements.

The Progress Party, which the PFP inherited, lacked the corre-

sponding record of achievements having been in power for only a period of two years. When the electorate went to the polls they decided for the PNP. It gained 71 seats while the PFP obtained 42 seats; UNC 13 seats, ACP 10 seats and the SDF 3 seats. Concerning the Presidency, Dr. Hilla Limann obtained 1,118,305 votes and Mr. Victor Owusu 686,097 votes.<sup>27</sup>

The process of politics reflected in the politics of the Third Republic in itself testified to the on-going search for liberal democracy. This search continues into the Fourth Republic. What are the prospects for a liberal democratic polity?

### **Conclusions: Prospects for Democracy in the Fourth Republic**

Liberal democracy has been an ideal pursued but not yet realized. In the First Republic the political process had been governed by the norms and principles of liberal democracy. But given the ideology of socialism to which the dominant political group (the CPP) subscribed the principles and norms governing the process of politics came gradually to be those of socialism. But neither did the interventions of the military permit the perpetuation of liberal democracy.

As Ghana enters the Fourth Republic, it will seem to have armed itself with certain constitutional provisions which are enforced through specific laws.

### **The Constitutional Provisions**

Guaranteeing the right of the people to organize political parties and also advocating the freedom of such organized parties to participate in shaping the will of the people, the constitution of the Fourth Republic nevertheless imposes certain constraints thus:

Every political party shall have a national character and membership shall not be based on ethnic, religious, regional or other sectional divisions.<sup>28</sup>

Additionally, the provisions enjoin that "the internal organization of a political party shall conform to the democratic principles and its actions and purposes shall not contravene or be inconsistent with the constitution or any other law."<sup>29</sup>

In order to ensure compliance, however, the provisions forbid any political party from operating as such unless it has been properly registered with the Electoral Commissioner. The Commissioner, on the other hand, has power under PNDC Law 281 of 1992, not to register a party which does not meet the requirements.

That the following parties have been registered as qualified to operate as political parties:

1. The National Patriotic Party (NPP)
2. The National Democratic Congress (NDC)
3. The People's National Convention (PNC)
4. The National Independence Party (NIP)
5. The People's Heritage Party (PHP)

The presidential candidates of these parties are:

1. Professor A. Adu-Boahen
2. Flt - Lt. J. J. Rawlings
3. Dr. Hilla Limann
4. Mr. Kwabena Darko
5. General Emmanuel Erskine

Concern exists that liberal democracy should triumph. The concern is expressed in the Directive Principles of State Policy which stresses that "Ghana shall be a democratic state dedicated to the realization of freedom and justice..."<sup>30</sup> But against stipulated or stated desires, authorities over conditions under which military interventions will be weak are those where public attachment to civilian institutions is strong; where civilian associations and parties are strong and numerous and where the procedures for the transfer of power are orderly, and where the location of supreme authority is not seriously challenged. What are the prospects for a lasting democracy in Ghana? The political culture has been changing and it is probable that Ghana presently fulfills the stated conditions.

## NOTES

1. Colonial Office despatch, No. 350, p.9.
2. Ghana, *The Autobiography of Kwame Nkrumah* p. 62



3. The Constitution of the Convention People's Party (Revised) 1961.  
Part 1.
4. Padmore, George, *The Gold Coast Revolution* p.72.
5. Apter, David, *The Gold Coast in Transition* p.203
6. *Ibid.*
7. *The Gold Coast in Transition* p.172
8. The Transformation of Internal Political Power.
9. Apter, *The Gold Coast in Transition* pp. 203-4
10. Davidson, Basil, *Life and Times of Nkrumah*, p. 126
11. Austin, *Government and Politics in Ghana*, p. 181
12. *Ghana, The Autobiography of Kwame Nkrumah* p. 21
13. *West Africa Review*, Sept. 1956. p. 316.
14. Apter, *The Gold Coast in Transition* pp. 202
15. Achievement of the Progress Party.
16. *The Birth of The Second Republic.*
17. *Ibid.*
18. *Ibid.*
19. Austin, Dennis, *Politics in Ghana* p. 14.
20. Achievement of the Progress Party. p.31.
21. *The Ghanaian Times*, Jan. 7, 1981.
22. Limann Speaks, *The Way Ahead*, p. 18.
23. *The Ghanaian Times*, Jan. 7, 1981.
24. Manifesto of the PNP - p .7.
25. *The Ghanaian Times*, May 30, 1980.
26. *The Daily Graphic*, Jan. 1, 1980.
27. Mike Oquaye, *Politics in Ghana*, p. 164, 171.
28. The Constitution of Ghana (1992) pp. 47-8.
29. The Constitution of Ghana (1992) pp. 48-49.
30. The Constitution of Ghana (1992) p. 35
31. S.E. Finer, *Man on Horseback*, p.21.

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1. Colonial Office Despatch No. 350.
2. Nkrumah, Kwame. *Ghana, The Autobiography of Kwame Nkrumah*. Thomas Nelson Ltd. London, 1957.
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6. Austin, Dennis, *Government and Politics in Ghana*.
7. "West Africa Review" Sept. 1956.
8. *Achievements of the Progress Party, 1969-1971*
9. *The Birth of the Second Republic*, Editorial and Ghana Publishing Services, Accra.
10. Austin, Dennis and Luckham, Robin, *Politicians and Soldiers*, Frank Cass, London, 1975.
11. Finer, S.E., *Man on Horseback*, Pall Mall Press, 1959.
12. Oquaye, Mike, *Politics in Ghana*, 1972.
13. *The Draft Constitution of the Republic of Ghana 1992*.

## POLITICAL PARTIES AND SOCIAL REPRESENTATION: THE CASE OF WOMEN

J. Sandra Pepera

### Introduction

The representation of women, and issues of concern to women in Ghana, at government and at executive level, has remained depressingly low. Depressing because (a) numerically women are slightly over 50% of the population in Ghana, (b) they have traditionally and consistently played a central role in the struggle for national liberation from colonial rule and post-Independence nation-building, and (c) of the massive contribution they make to the socio-economic life of the nation.

The focus of this paper is to introduce the reader to some aspects of the relationship between political parties and various social groups in our society. For the purposes of this paper political parties are defined in the Constitution of the 4th Republic as "freely formed organizations of citizens" that are national in character and orientation.<sup>1</sup> Further, a political party is free to:

- (i) participate in shaping the political will of the people;
- (ii) propagate and pursue political ideas and social and economic programmes of a national character; and
- (iii) put up candidates for election to public office.<sup>2</sup>

Therefore, it seems clear that in a political system that is based around the competition between differing political groups organized as parties, citizens, in order to promote particular and sectional interests, will seek a voice within these parties in order to project these interests to the national level. Usually, we find that at least four, sometimes five, sub-societal groups are specifically represented in the organizational structure of political parties. These are: women, the aged, the disabled, the youth, and sometimes separately from "the youth," students.

In Ghana's political history, the major parties have always had at least a "women's wing" and a "youth wing."

In this chapter I will examine the way in which political parties have in the past promoted and projected (and might in the future promote and project) the particular interests of women in Ghana to the highest levels of national life. I have concentrated on women, as they represent the largest sub-group. In this instance "women" is coterminous with "female," which means that the concern is for the representation of a group that numerically constitutes at least 50% of the total population of Ghana, and, as mentioned in my introduction, contributes significantly, (at times critically) to the political, social, and economic life of this country. What seems beyond doubt is that women are a major, semi-organized, social group, that must be included in any attempt to understand politics in Ghana.

It seems clear that whilst Ghanaian women — individually and collectively — have actively participated in the politics of the anti-colonial struggle and post-Independence national politics, the political system has failed women.<sup>3</sup> The importance of women's participation has always been recognized, but this has brought little actual progress or improvement in the condition of women in Ghana. The visible representation of women in Ghana, is both quantitatively and qualitatively low, and has done nothing to remove the invisibility surrounding women.

The status of women in Ghana can be statistically represented as follows: women in Ghana are slightly over fifty per cent of the population. Whilst 70% of the total population of Ghana live in the rural areas, around 80% of the total female population lives in the rural areas. This means that 50% of all rural workers in the farming sector are women, but only 25% of those classed as "farmers" or "farm managers," are women.<sup>4</sup> Why? Because even though they are responsible for producing about 60% of our food, women are denied access to credit, find it difficult to secure the ownership of land, and are by-passed by extension officers who are geared towards the larger farms and agricultural units.

Ghana has a high incidence of maternal mortality in comparison to other nations with similar birth rates, and 69% of women tested in antenatal clinics in 1987, were shown to be anaemic due to malnutrition. Now if the pregnant woman is malnourished, what hope is there for the baby, and what might be happening to the children she already has at home, and to the aged parent who is living with her, and so on.

In the "lean" season, 36% of women were found to be underweight, dropping to 19% during the rest of the year, but the equivalent male rates are 23% in the "lean" season, and 3% otherwise. 32.5% of

the population of Ghana is literate, with 42% of all males classed as such, yet only 23% of females, and the drop-out rate for young girls is far higher than for boys, so the future female literacy rate does not look too promising either.

Whilst the economy struggles to recover, and some of the traditional extended family ties are being strained to and past breaking point, more women are being classified as the heads of their households than before: 25%, 34%, and 26%, in Accra, other urban, and the rural areas respectively.

Only 9% of persons serving on public bodies as government administrators, managing directors of corporations or enterprises and legislative bodies were female in 1984, and the numbers have not improved significantly since then.<sup>5</sup> With the high female school drop-out rate, the prospects for increasing this number recedes as fewer young women emerge from the educational system literate in the language of business and government — English.

In the District Assemblies which were established in 1988 in each of the 110 districts in Ghana, ostensibly to implement a radical decentralization programme and increase popular participation in decision-making at the community level, only 9.1% of their membership are female, and the majority of these belong to the government appointed one-third of the assemblies' membership, rather than to the directly elected majority.

In the Consultative Assembly which drafted the 4th Republican Constitution, there were only 25 women out of some 260 members, and whilst the nine-person ruling Provisional National Defence Council itself has always since 1983 had one woman member, there are presently no women Secretaries of State, whilst a few have been and are deputies. There are only two women ambassadors in Ghana's diplomatic corps.

It seems that even as we continue the national search for representative government, there is still a school of thought that believes that "women's issues" are somehow distinct and separate from the *real* business of politics and government.

In an article written seventeen years ago by Jean O'Barr, the author stated that future "development" was likely to be more dependent on the female population than on the male population for the present, near and distant future. The statement is no less relevant today. Our national development plans must increasingly target women and an improvement in women's experience of education, life-style and employment, if

the overall picture for Ghana is to improve dramatically.

### Ghanaian Women and National Politics: Representation

Politics in Ghana has traditionally focused on social groups. It is the resilience of these groups that has maintained the interest of the population in political activity, and the capacity of Ghanaians to swiftly regroup and organize themselves politically at the national level.

The history of women's participation in Ghanaian politics, although only sketchily drawn, shows conclusively that in the anti-colonial struggle, when and where women perceived that their interests were under direct threat from the actions of the colonial authorities (and this was usually, though not exclusively, in relation to a policy or colonial representative which attacked the political position which the majority of Ghanaian, in fact African women derive from their economic role in our subsistence societies) they were prepared to take positive action — see the Cocoa boycotts etc.. And Nkrumah, the master party organizer that he was, understood intimately the need to draw women into the Convention People's Party (CPP), and advocated a role for them as vanguard activists, and even in the clumsy and undemocratic attempt to ensure women's representation in Parliament (the Representation of the People (Women Members) Acts of 1959, and 1960), showed a genuine commitment to propelling women on to the national political stage.<sup>6</sup>

Unfortunately, and perhaps reflecting the social and intellectual basis of the Danquah-Busia tradition, their silence on the position of women even within the party hierarchy has been deafening. In the debate that surrounded the CPP government's 1959/60 proposal for the election of 10 women Members to the National Assembly by electoral colleges,<sup>7</sup> the Opposition were vocal in their denunciation of the move as "undemocratic and unconstitutional," which it was, *without* addressing the issue of how to overcome the societal barriers that prevented women from successfully competing for seats in the Assembly.

The figures for the return of women to the legislature at each general election, since 1954, when Miss Mabel Dove was the only woman returned, were as follows: in 1956, no women were returned, in 1960, under the amended Representation of the People (Women Members) Act, 1960, 10 women, all CPP, were elected by the Assembly on a regional basis,<sup>8</sup> in 1965, 19 women were returned to the Assembly. Nine of these were those who had entered in 1960, 10 were new, and of

course following the 1964 Referendum and the promulgation of a one-party state in Ghana, all those returned in 1965 were members of the CPP. The first woman to hold national office, Mrs S. Alhassan, was made Minister of Social Welfare.<sup>9</sup>

The Second Republic, saw only a single woman returned to Parliament, at the general election, and she won a seat in the North, as a representative of the National Alliance of Liberals (NAL). So insignificant was this victory, that the *Legon Observer*, did not even bother to single it out in all its pages of post-election analysis and commentary that continued virtually until the end of 1969! But even more interestingly, the Progress Party (PP), which won the election by a massive margin, only fielded one female out of a total of 138 candidates nationally, whilst 2 women stood as Independents, NAL fielded 4 women, the United Nationalist Party (UNP), 1 woman, and the All People's Republican Party (APRP), 1 woman.<sup>10</sup>

Whilst the PP's only mention of women in the preamble to their Constitution read:

(to) 10. ENSURE that increasingly the control of the economy shall be in the hands of Ghanaians (*market-women* and Ghanaian businessmen),<sup>11</sup>

Komla Gbedemah was busy announcing at the NAL Southern Region's women's rally, that:

four women are being put up by the NAL as candidates in their own right for the forthcoming elections.

*As a mark of the seriousness which the Party attaches to the representation of women, it is my pleasure to record that in the Northern and Upper Regions, two very eligible men stood down in order to make room for a woman (my emphasis).<sup>12</sup>*

In the 3rd Republic, 5 women were returned from a total of 20 candidates standing in 19 constituencies. Of these, 4 were from the People's National Party (PNP), reflecting the CPP group's tradition in the organization and promotion of women, and one from the Action Congress Party (ACP). 2 of the PNP women were names from the past: Miss Victoria Nyame, who won Sunyani in 1979, had been one of the 10 women elected to the National Assembly by the Assembly in 1960, whilst Miss Agatha Ama Awuah, who won Denkyira in 1979, had come third in the same seat in 1969, standing for the APRP. The total number

of women candidates fielded were: PNP, six ACP, three; Popular Front Party (PFP), one; United National Convention (UNC), three; Third Force Party (TFP), three; Social Democratic Front (SDF), four.<sup>13</sup>

Women have been and continue to be under-represented. But even when they are represented, it seems that the benefits to women as a group, when they do occur, are almost incidental to their presence. This has much to do with a lack of awareness of women as a collectivity with special needs and demands to make of the body politic. It is possible, that women in Ghana will have to first develop a truly national, truly non-partisan, truly classless, political movement or pressure group, before effectively identifying their concerns, and ensuring that these are carried up and down the corridors of power.

I suggest that the absence of such an independent body (an important vacuum in the associational life of civil society in Ghana) has contributed to the ability of those seeking the political heights, to opportunistically latch on to "women's issues," and mobilize women behind their actual priority: national political power and/or political legitimacy.<sup>14</sup>

### **Ghanaian Women and National Politics: Policy**

But, as has been said time and again, the problems of the body politic in Ghana can hardly be laid at the door of democracy and/or party politics, since we have enjoyed so little of both. More critically, neither "regime" nor "revolutionary" politics as we have experienced them in the greater part of our post-independence political history, has improved either the representation or the position of women in Ghana.

We have already mentioned the CPP's initiative for ensuring women Members of the National Assembly, but what did the Nkrumah/CPP years specifically do for the position of women in Ghana? Certainly, national programmes such as the extension of free education and health services, would have benefitted some women within the general population, and Nkrumah, perhaps following the example of the progressive policies of the Eastern bloc, took personal interest in the creation of a military Women's Auxiliary Corps, and encouraged the same opportunities for training and advancement for the female members of the armed forces.

Under the law, women in Ghana seem to be equitably treated. They have the right to engage in economic activity, and own property



absolutely. They may or may not get married, they can bear children outside marriage with no loss of rights for these children and little social stigma. Women can sue or be sued in their own name, lend money to husbands and expect a refund. But even here, the picture is incomplete without the mention of the regular eviction of a widow and her children on the death of a spouse, or their inability to obtain credit, official assistance and agricultural inputs, for their farming activities, or the fact that in some areas women do not have equal access to land and have lesser inheritance rights within families than male members.<sup>15</sup>

The National Council on Women and Development (NCWD), established by the Government of Ghana, in 1975, as a response to the International Women's Year, and to ensure that the objectives of the United Nations Decade for Women, are achieved in Ghana, has been the most consistent and persistent watchdog of issues concerning women in Ghana. Unfortunately, the NCWD has suffered in its ability to work effectively for women in Ghana in two ways: first, because it is essentially a bureaucratic arm of the state, it has been unable to take up an aggressively political campaigning role; and secondly, in more recent times, it has suffered political marginalization as the PNDC established its own "women's wing" to mobilize the women of Ghana behind its own programme — the 31st December Women's Movement (31st DWM).

Ten years ago women traders were scapegoated by the regime as the cause of the nation's political, economic and social crises. Those early 'revolutionary' times saw violent attacks on the economically derived political position of women, and many women lost income and assets through the destruction of their wares and markets. However, the regime soon realized the importance of mobilizing women to its cause, and this has manifested itself in Nana Konadu Agyeman-Rawlings' high profile role as the President of the 31st DWM.<sup>16</sup> But even those laws which have assumed the position of testaments to the PNDC's commitment to the improvement of the status of women (the Intestate Succession Law, and the Customary Marriages Registration Law), have been shown to be seriously flawed and are in need of amendment.<sup>17</sup>

Furthermore, the representation of women at the level of PNDC Secretary and the essential policy-making levels has remained surprisingly low. Impressionistically, there appears to be a marked difference in the standards applied to evaluating a woman's performance in high

office. It appears that the number of women District Secretaries to have been removed or investigated for various alleged misdeeds, is disproportionately large, given the total number of women in the position of District Secretaries.

The managing boards of the state-owned press houses — Graphic and New Times Corporations — were reconstituted earlier this year, without a single woman on either. We should be surprised that this omission happened at all, but also that no public outcry was raised by the 31st DWM, which claims to be the only national, non-governmental women's organization, directed towards the political, social, and economic liberation of Ghanaian women.

### **Ghanaian Women and National Politics: the 1992 Political Parties**

In preparing for this paper, I looked at some of the constitutions of the 1992 political parties. At least one such constitution made it possible for the National Executive Committee of the party to be entirely male, except for the ex-officio presence of the Director of the Women's Section, which it was presumed would be a woman. For such a constitution to be produced in 1992, does not suggest that some of the new political parties seriously consider that the role of their women members extends beyond the traditional roles of cheerleaders, praise singers and refreshments providers.

It would seem that with the party constitutions as a starting point, certain mechanisms could be inserted that would give women more than a chance of playing a central role in the Party. It will be necessary for the party leaders to practise positive discrimination in their internal deliberations and election practices, as well as in their selection of candidates to contest parliamentary seats. It will not be good enough simply to say that women are free to stand, and any woman good enough will make it through. The odds are stacked heavily against them.<sup>18</sup>

The NAL solution of 1969, seems particularly useful: some male candidates in the Ghanaian equivalent of "safe seats," should stand down in favour of women candidates from the same party, so that women will make it to the legislature.

Those women who do find themselves in Parliament in the 4th Republic, whether in government or opposition, should form a cross-party women's caucus. This caucus could then pool resources to be able

to effectively lobby the Assembly, initiate debate on issues of concern to women, monitor legislation for gender bias, and follow-up on policy implementation.

From Chapter Six of the 4th Republican Constitution, the Directive Principles of State Policy, I have identified five gender-specific articles: Art. 35, sections 3-6; Art. 36, section 6; Art. 37, section 4; Art. 38, section 3; and Art. 39, section 2. The Directive Principles are the broad guidelines or the framework for government activity and policy-making, but they are not the only articles with something to say on areas of national life that deeply affect the position of women. However, I do not think it would be too much to ask of the young political parties that, at least, in the first instance, they address the issues raised in the Directive Principles in their forthcoming manifestoes. Further, it should be possible for us to monitor the policy/decision-making activities of the new government against the Directive Principles, and the party manifestoes, for a sincere commitment to setting an environment in which women in Ghana are able to develop their full human resource potential.

Clause 22 in Chapter 5 of the Fourth Republican Constitution entitled: "Property Rights of Spouses," is aimed at mitigating the humiliating circumstances in which many women in Ghana find themselves on the dissolution of a marriage. In sections 2 and 3, it states:

- (2) Parliament shall, as soon as practicable after the coming into force of this Constitution, enact legislation regulating the property rights of spouses.
- (3) With a view to achieving the full realization of the rights referred to in clause (2) of this article —
  - (a) spouses shall have equal access to property jointly acquired during marriage;
  - (b) assets which are jointly acquired during marriage shall be distributed equitably between the spouses upon dissolution of the marriage.

Thus far the principles seem clear. But when it comes to law-making, how is the issue of proving that any property in the marital estate was "jointly acquired", to be resolved? Even now, the greatest difficulty facing women confronted with the dissolution of their marriage, is the burden of proof that any property acquired during the marriage was jointly so. For example, a woman who has been a homemaker and supporting partner for twenty years without any independent income, is unlikely to be able to produce any receipts or documentation as to her *financial* contribution to the acquisition of

property, although her non-financial contribution to the estate's growth, would be quite substantial. Yet, and unfortunately, the idea that behind every man is a woman, is not a legal concept!

How do we guarantee that the spirit of the Constitution becomes the letter of the law with respect to the property rights of spouses? Perhaps by the use of fixed proportions as a means of distribution; perhaps by minimizing the space for interpretation by the Courts, where judges, et cetera, are predominantly male. But, if there are no women, let alone female spouses in Parliament, who is going to ensure that the law as enacted will address their legitimate concerns?<sup>20</sup>

Political parties as political institutions will be at the centre of the political system in the Fourth Republic. As associations representing the concerns of specific social groups, and as vehicles for the promotion of those concerns at the national level, political parties can act as a mechanism for bringing women to centre stage in national politics. There seems little doubt that if this is not done, Ghana's chances of national development and growth are minimal.

## NOTES

1. Interim National Electoral Commission (INEC) booklet, *A Guide to Political Parties*
2. *Ibid.*
3. Justice Mrs. Cecilia Koranteng-Addo, who had attained a senior position as a member of the judiciary and a public servant, paid the ultimate price at a time of political conflict and lawlessness.
4. All statistics in this section are taken from the ROG/UNICEF report - *Children and Women in Ghana: A Situation Analysis*, 1990
5. Report by Government of Ghana to Committee monitoring the Convention on the Elimination of all forms of Discrimination Against Women, at the United Nations, 1991
6. The Representation of the People (Women Members) Act of 1959, (Act No. 72), provided for the election of not more than ten women as additional Members of Parliament, by regional women's electoral colleges constituted of women elected from each of the districts of the region. The allocation of these ten seats was as follows: three from the Northern Region, two each from the Eastern and Western Regions, and one each from Volta, Ashanti, and Brong-Ahafo. As the necessary mechanisms were not in place before the decision to make Ghana a Republic, the Representation of the People (Women Members) Act of 1960, (Act No.

- 8), repealed the previous Act, and provided that the National Assembly itself could elect ten women as additional Members of Parliament, in the same ratio as before. This was done, and ten women were sworn in to Parliament on the eve of the Republic.
7. Parliamentary Hansards, 10th November 1959, Cols 292-318, and 7th June 1960, Cols 12-14.
  8. Parliamentary Hansard, 27th June 1960, Col 210. The women were sworn in on the 28th and the 29th June 1960!.
  9. Recorded in the Parliamentary Hansard, 1st Session of the 1st Republic of Ghana, 10th June 1965.
  10. The Legon Observer, 5th September 1969.
  11. The Constitution of the Progress Party, 1969.
  12. Speech made by Mr. K.A. Gbedemah, Leader of the National Alliance of Liberals, at the Southern Region Women's Rally in Accra, 1969.
  13. The Legon Observer, 27th July 1979.
  14. See Tsikata, *Women's Political Organizations, 1951-87*
  15. See Manuh, T. *Women's Exercise of Power and the Law in Ghana*
  16. See Tsikata, above. Nana Konadu Agyeman-Rawlings is the wife of the Chairman of the PNDC, Flt-Lt J.J. Rawlings.
  17. For example, one intention of the Intestate Succession Law is presumably to ensure that children, especially minors, are not deprived of the benefits of their deceased parent's estate. But legal aid lawyers in Accra, have recently been petitioned by a fifty-six year old man, for help in acquiring his share of the nine-sixteenths of his late father's estate which is allocated to all the recognized children of the deceased. The deceased's spouse at the time of his death was a thirty - year old woman, and the youngest siblings of the petitioner are both under eight years of age. This is not an unusual situation. The sum total of the deceased's estate is a very modest two-room house in central Accra. As the Law stands, all the deceased's children from the youngest to the fifty-somethings are entitled to a share of nine-sixteenths of his estate. The custom by which the Law has been applied suggests that the "estate" will be liquidated in order to distribute the entitlements, thereby leaving the widow and two young children without a home. A classic example of the anomalies that can occur when proposed legislation is not exposed to the widest possible debate.
  18. The deposit for Prospective Parliamentary Candidates is €100,000.00 (one hundred thousand cedis), For Presidential Candidates the deposit is €2 million (two million cedis!) — a huge sum of money for most women to find, and be prepared to lose. And this is quite apart from other election expenses, and the cost of running a parliamentary office if she wins.

19. The Constitution of the Republic of Ghana, 1992.
20. For an "insider's" experience of this point see Dolphyne, *The Emancipation of Women*, pages 47-49.

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Part III

*Political Parties,  
Representation and  
Democracy*



## POLITICAL PARTIES, REPRESENTATION AND DEMOCRACY

Donald Anderson

### Introduction

I begin this chapter with the same disclaimer as in the previous one: that is, I speak as a practitioner, and not as an academic expert. I speak as someone convinced of the virtues of pluralistic democracy and the role of opposition — but regretting the fact that my party latterly has had too much experience of that role!

I recall one experience in the Inter-Parliamentary Union (IPU)—which accepts as members all countries which have institutions they call “parliaments”—two or three years ago. At the final vote, country by country, we heard the national votes announced: North Korea (unanimous) Zambia (unanimous) Canada (4 for, 4 against, 4 abstentions). The Canadian announcement was greeted by laughter, but represented the result of real debate and genuine differences. I wondered whether there can really be such unanimity in any country.

For the former Soviets and their allies such unanimity arose from the arrogant assumption, based on Marxist-Leninist ideology that the single party knew and represented the real interests of the people, whatever the people themselves misguidedly may have thought. Their politics envisaged an ultimate happy state where all “contradictions” would have ceased — a state of harmony, wholly unreal, and the search for which leads to dictatorship.

In the case of newer countries the single party, which led the struggle for independence, saw rapid development as so self-evidently in the national interest that there was no case for multi-partyism, which would create and encourage differences and divert scarce talent. Even a benign autocracy, such as that of United National Independence Party (UNIP) in Zambia with a lively internal opposition, was based on a fiction which can so often lead to corruption and cronyism.

In Western democracies, at times of war where there is a single national objective, party politics is suspended for the duration of the

emergency. The assumption is, however, that as soon as practicable, politics will return to "normal." And in Uganda, following the military victory of the National Resistance Army (NRA) in 1985-6 there is no party activity in Parliament, but leaders of the parties do take leading Government portfolios, apparently on the assumption that this is a transitional period.

I reject the Marxist illusion that there can be an ultimate state of harmony. Political activity involves the clash and reconciliation of interests. Such differences will always exist and to override or ignore them will lead to differing forms of authoritarianism and civil strife. The party system is one well tried mechanism to accommodate such differences. Multipartyism and the pluralism of interest groups competing for attention is now the wave of the future around the world as communism is seen to be the god that failed.

At the end of the 1970s Brezhnev could look back with satisfaction at the advance of Soviet interests and allies in the developing world over the decade. In 1981 he boasted to the 26th Party Congress of the Communist Party of the Soviet Union (CPSU): "In literally all fields World Socialism is advancing steadily." A decade later communism is dead, save in a few scattered dinosaur states: and democracy advances as dictators fall to people's power. The second cold war came to an end and the subsequent super-power co-operation has had profound effects on the African political landscape.

One remarkable change was the breaking of the impasse over Namibian independence. A consensus constitution was agreed which represented not the absolute triumph of one party. New and old now work together. The effects are seen elsewhere. Kenneth Kaunda, with extreme dignity, acknowledged his defeat in the elections and now Movement for Multiparty Democracy (MMD) and UNIP MPs represent their country together at international conferences. In West Africa, there are triumphs such as Benin, dangers of reversion such as Togo, and other countries where the jury is still out.

I stated that one tradition is that the party system is suspended on the assumption that one day the immediate problem will be solved and politics will return to "normal." This was the case in France in 1958 when it appeared that only President de Gaulle, with authoritarian powers, could solve the Algerian problem, which the traditional party system could not. Will President Yeltsin have to revert to greater authoritarianism to tackle Russia's economic problems? Can democratic regimes in Africa sell structural adjustment programmes

to their electorates?

Significantly, even when party regimes are overturned by the military, there is a return to the normality of party rule after a period (Ghana in 1969 and 1979, Nigeria in 1979 and numerous examples in Latin America and Asia).

I remain convinced that the best means of accommodating conflicting interests by peaceful means and of offering meaningful participation to the people and legitimacy to government lies in a multi-party system. As Uwazurike has said: "Nearly universally the single party system has degenerated into a form of oligarchic patrimonialism that was even unknown in pre-colonial Africa."<sup>1</sup>

The dangers of multi-partyism are well rehearsed by critics. Multi-partyism emphasizes diversity when national unity may be deemed essential. It may give scope for regional, ethnic or religious interests to prevail. It may fragment into an ungovernable chaos — see the present problems in Poland or the large number of parties formed in Togo. There are, however, tried constitutional devices to reduce these dangers. In most circumstances parties can best bring together people and government.

I concede that there are peculiar problems in the politics of transition. How can a smooth transition be encouraged? How should one deal with representatives of the old regime, some of whom may be considered to be guilty of human rights abuses? Even with such a background and with all the temptations, policies of national reconciliation are most likely to lead to an enduring democratic system. A spirit of revenge will simply build up the danger of future reprisals when the opportunity is offered (we see the continued place of Pinochet in Chile, and the fact that Ian Smith lives as a private citizen in Zimbabwe.) Nation building demands a generosity of spirit. It is, however, infinitely more difficult at a time of world recession. I recognize, as a comfortable Westener, I have perhaps laid too much stress on political as opposed to social democracy.

The concept of an opposition may be difficult in some political cultures. Chief Emeka Anyaoku, the Commonwealth Secretary-General and a Nigerian, said: "I do not know of any African language whose political lexicon includes the concept of a leader of the loyal opposition." However, to insist on the concept of a political enemy too has its clear dangers. The British tradition has been that of consensus and accommodation. An opposition is not regarded as subversive or destabilizing. Why? Because, ultimately, it is recognized by all sides that there is a national interest, that the will of the majority as freely expressed in

elections must prevail, and the rules of the game are well known and normally respected. If the House of Commons is sometimes turbulent, better the turbulence there than in the streets. Parties work together on the allocation of committees and in a number of bi-partisan fora. The spirit of dominance is dangerous. There is a degree of co-operation across party, particularly in the field of foreign affairs. I have been a strong critic of aspects of the British Government's African policy, particularly in Southern Africa, yet I was invited by the Government to attend this seminar.

What about countries with deep internal cleavages? If parties are based on regions which are not in government, the whole region is disenfranchised. Sharp social differences in Central America, with the exception of Costa Rica and Belize, made the establishment of democracy more difficult. The North-South divide in West Africa calls for an effort of reconciliatory statesmanship on the part of leaders. On what basis would different parties be formed in West Africa — traditional party memories? Left versus right? Urban versus rural? Modernist versus traditionalist?

If there are difficulties in achieving a national approach, there are clearly well-tried devices for diffusing power and encouraging co-operation — second chamber, federalism, blocking mechanisms and entrenched clauses in constitutions, a Bill of Rights, minimum level of electoral support before representation in Parliament, and so forth.

All these mechanisms will fail if there is no fundamental spirit of give-and-take which can ultimately override all particular differences, where no party believes that it has a monopoly of wisdom, and where no party exercises the politics of exclusion. Cromwell said in despair, "Think, ye may be mistaken." There spoke a true democrat. It is not form which matters, but spirit. An election, however important, is only the first step in establishing a vital democracy.

My firm conclusion from history and today's examples is that one of the key elements which can encourage participation and ensure political stability is the multiparty system. There is a strong wind of democracy blowing in Africa. Adapted to particular circumstances and with any necessary safeguards, the multiparty system will be an essential component of that democracy.

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## DEMOCRACY WITHOUT POLITICAL PARTIES: THE CASE OF DISTRICT ASSEMBLIES

Mike Oquaye

### Introduction

The establishment of District Assemblies (DAs) may be seen as a logical sequence in the search of the Provisional National Defence Council (PNDC) for a participatory, grassroots democracy. The PNDC was of the view that previous governments had failed the people because the system of representation resulted in governments that were remote from the electorate, and numerically placed power in the hands of a few rich and influential people.<sup>1</sup>

At all levels of political participation, from the localities to the national level, a system of simple, direct representation without political parties was envisaged by the PNDC. In setting up the (NCD), Rawlings said that:

democracy is not realized merely by having a machinery for registering voters and getting them to vote every four years, but also by there being a machinery for identifying the needs of those voters in between the election periods and monitoring the realization these needs.<sup>2</sup>

Rawlings has expressed the view that democracy cannot be found in the arsenal of political parties. Parties have no place in grassroots democracy. He said:

rivalries and animosities among political parties sharpened as the country grew older. These were not in the form of healthy competition in which one party in power strove to do its best so that the electorate might re-elect it. Rather, while building its own funds by some dubious means, a political party also bought support by providing opportunities for bribery, theft, embezzlement and trade malpractices. Gradually, these were becoming the vogue in our political and social life, while the rewards for honesty turned out to be a self-inflicted punishment.<sup>3</sup>

Rawlings did not perceive democracy in terms of the ballot box but in terms of a communalistic decision-making process in which every individual would be involved from the local level on. Indeed, the formal process of going to the polls must be avoided but if it cannot, then political parties should not be part of the process, in any case. Rawlings expressed the view that: "some regard democracy as the process of choosing between a restricted group of people by means of the ballot box. The process of this kind of democracy ends when the voter puts his piece of paper inside the ballot box"<sup>4</sup> Rawlings advocated a system where "consultations and debates go on at the grassroots levels and every individual has a greater opportunity than ever before to participate in the formulation of policies."<sup>5</sup>

In this connection, political parties are seen as the major obstacle to the liberty of the individual to freely participate in local government.

This simple approach to politics is so vital that P.V. Obeng saw the District Assembly concept unfettered by political parties as a logical sequence in the PNDC's search for democracy. He said that:

the District Assembly concept seeks to fulfil two promises the PNDC made when it first came to power: to bring the government to the doorstep of the people and to ensure participatory democracy.<sup>6</sup>

Of course, in Obeng's view, political parties constitute obstacles in bringing local government to the doorstep of everyone.

### **The Blue Book and PNDC Law 207**

In mid- 1987, in a document popularly known as the "Blue Book", the PNDC released its plans for DAs to unveil a further stage in the evolving democratic process.<sup>7</sup> It dealt with the number of DAs, their structure, functions, nomination and election of members, their tenure and conditions of office as well as duties. The modalities for the conduct of elections were also dealt with. The Blue Book formed the basis of PNDC Law 207 (The Local Government Law, 1988).

The emphasis was placed on the individual and not on political organizations/parties which were eliminated altogether. To qualify to stand for a DA election, a candidate should be a citizen of Ghana, aged 18 years and above, be of sound mind, must have fulfilled his tax and rate obligations, and should be ordinarily resident in the district.<sup>8</sup>

In the nomination of candidates, we observe the following:

- (i) every person who is qualified to vote in the District has a right to be proposed as a candidate;
- (ii) candidates shall be nominated in their personal capacities by 25 individual qualified voters in the electoral area;
- (iii) no candidate may be proposed in the name of an organization;
- (iv) no person shall be disqualified from standing as a candidate by reason only of his status, position, profession, religion, creed, ethnic origin, race, occupation or traditional standing; and
- (v) photographs of the nominated candidates shall be posted at vantage points in the electoral district. This will be accompanied by a brief life history provided by the candidate.<sup>9</sup>

These provisions obviously underscored the emphasis being placed on participation on an individual basis without the supposed trappings of political parties.

District Election Committees (DECs) were provided for to effect individual participation as follows:-

- (i) The NCD shall establish a (5) five-member DEC from among citizens who would have volunteered themselves for this purpose;
- (ii) the DEC shall, under the supervision of the NCD, create a platform for the candidates to present themselves and their programmes to the electorate and to respond to questions and queries;
- (iii) the DEC shall verify the qualifications of the candidates and the accuracy of their self-declared life histories;
- (iv) the DEC shall ensure that NO candidate will mount a public platform other than that created by the NCD for presenting himself, his programme or attempting to respond to questions and queries.<sup>10</sup>

In order to ensure that the elected Assemblyman is personally



responsible to his electorate as an individual and not as part of a party machine, Law 207 provided that the mandate of an elected member of a DA could be revoked by the electorate should he lose the confidence of the electorate. The Assemblyman, who cannot hide behind a collective entity, to wit a political party, may be recalled on the grounds that:

- (i) the member has abandoned the idea and programmes which he personally presented to the people and for which he was elected as an individual;
- (ii) he has systematically neglected his duties;
- (iii) he has committed acts incompatible with his office as a member of the District Assembly.<sup>11</sup>

### **Nomination and Campaign**

In order to secure a candidature a person had to be nominated, not by a political party, but by 25 registered voters in the District. After vetting, the DEC had the power to prune the candidates to 2 or 3. The process of pruning was bizarre since the DEC had absolute discretion to accept or reject a candidate. Several persons complained that the process was a closed shop in favour of persons favoured by District Secretaries and the local Committees for the Defence of the Revolution (CDRs). In some cases, candidates from the revolutionary organs were quickly pushed forward to block certain unwanted candidates. Behind the scenes, therefore, it appeared that the CDRs were doing the work of political parties in a restricted fashion.

The non-party platforms made interesting study. Those who supported the process argued that this manner of campaign was a victory for grassroots participatory democracy in that by the single platform system, no candidate had an edge over the other because of financial and other considerations.

During the process, the DEC received various reports from the public and conducted enquiries. These were used to disqualify some candidates outright. Others were invited to appear in public, mount the platforms and face their accusers. In some cases, the candidates failed to turn up thereafter.

For example, three candidates for the District Assembly election in the Nzema East District, — Mr. Ben Matthew Baidoo of Gwira Eshiem

in the Ankobra River State electoral area, Mr. Ehimah Ebi of Gwira Baso electoral area and Mr. Thaddeus Lemane of Dominase electoral area, all in the Gwira traditional area, were reportedly disqualified "for various electoral offences including, forgery and dishonesty."<sup>12</sup> The Chairman of the Nzema East DEC, Mr. Joseph Mochiah, said that Mr. Baidoo, for example, failed to report on the day a platform was mounted for him to meet the people. Mr. Baidoo allegedly forged signatures and thumbprints of a number of his nominees while Mr. Ebi confessed, on being confronted, that he had served a three-month jail term for theft while he was an employee of the Prestea Goldfields Ltd. Mr. Lemane allegedly forged a thumbprint of one Ndele Ebba as one of his nominees.<sup>13</sup>

In some cases, wild allegations were made which could not be substantiated. At a platform at Akrofuom near Obuasi, the Adansi West DEC faced a situation where some of the electorate called for the disqualification of three candidates whom they accused of "bad behaviour" over the years. Nothing concrete was advanced to support this allegation and the members of the DEC reminded the people that disqualification of candidates was the responsibility of the DEC who would act only upon concrete evidence and thorough investigations into allegations. On this occasion, the DEC schooled the public on the laws of libel and slander and cautioned them to be careful about their utterances so that their newly-won right in participatory democracy could be appropriately exercised.<sup>14</sup>

Notwithstanding the absence of political parties, the platforms often became very dramatic as local people showed their enthusiasm. For example in Mankessim, in the Central Region of Ghana, a candidate was arrested just as he stepped down from the platform after presentation of his manifesto. The candidate, who was also a chief in the area, was Nana Appah Kurankye VI, who was seeking election in Edumadze-Twafo-Akyinim electoral area. He was alleged to have failed to re-pay a loan of ₵57,245.00 which he had taken from the Aburaman Rural Bank. It was alleged that in February 1988 the chief used his influence to obtain the loan which he promised to repay in five days' time. He had not repaid the loan by November 1988.<sup>15</sup>

In the Asutifi District in the Brong-Ahafo Region, Mr. Evans Oppong, a 38 year old candidate was accused of stealing a clock belonging to a local postal agency when he was a postal agent several years earlier. After a hectic public quizzing by his accusers, Mr. Oppong said he handed the clock over to the Town Development Committee (TDC) before leaving for Nigeria. This response attracted the attention

of the Chairman of the TDC who instantly mounted the platform and on behalf of the TDC denied that Oppong ever returned the clock. Oppong reportedly disappeared from the scene. Earlier on, Oppong who had promised to work towards the betterment of the people, was asked by one questioner, how he could be trusted when he fled the country when the going was tough in Ghana to seek greener pastures in Nigeria.<sup>16</sup>

In the Jasikan District in the Volta Region, one Mr. Emmanuel Kumado, was winning applause as the most outstanding public speaker among a number of candidates until he was exposed for being in the habit of harvesting fish from other people's nets in the Volta Lake. Other people appeared to give on-the-spot evidence to establish, *inter alia*, that Mr. Kumado was caught in one such act in 1983. He had to admit in public that he paid a fine of 10 bottles of *akpeteshie* (local gin) at a traditional court presided over by Amega Xatsawotsope.<sup>17</sup>

In some cases, the system was apparently manipulated by some members of the public, supposedly CDR men, who manufactured allegations to discredit certain candidates. On Saturday, 11 February 1989, a platform was mounted in Accra Central by the DEC to introduce three candidates who were contesting the elections to the electorate. The rally, chaired by Mr. H.E. Golightly, Chairman of the Ashiedu-Keteke DEC at Kokompe (a suburb spare parts area in Accra), had to be called off at one stage.

The problem arose after a candidate, Mr. Jerry Nii Akwei Thompson, a 43 year old accountant, had pledged to promote health, education and sanitation in the area. Suddenly, a section of the public who were not asking questions in an orderly manner that would invite answers, started shouting and hooting that the candidate was corrupt and a man of dubious character. There were wild allegations that the candidate had embezzled funds belonging to "Eshee Nyomo Feemo Kpee" a benevolent society in Accra in 1984.

Mr. Thompson was meticulous in answering his accusers factually when he had the chance, showing that he had used his time and skill sacrificially for the society and had only left the society because of "certain anomalies" on the part of others. However, when the time allotted Mr. Thompson was up, a section of the crowd raised a commotion and refused to allow other candidates to present their manifestoes. It is noteworthy that subsequently Mr. Thompson won the seat with 3,578 votes against 1,356 votes polled by Jonathan Jeff Adote a 50 year old pensioner and Mr. Daniel Nii Okai a 38 year old poultry farmer who came a miserable third.<sup>18</sup> It had become apparent that certain persons

had been procured to harass Mr. Thompson, an accountant, who stood his grounds. Several professionals and businessmen did not seek election because of the possibility of vituperations which the new system apparently encouraged under the guise of personal merit and not party affiliation.

Political parties present manifestoes stating their programmes and plans. In the absence of political parties, individuals were asked to say what they had to offer if they were elected. Candidates were asked questions relating to problems in the localities to test whether they had personally identified those problems and if they had identified those problems how best they thought they could be solved.

In general, however, it appeared that in questioning candidates, the public expected them to have some packages as panacea to their maladies. Hence questions were asked, and every candidate's manifesto included promises to resolve issues of development, agriculture, agro-industrialization, housing, education, health, good sanitation, health centres and clinics, good water, electricity, child welfare etc.

Sweeping promises were made by several candidates throughout the country. In the Asutifi district in the Brong Ahafo Region, for example, Mr. Yaw Amankwah, a 30 year old farmer promised to ensure adequate sanitation by providing incinerators and KVIP systems if he was elected. Mrs Cecilia Antwi, a 31 year old teacher noted that female education in the area was discouraging and she would take steps to correct this anomaly if elected.<sup>19</sup>

Mr. Yaw Mensah Aborampah, a 28 year old teacher said he would work for the supply of electricity in the whole area. Mr. Kofi Nsiah a 30 year old farmer assured the electorate that he would ensure that levies paid by the people were used for development projects. Mr. Kwabena Amponsah Manu, a 42 year old farmer, said he would liaise with the people to provide themselves with basic amenities such as treated water, a health centre and KVIP system. Mr. A.W. Berko 49, and Mr. Maxwell Anane, 32 (both teachers) promised to provide the town with water, toilet and other facilities.<sup>20</sup>

It was noted that most candidates promised to provide various amenities and undertake a wide variety of projects in a "Father Christmas" fashion. When a questioner asked one candidate in Kumasi how he proposed to finance his catalogue of promises, the answer was: "with your help and of *aban* (meaning the central government) we shall do it."<sup>21</sup>

The situation was often confusing but this was inevitable in the

Table 1  
RESULTS OF THE 1978 ELECTIONS

<i>Regions</i>	<i>Number of District Councils</i>	<i>Total Registered Voters</i>	<i>Total Votes Cast</i>	<i>Percentage Poll Based on All Registered Voters</i>	<i>Percentage Unopposed</i>
Ashanti	10	814,620	203,171	24.9	19.4
Brong Ahafo	8	549,138	102,955	18.7	38.0
Central	8	528,609	117,324	22.2	19.4
Eastern	9	626,503	103,837	16.6	35.5
Greater Accra	3	525,834	53,416	10.2	25.0
Northern	7	445,538	80,939	18.2	42.7
Upper	7	487,614	78,669	16.1	51.1
Volta *	7	465,811	71,050	15.3	55.3
Western **	5	367,834	75,929	20.6	27.4
<b>Total</b>	<b>64</b>	<b>4,822,501</b>	<b>887,290</b>	<b>18.4</b>	<b>34.9</b>

\* The results did not include one ward of Tongu District Council

\*\* Eleven wards in the Western Region refused to take part in the elections for not being given a separate District Council.

Source : Oquaye, Mike. *Politics in Ghana 1972 - 1979*

absence of political parties which would have provided viable, alternative manifestoes. The time given for platforms was too limited, and meaningful discussions could not be held. Freedom of expression was limited and generally not more than two platforms could be mounted in any one electoral area. In the circumstances, it could be said that the system might have restricted rather than broadened the perimeters of participation.

## Voting and Participation

For the purpose of conducting the DA elections, the country was divided into three zones. Zone One comprising Ashanti, Eastern, Central and Western Regions voted in December 1988; zone two comprising Upper East, Upper West and Northern Regions voted in January 1989 and zone three which was made up of Greater Accra, Volta and Brong Ahafo Regions voted in February 1989.

The NCD argued that this was to ensure optimum use of its limited facilities from one zone to the other. Others argued that in the absence of political parties to whip up enthusiasm, the PNDC wanted to transport its zealous cadres from one zone to the other to ensure by all means possible that there was a good turn-out.

Official figures gave the turn-out at the elections as 58.8%.<sup>22</sup> This compared most favourably with the District Council elections held in November 1978, when only 18.4% of the eligible voters actually went to the polls.<sup>23</sup> Table 1 gives the details of the 1978 elections.

The details released by the NCD regarding the 1988/89 District Level Elections on a comparative basis are shown in Table 2

The Ministry of Local Government published interesting details about the high turn-out in the Ashanti, Central, Eastern and Western Regions which give us the following picture: In Ashanti, the turn-out was as high as 69% in Amansie East, Bosomtwi-Atwima-Kwanwoma. It is notable that in 14 of the 18 electoral districts, 60% and above turn-out was recorded. However, in Kumasi proper, the turn out was as low as 45% This was the lowest followed by Ejura-Sekyere-Dumasi (47%), Asante Akim South (53%) and Afigya Sekyere (58%).

In the Central Region, Upper Denkyira topped with 70%. The lowest recorded was in Cape Coast with 50%. Six out of 12 Districts in the Central Region had a turn-out of 60% and above. In the Eastern Region, the East Akim District topped with 71.6%.

Table 2  
 PERCENTAGE OF VOTES CAST AGAINST REGISTERED VOTERS  
 IN THREE ELECTIONS

<i>Region</i>	<i>1978 District Council</i>	<i>1979 Paliamentary Elections</i>	<i>1988/89 District Level</i>
	<i>%</i>	<i>%</i>	<i>%</i>
Western	20.6	34.04	55.3
Central	22.2	33.34	59.3
Eastern	16.6	35.95	60.8
Volta	15.3	33.65	59.8
Ashanti	24.9	41.99	60.8
Brong Ahafo	18.7	33.16	60.2
Northern	18.2	32.09	60.6
Upper	16.8	32.82	64.7(Avg.)
Greater Accra	10.2	35.59	44.3
National Average	18.4%	35.25%	59%

The lowest turn-out was in Manya-Krobo with 49.5%. 9 out of 15 Districts had a turn-out of 60% and above. In the Western Region, the highest turn-out was Ahanta West with 63.72% The lowest turn-out was in Shama Ahanta East with 50.12% Only three Districts recorded a turn of 60% and above.<sup>24</sup>

Major disparities were noted between the turn-out in rural and urban centres. In the capital, Accra (including Tema), the percentage turn-out ranged from 34.4% to 46.29% except in two rural districts where the pattern was different. In Dangbe East the turn-out was 61.4% and in Dangbe West, 50%. This contrasts sharply with the turn-out in Ablekuma (37%) and Kpeshie (34%) in Accra.

This pattern pervaded the southern part of the country which is generally more developed than the northern part. For example, apart from Ho (Volta Region) and Koforidua (Eastern Region) all the districts surrounding the Regional capitals in the Greater Accra, Central, Western and Ashanti Regions had a comparatively lower turn-out. Even in the Northern, Upper West, Upper East and Brong Ahafo Regions voter turn-out diminished as you approached the capital though the turn-out on the whole was higher in these areas.

In the Upper West Region, for example, the rural districts of Nudule and Sissala had 70% and 79% respectively — far higher than the recorded figures in the capital, Wa. However, there was relatively low turn-out in certain districts of the Northern Region where conditions were similar but there was a far lower turn-out as follows — East Mamprusi (53.5%) Tolon/Kumbugu (53.0%) and West Gonja (51.5%). In the Brong Ahafo Region, the capital Sunyani recorded 58% in the district while in the Kintampo district (a very developed area) the turn-out was 53% despite the very high turn-out in other areas.

The working of political parties had usually shown more active participation of the urban people contrasted with rural counterparts. The reverse occurred in the DA elections. Several factors account for the rural-urban disparity in the reverse order. In the first place, by 1987, the PNDC had lost favour with the urban working class and had shifted attention to the rural people who were being wooed consistently. With the sharp emphasis on rural development, and the PNDC's presentation of the District Assemblies as organs for local development, the rural people saw the process as a unique opportunity to bridge the gap between rural-urban development. The rural people were, therefore, anxious to vote without being prompted by political parties.

Secondly, the PNDC which had been against chiefs in the past,



began to court the chiefs in a new policy of reconciliation. This policy worked more effectively in the rural areas for two reasons — the rural chiefs were more gullible whereas the urban chiefs were more wary of the PNDC; furthermore even where the chiefs were willing to embrace the new alliance, the influence of chiefs in mobilizing their people for the purpose of voting in any election has always been more effective in the rural than in the urban areas. In the capital, Accra, for example, the influence of chiefs in this direction is virtually nil.

Thirdly, the urban dwellers could not conceive the possible impact of the District Assemblies and how they could withstand the dominance of the PNDC at the centre.

Fourthly, the lower turn-out in the urban areas could be seen in terms of a protest vote against the PNDC's refusal to return the country to constitutional rule. This protest movement, spearheaded by the NUGS, GBA, TUC, KNRG etc. was more urban than rural.

In speaking of the high turn-out on the national scale, the first point to note is the unique role of the revolutionary organs, including the Defence Committees. They helped in vetting candidates and gave credibility to the public platforms many of which would have been empty without them. It is worthy of note, however, that most of these cadres were unemployed young men who were drafted as paid ad hoc political agitators by District Secretaries.

Secondly, the newly-created Districts which were more rural than urban, had a high turn-out not necessarily because of the people's interest in that particular election as such but the voters in these areas wanted to vote to show their appreciation for being given their "own" Districts and also to justify the creation of the new Districts. This was the case in Sissala, for example. In Krachi the PNDC had given back a rich area ceded from the District, upon a personal petition made by the Krachi Wura (Chief) to Rawlings. The Krachi Wura made it his business to organize public rallies and beat his gong-gong to mobilize support for the elections.

Thirdly, the governmental machinery from the NCD to the PNDC members and Secretaries, Regional and District Secretaries, took upon themselves to tour the various Districts and influence a good turn-out with promises that the elections were going to ensure the devolution of power to the people. In some cases, people were coerced to vote. In Accra, Mr. E.T. Mensah, chairman of the City Council, closed all markets including the famous Makola Market and posted home guards there. The impression was given that if you did not go to vote, you

would be noted and penalized.

Fourthly, the 31st December Women's Movement made a great impact. The Movement has established a wide network embracing every town and village in Ghana and helped in the establishment of nurseries, bakeries, gari factories, garment dyeing and processing factories, farms etc. throughout the country. To many women, it has been a source of inputs for their vocations and means of livelihood. The Movement did not only encourage women to vote massively to ensure that the right people were elected to protect the gains that women had made under the auspices of the Movement, but also insisted that as many women candidates as possible should actually stand for the elections and be elected to the Assemblies. During this period, "T" shirts, caps, cloth and other attractions were generously dished out by the Movement to win support and ensure women's participation.

Fifthly, the Ghana Private Road Transport Union (GPRTU) was roped in by the government in an unprecedented alliance whereby voters were transported free of charge from their towns, villages and abodes to polling stations. With the hooting vehicles standing by and the invitation by cadres and officials to get on board, a mighty attraction was created. Other transport organizations chipped in. In Berekum for example, the Berekum branch of the Progressive Transport Owners Association (PROTOA) released 30 vehicles to the Berekum DEC to help in the District Assembly elections. The vehicles also conveyed polling officers and ballot boxes to the various polling stations.

In the absence of political parties (they are essential to stimulate political activity, and as I had argued previously, their absence contributed to the low turn-out in the Local Council elections in 1978)<sup>25</sup> the factors enumerated above were in effect responsible for the exceptional situation that occurred in the 1988/89 District Level Elections.

It should be asked: should the PNDC be out of the scene together with the organs which worked towards the large turn-out, what would the picture be without the operation of political parties? The chances are that such elections would be poorly patronized. The point is that there were some powerful institutions, bodies and political personalities behind the process, who were not only partisan in nature, but well-endowed with governmental resources and power. The 31st December Women's Movement could be described in the circumstances as a "national women's party." Without such patronage, financed and sustained by the military government to promote its own agenda, and in the absence of political parties, the results in 1988/89 could well

Table 3

## OCCUPATIONAL DISTRIBUTION OF ASSEMBLY MEMBERS

Region	Agriculture	Medical & ParaMedical Staff	Teaching	Accounting and Banking	Development	Civil/Public Service	Self-Employed	Religious Leaders	Legal Practitioners	Others	Total
Greater Accra	61	7	77	18	14	82	44	6	4	26	339
Ashanti	459	25	360	13	15	94	112	11	4	87	1180
Western	165	5	180	5	10	38	42	—	—	7	452
Eastern	346	19	241	14	1	129	116	14	3	77	960
Volta	209	7	281	7	17	95	78	7	3	36	740
Central Upper	208	18	183	26	7	82	92	4	13	49	682
East	108	20	118	7	7	79	13	6	5	17	380
Brong Ahafo	277	22	301	3	9	86	73	1	3	6	781
Upper West	59	17	115	8	1	18	12	1	2	26	283
Northern	295	20	273	8	0	106	42	10	3	35	792
Total	2187	160	2129	109	81	839	624	60	40	360	6589
%	33.2	2.4	32.3	1.7	1.2	12.7	9.5	0.9	0.6	1.9	100

Source : Local Government Information Digest No . 7, 1989 p.19

have been a repetition of the November 1978 fiasco. Acheampong's "Society of Friends" etc were poorly organized and ineffective.

### **Background of Assemblymen**

With regard to the social background of the candidates who came out victorious, it is noted that they did not belong to the professional, business, and intellectual groups in society. In the Western Region, a conservancy labourer won a seat against a legal practitioner. Almost 65 per cent of all the Assembly members are farmers (even though some unemployed persons described themselves as farmers) and the other 35 per cent comprised public servants (mainly clerical officers), traders, artisans, elementary school teachers, fishermen, traditional rulers (of lower status) health workers (mainly of the lower and middle level) religious leaders (mainly of the spiritual and syncretic following), and a few lawyers. See Tables 3 and 4 for occupational distribution of Assembly members. This includes members nominated by government which improved the qualitative character of the Assemblies to some extent.

A sampling of the results shows that in the Upper East Region, an illiterate farmer won against a businessman. Other victors in that area included small scale farmers, 2 blacksmiths and nurses including one male nurse. In the Volta Region, the Akatsi District revealed that out of the 18 seats in the District, teachers won 8, farmers won 9 and a driver won one. Mrs. Eugenia Abla Kumasa, a female teacher won the Torve Electoral Area seat. In the Jasikan District, another female teacher Miss Edith Mensah won the Baika-Somanya Electoral Area seat against two male contenders. In the Hohoe District where 108 candidates vied for 48 seats, 9 were women, 48 were teachers and 40 were farmers. Two were priests while the rest were civil servants, pensioners and members of other vocations. In the Golokuati Electoral Area, four of the eight seats were won by teachers, one by a pensioner, one by a Civil Defence Organization (CDO) man, and one by a woman farmer, Mrs Elizabeth Avege.

The conclusion drawn from these developments is that the simple system of direct and individual participation without political parties enabled people who would otherwise have been relegated to the background, to become Assemblymen.

Table 4

## OCCUPATIONAL DISTRIBUTION OF ASSEMBLY MEMBERS (% BREAKDOWN)

Region	Agriculture	Medical & Para Medical Staff	Teaching	Accounting and Banking	Development	Civil/Public Service	Self-Employed	Religious Leaders	Legal Practitioners	Others
Greater Accra	17.9	2.0	22.7	5.3	4.1	24.1	12.9	1.7	1.1	7.6
Western	36.4	1.1	39.7	1.1	2.2	8.3	9.2	—	—	1.5
Central	29.7	2.5	26.1	3.7	1.0	11.7	13.1	1.8	0.7	9.2
Brong Ahafo	33.4	2.7	36.3	0.3	1.1	10.4	8.8	0.5	0.3	4.8
Upper West	20.8	6.0	40.6	2.8	0.3	16.9	4.2	0.3	0.7	7.0
Upper East	28.4	5.2	31	1.8	1.8	20.7	3.4	1.5	1.3	4.4
Northern	38.9	2.6	36.0	1.05	0.0	13.9	5.5	1.3	0.3	4.5
Volta	28.2	0.9	37.9	0.9	2.2	12.3	10.5	0.9	0.4	1.4
Eastern	36.0	1.9	25.1	1.4	0.1	13.4	12.0	1.4	0.3	7.9
Ashanti	38.8	2.1	30.5	1.1	1.2	7.9	9.4	0.9	0.3	7.3

Source : Local Government Information Digest No.7, 1989 p.21

## Problems Encountered

Assemblymen have encountered several problems in the performance of their duties including logistics, lack of funds, paucity of reliable data etc. but it is apparent that some of these problems are inherent in the feeling among several Assemblymen that they are their own masters, have attained their status by individual merit and are not subject to any visible party machinery. On the other hand, their interest appears to have fizzled out suddenly.

One possible explanation for the waning of interest of Assemblymen in their work is the absence of the Party Whip to stir them into action. Throughout 1991 and 1992, several DAs found it difficult to obtain the requisite quorum to proceed with their business. In this connection, the presiding member of the Tolon-Kumbungu DA, Tolon, suggested to Mr. Ahwoi that the provision that two-thirds of the Assembly must be present to elect a presiding member, should be changed and construed in terms of a simple majority "because according to what we read from the dailies, most Assemblies do not find it easy to get a quorum for voting."<sup>26</sup>

In mid-1992, it was reported that the Bolgatanga DA had adjourned its first ordinary session for the fourth time because it had persistently failed to obtain a quorum. For that reason a presiding member could not be elected, either. In an exasperated editorial in response to this development, *The Ghanaian Times*, echoed: "Recall them all."<sup>27</sup>

Some Assemblymen assumed the posture of local overlords and identified themselves personally with the Assembly, assuming personal powers in the process. As the PNDC Secretary for Local Government Mr. Kwamena Ahwoi himself observed,

according to reports reaching us, some individual Assemblymen have printed their own letter heads ... and are using these to intimidate public officers and also claim undeserved favours.<sup>28</sup>

The zeal to display their newly-acquired status of self-importance led some Assemblymen to act ultra-vires. For example, the District Secretary for Afigya Sekyere, Agona-Ashanti, Mr. Yaw Oppong Kyekyeku, addressing the second meeting of the Afigya-Sekyere District Assembly, revealed that some members of the District Assembly Town Development Committees (TDCs) and CDRs have entered into

unilateral agreements with timber contractors to fell trees in the area without reference to the District Assembly. It had become apparent that an assembly member had signed a whole agreement unilaterally.<sup>29</sup>

Some Assembly members understood the District and Local Tribunals system to mean that they could set up their own courts. Perhaps they wanted to continue with the People's Courts set up by some Defence Committee chairmen at their pleasure. In Kade, for example, the District Secretary for Kade, speaking for the Justice and Security Sub-Committee of the Kwaebibirem District Assembly, warned that no District Assemblyman/woman could constitute his or her own court to try cases. He advised that if there should be the need for any Tribunal, the Assembly could take a decision on it and the PNDC Secretary responsible for Tribunals would be contacted for necessary action to be taken.<sup>30</sup>

There was the report of an Assemblyman who had employed the services of body-guards. Another report was made of a Presiding Member who insisted he should be allocated an official bungalow in accordance with his new status.<sup>31</sup> As the *Information Digest* put it, "such unnecessary show of power and unwarranted power struggle divert attention from the real issues of development for which the Assemblies have been set up."<sup>32</sup> In no time some Assemblymen had caused the Assemblies to issue them with special identity cards and at least in one instance an Assemblyman had put a flag on the bonnet of his car. The Ministry of Local Government had to issue a directive stopping these practices.<sup>33</sup>

A confrontational attitude was also adopted in some cases towards other government officials and PNDC appointees. Clashes occurred and offensive letters were written. An example is the sordid confrontation between the Assin District Assembly and Mr. Ato Austin, PNDC Secretary for the Central Region. Mr. Kwamena Ahwoi had to be sent down from Accra to intervene whereafter, at the 2nd ordinary meeting of the Assembly, members adopted a motion to apologize to Mr. Austin for "misconducting themselves before him." The Assembly also adopted a motion to withdraw a resolution calling for the removal of the District Secretary. It further proceeded to withdraw the whole minutes of the previous meeting — which was the first meeting of the Assembly and in which several vituperations had been recorded — as "full of errors and omissions."<sup>34</sup>

It was also common for Assembly members to get themselves entangled in various disputes which lowered the estimation of mem-

bers in the eyes of the populace. These disputes spilled over into the Assemblies creating problems among members. In the Kwaebibirem District, two members of the Assembly got actively involved in a land dispute between the traditional authorities of Akyem Akwante and settler farmers in the area, joining hands with one faction in the crisis. When the crisis escalated, the Security Sub-Committee of the Assembly which investigated the matter castigated the Assemblymen for encouraging factionalism which tended to "worsen the already volatile situation in the area."<sup>35</sup> The Assemblymen named as Messrs Sowah and Ayidah, according to the Committee, encouraged the settler farmers to stay away from a meeting summoned by the Committee at Kade to strike a compromise between the two parties. According to the Committee, the Assemblymen ill-advised the farmers to engage in a fruitless litigation, thus dissipating monies accruing from the sale of their cocoa.

After the services of a surveyor had been engaged with the cooperation of the High Court at Koforidua, to carry out a survey, it became clear that the settler farmers had actually encroached upon land belonging to the Akwante stool by cultivating 75 hectares in excess of what their ancestors had bought in 1927. The security sub-committee proceeded to settle the matter amicably.<sup>36</sup>

A struggle for power seemed to have characterized the activities of the Assemblies. In August, 1989, Chairman Rawlings himself had the occasion to deplore this tendency which he described as "unnecessary and irresponsible."<sup>37</sup> Chairman Rawlings lamented that the "negative and rather disturbing" action of some Assemblymen were not only destroying the good image of other Assembly members but also "the virtues of a novel democratic system".<sup>38</sup> In the words of the Chairman, there had been reports of Assemblymen dissolving CDRs, conflicts between presiding members and District Secretaries and some Assemblymen behaving like "tin gods" when entrusted with power.<sup>39</sup>

There has been so much misunderstanding within the system that, for example, at a rally held at Saltpond to introduce the Assemblymen for the area to the chiefs and people, the Central Regional Organising Assistant for CDRs, Mr. E.K.T. Addo, told the Assemblymen that they could not perform their duties properly if they did not understand the spirit which motivated the 31st December Revolution. He decried reports that some Assemblymen had started to "question, challenge and even undermine some of the political structures and



concepts of the Revolution."<sup>40</sup>

## Conclusion

After the inception of DAs, several critics saw them as another attempt by the PNDC to buy time and avoid the inevitable — party politics. It is noted that the expectation that non-party DAs would evolve into Regional and National Assemblies without political parties has also fizzled out.

Nevertheless, the 1992 Constitution of Ghana while endorsing political parties at the national level, forbids them at the District level. It is provided that (1) A candidate seeking election to a DA or any lower local government unit shall present himself to the electorate as an individual, and shall not use any symbol associated with any party. (2) A political party shall not endorse, sponsor, offer a platform to or in anyway campaign for or against a candidate seeking election to a DA or any lower local government unit.<sup>41</sup>

It is submitted that if Ghanaians should learn the intricacies of party politics, its attendant tolerance, compromise etc, the process should begin at the local level. Furthermore, it is easy to perceive that parties would be driven underground at the District Level yet controlling the process and thus honouring the constitutional provisions in the breach. In the meantime, however, the PNDC has constitutionalized non-party politics at the District level as a contribution to the nation's political development.

Nevertheless, it is the prognosis of this paper that political parties will soon take control of District Assemblies in Ghana. After all, as early as 1858, the Mambii Party was formed in Accra to contest the first municipal elections held in the Gold Coast by universal adult suffrage. It may therefore be argued that the party system at the local level has got pride of ancestry and cannot be killed.

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## Chapter 11

# THE ELECTORAL SYSTEM, ELECTIONS AND DEMOCRACY IN GHANA

Kwame A. Ninsin

*Elections do not amount to democracy:  
they are merely a step towards democracy.*

### Introduction

In its report to the Provisional National Defence Council (PNDC), the Committee of Experts (CE)<sup>1</sup> postulated a direct relationship between electoral systems and the type of government — democratic or undemocratic. The Committee was, nonetheless, aware of the fact that such relationship, if any, could not be logical. However, it dismissed the majoritarian system as intrinsically undemocratic: because it tends to confirm the incumbent regime in power, and does not ensure fair representation of the nation as well as responsive and accountable leadership. To avoid such weaknesses the Committee proposed that the Consultative Assembly (CA) should consider the merit of a variant of the system of proportional representation, in particular, the additional member system (AMS) which is currently being practised in Germany. When a motion was tabled before the house to provide for proportional representation or its variant, the proposal was roundly rejected on grounds that it would be a recipe for fragmentizing the party system and weakening parliament.<sup>2</sup> The vote against the motion was so massive that one could hardly ignore its import — namely, that in the view of the majority of its members the majoritarian system is best suited to the circumstances of the country.

This chapter discusses the arguments of the CE in the context of the country's quest for a stable democratic order. It argues that representation is not necessarily democratic, and democracy is not about representation alone. So the efficiency of a particular electoral system in ensuring representation should be measured against other imperatives of the political order — such as the stability and effectiveness of

regimes. In particular, the efficiency of any electoral system should not be determined in isolation. Rather, it should accord with the prevailing political culture of Ghanaian society.

The chapter is divided into four sections. Section one examines the position of the CE in relation to the results of past elections, which were based on the majoritarian electoral system, and discusses the merits and demerits of its claims. Section two examines the significance of elections as an instrument for achieving democratic representation. It argues that the relationship between elections and democracy is mainly theoretical and, at best, tenuous. In practice, elections — like many other forms of political action — have different meanings to different societies. In the light of this section three examines the meaning that the Ghanaian electorate attaches to elections and to the notion of representation. I argue on the basis of the evidence that for the Ghanaian electorate voting or electing a representative has instrumentalist meaning: it is intended to secure for the individual and the community tangible developmental advantages. On the one hand, the representative is regarded as an agent of, especially, the community. On the other hand, the individual voter has no conception of himself as an autonomous political actor manifesting through his vote a bundle of democratic rights. The fourth and final section summarizes the arguments and derives a number of conclusions from them.

### **Ghanaian Elections: How Democratic or Representative?**

Regrettably the Akuffo-Addo Constitutional Commission did not attach much importance to the mode of choosing a representative as a measure of democracy. In its view it was adequate to ensure that the franchise was universal, elections would be free and fair, and the entire electoral process would be supervised by an independent electoral commission. These alone would guarantee the choice of a representative body that could be considered democratic and “the authentic expression of the national will.”<sup>3</sup> Accordingly, the Commission tacitly accepted the majoritarian single member constituency electoral system as the means for choosing members of the next parliament which lasted from September 1969 to January 1972.

Based on analyses of the 1969 elections, which were conducted under free and fair conditions, the CE disagreed. In its view the 1969-72 parliament was neither representative nor democratic.<sup>4</sup> On one hand,

the Progress Party (PP) which won 58.7% of the popular votes secured 75.0% (105) of parliamentary seats. On the other hand, the National Alliance of Liberals (NAL) which received 30.4% of the popular votes secured just 21% (29) of the parliamentary seats. The minority parties obtained 10.9% of popular votes and only 4.0% (6) of the parliamentary seats. On the basis of the votes received therefore the parliamentary seats were disproportionately distributed. In other words, representation in parliament was not consistent with the preferences expressed at the polls by the electorate: "If each vote had an equal weight ... on the distribution of parliamentary seats, the PP would have obtained 82 seats instead of 105; the NAL 43 seats instead of 29; and the other parties 15 seats instead of 6." In the opinion of the CE it is only when various organized electoral interests are as much as possible represented in the supreme legislative organ of the nation that one could talk about democratic representation. This is what the Committee described as "consensus democracy." "The fact is that consensus democracy is inherently more democratic as a result of its inclusive character."

A similar argument of disproportionate representation was adduced against the outcome of the 1979 parliamentary elections. The CE argues rather persuasively that the PNP won parliamentary seats on the basis of 9,086 votes per seat; the PFP with 12,897 per seat; and the UNC as much as 23,851 per seat. "Put another way, while the PFP, UNC and ACP together obtained 363,125 votes more than the PNP the three parties combined received six fewer seats than the PNP." However convincing the CE's argument may be, it is based on a static and universalistic view of elections. In contemporary democracies the notion that elections secure the representation of sovereign individuals equally has long remained at the level of theory. In practice elections have become a means by which the electorate is able to choose a common authority that is invested with the legitimate power to manage the affairs of society on behalf of its members. At any rate the principles underlying elections may not bear the same meaning worldwide. Thus while in Ghana an election may be seen as a mechanism for securing democratic representation, in practice it serves a different purpose. Local conditions and norms may impart an entirely different meaning to it. Before I dilate on the meaning of elections to the Ghanaian electorate, let me touch briefly on the relationship between elections, representation and democracy as it is expected to be in theory.

## Elections and Representation

Elections in democratic polities are based on the ancient maxim that the people are sovereign. Universal sovereignty implies universal equality. Elections merely enable the sovereign people to be democratically represented<sup>5</sup> on a centrally organized body. But does representation necessarily lead to a democracy? For example, before the 1956 general election a variety of systems of representation operated in the country. Surely the legislative councils of the British colonial regime, which emphasized commercial and mining interests, on one hand, and chieftaincy, on the other, was derived from a certain notion of representation. Similarly, the legislative bodies which were established on the bases of the 1951 and 1954 elections must have been premised on different principles of representation.

Undoubtedly these principles were different from the ones that governed the 1956 and subsequent elections.<sup>6</sup> For example, the classical colonial paternalistic attitudes towards the colonized peoples denied the latter of the right to self-government and upheld the principle of representation for special interests to determine the composition of the colonial legislature. Hence expatriate mining and commercial interests were represented while their indigenous counterparts were not. For the 1951 legislature, property qualification or the ability to pay tax was combined with the need to represent corporate interests like chieftaincy and those engaged in commerce and mining to arrive at a certain system of representation. It could be argued that the supreme principle that underpinned representation before Ghana attained independence in 1957 was the assumed inequality of the interests which constituted colonial society.

From 1957 onwards, the bases of representation and election have changed. Equality became an important democratic principle on the basis of which the electorate were made to choose their representatives. The principle of equality was derived from the idea of the universal franchise or the principle of "one man, one vote." It was assumed that once every adult member of the country, who satisfied existing requirements, was able to vote there was a fair chance that his interests would be represented in the legislative body alongside the interest of others. The political party became the mechanism for mediating and integrating various interests as well as harmonizing conflicting claims and aspirations for the common purpose and also for efficient government. Second, the principle of equality of persons was derived from the principle of the

sovereign individual. These two constituted the claim to self-government.<sup>7</sup>

The fact, however, is that modern democratic government is now firmly anchored on indirect, as against, direct representation. The question that has agitated radical democrats is the kind of mechanisms that are available to the sovereign citizenry, or could be created by them, to ensure that their representatives remain responsive and accountable to them, and also to achieve greater equality and personal freedom for all. They are not concerned about how various organized factions engaged in the electoral politics would be fairly represented. In other words, the most urgent problem facing the radical democrat is how to ensure that democracy could be achieved under representative regimes rather than securing democratic representation. This issue should be of paramount interest, especially to the people of Ghana where extensive illiteracy, pervasive superstition and persistent ancient myths and beliefs will continue to hinder the growth of democratic consciousness and culture.

Even in old democracies like Britain it has long become an established doctrine that the representative, once elected, is not a delegate. Rather, he is as autonomous as those who elected him. Nor is "Parliament a congress of ambassadors from different and hostile interests; ...but parliament is a deliberative assembly of one nation, with one interest, that of the whole ... You choose a member indeed; but when you have chosen him, he is not a member ... (of your constituency), but he is a member of parliament."<sup>8</sup>

An equally compelling factor that heightens the need to ensure democracy outside the electoral process is the modern trend towards oligarchy in democratic organizations and regimes. Robert Michels has already drawn attention to the oligarchical tendency in modern democracies<sup>9</sup>, just as Gaetano Mosca underscored the existence of a "political class" — the core group of professional politicians that continues to renew its ranks periodically.<sup>10</sup>

For us in Ghana, the problem posed by representative democracy is further compounded not just by mass illiteracy, ignorance and superstition. It is also complicated by the fact that no representative body in the short history of representative democracy in this country has ever reflected the social composition of the electorate. Invariably members of certain social classes or strata, who are not representative of the occupational or social composition of the country, dominate the elected bodies. Analyses of Ghanaian parliaments of 1965, 1969 and 1979 and the 1968 Constituent Assembly show that invariably members of the profes-

sional strata, and those in commerce, industry, and the public services as well as big farmers have dominated the important organs of state.<sup>11</sup> It is equally revealing that even the district level elections (of 1988/89) which were designed to produce grassroots representative assemblies succeeded merely in bringing into power the representatives of the middle level elite who had been out of active politics since the PNDC came to power. According to a Ministry of Local Government publication<sup>12</sup>, 56.9% of the assembly members were teachers, civil and public servants, self-employed, and medical and para-medical staff. Agriculturalists, and not peasant farmers, constitute the single largest group — 33.2% — followed by teachers with 32.3%.

These fragments of evidence would seem to lend credence to the existence, at least, of a political elite whose composition keeps changing with social change; and that, in practice, the people do not govern themselves: a tiny social minority governs on their behalf. The problem of elections and democracy can therefore not be reduced to the equitable or proportional representation either of factions engaged in electoral politics or of disadvantaged social interests.<sup>13</sup> After all, elections do not amount to democracy. At best, they constitute a means towards the attainment of democratic government. Therefore, it is important that in our discussion of the link between elections and democracy we probe the mind of the citizenry in order to grasp the sort of meaning they attach to elections. Accordingly, the next issue I would like to examine is the reason behind the electoral choices that the Ghanaian electorate makes.

## Why Do Ghanaians Vote?

Why do Ghanaians vote? To answer this question, we should go beyond the simple assumption that there is a logical relationship between elections and democracy. We should explore the dynamic factors that shape the electoral choices that Ghanaians are intermitently called upon to make. For surely elections would not have the same significance in the political life of Ghanaians as it does elsewhere. In what follows, I attempt a concise review of studies of Ghanaian elections with a view to isolating the key determinants of voting behaviour.

There appears to be overwhelming agreement among students of Ghanaian elections that a broadly consistent range of factors have determined electoral outcomes since the 1950s. In his pioneering study of Ghanaian politics, Austin<sup>14</sup> drew attention to the powerful influence



exercised by local or community conflict and issues as well as the critical role played by local associations in mobilizing electoral support. Since then his thesis has been collaborated by several other studies. Twumasi<sup>15</sup>, for example, identified similar factors and the important role played by voluntary grassroots development associations in mobilizing voter support for the successful candidates in the 1969 parliamentary elections. As the case of the contest between Busia's PP and Gbedemah's NAL shows, even where personality factors and past political record as well as moral stature played a crucial role in determining the success of Busia's party in the 1969 election, the fortune of individual candidates of the two parties depended to a considerable extent on how successfully such individuals could mobilize community issues and concerns. Indeed, "The real locus of campaign activity in 1969 was the local collectivity. In each constituency different, specific, and traditional rivalries were resurrected, support of indigene and strangers was courted, various local leaders were wooed, and local conflicts were revived. This pattern was repeated in 1978 and 1979 ..."<sup>16</sup>

Another set of local factors which has consistently influenced voting behaviour include personal obligation to candidates, traditional loyalty, ethnicity and other primordial considerations.<sup>17</sup> Policies, programmes (or manifestoes) and ideologies have usually played a strikingly insignificant role in shaping voters' choices.<sup>18</sup> After all, the parties themselves have a record of carefully staying away from programme, policy or issue oriented campaigns.<sup>19</sup> It was under the influence of such findings that Austin later concluded that so long as Ghana remained a predominantly peasant and small town society, "tradition as locality", communal and the personal relationships of the community are bound to decisively influence voting behaviour. And, therefore, issues of social inequality or class will continue to be less salient.<sup>20</sup>

This conclusion would seem unequivocally to distinguish the Ghanaian voter from his counterpart in the established democracies — for example, Great Britain. Even though British voters are not considered ideological, they are nonetheless influenced more or less by party policies and programmes, pertinent social issues, and party affiliations. Voters tend to be generally issue-oriented. Traditional party affiliations merely combine with such concerns about policies and issues to determine the final choices that voters make. One could argue therefore that in so far as issues and traditional party affiliation (i.e., Labour or Conservative) affect voter choice, the British electorate would be equally

concerned about issues of social justice or class.<sup>21</sup> By implication the British voter is concerned about general issues of democratic rights and liberties. The British electorate would therefore see the efficient functioning of democracy in the extent to which the institutions of state have pursued, or promise to pursue, social justice as defined by the rights and liberties of the individual as well as the group. For invariably the issues of bread and butter, or work, taxation, the environment, etc are at the very heart of the rights and liberties of the individual.<sup>22</sup>

In contrast with its British counterpart, the Ghanaian electorate is influenced by the community's interest, which is always its need for development. This seems to be the significance of the role played by "tradition as locality" in Ghana's electoral politics. It would imply that the Ghanaian electorate do not vote as sovereign individuals aiming to implement certain democratic ideals or rights but as members of the community aspiring to improve their material conditions. But even if considerations of either abstract or concrete democratic rights do not play an important role in shaping voter choices, the voters nonetheless know that they need a representative and so do vote to choose one.<sup>23</sup> Hence in Asunafo the people "elected a man ... to stand for them in the national tourney in which community struggled against community for goods and evils which the central government distributes."<sup>24</sup> This raises a question about the role of the representative as conceived by the Ghanaian electorate. For naturally the role of the elected representative in British politics as enunciated by Burke<sup>25</sup> cannot apply with equal force to the elected representative in Ghanaian politics.

In trying to understand the Ghanaian voter's conception of his elected representative, we should recall Owusu's thesis that political action of the Ghanaian electorate is based on instrumentalist calculations.<sup>26</sup> In concrete terms, the voters choose a representative, legislature, or government expecting that this individual or body would mediate between them and the state in the distribution or allocation of goods and services. It could, therefore, be argued that the representative would be perceived by his constituents as an economic broker mediating essentially market or exchange relationships.<sup>27</sup>

I will argue that this instrumentalist orientation in Ghanaian politics operates at two parallel levels, that is, at the level of the individual and the community. The two are inter-related. Thus, while the voter may be using his vote to create opportunities for material gain, he is at the same time joining other voters of his community to choose an economic broker who would mediate between them as a commu-

nity and the state as the purveyor of development projects and other services. I would therefore agree with Chazan<sup>28</sup> that "Elections essentially have to do with linkages: with the connection between state and society, between the local community and the national arena, between the economy and the polity, and between nonformal process and formal institutions."

In the light of this economic conception of the role of the representative, elections must assume a unique role in Ghanaian politics. I would argue that elections should be seen as occasions when the "little communities" comprising Ghanaian society constitute or reconstitute their relations with the state for the purpose of realizing economic or developmental goals. The local community is the primary unit within the relationship that is established with the state; and the voter is one of several agents. It means that the electorate of any community would choose or elect a representative according to their assessment of the candidate's capacity to function effectively as an economic broker for the community. Invariably the aspiring parliamentarian should have demonstrated a commitment to local development if his chances were to be really good. For, at the back of the minds of each community in a constituency lurks the need to ensure the community's smooth development. Hence in previous elections a close relationship existed between the parliamentarian and the development of the local community.<sup>29</sup>

In the light of the foregoing, we should conceptualize two complementary political imperatives operating in a typical electoral situation. On one hand the electorate expects to have as its representative a person who could effectively mediate between their community(ies) and the state - somebody who could secure development projects for them. On the other hand, the successful candidate should not only demonstrate a commitment to local development. He should also possess enough entrepreneurial political acumen to enable him to mobilize, or capitalize on, local community issues for his election. Accordingly, electoral politics were often nothing more than a contest in which the competing candidates could make more convincing promises, and back them up with effective mobilization of local groups as well as communal and other issues to advantage. This is why Ghanaian elections have been bereft of critical and sustained public debates about alternative programmes and policies. Above all, since the mainstream candidates of all major political parties shared similar social or occupational background<sup>30</sup> and ideas about the management

of the economy and society,<sup>31</sup> the electorate was usually presented with no real alternatives other than their communal self-interest — which is the need for developing their “little communities” — as a guide for rational choice. “Election results in Ghana (therefore) reflect the voters’ judgement on competing elites and their patronage potential.”<sup>32</sup> Of course, such electoral choices are rational; because as electoral outcomes affected a community’s prospects for development there was always a keen collective sense of the need to back the winning party.<sup>33</sup> In such a situation party identification was purely symbolic.<sup>34</sup>

The concern to back the winning party was always shared equally by the candidate. It is the community’s success in backing the winning party that ensured that elections would perform their function of linking local society to the state.

The economic underpinning of electoral choices seems to affect the electorate’s decision whether or not to come out on election day to vote. A study of voter turn-out provides evidence which seems to suggest that where the electorate is confident of the economic viability of the state, it has shown greater interest in the linkage functions of elections and consequently turned out heavily on election day to vote. When the state experienced economic crisis so that its capacity and that of state-level political elite for patronage diminished, voter turn-out also declined.

The following analysis of elections provides conclusive evidence to support this postulate.<sup>35</sup> The period following the 1966 coup d’etat and the liberal economic policies of the regime improved the economic situation quite well compared to the pre-1966 period. This appears to have been reflected in voter response to the 1969 parliamentary election. In that year’s exercise 1,493,371 registered voters (or 63.2% of a total of 2,363,665) cast their vote. This turn-out was equal to 47.3% of the estimated total electorate. Compared to data for the 1960 referendum, voter participation in 1969 amounted to a massive growth of 30.0%.

By the close of the 1970s when the economic crisis was clearly undermining the capacity of the state to perform its patronage functions, the voter turn-out in the elections of that period also showed a revealing decline. In the 1978 Union Government (Unigov) referendum 1,983,698 (or 42.5% of the 4,668,875 registered voters) actually voted. Those who voted formed just 35.4% of potential voters. Compared to the 1969 voter turn-out, there was a fall of 20.7%. During the twelve months following this referendum a clear trend towards voter apathy and abstention from polls began to emerge. In the district council election of that year only 18.4% registered voters turned out

to vote while the parliamentary and presidential elections also of 1979 produced an equally low voter turnout of 35.3%.<sup>36</sup>

Surely one cannot explain voter apathy or abstention just by one factor, namely, economic decline and the knowledge that the capacity of state institutions and state-level political elite to mediate in the distribution of material benefits has also become suspect. A number of factors — including environmental, social, and psychological ones — could adversely affect peoples' decision to either vote or not vote at any one time. But it becomes difficult to adduce cogent reasons for non-voting after sustained efforts have been made to mobilize the electorate to register as well as vote. In 1978 the government had not only ensured a higher voter registration (83.7% of the eligible voters, compared to 74.8% in 1969) but in the referendum that followed both the government and opposition groups had intensely mobilized the public to vote for their respective positions. So the poor turn-out at the 1978 referendum, and more especially in the two subsequent elections of 1979, could only be explained by the declining significance of elections in so far as people were sure that the economic crisis had rendered state-society relations economically less beneficial. On the basis of those results, it could be argued that elections were gradually losing saliency as a means for organizing or reconstituting state-society relations. Finally, in so far as the linkages which were established between society and the state were intended to achieve beneficial economic or material returns — for both the individual and his community — the results also seem to show an objective or rational assessment of the capacity of aspiring economic brokers to deliver the goods.<sup>37</sup>

### **Summary & Conclusion: Consensus or Majoritarian Democracy?**

If Ghanaians do not vote to express their sovereignty either as individuals or collectivities, then what is the need for preferring a version of proportional representation over the simple majority or the first-past-the post electoral system? The CE argues for consensus democracy on grounds that it ensures a fair representation of the electorate through a system of proportional representation. The basis of the CE's argument is that the party with a winning majority does not always command a clear majority nationwide; and so it is not representative of the majority of the voting public. The Committee believes that proportional representation, especially its variant — the Additional Member System (AMS) —

will ensure that all parties with sufficiently large support among the electorate would be represented in parliament. It will, in addition, enable a winning party to supplement its representation by bringing into parliament people with exceptional skills or knowledge who would otherwise not scramble for elected office. Others have argued that this variety of PR would ensure representation for under-represented and disadvantaged social groups like — women, the youth, etc.<sup>38</sup>

Such proposals ignore the underpinning rationality of Ghanaian elections which I have discussed in the preceding paragraphs. Apparently, the CE's proposal was inspired by the assumption that Ghana's problem with forging a stable democracy arises from deep social divisions or that version of pluralism which is known as tribalism. This misconception enamoured the CE to Lijphart's model of consociational democracy<sup>39</sup> which was derived from the experiences of societies with a real problem of "profound social divisions and political differences." But as Lijphart points out the societies under reference are industrialized and their problem of pluralism emanates from the effect of industrialization and the social division of labour which accompanies it. The same error of judgment was committed by Arthur Lewis whose proposals about the appropriate structures for ensuring a stable democracy<sup>40</sup> also influenced the conclusions and recommendations of the CE in this particular respect.

Nor could it be strongly argued that the Burkean thesis — that parliament is not a collection of constituency representatives but a national institution embodying the democratic will or interests of the nation — would adequately reflect the uniquely instrumentalist logic of electoral choices in the country. If, on the other hand, parliament becomes an autonomous national body once elected, then there is no need to agitate for representation of particular interests, or for consensual representation. Besides, Ghanaian electoral politics seems to suggest that parliamentary democracy cannot be attained through one or the other form of proportional representation but rather through the representation of various communities and equitable access to the nation's resources. Ghana's parliaments may therefore be best described as coalitions of little community interests which are subsumed under electoral constituencies. Because of this unique nature of Ghanaian parliaments its members are expected to represent their respective constituencies as a whole and, in particular, seek their interests when it comes to the distribution of development works. In this regard there is no distinction between the parliamentarian whose party won majority

seats and the one whose party is in the minority. Both have equal responsibilities towards their constituents.

If the Ghanaian electorate has any understanding of democracy through representative institutions at all, then it is the right of access to the nation's resources which election, as a mechanism of democracy, provides for individuals and communities. It is in this sense that Ghana's state institutions like parliament, cabinet, etc. would differ decidedly from their British counterparts. Thus a Ghanaian parliament, for instance, is unambiguously an assembly of constituency representatives.

Given this ideology of representation, any version of proportional representation is most likely to endanger national unity, regime stability, and efficient government. It is likely to fragment the party system by encouraging representation, inside parliament, of the variegated community interests that exist in any one electoral district. Undoubtedly, this potential will easily encourage the emergence of parochial, sectional and ethnic or tribal parties whose actions may jeopardize the unity of the nation. The fragmentation of the party system will certainly be reproduced at the level of state institutions, especially in the form of a balkanized parliament. A balkanized parliament is a weak parliament; and is likely to have a disastrous effect on regime effectiveness and stability.

Such a situation may jeopardize the dominant rationality of elections: namely, to establish exchange-based linkages between society and the state. For, contrary to Austin's conclusion,<sup>41</sup> the dominant rationality of Ghanaian elections subsumes a certain positive view of national institutions. Indeed, participation in elections is legitimized by the expectation that national-level state institutions like parliament, the cabinet, etc. will not only prevail; but they will also be stable, strong and economically viable so that they would be able to provide the necessary economic or material resources which elected representatives are expected to assist in sharing for the benefit of their constituents. Hence the electorate's response to the fiscal crisis, which has usually undermined the state's ability to discharge its essentially patronage or distributive functions, has been massive abstention from the polls. The decline in voter turn-out during the 1978-79 period was due precisely to these developments viz., the endemic instability of national-level state institutions, and the dwindling resource base of the state.

The challenge of building a stable democracy therefore does not lie in the introduction of a system or procedure that is bound to fragment and weaken institutions that are conducive to the growth of democracy.

Rather it lies in whether the nation has the political capacity to initiate a concerted endeavour aimed at strengthening and consolidating the logic of institutional unity and stability which pervades the Ghanaian state. The experience of those nations that have practised the majoritarian system, compared to those that have practised various versions of the proportional representation system, provides ample proof that the majoritarian system promises to be supportive of the logic of institutional unity and stability.

Finally, democracy means more than the right to choose a representative. It also means the capacity to influence elected representatives and policy-makers operating within the state bureaucracy as well as the opportunity to exert such influence. These points are of particular importance to us Ghanaians; because nowhere in the world's successful democracies could we find that the people actually govern themselves. The most important factor in a successful democracy is what has been stated by V. O. Key Jr. namely, the right and freedom exercised by the citizenry occasionally to assert their sovereignty. In his own words, "The people may not really govern themselves, but they can stir up a deafening commotion if they dislike the way they are governed."<sup>42</sup> Therefore, to realize a successful and stable parliamentary or representative democracy would require building and strengthening a network of mass democratic institutions (like political parties and other non-state political organizations) by which the rank and file of Ghanaians could periodically assert their sovereignty against arbitrary actions and dictatorial regimes. Ultimately, an election, however important, is only the first step towards the establishment of a democratic order.

## NOTES

1. Republic of Ghana. *Report of the Committee of Experts (Constitution on Proposals for a Draft Constitution of Ghana)* presented to the PNDC. Accra: July 31 1991.
2. The motion stood in the name of Dr. Abubakar Alhassan, a government appointee, and others. Among the leading opponents of that motion was this author.
3. *The Proposals of the Constitutional Commission for a Constitution for Ghana* Accra, 1968, p.76.
4. *Report of the Committee of Experts, op cit.* pp. 94-96.



5. In the words of Aristotle, "In democratic states the people is sovereign." See *The Politics of Aristotle* (Translated with introduction and appendix by Ernest Barker) London: Oxford University Press, 1971, p. 128.
6. The colonial idea of representation was a product of the paternalistic views of the dominant power that government of the colonies was for uncivilized and inferior people. From 1951 on, the colonial power was forced by the nationalists to concede partial citizenship to Ghanaians. By 1957 Ghanaian citizenship had been fully conceded. It was only at this juncture that the right to self-government, and therefore the franchise, was extended to every adult without qualifications.
7. See especially the classical natural rights arguments forcefully canvassed by Thomas Paine in his *The Rights of Man*. See *Basic Writings of Thomas Paine*. New York: Willey Book Company, 1942.
8. This statement is attributed to Edmund Burke in a letter to the electors of Bristol. See P. G. J. Pulzer, *Political Representation and Elections*. London: George Allen & Unwin Ltd. 1967, p. 22.
9. *Political Parties .A Sociological Study of the Oligarchical Tendencies of Modern Democracy*. (Translated by Eden and Cedar Paul, with introduction by Seymour M. Lipset) New York: Collier Books, 1962.
10. For a general discussion of this problem, see T. B. Bottomore, *Elites and Society*. London: C. A. Watts & Co, 1964.
11. See, for example, Yaw Twumasi, "The 1969 Election" in Dennis Austin and Robin Luckham, *Politicians and Soldiers in Ghana 1969-1972*. London: Frank Cass, 1975, p 144.
12. Ministry of Local Government, *Information Digests*. November /December 1989 Vol. 7, p. 19. See also *Ghana Consultative Assembly Register 1991-1992*. Accra, 1992 for more current examples of this contradiction between democratic theory and practice.
13. Refer, for example, to the thrust of the arguments by J. Sandra Pepera, "Political Parties and Social Representation: The Case of Women" in this volume.
14. Dennis Austin, *Politics in Ghana 1946-1960*. Oxford: Oxford University Press, 1970.
15. Twumasi, "The 1969 Election."
16. Naomi Chazan, "Anomalies of Continuity: Perspectives on Ghanaian Elections Since Independence" in Fred M Hayward (ed) *Elections in Independent Africa*. Boulder: Westview Press, 1987.
17. John Dunn, "Politics in Asunafo" in Austin and Luckham, *Politicians and Soldiers in Ghana*.
18. Dunn. *Ibid*. Also Richard Jefferies, "The Ghanaian Elections of 1979" in *African Affairs* . Vol. 79 No. 318 July 1980. pp. 407-414.
19. Twumasi, "The 1969 Election" p.142; and Jefferies, "The Ghanaian Election of 1979" p. 401.

20. Austin, D. "Introduction" in Austin and Luckham, *Politicians and Soldiers in Ghana*, p. 10.
21. For analyses of the determinants of voter behaviour in Britain, see Richard Rose ed., *Do Parties Make a Difference?* London: MacMillan Press, 1989.
22. The changing meaning of human rights from abstract political rights to economic, social and cultural rights are discussed in Norman P. Barry, *An Introduction to Modern Political Theory*. London: MacMillan Publishers Ltd, 1985, pp.182-199.
23. Dunn "Politics in Asunafo" in Austin and Luckham, *Politicians and Soldiers in Ghana*, pp. 199-208.
24. *Ibid.* p. 208
25. That is, the representative as part of an autonomous national institution rather than a representative of the constituency that elected him. See note 8 *supra*.
26. Maxwell Owusu, *Uses and Abuses of Power*, Chicago Chicago University Press, 1970; "Politics in Swedru" in Austin and Luckham, *Politicians and Soldiers in Ghana*.
27. Austin, D. "Introduction" in Austin and Luckham, *Politicians and Soldiers in Ghana*. p.7.
28. Chazan, "Anomalies of Continuity ..." p. 62.
29. Twumasi, "The 1969 Election," pp. 144-145.
30. *Ibid.*
31. Dunn, "Politics in Asunafo" p. 191.
32. Chazan, "Anomalies of Continuity ..." p. 69.
33. Twumasi, "The 1969 Election", pp. 156-159; Chazan, *ibid.*, pp. 69-70.
34. Dunn, "Politics in Asunafo" p. 191.
35. The analysis is based on Chazan, *Ibid.* pp. 75-80.
36. The figures for voter turn-out for the district elections and the parliamentary/presidential elections of 1979 were taken from Ministry of Local Government, *Information Digest* (Special Edition), 1988. p. 4.
37. We could use this thesis to analyze quite neatly changes in voter turnout at the district elections of 1987-88 and the constitutional referendum of April 1992.
38. This point was passionately canvassed by John Ndebugre, representing the People's National Convention, at the seminar on "Political Parties and Democracy in Ghana's 4th Republic" at which this paper was presented.
39. Arend Lijphart, *Democracy in Plural Societies: A Comparative Exploration*. New Haven: Yale University Press, 1977.
40. See his *Politics in West Africa* London: Allen & Unwin, 1965.
41. Austin's conclusion is that the tendency among Ghana's electorate to vote for a broker "reflect(s) not only the poverty of trust in national institutions (whether parties or parliaments or trades unions) but the persis-

tence of "poliarchies" — of semi-autonomous concentrations of power, still largely territorial, in what was once a colonial artifact." Dennis Austin, 'Introduction' in Austin and Luckham, *Politicians and Soldiers*, p.7.

42. V. O. Key, Jr., *Politics, Parties and Pressure Groups*. New York: Thomas Y. Crowell Company, 1964, p. 6. The whole of Chapter 1 of this classic treatise is worth reading.

## THE DEMOCRATIC ETHOS AND INTERNAL PARTY DEMOCRACY: THE CASE OF PARTIES IN THE FOURTH REPUBLIC

A. Essuman-Johnson

### Introduction

When the PNDC took over power in 1981, even though it had used undemocratic means to gain political power, the regime showed by its actions that it was convinced about democracy. This was done in the establishment of the National Commission for Democracy. The functions of the Commission as elaborated in the PNDC (Establishment) Proclamation law 1982, PNDCL 42, Section 32 were, among others:

- (i) to disseminate within the society awareness of the objectives of the revolutionary transformation of the society being embarked upon by the Council in the interest of real democracy;
- (ii) to assess for the information of the Government the limitations to the achievement of true democracy arising from the existing inequalities between different strata of the population and make recommendations for redressing these inequalities;
- (iii) to formulate for the consideration of Government a programme for a more effective realization of a true democracy in Ghana.<sup>1</sup>

From this concern of the PNDC it was clear that from the very beginning of the revolution the Government was very concerned about democracy. The NCD was to work towards realizing the objectives of democracy. The NCD therefore set out to collect and collate views on the political aspirations of the people and their notions of democracy. One pertinent issue that the NCD raised for the consideration of the Consultative Assembly that was set up to draft the new Constitution for the Fourth Republic was the development of a democratic

ethos. This was:

The development of democratic political culture—democracy within institutions of state, private organizations, voluntary organizations, professional associations and traditional institutions as learning grounds for the development of a democratic national political culture, the NCD as the institutional framework for promoting this.<sup>2</sup>

The essence of the PNDC setting up the NCD is to see how to make the ideals of democracy become part and parcel of the Ghanaian way of doing things i.e. to develop a democratic political culture. This chapter looks at the ideals of democracy and the extent to which they are manifested itself in the internal organization of the political parties that have sprung up to contest the elections to the Fourth Republic.

### **A History of Democracy**

Democracy was first organized and clearly discussed in the Greek city states of the 5th century BC, especially Athens. That was the era of direct democracy in which all free men in the Greek city states went to the acropolis to take part in the discussion and decision-making on all issues that affected the city states. But the democracy of the Greek city states has gone through a good deal of changes and challenges over the years to the present. In some circles democracy was seen as a revolutionary challenge to established authority and old interests. Others have seen democracy as a symbol of defiance, protest and liberation as well as an attack on privilege and class rule.

Democratic institutions and ideals have however gone through quite a struggle. After a long period of "non-use" democracy came into prominence in Europe in the 17th and 18th centuries and continued to grow in the 19th century. In the 20th century it emerged on the winning side of the first and second world wars. Opponents of democracy have included the aristocrats and oligarchs (a few who held the ruling power in the city states of the ancient world). Its opponents have also included the nobility of Europe in the medieval era between the 6th and 15th centuries as well as the absolute monarchs of the 16th and 17th centuries, the merchant princes in virtually all the eras when the power of the people threatened their riches, the majority of the leaders of organized religion, the commanders of almost every army

in the past and most of them in the present, and the 20th century dictators.

One important thing to keep in mind when discussing democracy is that no two democracies look exactly alike. There is a large number of contrasting institutions and procedures all of which may justly be called democratic; and the degree to which things are done democratically may differ from country to country. Among the institutions and procedures are: the basic structure of the government, the functioning of the party system, the meaning and priorities assigned to the different ideals and philosophies. There are also the relation between the citizens and their officials, and the character of the social and economic order with which the political order is mingled.

### The Democratic Ethos

To guide our discussion of internal party democracy we need to be clear in our minds about what the democratic ethos is. The democratic ethos consists of all those essential traits of democracy: i.e., the characteristic spirit, moral values, ideals or beliefs of democracy. As discussed earlier, the foundations of democracy were laid in ancient Greece. The word democracy is Greek, and the system it denotes developed first among the Greeks and matured between the 6th and 4th century BC in the city state of Athens in particular. The Athenians became very much involved in a vigorous debate about the principles of a good society and their application. This process of continual discussion became the core of their political life. This open discussion of issues has educated generations down to the present and it has become one of the cardinal aspects of the democratic way of doing things.

In his work Herodotus<sup>3</sup> describes democracy as supreme power of the state in the hands of the many as opposed to its being in the hands of one person (Monarchy) and in the hands of a few (Aristocracy). He identified three principles of democracy as equality in the application of the laws, participation by the citizenry in the making and administration of the laws and equality (freedom) of speech. Another Greek historian, Thucydides, chronicles the struggles between Athens and Sparta in his work on the Peloponnesian Wars.<sup>4</sup> He cites Pericles' famous speech in 431 BC spelling out the essentials of Athenian democracy. In the speech, Pericles identifies democracy as a

government by the many instead of the few. In private disagreements, the laws provide equality of the rights for all. But in the affairs of the state, however poor a man might be, he is not prevented from participating in the government of public affairs if he has anything good to contribute. In general, Greek philosophers detected in a democracy three broad ideals. First, there is the social context which involves the elimination of debt, slavery, and property qualifications for political office, and opportunity for the individual regardless of family status or wealth. Secondly, there is the governmental system i.e. public deliberation and decision-making by all citizens resulting in majority rule. Thirdly, there are the philosophical ideals, namely, equality, freedom of speech, adaptability, and obedience to the authority of laws and of public officials.

### **Modern Democracy**

Modern democracy is radically different from the direct democracy of the Greek city states. Modern developments have made it difficult to practise direct democracy. Modern democratic practice has adapted to the long strides that society has made from the early days of ancient Greece. Modern democracy is representative rather than direct due to population growth and the development of towns and cities. Now democracy has to be practised in a country larger than a city state. Furthermore there is mass participation in politics as opposed to the practice of the Greek city states where participation was limited to free men only, while slaves and women were kept out. The characterization of a modern democracy pre-supposes the following (a) the people should hold ultimate power through universal adult suffrage with each citizen having one vote i.e. one person, one vote; (b) a minimum of two political parties to offer a choice of candidates and programmes to the electorate in free elections at reasonable intervals; (c) a constitutional guarantee of civil liberties of citizens like the freedom to speak, publish and associate with others; (d) the need for a free press (e) the existence of an independent judiciary; and (f) tolerance of opposing views and the ability to compromise.

One fundamental aspect of democracy is that it is a system in which the people are considered the ultimate holders of power and the government is established to serve their needs. The people's role in politics is more related to their right to vote. The essence of government

by the people is that the adult population of the country have the right to decide on who rules them and what policies are to be pursued through their right to vote. A community lacks democracy to the extent that a large number of adults are denied the right to vote. The right to vote is closely bound up with political decision-making and the party system. The NCD report however drew attention to what they considered to be the essence of democracy for the consideration of the Consultative Assembly. To the NCD, democracy represents the embodiment and achievement of the aspirations of all for a better life, dignified and free and that it is characterized by a system of representation that reflects the true and purposeful wishes of the people. Democracy contains that body of principles, attitudes, ideas and orientations which grant human and economic rights and bestows freedom and justice.

The question centres on a belief system that is the basis of democracy because it articulates the needs of the entire society. It also outlines the political, spiritual and economic rights of the members of the society which guarantee a truly democratic system of government. Any workable democracy should deal with every unique experience. It ought to, in our peculiar historical condition, begin by decolonizing the mind. Our political parties of the past only gave the appearance of democracy. Indeed, they were weapons for waging economic wars on behalf of specific interest groups. Elections organized along party lines remained political festivals which made available to the elite community the nominal consent of the majority. They succeeded in strengthening the privileges of only the rich who were party founders.<sup>5</sup> To what extent then does political parties capture the essence of democracy for a society?

## Political Parties and Democracy

One of the pillars on which democratic governance rests is political parties. It is the parties that help the people to choose a government to run the affairs of the state and also to choose a parliament where the representatives of the people will debate and discuss national issues and act on behalf of the people in authorizing policies and making laws. The parties play a central role in democratic politics because everything that is politically important, be it social, institutional or ideological, comes alive in the party. The parties serve as a bridge uniting various sections of the society and the state. The party is, therefore, influenced by both the society and the state.



From the society, the parties derive much of their substance and from the state much of their form. The mobilization of diverse interests in groups, their opposition or shared goals, provide the basic material out of which parties can grow and formulate their political philosophies. The mobilization of the people by political parties satisfies a very important aspect of modern democracy. This is the requirement of the need for the mass of the citizens to participate in periodic and honest elections. At these elections the people are offered a genuine choice between candidates and programmes. It is for this purpose, and the wish to win political power, that political parties mobilize the people, aggregate their diverse interests into national party programmes that aim at the public good.

The parties engage in a political contest in which they campaign to influence the electorate to accept their programmes by voting them into power. They also engage in the education of the electorate on political and economic issues. A political party organizes the people to participate in politics on the assumption that all other parties are playing the political game within a democratic environment. The parties are therefore eagle-eyed to kick against anything which they consider undemocratic. For this reason they want to see to it that national elections are free and fair, there is freedom of speech, there is a free press that allows the free discussion of all issues, and there is an independent judiciary.

The assumption here is that if the political parties expect to operate within a national democratic environment, then the parties themselves must be democratic, i.e. the parties must conduct their internal affairs in a democratic manner. It is the position of this paper that it is only a party that conducts its internal affairs democratically that can be relied upon to operate the national democratic process when it wins the people's consent to form the government of the Fourth Republic. It might be argued that even if a party is undemocratic internally it has no choice but to operate the national institutions democratically if it wins power because it will be operating within a democratic constitutional framework. The point being made here is that even if the national democratic institutions set out by the Constitution make it difficult for the government to behave undemocratically, if the party itself is used to an undemocratic internal structure and way of doing things, it will, in its own time, find ways and means to subvert the national democratic ways of doing things.

## Internal Party Structures and Democracy

One good measure of a democratic internal structure of a political party is how the party's leaders are chosen to contest national office and to run the party's own affairs. The best example is the US presidential elections. The US system uses the power of elections at the party level to select the presidential candidates to contest national elections. The election process is one supreme event in which the people speak for themselves. It enables citizens, who are subject to law, to affirm themselves as the masters of those who make the law, i.e. the legislators. During elections in a democratic system the citizens are asked to declare, individually and collectively, what they want. Much, therefore, depends on the ways in which elections are conducted. If the process of election fails, democracy also fails.

In the US presidential elections, the impact of elections as a democratic requirement is felt in the internal mechanisms of the parties in the process of selecting presidential candidates. This is very much so in the US primary elections for the November presidential elections. That process literally tears each of the two US political parties apart into a kind of multi-party system in which candidates representing various viewpoints within the same political party are allowed to compete against one another for the votes of the party faithfuls as the presidential candidate. This primary election culminates in the national party convention at which the delegates vote for one of the candidates as their presidential candidate. The US primaries enable the parties to display openly their internal differences to the greatest possible extent. After the nomination has been made, all emphasis is placed on party unity without which the electoral college majority cannot be won. This is a system that ensures that even within the parties no one group monopolizes the opportunity to be the presidential candidate; and this reinforces democracy at the national level as well.

The US system might be the most open democratic system of choosing leaders; and we might point out that the degree of democracy that a country exhibits with regard to the selection of its leaders, may differ from country to country even within the Western liberal democracies. For example given the way the British elect their prime ministers one would say the US system of selecting leaders is more open and democratic than that of the British. For this reason one would not expect the same level of democracy in a third world political environment with regard to the selection of leaders of political parties to contest national

elections. All the same one expects to see a semblance of the democratic way of doing things within the parties if the future of democratic politics is to be guaranteed at the national level.

## Democracy and Ghanaian Political Parties

The party system and the Ghanaian political system has been characterized as a corrupt machine which has not been allowed to grow. The NCD, pointing this out noted that:

The pitfalls of political parties, corruption and general mismanagement, have been attributed to the fact that independence in Ghana was so rushed that the political parties hardly had time to take roots. The idea of a multiparty system is inherently good, but this system has been abused in Ghana and not been given the opportunity to grow as a result of military interventions.<sup>6</sup>

We would now examine the crop of political parties that have sprung up to see how they measure up to the changes noted above and the broader issue of internal democracy.

The 1992 Constitution of Ghana is the country's fourth attempt at having a political system that operates on democratic principles. We have noted the vital role that political parties play in the democratic way of doing things, and the equally important role that the electorate play in the election of representatives and the government to run the affairs of state. First we will turn attention to the issue of democracy within the political parties that are aspiring to contest the forthcoming presidential and parliamentary elections in November and December. The discussion here is based on the assumption that to the extent that there is cause to doubt the practice of democracy within the political parties, the future of the operation of a democratic national political system is most likely to be undermined.

Since the ban on party political activity was lifted on May 18, 1992, a number of groups aspiring to form political parties have sprung up. The main groupings prior to the lifting of the ban were the Kwame Nkrumah Welfare Society, the Danquah-Busia Club, and the Eagle Club and the Heritage Club. Ghanaian party politics seem to now group around three broad traditions. The National Commission for Democracy (NCD) report<sup>7</sup> had drawn attention to the fact that even though for a long time the country has seen two political traditions — the Conven-

tion People's Party (CPP) and United Party (UP), with the June 4th and 31st December revolutions, there has evolved a third tradition constituted by the PNDC and its organs. This has been borne out by the emerging political parties. The political parties that have emerged have been broadly either CPP, or PP or PNDC. The parties are as follows: The CPP groups — National Convention Party (NCP), National Independence Party (NIP), People's Heritage Party (PHP) The UP group - National Patriotic Party (NPP); and the PNDC group — National Democratic Congress (NDC) and Eagle (*sic*) Party. The formation of these parties has been a good omen for democratic national politics. At the national level, it looks like all the ingredients of a democratic political system are in place, namely: the lifting of the ban on party politics, an independent body — the Interim National Election Committee (INEC) to oversee free and fair elections, a referendum on the proposed constitution, a free press — especially the emergence of the independent tabloids that has allowed a fairly free discussion of national issues outside the two national dailies that are government-controlled, and an independent judiciary under the 1992 Constitution. It seems therefore that at the national level all has been laid out for a national democratic political system.

What seems to be missing in these national democratic arrangements is the existence of a mechanism to ensure democracy within the political parties. This is what this chapter sees as the danger to the national democratic political system envisaged in the 4th Republic. As far as the parties are concerned they have been largely left to conduct their affairs as they deem fit. To the extent that if there is any requirement on them at all it is what this writer sees as an exhortation. According to the political parties law the internal organization of a political party should conform to democratic principles; and its actions and purposes should not contravene or be inconsistent with any other law. The law does not set out what is meant by democratic principles. Despite the good intentions of those who drafted the political parties law it cannot be taken for granted that all the political parties would conduct their internal affairs in the democratic tradition. This is being borne out by developments within the political parties since they were formed in May 1992.

In the first place, no mechanism is in place — despite what the political parties law says — to ensure that democratic principles are pursued within the parties to choose their leaders. One evidence is the number of political parties springing up as a result of splits. This is

particularly so in the CPP and the PNDC parties. Splits, when they occur, suggest the lack of democratic principles like tolerance and compromise. The CPP front has split into four main parties, namely, the PNC, the NIP, the PHP and the NCP. The leader of the PNC - Dr. Hilla Limann left the CPP fold to form his own party on realizing that he might not get the leadership if he stayed in the fold. The rumblings and various reasons being given for not staying together in the CPP fold smacks of an internal party machine being manned by people whose minds have been made up on who should be the presidential candidate, and of the lack of a spirit of compromise.

The situation suggests that many Ghanaians want to be presidential candidates; and when they see no meaningful internal mechanism in their party to ensure that they have a fair chance of being elected as the presidential candidate, they move out to form a new political party in which, presumably, there will be no challenger to their leadership. So far it has been only the NPP that has adopted a democratic mechanism for choosing its presidential candidate. On realizing that as many as seven members of the party were interested in being the presidential candidate, the party asked all the candidates to tour the country to canvass the Danquah-Busia supporters. A party congress was arranged with delegates from all the constituencies in the country and they voted one of them as the party's presidential candidate. This is the closest that any of the political parties has come to the US primary presidential elections; and it is the most democratic way to ensure that within the party, the rank and file will have a say in the selection of the party leaders. The PNDC camp is showing how intolerant they can be, given the rivalry going on between the Eagle Party and the NDC. The two parties have claimed that they would continue the work of the PNDC and would draft the PNDC chairman — J.J. Rawlings — as their presidential candidate. Following the formation of the NDC and the unwillingness of the Eagle Party to join the NDC, the leadership of the Eagle Party were set upon and beaten by a group led by a leading member of the NDC who is also a secretary of state in the PNDC government. Later the houses of the leaders of the Eagle party were searched for arms — a quantity of which was found in the house of one of the leaders by state security agencies.

What the CPP and PNDC group of parties have exhibited so far is a clear lack of democratic principles within the parties. There is lack of tolerance and a spirit of compromise within them. The party congresses of these groups were non-congresses. The PNC went to congress to more or less approve Dr. Limann as their candidate with a feeble challenge.

The NIP Congress was a showcase for one man, Mr. Kwabena Darko, who won hands down. The PHP ended up having no contest as the two challengers to General Erskine all stood down for him. The best case of lack of internal party democracy was the NCP. The party went to Congress and elected a new leader who, in his acceptance speech, encouraged the splintered CPP groups to come together. The party leader Mr. K. N. Ackaah, a few days later made an about turn and joined the NDC without a democratic party decision. The result of this was that the party is split. The NCP leader has become the running mate of the NDC presidential candidate — Flt-Lt. Jerry John Rawlings and the rank and file have joined other parties. The NDC and Eagle parties went to congress just to affirm their confidence in — Flt-Lt. Rawlings as their presidential candidate. The Eagle party has since joined the NDC together with part of the former leaders of the NCP.

It is the view of this writer that despite all the concerns of the NCD and the political parties law to ensure democracy within the parties, it has not been possible for anybody to ensure that democratic principles prevailed in the parties. The Interim National Electoral Commission (INEC) was only to supervise the election of party leaders at the congresses. There was no way INEC could also ensure there is no corruption within the party machine. The law only requires the parties to submit within twenty-one days before the elections to INEC, a statement of their assets, liabilities and expenditures. The conduct of the NDC in the use of government vehicles for its political campaigns forced the INEC Chairman to call a press conference to condemn it. That is a very good example of corruption by a political party.

Given this inability of the system set up to deal with the twin issues of corruption and internal party democracy, it is the view of this writer that the lack of internal party democracy is likely to throw up presidential candidates who have benefitted from an autocratic selection process within their parties. Such candidates and their parties, if they win the elections, are most likely to subvert the national democratic institutions, because they might try to replicate at the national level what went on at the party level. In which case that President and his party will put the 4th Republican democratic politics in danger.

## **Conclusion**

After looking at the developments on the political parties front in the run-up to the 4th Republic, it is the position of this chapter that a serious

look should be taken at the internal structures of the political parties with regard to their process for selecting their leaders. A review should be made aimed at adopting the USA primary presidential election process or a modified version of it. This would be one positive way of ensuring that the parties do not pay lip service to the democratic way of doing things. Simply put, if the parties are aspiring to win power to run a democratic 4th Republic then, they must, themselves, be seen to be democratic in the way they select their leaders. If it can be shown that tolerance and compromise can be practised within the parties themselves, then one can expect that in their dealings with one another at the national level these parties will equally be tolerant and capable of compromise. It looks like those who framed the constitution of the 4th Republic did not reckon with the fact that so many Ghanaians would want to be president, and so only exhorted the parties to be democratic in their internal structures and operations.

The picture presented by some of the parties has been near anarchy as a result of the fierce struggle among contenders for nomination as their party's presidential candidate. It is not enough to ask INEC to supervise the elections within the parties. The parties went to congress but where no elections were held, as the case was with the NDC, Eagle Party and the PHP, there was no way INEC could have any idea about how internally democratic the parties were. Even where elections were held that did not show how internally democratic the parties are. It is the view of this writer that the political parties law has woefully failed to ensure internal party democracy and prevent party corruption. It is possible a party may not even convene a congress. INEC could be asked to take a second look at the internal selection process of the parties with a view to recommending changes along the lines of the U.S. system. That would be helping the parties come to terms with electing their leaders democratically in the future.

#### NOTES

1. NCD: *Evolving a True Democracy* Accra, March 1991 p.ix
2. *Ibid.* p.5
3. Herodotus: *The Histories*.
4. Thucydides: *The Peloponnesian Wars*.
5. NCD: *op. cit* pp. 55.
6. *Ibid.* p.57.

7. *Ibid.* p.6.

8. Political Parties Law, 1992 PNDCL 281 Section 11 (17).

#### FURTHER READING

1. Ehrmann, H.W. (ed) *Democracy in a Changing Society*. Bombay: Vakils Feffer and Simons. Private Ltd., 1963.
2. Lipson, Leslie *The Democratic Civilisation*. New York: O.U. P. 1964.



Part IV

*Institutional Mechanisms  
of Party Politics*

**THE OPPOSITION IN A MULTI-PARTY GOVERNMENT:  
REFLECTIONS ON THE GHANAIAN EXPERIENCE**

**Gilbert Keith Bluwey**

**Introduction**

The impending transition from military rule to a multi-party constitutional order implies the re-instatement of formal opposition as an integral part of our system of government. On the one hand, it is implicit in multi-party politics that one party (or a coalition of parties) would win the competition for the occupancy of the Castle while the other party (or group of parties) would lose. On the other hand, the bulk of the losers would remain in their camp to taunt, jeer and generally query the winners on every major issue till the next general elections. Moreover, the Constitution itself recognizes this latent adversary phenomenon and provides for the orderly conduct of government and opposition relations.

The record, however, shows that three of the six regimes (which also have held power much longer than the other three)<sup>1</sup> had not only rejected the idea of an organized opposition but had also treated the opposition as a canker in the political system rather than as part of its normal processes. Kwame Nkrumah and the Convention Peoples' Party (CPP) haunted and harrassed the Opposition and drove it into extinction before proscribing it in 1964. The military regime of General Acheampong openly denounced multi-party politics and by implication, the existence of organized opposition to the government. The Provisional National Defence Council (PNDC) has never seriously been adverse to multi-party politics. Under its guidance, elections into local government bodies (1988/89) were conducted without political parties. Its abhorrence of organized opposition may also be discerned from the schedule of the elections meant to usher in the executive and legislature for the Fourth Republic. By staggering the elections, with the presidential elections taking place before the parliamentary, the schedule ensures the emergence of a very weak parliamentary oppo-

sition. It is obvious that parliamentary candidates of the elected president's party would benefit from the bandwagon effect of the latter's victory. The president's party would therefore emerge with a majority which would relegate the parliamentary opposition to a state of microscopic significance. The PNDC has signalled a hardtime for an organized opposition in the Fourth Republic in two other major ways. First, the PNDC has indicated an intention not only to succeed itself in the Castle but also to go into the Fourth Republic with the entire band of revolutionary organizations.<sup>2</sup> Second, the PNDC has ignored calls by prominent politically neutral social groups to create a free political climate before the elections.<sup>3</sup>

Another point of serious concern about the opposition in the next dispensation is the apparent lack of appreciation by non-PNDC political groups about these threats to the survival of an organized opposition. The Ghana Bar Association and the National Union of Ghana Students (NUGS) had boycotted the Consultative Assembly for very good reasons. But they have both succumbed to PNDC covert infiltration of their ranks and have therefore looked away as the latter forces its own programme down the throats of Ghanaians. The emerging political groups have also concerned themselves mainly with preparations for the campaign battle — en route to the Castle. They have so far done nothing to compel the PNDC to liberalize the political climate for a genuine democratic transition.

The sum of all these is that formal opposition as an integral part of government in the Fourth Republic has only very bleak prospects. Yet, the Ghanaian, as indeed world-wide experience shows, believes that accountability, mass participation, rule of law and respect for human rights and market economic principles flourish only where an alternative government lurks in waiting for the peaceful replacement of an unpopular government.

This paper will first attempt to update our knowledge of the roles played by classical opposition in the established democracies along with the benefits for such political systems. Second, it will recapitulate the lot of the opposition in Ghanaian politics. Finally, the paper will review existing attitudes towards opposition in the next political dispensation and recommend measures to guarantee the survival of a formal, vibrant opposition in Ghana. The thesis of this paper is that classical opposition is a *sine qua non* of liberal democracy and market principles and can thrive in Ghana in spite of the apparent fragmentary cultural base.

## The Nature, Roles and Benefits of Classical Opposition

The established democracies of Europe, Canada and the United States consider political opposition as a logical extension of the cherished freedoms of association and expression. The opposition is, therefore, given formal recognition in the scheme of government. Material rewards such as special emoluments, official residence and commensurate secretarial, administrative and even propaganda logistics are provided for opposition leaders. In countries such as the United Kingdom and Canada where state media organizations exist, the opposition enjoys equal access to them and has equal representation with the government on the governing boards. Both government and opposition groups meet the same police requirements for holding public meetings and rallies. The police, by tradition, are generally fair to both sides. The courts also courageously uphold the rights of opposition groups to exist, speak and take actions within the law to promote their own political fortunes. In short, political practice and constitutional provisions guarantee organized opposition as an integral part of the governing processes in the established democracies.

Classical theorists are generally agreed that organized opposition confers three main benefits on the political system, namely: representation of minority interests and values; provision of rare or restricted information both to government and the public; and the exercise of surveillance and control over the policies and actions of the government.<sup>4</sup> In sum, the opposition tells the government what the public cannot stand and motivates the populace to take steps which would compel the government to rule largely in accordance with the spirit and letter of the Constitution.

For more than two decades after independence, most new nations rejected the idea of an organized opposition as a necessary complement of government. In a statement which has since been accepted as seminal on the question of formal opposition, Kwame Nkrumah and the CPP had said:

Independent African States are faced with urgent and pressing problems of reconstruction, for the solution of which all the available national resources, both human and otherwise, must be mobilized. This situation is almost analogous to a state of war and national emergency which is always met in the older established countries by the formation of national or coalition governments. Moreover, a multi-party system is entirely alien to the traditional

concept of government in African society. ... A one party system (therefore) provides the best answer for (*sic*) the problem of government in Africa.<sup>5</sup>

The generality of African leaders until 1990, shared in the Nkrumah declaration. To them, democracy did not require a two- or a multi-party system, with an organized opposition and periodic elections. Julius Nyerere of Tanzania was among the foremost opponents of formal opposition.<sup>6</sup> In several writings, he argued persistently that for the Greeks — the originators of democratic thought and practice — democracy simply meant government by equals who discussed issues until they reached agreement. He drew clear similarities between the Greek practice and the African traditional system and concluded that organized opposition was neither theoretically and historically tenable, nor practically desirable in the new states of Africa. Nyerere, along with several other African leaders, held that the new states needed national unity for rapid socio-economic development. The unity could be achieved through national mobilization in a single mass-party organized along Leninist lines. Organized opposition, he concluded, was a luxury for rich nations which the poor, struggling African states could ill-afford.

The anti-opposition posture of African leaders found amazing sympathy with several empirical analysts. David Apter, for example, wrote in 1962 thus:

The role of a political opposition has proved ambiguous in most newly independent nations. ... There are many reasons why this is so. Most new nations have come into being after a prolonged period of struggle with colonial authorities which has caused nationalist leaders to monopolize loyalties. Also, opposition groups, having themselves been associated with nationalism at some stage of their existence, often have an anti-government reflex. ... Indeed, many opposition leaders in new nations regard the new governments much as they did their colonial predecessors, i.e., as basically illegitimate.<sup>7</sup>

David Apter and the intellectual apologists of the anti-opposition stance of African leaders forget that the opposition leaders were also nationalists whose concerns for socio-economic development were no less than those in government. Indeed, it was quite clear even in those murky days that the theories of one-party rule in Africa were mere rationalizations of the unbridled ambitions of the leaders to become

life-presidents. The indulgence of these rather numerous intellectual apologists of one-party rule contributed in no small measure to its spread throughout Africa. In the long run, it engendered the massive repression, corruption and graft that have characterized African political behaviour. It is also partly responsible for the spate of military coups that engulfed the continent over the past two decades.<sup>8</sup>

### The Opposition in Ghana

The break in the united nationalist front in 1949 marks the beginning of opposition politics in Ghana. In a sense, the desertion of the United Gold Coast Convention (UGCC) by Nkrumah and the radical youth was a natural parting of ways by two ideologically opposed groups that had maintained an uneasy co-existence under one umbrella. Regardless of the actual events leading to the break-up and the motives of the leading actors in the scenario therefore, the founding of the CPP on June 12, 1949 marks the introduction of multi-party politics into Ghana. In the subsequent eighteen months, the Gold Coast benefitted from the alternative strategies of outright confrontation and active collaboration with the colonial regime advocated respectively by the CPP and the UGCC.

While the application of positive action (demonstrations, strikes and boycotts) resulted in the appointment of the Coussey Commission, the advocates of collaboration sat in conference with the emissaries of the colonial administration to draw up the Coussey Constitution. In spite of its rather numerous deficiencies, the Coussey Constitution provided a framework of representation and government which was amenable to a peaceful transition to responsible government. The Coussey Constitution ran its course and was peacefully replaced by the 1954 Constitution. Proceedings of the Legislative Assembly (1951-1954) clearly show that classical opposition of the Westminster variety prevailed.

The relatively peaceful tenor of Ghanaian politics turned rather suddenly into a spate of violent confrontations between government and opposition groups following the founding of the National Liberation Movement (NLM) in 1956. Sanity deserted both groups of politicians and statesmanship became a scarce commodity. Organized violence resulting in arson, street fights and brutal assassination of political rivals blurred the substance of the issues in dispute.

The Government lost its head and the Opposition lost the leitmotiv of its existence.<sup>9</sup>

Barely a year after the attainment of independence, the government embarked upon measures to liquidate the opposition — “to show the opposition where power lies.”<sup>10</sup> The Avoidance of Discrimination Act (1958) proscribed all existing parties founded by regional, ethnic and religious groups and forbade the formation of any such group in the future. This forced the myriad of opposition parties to regroup under a grand political umbrella called the United Party.<sup>11</sup> In July 1958, the Preventive Detention Act (PDA) was passed. Under it, the Minister of the Interior could order the imprisonment without trial of any Ghanaian for five years. Several other pieces of punitive legislation were passed between 1959 and 1962 to restrict the liberties of individual Ghanaians and to mop up the opposition out of existence.<sup>12</sup> Professor Kofi Abrefa Busia, the parliamentary leader of the Opposition had fled into exile early in 1959. Dr. J.B. Danquah, the doyen of Gold Coast politics and his nephew William Ofori-Atta had been in and out of jail until the former died in the Nsawam Prisons in February, 1965. Several other leaders of the Opposition were either in jail or in exile by the close of 1962. Finally, in 1964, the CPP majority in parliament passed an Act proscribing all political parties and establishing the CPP as the sole party in the country. Henceforth, it was a treasonable offence punishable with the death penalty to attempt to form or join a political party in Ghana other than the CPP.

The intolerant attitude and punitive measures of the CPP drove the Opposition underground to engage the CPP in terrorist warfare. The culmination of the Opposition's efforts was the military coup d'état which overthrew Nkrumah and the CPP on February 24, 1966. Thus, between 1958 and 1966 Ghana operated a parliamentary system of government in which organized opposition was missing. The CPP did not recognize the existence of minority views. Under its socialist persuasions, the nation was one body of peasants and the proletariat. A homogeneity of interests and a system of universally shared values were assumed. The philosophical framework for political participation, interest articulation and aggregation was the Leninist prescription of democratic centralism. Information was the preserve of the top echelons of society who filtered directives to those below an assumed hierarchical structure. The arena of political participation thus shrank as everybody was reduced to the status of a servile tool of:

His High Messianic Dedication, Osagyefo Dr. Kwame Nkrumah; the Fount of Honour; Commander-in-Chief of the Armed Forces; General Secretary of the Party and President of the Republic of Ghana.<sup>13</sup>

But if Nkrumah's towering dominance over the state was puzzling, the absolute absence of resistance by such prominent private power wielders as the chiefs and the business elite was both horrifying and shocking. Nkrumah had never been on good terms with the chiefs who however had enormous influence over their subjects. Although the state occupied the centre-stage in the Ghanaian economy, independent tycoons existed who could have challenged government with effect. Certainly, discontent and resentment against Nkrumah's policies and methods were widespread. The puzzle therefore was that no centre of private power did anything positive to challenge the government or call a halt to the reign of terror mounted by Nkrumah and the CPP. It takes a whole nation to fight tyranny, and for that matter, to preserve democracy. The Ghanaian elite failed to defend the right of "the other person." to say what he had to say even if every other person disagreed with him.

The lot of the Opposition in the Second Republic (1969-1972) was a mixed blessing. The Constitution recognized the office of the Leader of the Opposition. Following the Westminster parliamentary example, the Opposition was accorded formal representation on strategic statutory bodies. Besides these constitutional concessions, the lot of the Opposition was in no way enviable. The police would not freely grant permit for Opposition rallies; private organizations such as the Ghana Trades Union Congress and the NUGS which showed leanings towards Opposition views were haunted by perpetual security surveillance. Individual government leaders exhibited arrogance and contempt towards Opposition leaders. The political temperature rose steeply and it was no surprise that the army once again stepped in to reduce the steadily mounting tension between rival civilian political groups.<sup>14</sup>

Once again, the chiefs, religious leaders and other prominent voices failed to defend the Opposition. But the more unsettling fact was the inability of the Council of State to do its constitutional duty of acting to moderate the actions of the government. The ceremonial president who also had the constitutional duty of protecting the weaker side against the stronger, provided no evidence of action.



The capitulation of the Third Republic to the PNDC on 31st December 1981 was in no way attributable to the failure of the Opposition. Indeed, the Third Republic saw the emergence of an Opposition that was simply up to its constitutional tasks. Led by the Popular Front Party (PFP) the Opposition demonstrated towering commitment to the constitution and the political survival of the Republic. The Peoples' National Party (PNP) also saw the need for the Opposition as an integral part of the governing processes of the state. There was therefore mutual respect where hitherto mutual suspicion prevailed. The government showed no inclination to mobilize its absolute parliamentary majority rigidly behind every piece of proposed legislation. The Opposition picked up that as a signal for co-operation and consensus-building — more useful than joining in a coalition government of allparties. It responded with objective and a political assessment of government proposals ranging from the nomination of candidates for ministerial and other high state offices to debates on the annual budget. The government of President Hilla Limann showed considerable tolerance of the Opposition which the latter duly reciprocated.<sup>15</sup>

But neither the Council of State, nor the National House of Chiefs, nor any other private pressure group was responsible for the co-operation which existed between government and Opposition in the Third Republic. Much perhaps, was owed to the political conscience of President Hilla Limann. It has been widely rumoured (sometimes with derision) that President Limann went to bed with the Constitution under his pillow. Whatever the case, President Limann was clearly a man wedded to the spirit and letter of the Constitution. He accepted the cardinal principle of multi-party politics that the government is formed by one political party which must permit and guarantee the existence of other political parties. The Opposition also signalled its willingness to co-operate and to play by the rules when its presidential candidate accepted defeat and graciously congratulated his victorious opponent very early in the counting of the votes. Thus, unlike the joy and spontaneous acclamation which greeted the collapse of the First Republic and the partial rejoicing in opposition camps at the fall of the Second Republic, the PNDC intervention was greeted with no measure of enthusiasm. Even at that early stage, many felt that the intervention was unnecessary and it was a stab in the back of democracy. It was thus due more to a lack of courage than to disenchantment with constitutional rule that the people did not resist the PNDC intervention.

It is perhaps necessary to mention in passing that Opposition neither thrived nor showed its head under any of the three military regimes in Ghana. In fact, under each of these regimes, private political activity (outside the framework provided by the regime) was legally proscribed. The few individuals and groups that tried to offer alternatives to junta policies were swiftly bundled away into the cooler. In any case, since military regimes are invariably born out of force, they depended on force to survive. Private views opposed to their positions therefore have had no place.

## The Opposition in the Fourth Republic

We have already noted that the existence of a formal Opposition is implied by the idea of multi-party politics. As in 1969 and 1979, the Constitution of the 4th Republic recognizes this fact and provides for Opposition representation on all major statutory and constitutional bodies. The Opposition has been given representation on the Council of State, the National Development Commission, the National Security Council and on several such strategic bodies. It will also play a key role in the vetting and confirmation of nominees for cabinet and other high positions in the State. The Directive Principles of State Policy are clear on the rights to free association, speech and assembly. In fact, the paper guarantees for the existence of organized Opposition are adequate. However, given the experience of the past and the PNDC's determination to hand over power only on its own terms, even the most optimistic observer would exercise a great deal of caution in holding any high expectations for a free rein for the Opposition in the 4th Republic.

There are indeed several bottlenecks in the way of organized Opposition in the next political dispensation. Among these are: the inhibitions posed by the cultural environment; deficiencies in some structures created by the constitution; and the anti-democratic nature of the transitional process.

Ghana is still some distance away from attaining a state of integrated democratic culture. That is to say, certain basic traditional norms of behaviour which do not promote democratic behaviour are still cherished in important social circles. The prime example is the norm that protects the person of anyone in a leadership position against open criticism. Although the traditional system permits indi-

viduals to question the judgment of the leaders of society, it does not tolerate organized opposition as an alternative to the leadership. Indeed, in the traditional setting, leadership is a life-time trust subject only to good conduct. A permanent group of opponents pledged to unseat the leadership is therefore a taboo which carries the death penalty — or in modern times, such heavy fines as would send the party or parties into exile. The striking point is that it is not only at the point of political leadership that the norm prescribing respect and servility towards leadership prevails. Even in such places as the university, the civil service and in the school system as a whole, those in leadership positions evoke the primacy of office to dictate terms and expect passive acceptance of their dictates. The same tendency is evident in the manoeuvres that are currently taking place within the emergent political parties.

There are also, several prominent voices which are not only against multi-party rule but also against the idea of an organized opposition as an integral part of government. In these groups (which have no links whatsoever with the proponents of the one-party regimes of yester-years) are voices calling for a sort of a "national" government. They seem to agree that individuals and parties could contest the elections; they could even retain their private political organizations. But the victorious party should invite every such identifiable group to accept some cabinet and other high positions of state. A national, bi-partisan programme for development should be worked out by the "national" cabinet and the entire nation should support it under the leadership of the "national" cabinet.

The philosophical underpinning of this posture is that a people elects a representative to help rule the country and bring *development* into its area and *not to oppose* — to become an enemy of the government. This thinking, in consonance with the traditional norm, considers the notion of an alternative government an evil. It also, by implication, accepts a government clamp down on the opposition as at least natural — a natural act of self-defence. Thus, as in the past, a government denial of social amenities to areas that voted for the Opposition, would be considered natural, legitimate and probable. The cultural environment, therefore, appears to pose an enormous obstacle to the emergence and survival of formal opposition.

Some aspects of the cultural inhibitions to spirited government-opposition politics find expression in the constitution. The apparent national aversion to political convulsion has left a deep imprint on the

national psyche which is not likely to disappear too soon. The idea that neutral arbiters play very fruitful roles in maintaining peace and stability has found expression in an institutional form. Since 1969, the nation's constitution writers have found pleasure in prescribing an advisory body for the Chief Executive of State. Christened the Council of State, this body has been designed for persons of "experience" and presumed statesmanship, and who have shown no open support for any political group within the country. The primary function of the Council of State has been to advise the Chief Executive in secret and to urge him to observe basic principles of morality and humaneness in all his actions. The bulk of the membership of the Council have no real expertise on specific areas of public policy. Certainly, such members as a former Chief Justice, a former Chief of Defence Staff and a former Inspector-General of Police, would have professional advice to tender on specific issues. Others such as regional representatives and the President of the National House of Chiefs would only give general political advice probably based on moral grounds. The 1992 Constitution, for example, requires the Chief Executive to appoint as many as eleven members (more than 40% of the entire membership) of the Council. It omits the leadership of the Opposition. And although the President must seek the consent of the legislature in the nomination of the eleven members, that provision gives an unfair representation on the Council to the President alone.

As already noted, the idea of a Council of State derives from the belief that it is necessary to counter the ambitions of an elected executive with the sober reflections of experts, moralists and humanitarians who act behind the scenes. It is, perhaps derived also from the British concept of a second legislative chamber composed of experts and others who, because of birth into distinguished families, are assumed to be more British than those of ordinary birth.<sup>16</sup> The deficiencies of such a legislature acting either with Parallel authority or less with an elected one, have been demonstrated by academic as well as practical public voices in Britain against the House of Lords. There is therefore no real reason why Ghana should not have opted for the United States example of an elected second chamber. Among other things, an elected second chamber would be in consonance with the tenets of republicanism and representative government. Its meetings would be open to public purview and the people would hold the legislators directly responsible for whatever position each takes on every issue.

Beyond the obvious and oft-quoted advantages of an elected

legislature, there are basic deficiencies in the composition of the Council of State for the 4th Republic. These deficiencies are not likely to enhance the lot of the opposition. First, the President has a free hand in selecting who among the several past Chief Justices, Chiefs of Defence Staff and Inspectors-General of Police would be invited to serve on the Council of State. Second, in the absence of any criterion by which the eleven special members would be selected, the President virtually has a free hand in loading the Council with servile persons. Third, since the Council would convene in secret, the government has a free hand in evoking the authority of the Council in support of controversial decisions. This is possible because the Council has no constitutional right to issue public rejoinders to government decisions. And in any case, the large presence of government nominees would mean that a majority disclaimer would invariably emerge against any rejoinder to a government pronouncement. In sum, the Council of State is more likely to become a major instrument for winning public support for government decisions than an impartial arbiter between government and opposition groups. The Opposition would then be seriously handicapped in its efforts to restrain the Government.

The third obvious threat to the emergence of a viable formal opposition in the next Republic is the content of the transition process designed and decreed by the PNDC. In addition to the points noted above is the cardinal fact that the PNDC has refused to see itself as a regime that came into office outside the rules and through the barrel of the gun. The refusal to admit to its essential origins has led to a further misconception that the youth it has put into uniform and armed with light weapons, as well as its own sponsored 31st December Women's Movement are the legitimate representations of a homegeneous national movement towards the re-introduction of another version of a peoples' democracy in Ghana. That these and the Police Ladies Association, which are openly the campaign fronts for the PNDC chairman, are directly supported from state funds means that the Opposition would bear a fundamental grudge against these state agencies if the PNDC and its allies win the elections. Besides, the elections would lose the flair of a fair contest. And while the Opposition would naturally seek avenues as equally illegitimate as the unfair use of public funds by the PNDC to fuel its campaign, the PNDC in government would, in turn, seek to block the Opposition. The future is indeed bleak for healthy government-opposition

relations in the next Republic.

## Conclusion

This paper has shown that formal opposition as an integral part of the governing processes of Ghana is necessary for the survival of democracy. It has also demonstrated that at least three conditions exist in the Ghanaian society which would inhibit the growth of formal opposition in the next Republic. In this part of the paper, we will consider steps that could be taken to at least, limit the impact of the inhibiting conditions on the survival of opposition (and of multi-party politics) in Ghana.

It is of primary importance that the transition process be governed by the democratic principles of equal opportunity for all competing groups and the total exclusion of coercion and use of state agencies for the benefit of some groups in the campaign for the Castle. Since the courts have shown no courage to defend the rights of vulnerable groups,<sup>17</sup> such prominent groups as the Trades Union Congress, the National House of Chiefs, the Association of Registered Professional Bodies of Ghana and religious leaders should step up the call to the PNDC to submit scrupulously to the tenets of fair-play. In addition, the Western democracies and all the International Financial Institutions should announce prominently that they would not recognize any government which emerges out of a truncated, undemocratic transitional process. There is need for a combined internal and external pressure on the PNDC to respect democratic norms. A government conceived and delivered by populist dictators in an equally populist environment is not likely to be a government that places the individual at the centre of state actions. Adolf Hitler conducted fairly free elections in 1933 but his government turned out to be anything but democratic. That was possible because the national socialist party swept away every private centre of power under the guise of a national economic emergency. The involvement of external powers is important because of the monopolization of absolute powers by the PNDC.

The joint voices of the internal and external powers should demand the immediate demobilization of the personal security forces of the PNDC. Foreign governments, especially those of France, Germany and the United States should cease to give cash and other forms of aid to the 31st December Women's Movement and the Police Ladies Association. Finally, these neutral voices should demand the grant of general and

unconditional amnesty to all Ghanaians either in exile or in jail for their political views. The press should also be liberated from the current tight control wielded over it by the PNDC through the Castle Information Bureau and the Ministry of Information. Journalists should be emboldened to investigate and publish (even if they err occasionally) the facts. In this connection, the decree which prohibits public criticism of the PNDC, its members and functionaries should be abrogated. These would, all together, engender a liberal political atmosphere to prepare the nation for democratic partisan politics.

There must also be an atmosphere tolerant of the Opposition in the post-transition era. This imposes enormous tasks on the Judiciary, the National Assembly and private influential groups. The Judiciary invariably plays a crucial role in democratic presidential systems such as we intend to have under the Fourth Republic. In anticipation of this role, the Constitution amply guarantees the independence of the judiciary. However, unless the judges are courageous enough and possess the perspicacity to perceive the long-term effects of their pronouncements on the body politic of Ghana, these guarantees would be of less worth than the ordinary paper on which they are written. Judicial courage to defend the individual against the state should be cultivated and developed.<sup>18</sup>

A lot also depends on the National Assembly. Its rule of conduct should place the Opposition firmly in the centre of its control systems. That is to say, the Opposition should be given ample room — not necessarily a dominant room — to pronounce on all major issues especially on the appointment and conduct of high officers of state. The National Assembly should also give formal recognition to the Leader of the Opposition and the Shadow Cabinet by providing for material rewards such as special emoluments, official residence or subsidized residence, secretarial and propaganda logistics and a respectable position on the national order of precedence. It must also ensure that the security services, particularly the police, respect the free movement, speech and assembly of opposition leaders. Where the police have good reason to refuse an Opposition permit to hold a public meeting, this should be referred to a speedy hearing and determination by the local magistrate grade one court.

Finally, such statutory as well as private institutions as the National House of Chiefs, the Ghana Bar Association and the Trades Union Congress should see the survival and vibrant activism of the Opposition as an important guarantee of the survival of the democratic

enterprise in Ghana. No effort should be spared to protect journalists from any obstructions to free practice of their trade. In this connection, public demonstrations of support through prominent denunciations against government persecution of journalists should be forthcoming.

This chapter recognizes the need to nurture democratic culture in Ghana. However, it rejects the idea of state-sponsored institutions for the political education of the people. I hold as do such eminent empirical observers of political behaviour as Ali A. Mazrui, Karl W. Deutsch, Robert A. Dahl, David E. Apter and Bingham Powell and Gabriel Almond — among several others, that democratic political culture is a function of acquired habits gained through practice and not one that comes through formal, rigid instructions. You can teach a person mathematics or the English language through formal instruction. But the habit of governing himself, he must learn through a process of trial and error brought to him by exposure to the challenges of living as a civilized political animal.

In sum, it is important that public opinion recognizes the immense contributions of formal Opposition to the survival of democracy. It must rally to its defence against the Castle even if it occasionally exceeds its bounds. The National Assembly, the Judiciary and all private centres of power must act to assure the Opposition that its role as an integral part of government is as noble and desirable as that of the group in the Castle.

## NOTES

1. The CPP (1957 - 1966), the NRC/Supreme Military Council I and II (1972 - 1979) and the PNDC since January 1982 have together held office for about 80% of the entire life of the Republic of Ghana.
2. I am referring to the CDRs, the Commandos, the Militia and the 31st DWM.
3. They include the Catholic Bishops' Conference, the Christian Council of Ghana and distinguished individuals such as former Chief Justice F.K. Apaloo and retired General Ashley-Larsen. Each has called for the dissolution of the armed CDRs, Mobisquads and Commandos and the integration of the personnel into appropriate state organs; the grant of unconditional amnesty to all exiled and imprisoned opponents of the PNDC; the abrogation of press control decrees and other decrees meant to protect PNDC members and appointees against public criticism; free access to state newspapers, radio and television by all political groups; and an end to the use of state resources by the PNDC, its chairman and front political organizations in their campaign for the Castle.



4. For a detailed discussion of the functions of the opposition in democratic states refer to any basic work on political science or government. In particular, see D. G. Kansculas (1974), Karl W. Deutsch (1976), Robert A. Dahl (1976), Rodee, Anderson, Cristol (1976) and Alan A. Ball (1978) among others.
5. The CPP Programme for Work and Happiness. Accra: 1964, sections 10-12.
6. Nyerere, Julius K., *Ujamaa: Essays on Socialism*. London: Oxford University Press, 1968, and  
— *Uhuru na Ujamaa: Freedom and Socialism: A Selection from Writings and Speeches, 1965 - 1967*. London: Oxford University Press, 1973.
7. David E. Apter, "Some Reflections on the Role of Political Opposition in New Nations," reprinted in Irving L. Markovitz, ed., *African Politics and Society*. New York: The Free Press, 1970, pp. 226 - 241.
8. The late General A.A. Afrifa had said that once the government abolished the civilian opposition, it automatically made the military its sole political opponent. See his work on, *The Ghana Coup*, 1966. London: Frank Cass, 1966.
9. For details of the NLM era in Ghana, see Denis Austin, *Politics in Ghana: 1946-60*. London: Oxford University Press, 1964, and David E. Apter, *Ghana in Transition*. Princeton: Princeton University Press, 1963.
10. Attributed to Krobo Edusei who, as Minister of the Interior, was responsible for the operation of the PDA.
11. The parties merging into the United Party were: the Ghana Congress Party; the Northern Peoples' Party; the Muslim Association Party; the Togoland Congress and the Anlo Youth Association.
12. Among these were: (a) The Investigations of Crimes Act (1958) which broadened the Attorney-General's authority to compel any person to supply information where crimes against the state were involved; (b) The Offences Against the State Act (1959) which gave judges the authority to sentence up to 15 years persons convicted of making false reports about Ghana; and (c) The Criminal Procedures Act (1960) provided for special courts to enact the death penalty for political crimes without trial by the jury.
13. This long title was used on most State occasions.
14. This should in no way suggest a justification for the overthrow of the 1969 Constitution. The personal ambitions and grievances of the key players in the coup were clearly dominant over any presumed concerns for democracy.
15. The PNP government upheld opposition objections to several cabinet appointments including the appointment of a Regional Minister for the Volta Region. The PNP parliamentarians joined forces with those from the ranks of the PFP to reject the budget proposals for the 1980/81 year.

16. The British House of Lords has come under severe criticism in recent times. Several Britons would now like to have a mixture of elected representatives and men of experience in the House of Lords.
17. A recent High Court decision on an action by 29 prominent politicians against the Interim National Electoral Commission shocked public opinion. See *People's Daily Graphic* and *The Ghanaian Times* issues of May 18, 1992.
18. In this regard the advice tendered to the Gold Coast Governor by the late J.B. Danquah on the appointment of judges to the superior courts need to be canvassed by the Bar Association. The late doyen of Gold Coast politics had advised that appointments to the Bench should be made from among prominent private legal practitioners rather than as a promotion for judges of interior courts.

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## POLITICAL PARTIES AND THE PROSPECTS FOR NATIONAL STABILITY

Kwame Boafo-Arthur

### Introduction

Civilian regime changes in Ghana have always been violent. There has been no single instance where a democratically elected government handed over power to an opposition group. The military shot themselves to power in 1966, 1972, and 1981 on the crest wave of perceived mass discontent with civilian administrators. However, the military regimes that emerged after the various coups also had to contend with various forms of instability. For instance, the National Liberation Council (NLC) that ruled from 1966-1969 had to contend among others, with an abortive coup d'état that led to the death of Col. E.K.Kotoka, one of the architects of the 1966 coup. The National Redemption Council/Supreme Military Council (NRC/SMC) that came to power in 1972 was also violently overthrown by the Armed Forces Revolutionary Council (AFRC) in 1979.

The ruling Provisional National Defence Council (PNDC) has been contending with various forms of destabilization, especially abortive coups, since 1982. Some form of political instability had always preceded military interventions in the country. It could be argued therefore that political instability engendered by coups, counter coups, ethnic warfare, civilian and military maladministration has been a permanent feature of Ghanaian politics since independence.

What then are the main features and components of stable and unstable polities? Webster's New World Dictionary defines political stability as "having a definite governmental organization that is not likely to break down, fall apart or give way." For political sociologists, a society could be either integrated or disunited, culturally homogeneous or fragmented — surviving commonly on accepted societal norms or values or not.<sup>1</sup> Nations are composed of many societies and given the differing ethnic and cultural backgrounds of

such societies, instability seems to be endemic in most political systems.

Unstable political systems have certain distinguishing features. These include frequent shifts from one type of regime to another, eg, monarchy to republic, from civilian dictatorship to military rule or from one democratic framework to a different one; frequent changes in the personnel of the state; and recurring violence in the form of riots, demonstrations, revolts, ethnic warfare, coups and counter coups.

On the other hand, political stability has certain distinctive components. David Roth and Frank Wilson, identify them as legitimacy, management of conflict, and durability.<sup>2</sup> A political system is stable where the public perceives its institutions and leaders as legitimate. That is, the means for attaining political power and the established institutions through which power is exercised must enjoy general or mass support. A legitimate government has the capacity to command obedience without using coercive tactics.

Coercion and other extra legal measures are instruments normally utilized by unstable and feeble regimes to command obedience and acceptance. At times, and even in stable polities, a legitimate government may lose its support through ineffective policies. Such a situation might lead to a call for fresh elections (as it happened in Britain last April 1992), aimed at winning back the mandate of the electorate. In most developing countries, however, perception by the government of lack of support and disenchantment with the system by the citizenry might be the harbinger of more repression or military intervention.

Max Weber<sup>3</sup> identified three kinds of legitimacy: traditional, charismatic, and rational-legal. Traditional authority subsists on accepted beliefs in the sanctity of tradition, historical institutions and individual occupants of traditional positions of authority. Charismatic authority is characterized by the public acceptance of a ruler/individual with exceptional powers or authority. Such exceptional leaders always emerge in crisis situations. Rational-legal authority is based on the acceptance of the legality of established rules and of the right to govern of those who come to power in observance of these rules.

A regime's claim to authority may be based on any or a combination of these Weberian sources of authority. It must, however, be stressed that military intervention and rule is now a common source of political authority in developing countries. Where a regime

attains power outside the Weberian sources of authority, it normally adopts several measures, including intimidation and coercion etc, to either legitimize itself or put opposition in line. Even if power is attained through the identified Weberian sources, such a legitimate government risks its support if it subverts the civil liberties of the people and fail to fulfill their expectations. For instance, during the first republic, the regime's legitimacy was compromised on account of the flagrant disregard for the basic norms of democratic governance. Instability was created as a result and this contributed to the military intervention of 1966.

The second component of stability is management of conflict. Political systems face various conflicting situations emanating from several competing sectors within nations. The system's capability in mediating demands made by ethnic, religious, socio-economic and other cleavages helps in ensuring stability. Whether this intra-state competition will culminate in violence or engender stability, will depend on the following; the level of development of the political system; the capabilities of policy makers; and the political maturity of the leaders of the various competing groups. However, where intransigence, arrogance, and lack of respect for democratic rules of governance reign supreme, resolutions of various conflicts become difficult.

Furthermore, where institutional weakness persists, resolution of competitive demands becomes unnecessarily tasking. Conflict is a recurrent phenomenon in any political system and the cost of unresolved conflict is political instability and loss of legitimacy by the government.

The durability of the political system over time is the third component of political stability. Successful crisis resolution enhances a regime's ability to overcome future crises. Sheer luck may, however, enable a system to persist by muddling through crises with little effort at managing them. A regime's durability will be attained where consensual politics is the norm and mechanisms for crisis resolution or management are efficient.

On the basis of the foregoing, the paper gives a brief overview of the negative politics of the government and the opposition during the first three republics. By negative politics, we imply the use of such methods of governance that invariably undermine the constitutional legitimacy of regimes, create instability and thereby make military intervention an easy task as a result of the ready support it gets from the people. Next, the sources of stability and instability in

the general African context are examined to serve as the bases for analyzing the future prospects for political stability in Ghana.

### Political Parties and Stability in the Earlier Republics

Political parties are formed for various reasons. However, by nature, parties are organizations that seek to control the government by nominating candidates for office and winning power through the election process. Parties aim to acquire power and to retain such power once it has been won. This objective could be attained only when the ruling party meets the aspirations of the majority of the people.

The existence of parties further implies acceptance of the idea that the people must be taken into consideration in the organization and administration of the polity.<sup>4</sup> In our Ghanaian context, the United Gold Coast Convention (UGCC) and its radical offshoot, the Convention Peoples' Party (CPP), emerged to lay claim to self-government and *ipso facto* the right to participate in the governance of the country.

Even though parties formulate policies to win election, some emerged in the past for clearly defined regional or ethnic reasons. For instance, whereas the UGCC and the CPP emerged in reaction to colonialism that deprived citizens of the right to participation in the political process, and for broader national objectives, others like the Ga Shifimo Kpee, The Togoland Congress, The Northern Peoples' Party and the Muslim Association Party, emerged for ethnic or regional and religious reasons.

The erroneous conception that multi-partyism is the harbinger of conflict and instability owes its origins to the sharp differences and conflicts between the perspectives, goals, and aspirations of political parties as well as the methods adopted by such religious, regional and ethnic based parties to attain their political objectives in the past.

Such parties perceived the party system as a means to defend regional or ethnic political and economic interests. Their irreconcilable positions and the uncertainty over the political future of such ethnic groups in the immediate pre-independence period partly explain the spate of violence that became a feature of pre-independence politics.

The CPP faced an onerous task in the face of a polity divided

along ethnic and religious lines. The stability of the nation depended on how the ruling party approached the problems of nation building and especially the issue of political opposition.

## The First Republic

The stability of the first republic was gravely undermined by the method of governance adopted by the ruling CPP. Dr. Nkrumah had earlier identified ethnicity as a potentially destabilizing factor in the country. In 1954, he warned the Legislative Assembly that any toleration of the formation of political parties on regional, sectional or religious bases was bound to lead to political chaos and worse still, sow the seeds of the destruction of our national existence.<sup>5</sup> So far as Nkrumah was concerned, the opposition was not to be tolerated because of its regional, ethnic or religious biases. The fact that the opposition groups merged to form the United Party after independence, and thus could no longer be said to be ethnically or regionally based, did not matter to the CPP. Ironically, both Dr. Nkrumah, the Prime Minister and Dr. Busia who was the leader of the Opposition group in parliament called for mutual co-operation from the Government and the Opposition to guarantee the greater happiness, progress, success and greatness of the country.<sup>6</sup> This was not to be. The notion of an Opposition ready to subject its policies to criticisms most probably rankled the CPP leadership. The method of governance adopted therefore had the long term objective of dealing once and for all with all shades of organized and unorganized political opposition.

The promulgation of the Preventive Detention Act (PDA) in 1958 which led to the detention without trial of many opposition members; the "profound dislike by Nkrumah of any open criticism of his rule"; the imposition of one party state in 1964 etc, contributed immeasurably to the systematic erosion of the civil liberties of Ghanaians. Theoretically therefore, the CPP lost its constitutional legitimacy on account of the obnoxious methods of governance it adopted.

More significantly, the adoption of one party rule demonstrated the government's unwillingness to share power with other groups. It was assumed that one partyism would bring about national unity and rapid development. This proved to be illusory. In fact, the elimination of the opposition was the culmination of various acts that fly in the face of good governance. The legislature pandered to the whims of the

executive under the one party system. Even before the adoption of one party government, the CPP sought to curtail the judiciary's independence. This was done when Nkrumah brazenly dismissed Sir Arku Korsah as Chief Justice on December 11, 1963. His offence was the acquittal of Tawia Adamafo, Ako Adjei and Coffie Crabbe in the Kulungugu bomb incident trial. On December 23, 1963, the Law of Criminal Procedure (Amendment no.2) Act which empowered Nkrumah to quash any decision of the Special Court was passed. Consequently, on December 25, the president declared Sir Arku Korsah's professional judgement null and void.

Most of the measures adopted by the CPP to ensure its continued stay in office had the effect of creating political instability. The measures were reacted to by the Opposition through assassination attempts on the life of Dr. Nkrumah. Since Nkrumah broadened the scope of his autocratic control to cover the judiciary, one can argue that the invocation of national unity and development as pretexts for the establishment of one party government was just one of the means to ensure his personalized rule. It was not surprising, therefore, that by the end of 1964 the country was manifestly unstable. According to Denis Austin, the CPP government was in total disarray, the state itself mortally damaged by governmental attacks on the judiciary, police, the civil service and the universities.<sup>8</sup>

In a nutshell, while the ruling party did everything in its power to perpetuate its rule through the PDA, the establishment of one party state and elimination of the opposition party, electoral fraud, suppression of the judiciary etc, the Opposition, anxious to participate in the political process and unwilling (naturally) to accept the unlawful prohibition of its operations, adopted several measures, including subversive activities, to topple the government. An environment of chronic instability was therefore created for the military to intervene. It is arguable that the situation and perhaps the history of the nation would have been different if the avenues for a peaceful and democratic change of government had not been completely blocked by the ruling party.

In any political system, opposition members who are treated as political pariahs and hunted like animals "can be easily pushed to hopeless infelicity"<sup>9</sup> and be compelled to resort to desperate measures. We need to accept the truism that any government (no matter its electoral advantage) which fails to realize the essence of the opposition, either by omission or commission endangers national



stability, unity and security. Competitive party systems can only emerge where parties are pragmatic and realistic enough to accept the legitimacy of political dissent and opposition. It becomes easy for national leaders to resolve societal conflicts and thereby ensure stability when this fundamental truth is accepted. Unfortunately, the CPP failed to accept this fundamental political principle and resorted to measures that eventually led to its overthrow.

## The Second Republic

The second republic took off in 1969 after three years of military rule. However, the seeds of instability were apparently sown even before the take off of the second republic. First, in 1969, just as in 1956, political campaigns quickly degenerated into what one analyst termed "virulent effusions of bad taste" characterized by "insulting journalistic activities that thrived on personality digging,"<sup>10</sup> rather than the presentation of alternative goals and means of attaining these goals. Secondly, in spite of the lopsided electoral victory of the Progress Party (winning 105 out of the 140 parliamentary seats) some people were not happy with the measures taken by the NLC to deprive some people of their rights as citizens. For instance, apart from the banning of the Peoples' Popular Party (PPP) which was alleged to have had links with the CPP, Mr. K.A. Gbedemah was disqualified from being a member of the National Assembly by the controversial article 71 clause 2, paragraph(b) (ii) of the 1969 constitution.

The Progress Party (PP) government could be faulted on three grounds; inability to cope with the economic situation; poor relations with principal social groupings; and suspected level of commitment to the precepts of liberal democracy.

The major economic problems faced by the PP were; rising prices, escalating unemployment, rising taxation which was opposed by a broad spectrum of social groupings, stagnating agricultural output, falling commodity prices, etc. The attempt to resuscitate the economy compelled the PP government to implement certain economic measures. These included a national development levy to finance rural development; the Aliens Compliance Order of 1969, and the Business Promotion Act designed to alleviate unemployment and to transfer certain foreign-owned enterprises to Ghanaians; import controls; and

44% devaluation of the national currency. These measures backfired because they were unpopular. David Goldworthy opines that:

almost all the regime's economic orthodoxies were unpopular, none more so than the final stroke of devaluation and no amount of rational explanation in terms of the international financial crisis and the world-wide demand-slump for agricultural produce could save Dr. Busia himself from the major share of the opprobrium.<sup>11</sup>

The government's persistent attempts to gain relief from external creditors and obtain enough funding from external sources were not successful. Ronald Libby points out that the policies adopted by external donors such as the World Bank and the IMF "were catastrophic" for Ghana, "and destroyed what remained of the democratic government's public support. This dramatic change in public climate made the government fatally vulnerable to a military coup d'etat."<sup>12</sup> Furthermore, the government's relations with major social groupings, and commitment to democratic governance became questionable in some respects.

For instance, in September 1971, the government froze the assets of the TUC and a new Industrial Relations Bill aimed at abolishing the TUC and distributing its assets among member unions to make them autonomous was rushed through parliament. But this was misconstrued and was not well received by the rank and file of the TUC. The issue of declaration of assets raised by Lt. General Ocran, a member of the Presidential Commission led to his public vilification. The students in higher institutions were equally disenchanted by the introduction of a loan scheme. Dr. Busia himself showed little regard for the judiciary in the famous Sallah case. Nonetheless, he never reversed the decision taken by the court as it happened during the First Republic.

It must be stressed that no government can rule without a solid support base, but this was precisely what was undermined by the policies adopted by the government. On this, Dennis Austin aptly notes that, "with remarkable fortitude...the Progress government engaged in battle with each section of its supporters."<sup>13</sup> Thus by the time of the coup, various segments of the Ghanaian society ranging from students, trades union organization, the judiciary, and the army had been disenchanted to some extent by Busia's methods of governance.

A serious problem which was not the making of the PP government but the outcome of ethnic cleavages was the polarization of parliament along ethnic lines. The Opposition in Parliament was predominantly

Ewe, while the PP was predominantly Akan. The merger of the opposition parties to form the Justice Party did not in any way affect the polarization of parliament along ethnic lines due to the overwhelming majority of the PP in parliament. The irony of the situation was that before the elections, both Dr. Busia and Mr. K.A. Gbedemah, like Dr. Nkrumah before them, decried the ethnic sentiments being expressed during the transition period. Dr. Busia warned the country in 1969 that the magnitude of tribal associations in the country posed a serious threat to the smooth organization of party activities. Mr. K A. Gbedemah also referred to the ethnic sentiments being expressed during the campaign as a "dreadful tragedy" and implored Ghanaians "to remove the stain of tribal nepotism."<sup>14</sup>

The clear division in parliament in 1969 underlined the dangers of Ghanaian proclivity towards ethnic exclusiveness. The Opposition apparently saw nothing good in any policy decision put forward by the ruling party. Its method of walk-outs from parliamentary debates made parliamentary work difficult. Maybe, it wrongly perceived its duty in parliament as merely to oppose whatever the government stood for irrespective of its merits. The Opposition therefore contributed in undermining the durability of the fledgling democracy.

Nevertheless, the country in comparative terms, enjoyed freedom of speech, press and other individual liberties during the Second Republic. For sure, the party system was a great improvement on that of the First Republic. In spite of the ethnic-based Opposition in Parliament, the stability of the nation was not under any serious threat as a result of the operation of the party system. The major problem was the poor economy. The economic predicament of the nation, in the words of Goldworthy, "tightly constrained decision-making and ensured many unpopular policies"<sup>15</sup> which undermined the government's constitutional legitimacy and public support.

It could be hypothesized that with time the ruling party could have resolved the socio-political and economic contradictions. The PNDC's first two and half years in office attest to the fact that two and half years is too short a time for any meaningful assessment of the economic performance of a regime that was not ruling by fiat. What must be underlined is the ingrained Ghanaian impatience with liberal-democratic regimes. The national expectations of what Max Assimeng terms "all kinds of political and economic cornucopia"<sup>16</sup> within a very short time makes the appearance of self-proclaimed redeemers, liberators, and revolutionaries appear timely and desirable. So long as

Ghanaians look for short cuts to economic cornucopia, we shall continue to wander in the political wilderness; and be ruled by self-serving and self-appointed people who parade under revolutionary and other populist banners.

### The Third Republic

Dr. Limann's PNP came to power in 1979 with impressive victories in both the parliamentary and presidential elections. In the parliamentary elections, the party won 71 out of the 140 seats while the main rival — the Popular Front Party (PFP) — won 42 seats. The opposition parties together had 69 seats in parliament. Dr. Limann won the presidential election in a second ballot defeating the PFP candidate, Mr. Victor Owusu. The stage was therefore well set for a competitive party system in the country. Unfortunately, the PNP assumed power at a time almost everything had gone wrong politically and economically in Ghana. It was also a time that public expectations were at a fever pitch due partly to the "housecleaning" exercise embarked upon by the AFRC and the electoral promises made by the winning party. Politically, the country was unstable after the brief intervention of the AFRC. It is trite to note that the AFRC rule clearly brutalized the military command structure, unleashed an unprecedented indiscipline in the army and seemed to have created enmity between the NCOs and the officers. This created an aura of psychological insecurity that most probably affected government performance.

Economically, the situation was chaotic after the seven years of economic mismanagement by the SMC. The situation was worsened by the ill-advised AFRC-sponsored sale at ridiculous prices of almost everything in the stores and warehouses. By the time the PNP assumed power, there was scarcity of consumer items of every imaginable kind. The nation was virtually bankrupt.

The party system, however, appeared to be the best for the country. The run off for the presidency was an indication that an alternative group could easily dislodge the ruling party in any fair elections if the incumbent failed to perform. Given the in-fighting within the ruling government, the proposed merger of the opposition to form the All Peoples' Party (APP), and the slim parliamentary majority of the PNP, the government could have been defeated by the opposition in the next elections. The political climate engendered

by the party system during the Third Republic was, therefore, more propitious for competitive politics than the earlier republics. For instance, the opposition group cut across the ethnic spectrum unlike under the Second Republic, and most members were seasoned politicians who were presumably well aware of the demands of responsible opposition. It was a credit to the party system of the Third Republic that for the first time in the political history of the country the budget of the ruling government was rejected by parliament and had to be modified to be accepted. To all intents and purposes, the stage was set for responsible governance, responsible opposition, competitive party system, development of democratic loyalties and the strengthening of democratic institutions.

Ironically, the life of the democratically elected government was again truncated by the military. For sure, the public had substantial expectations which were contributed to by the various promises "of short and long-term economic prosperity"<sup>17</sup> during the electioneering campaign. Public disappointment led to indirect pressure on the government and created problems for the PNP. The pressures for good performance were heightened by the warning given by Rawlings that the "politicians were on probation."<sup>18</sup> The PNP contributed to its problems further by their internal wrangling and jockeying for positions. The government appeared impotent also in the face of serious economic and social crises brought about by low productivity in various sectors of the economy. To be brunt, the PNP needed to do more at the economic front to check inflation, unemployment, low productivity etc, than the "muddling through" approach it apparently adopted. The economic crisis obviously affected the support base of the regime. As pointed out by Hanson:

The poor performance of the government tended to undermine its constitutional legitimacy. In Ghana, as in many developing countries, the legitimacy of the political order is not a settled issue. Important as constitutional legitimacy is, it is not enough to sustain a government. It needs a material base to breathe life and meaning into it and it was in this that many people saw that the regime had failed.<sup>19</sup>

The fact that there was no immediate spontaneous supportive reaction to the coup of December 1981 was indicative of the apprehension people were in. Was another military intervention the panacea to our economic woes? Were Rawlings and his followers motivated by

blind personal ambitions or genuine concern for the plight of the nation? Answers to these questions are obviously beyond the scope of this paper. It suffices to say that we are all witnesses to what has transpired in the almost eleven years of PNDC rule.<sup>20</sup> Even though the Second and Third Republics were faced with daunting socio-economic problems, the situations were not so desperate to warrant military interventions. To be sure, the life spans of the republics were too short; the legitimacy of the regimes were not in serious doubt, and their capabilities at conflict management were not allowed by the military to be fully tested.

It seems, therefore, that the military interventions were propelled by considerations other than manifest instability. It is, therefore, necessary for us to highlight some sources of stability and instability in general terms in order to project the prospects for stable democratic governance during the 4th Republic.

### **Sources of Stability and Instability**

The sources of political stability and instability are varied and are influenced by different circumstances. We can identify at least four major sources, namely, ethnic or cultural differences, socio-economic conditions, type of political institutions, and international influences.

An important source of political instability, especially in Africa, is ethnic cleavages and, or cultural differences. Attempts at nation building in the developing world have been constrained because in most cases countries are divided internally as a result of distinctive differences of language, religion, race, and region of resident.<sup>21</sup> Sudan offers a classic example where Arabs and black Africans are divided by geography, religion and language. This has resulted in bitter conflicts and struggles for the control of the state. Jackson and Rosberg note that, political tensions and conflicts emanating from ethnic divisions can seriously undermine political stability and the ability of any government to control its territory.<sup>22</sup> In Ghana, the Nanumba-Konkomba, and the Gonja-Nawuri ethnic conflicts have been lingering for a long time. Even though the conflicts are regionalized, they have very serious implications for national stability. As noted, parliamentary work during the Second Republic was burdened by the fact that the Opposition was predominantly ethnic based. This had the potential of undermining national cohesion and instability.

Extreme ethnic cleavages has led to a series of conflicts in many parts of Africa. For instance, ethnic conflicts contributed to the attempted secession of Biafra and a devastating civil war in Nigeria from 1967-1970. The on-going civil war in Somalia after the fall of Siad Barre is traceable, among other causes, to divisive ethnic rivalries. Togo, Rwanda, Kenya, Liberia etc., have at one time or another witnessed the vicious nature of ethnic intolerance. It must be emphasized that in all cases, serious civil conflict develops where ethnic differences have been unduly politicized.

Cultural and ethnic conflicts are not the characteristics of polities in only the developing countries. In Canada, cultural or linguistic differences between Quebec and the rest of the country have persisted over the years. As at now, some parts of Europe are in the throes of ethnic wars. Ethnic differences have contributed to a virtual disintegration of Yugoslavia and has led to a brutal civil war between Serbians and Croats. Ethnic intolerance and a devastating civil war have afflicted Armenia and Azerbaijan in the Commonwealth of Independent States (CIS). These are pointers to the fact that ethnicity and the instability it creates is world wide. It is a socio-political canker that negatively affects economic development not only in Africa but in other parts of the world. In short, ethnicity has the potential of destabilizing any political system unless it is handled with circumspection by those in authority.

Secondly, the political stability of any nation is affected by the prevailing socio-economic conditions. The continuous decline in the standards of living in most African countries account for various levels of instability on the continent. For instance, the late Samuel Doe of Liberia capitalized on the "rice riots" of 1980 to overthrow the Tolbert regime. Rothchild and Gyimah-Boadi note that, "Ghanaian hopes for economic prosperity at independence were replaced by a mood of disillusionment in the mid-1960s as the Nkrumah policies brought consumer scarcities and mounting inflation."<sup>23</sup> The cumulative impact of deteriorating economic conditions contributed to the fall of the earlier republics and the military regime of General Acheampong. According to the World Bank, between 1970 and 1982, Ghana's income per capita fell by 30% and real wages by 80%; import volume fell by two-thirds; net export earning fell by one-half, and the ratio of Ghana's exports to Gross Domestic Product (GDP) dropped from 21 to 4 per cent. In addition, the domestic savings rate fell from 12 to 3 per cent of GDP.<sup>24</sup>

In all cases, socio-economic problems lead to frustrations and

generate political instability. Philip Cutright opines that economic development and the wealth it generates, industrialization, efficient communications and education contribute to stable democracy. In his view, well-to-do nations have greater chances of sustaining democracy<sup>25</sup> and *ipso facto*, stability. By implication, wealthy nations are more stable than poor nations. Even though not all relatively well-to-do nations are stable, (e.g. Israel and Iraq), there is little doubt that a close correlation exist between political stability and the economic well-being of a state. In actual fact, stable political systems are often the more highly developed.<sup>26</sup> Maxwell Owusu also notes that "national political cohesion will continue to depend largely on ... rapid economic progress."<sup>27</sup>

Whereas improved socio-economic conditions augurs well for political stability, there are cases such as Tanzania, Zambia and Malawi in the 1960s, 1970s and early 1980s where in absence of wealth, stability became the hall mark of their political systems. The most plausible reason for this might be the type of political system operated during the periods. In situations where totalitarian, personalized one party rule is the norm, stability is attained through the manipulations of the political systems, intimidations of real and imaginary political opponents and general deprivations of individual rights. Under such conditions a semblance of stability is attained but it happens to be stability with very shaky foundations and which confers very little lasting developmental benefits on the nations concerned.

Thirdly, the type of political institutions also influence political stability. In the view of Samuel Huntington, a nation can avoid instability if it develops adaptable, complex and coherent political institutions capable of responding to citizen demands.<sup>28</sup> The tragedy of most Sub-Saharan African countries is that frequent military interventions in the democratic process have stunted the growth or development of capable political institutions. Not until the military realizes the long term harm its frequent forays into civilian administrations do to institutional building and capabilities, most African countries will continue to bear the cross of weak institutions and political instability.

A related argument for stability is about political culture which Gabriel Almond and Sidney Verba term the civic culture. They define political culture in terms of political orientations and attitudes held by individuals in relation to their political systems. This includes orientations that favour both active political participation and passive acceptance; rationality and traditionality; and consensus and cleavage.



These could characterize both the nation and individuals.<sup>29</sup>

For Maxwell Owusu, political culture encompasses "the total environment of ideas, beliefs, perceptions, attitudes, values, judgments, sentiments and expectations that shape, define and sustain the relationship between leaders and the led, politicians and the constituents."<sup>30</sup> In Ghana, due to the complete absence of civic responsibility borne out of overwhelming political commitment to societal norms capable of stabilizing the polity,<sup>31</sup> the political system easily crumbles any time serious economic, social and political difficulties arise. We need to stress that democratic political culture which is conducive to national stability could be acquired through consistent adherence to democratic system of governance. The longevity of democratic governance will promote loyalties which will help citizens to counteract any threat to the established order. On this, Martin Grondzins avers that national loyalties in democratic systems are largely by - products of participation in voluntary groups. Such loyalties are not borne out of manipulation from above. As such, they are not submissive, are more studied, and less emotional.<sup>32</sup> To sustain such loyalties, democratic governments must ensure economic satisfaction, civil liberties, judicial independence, etc.

Finally, political instability may be created by external circumstances. For instance, the regime of Salvadore Allende of Chile was destabilized by the American CIA. The conditions were created for general chaos brought about by economic hardships and this paved the way for the military to overthrow the socialist regime in 1973. In Southern Africa, the apartheid government of South Africa carried out a series of incursions into Botswana, Lesotho and Angola in alleged pursuits of ANC guerrillas, thus destabilizing such countries. Until quite recently, South Africa was funding RENAMO to wage guerrilla attacks on the legitimate government of Mozambique. The impact of these destabilization measures cannot be gainsaid. The PNP government of Dr. Limann had cause to warn Libya, and later broke off Ghana's diplomatic relations with Libya for allegedly subverting his government. In the mid-1980s, the PNDC accused USA of covert subversion aimed at destabilizing the government.

Indisputably, international influences both direct and indirect, manifested through economic, cultural, political and military mediation can either help to stabilize or destabilize a country. It must be added that the attitude of the ruling party or group toward the opposition either enhances stability or generates instability. Where the ruling party fails to appreciate the worth of the opposition in a democratic setting, serious

problems capable of undermining national stability crop up.

Ghita Ionescu and Isabel de Madariaga see political opposition as the most advanced and institutionalized form of political conflict.<sup>33</sup> The essence of political opposition lies in its provision of a democratic basis for a competitive struggle for power. Effective political competition through legitimate channels such as the political system decreases the likelihood of violence and ensures stability. On the other hand, violence and confrontation become ready tools for the opposition in a situation where the ruling party or political system deprives those in opposition of the channels for effective political participation in the affairs of the state. This was precisely what occurred during the First Republic. The CPP operated the party system in such a manner which made it impossible for the Opposition to contribute to national discussions; in fact, all democratic means to effect a regime change or ensure meaningful participation by those with contrary views were blocked.

A related factor which is very relevant to our current situation is the mode of transition from one system of governance to another. In post-colonial Africa, regime changes have in most cases been either from one party civilian dictatorship to authoritarian military rule through coup d'état or from military authoritarianism to civilian constitutional rule. If transitions are not handled circumspectly, those leaving might feel aggrieved and might find means to undermine the process. It must be stated unequivocally, however, that instability has been the lot of countries where the military dictatorships have sought to perpetuate their rule by constitutional means. The on-going political melodrama with its disastrous effects on Zaire and Togo are classic examples. The civil war in Liberia was caused by the late Samuel Doe's electoral gerrymandering that transformed him from a military dictator to a civilian head of state. Any time dictators (whether civilian or military) overstay their welcome, their countries are plunged into chaos.

It is a truism that the military has dominated the political life of Ghanaians for a long time. It is also a fact that the party systems, as operated by the earlier republics, gave cause for concern, and to a large extent engendered instability in various forms. At the same time it will be foolhardy for us to ignore the underlying factors of military adventurism and personal ambitions of some of the coup makers. The important issue is that the country is at the threshold of yet another constitutional order. In the light of our past experiences and the various sources of stability and instability discussed above, one is tempted to

ask what the prospects for political stability are in the 4th Republic.

### **Prospects for the Future**

The political system has been under military siege since 1966. The country is, therefore, yet to get the best out of political parties. Consequently, predicting the political future of the next constitutional government is an exceptionally difficult task. We can only take consolation from the fact that there has been a qualitative improvement in civilian regime performance since the ouster of the First Republic especially with regard to the rule of law and respect for civil liberties. One cannot say the same for military regimes the country has had. The more matured civilian administrations prove to be over the years, the more repressive and dictatorial military regimes become.

Frequent military interventions have negatively affected the development of strong party traditions in the country. It seems therefore that the long term stability of the nation and the ability of the party system to play any meaningful role in the country in future will depend among other variables, on the level of military support for the political system. Will the military (which is now highly politicized) readily consign itself to its traditional role after many years of ruling this country? It suffices to state categorically that the fundamental duty of the military is to defend the country and its governmental institutions but not to subvert them through interventions. It is not likely that the spate of instability, with particular reference to military interventions, would change very much if the military is not prepared to play its traditional role. However, since the military capitalize on general discontent to intervene in national politics, it behoves the next constitutional government to provide able and transparent leadership and thus avoid creating the conditions for interventions.

Another salient issue is that many civilian and "military politicians" have made their careers since 1966 under military regimes. These people must realize by now that both military and civilian regimes have their failings. They must, therefore, stop instigating the military to ride on their shoulders to attain what they will normally fail to attain under democratic civilian governments. Simply put, the military must stop vetoing the will of the people only to satisfy another batch of civilian and military-politicians who benefit from every military intervention.

Deteriorating socio-economic conditions have been major sources

of instability in Ghana. The prospects for stability are therefore, bleak if Ghanaians in general fail to realize the enormous socio-economic problems facing the nation at the moment. The PNDC's success in pursuing draconian economic measures was due to the absence of constitutional limitations. If the measures had been pursued under a democratic party system, the government in power would have most probably been ousted. If the party system is to succeed in ensuring stability Ghanaians must accept the restrictions imposed by constitutionalism on the range of policy options that could be pursued. Our ability to appreciate what it takes to reach a consensus under democratic governments will minimize the pressures we unduly put on civilian regimes. Such pressures from various social groups even before the government gets stabilized tend to undermine the constitutional legitimacy of governments and induce the military to intervene. That is, our preparedness to respect the cultural milieu of democratic governance will greatly enhance the party system and thereby ensure national stability and development.

Finally, a lot will depend on how the party system is operated by the ruling and opposition parties. These two groups should not fail to note the tremendous responsibilities that will be imposed on them after 7 January 1993. Apart from sheer military adventurism and personal ambitions of most coup leaders, it could be argued that the ruling party and the opposition often facilitate military coups through their modes of operating and playing the political game. The opposition, for instance, has over the years proved to be the most effective factor in mobilizing popular discontent against any regime. The alacrity with which opposition members accept political appointments dangled by military regimes strengthens one's suspicions that parliamentary opposition members and their supporters outside parliament indirectly entice the military to intervene. It shows further that the Opposition has, over the years, contributed immensely to political instability. The Opposition's presence and worth must be made through meaningful, constructive and intelligent contributions to debate on national issues in parliament rather than the utilization of negative and anachronistic weapons such as boycotts or walkouts and name calling. A responsible opposition normally co-operates with the ruling party to find lasting solutions to serious national problems through healthy parliamentary debates. By so doing, the legitimacy of the democratic system is assured, its capabilities at conflict management enhanced and its durability guaranteed. Simply, we need to develop a culture of healthy

democratic debates in order to promote political stability.

It must be underscored that no ruling party can meaningfully satisfy all constituents. At the same time a ruling government must prove its commitment to democratic ethos of governance to enhance political stability. Where a government goes out of its way to incarcerate or detain imaginary or real political opponents on trumped-up charges as it happened during the First Republic; antagonizes sensitive social groups and *ipso facto* its support base, as in the Second Republic; or proves to be impotent in the face of avoidable and disruptive political in-fighting, as in the Third Republic etc., instability is created and democracy is greatly imperiled.

As noted, competitive demands are endemic in any political system. In a system such as ours with a disabling unemployment rate, poor standards of living, chronic debt burden, fluctuating external earnings, high levels of illiteracy etc., it is natural to expect demands from various national or social groups to be sharper and be more violently expressed in future. Unlike dictatorial, single party or military regimes, democratic governments cannot readily and easily resort to unorthodox means to contain citizen demands. Nevertheless, national stability will be greatly influenced by the measures that will be adopted to tackle not only demands from various social and articulate groups but more significantly, the fundamental problem of the economic well-being of the generality of the people. As David Levine aptly notes, "a political order that recognizes these needs and perspectives as legitimate and provides a place for their free expression is likely to be more durable, stable, and secure..."<sup>34</sup> This is the challenge that faces the ruling and opposition parties in the 4th Republic.

In our present Ghanaian situation, however, a lot will depend on how the ruling PNDC ushers the country into the 4th Republic. Unless the government amply demonstrates its good faith by ensuring fairness in the run up to elections, it will be difficult to guarantee the future stability of the nation. The emerging parties are genuinely worried about many things. These include the PNDC's lack of neutrality in the transition process; the arbitrary imposition of the transition process without due consultation with the opposing democratic forces; insensitiveness to demands for changes to the electoral register; the plan to conduct the presidential and parliamentary elections on different days in the face of grave financial problems, as well as misgivings expressed about the possible bandwagon effects of the presidential on the parliamentary elections; failure or unwillingness to dissolve the paramilitary organs

such as the CDOs, militia and commandos in order to ensure an atmosphere devoid of intimidation of political opponents; failure to grant general and unconditional amnesty to political exiles etc.

The best way the PNDC can help to stabilize the 4th republic is to heed popular demands and thereby eliminate the dangerously growing mass disenchantment with the transition process. Continued disregard for the wishes of the people and especially the clearly disadvantaged political parties is a recipe for national instability and disaster.

## Conclusion

It is clear from the above discussions that instability as a result of frequent military interventions, civilian government's inability, at times, to conform to democratic ethos of governance, political in-fighting among leading party members at the expense of national issues of importance, both military and civilian government's failure to find lasting solutions to pressing economic problems etc, have been recurring themes in the political history of Ghana. Thus, the major bane of political stability has been the negative politics of both the government and the opposition as well as the unfettered ambitions of some military personnel.

Given our past experiences, it is apt to conclude that national stability will depend, among others, on the following; the responsiveness of the government-to-be, to the needs of the majority of the people; creation of general national awareness on the seriousness of the socio-economic and political challenges in the coming years through sustained political education; governmental adherence to constitutionalism; the level of maturity that will be exhibited by both the government and the opposition when dilating on issues of national concern; avoiding sentiments and policies that tend to incite ethnic exclusiveness and enmity; facilitating effective collaboration between the government and the opposition through regular seminars or workshops; and the extent to which the military will succeed in exorcizing itself of its arbiter mentality.

While the nature of the economy will be crucial to stability, it is expected that the pursuit of viable economic policies, capable of positively affecting the well-being of the ordinary man, will make it possible for Ghanaians to accept the realities of the moment.

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## **FINANCING OF POLITICAL PARTIES IN GHANA: AN EXPLORATORY STUDY**

**Joseph R. A. Ayee**

### **Introduction**

The role of finance in party politics cannot be overemphasized. Indeed, it can be postulated that finance is the "oil that greases the engine" of party politics.<sup>1</sup> An enormous amount of money must be spent to reach the electorate — to break down public inertia and secure political activity. Radio and television time, newspaper space, printing of campaign literature, campaign vehicles and payment of staff emoluments are phenomenally costly. Despite the crucial role that finance plays in politics, little or no attention has been given to the subject by scholars on Ghanaian politics.<sup>2</sup> This dearth of literature on party financing may be attributed largely to the fact that the extent of contributions and the identity of the donors have remained a closely-guarded secret. This paper sets out to do three things. First, it traces the history of party financing during the post-colonial period in Ghana. Second, it identifies and discusses the main features of laws regulating the funding of parties. Third, it recommends measures aimed at improving the financial position of political parties. Because of the paucity of information on financing parties in Ghana, the paper is exploratory.

### **The History of Financing Parties in Ghana**

Party financing in Ghana is often associated with corrupt practices. The genesis of this link between party financing and corruption may be traced to the period of Kwame Nkrumah's Convention People's Party (CPP). The 1956 Jibowu Commission Report found that the Cocoa Purchasing Company (CPC), a subsidiary of the Cocoa Marketing Board (CMB) and established in 1952, instead of being one of the agencies

through which loans should be issued to farmers, rather became the outlet for loans which were channelled to finance the activities of the CPP and its supporters.<sup>3</sup> The Commission emphasized that it was unable to

dismiss as mere rumour the allegation that the funds of the Cocoa Purchasing Company had been used either directly or indirectly for the purposes of the CPP.<sup>4</sup>

The liquidation of the CPC was followed by the establishment of the National Development Company (NADECO) as a limited liability company in January 1958 to finance the CPP, because Nkrumah "thought that it was unfair to finance the party from public funds."<sup>5</sup> NADECO's role as an avenue to finance the CPP is further buttressed by a resolution of the NADECO Board of Directors on 26 September 1962:

Resolved that in view of the support of the CPP on the question of African Unity and for its policy of total independence of the African continent economically, socially and politically, the Company, being a non-profit making Organization, should support financially the said CPP by allocating funds which would otherwise be declared as bonuses to its shareholders or such sums as it can conveniently allocate without impairing its status, financial standing or in any way hinder its progress.<sup>6</sup>

The A.G. Leventis deal of 1962 which earned Nkrumah and the CPP \$ 2.4 million as a result of the inflated price of the properties of Leventis and the Sargall transaction were all conducted through NADECO. It must be pointed out that although NADECO did a certain amount of legitimate insurance business it became the "avenue through which commissions, bribes and other moneys were collected to finance the CPP. Huge sums of money amounting to £G588,404 13s 2d were transferred at various dates into the coffers of the CPP from the funds of NADECO."<sup>7</sup> In the words of the Azu Crabbe Commission which probed the affairs of NADECO Ltd "NADECO was not only the principal prop of the CPP but also the clearing house for bribes paid either to the CPP or to Nkrumah."<sup>8</sup>

One other method which was used during the Nkrumah period, to finance the CPP, was the payment of bribes as a condition for the award of government contracts. Contractors who refused to pay bribes were blacklisted. Extortions of moneys from building contractors no

doubt resulted in inflation of contract prices which were paid by the Ghanaian taxpayer.<sup>9</sup>

Similar practices prevailed under subsequent civilian regimes. For example, during the period of the People's National Party (PNP) there was the Chiavelli affair. It was in connection with this that 5 prominent members of the Party were sentenced in 1982 to various terms of imprisonment for obtaining a loan, (which they shared among themselves) to finance the PNP from the Italian businessman, Chiavelli. This contravened the 1979 Political Parties Decree which stipulated that no political party should be financed from foreign sources.

Although there was no big scandal with respect to party financing under the Progress Party (PP) regime, it is tempting to say that office holders seem to have become important source of financial support for the party. It would appear that it was because of this that ministers of the PP were allowed to hold profit-making positions in private companies and public corporations, contrary to constitutional stipulations, so long as their motives were deemed "pure, laudable and public spirited."<sup>10</sup>

The brief history of party financing reveals that campaign and organization funds of most of the parties were not raised by contributions from the rank and file of their supporters but rather from substantial contributions from business interests, legitimate or otherwise, and from men of means who often but by no means always, expect something in return. The experience of party funding during 1952-1966 and 1979-1981 shows that the ruling parties were funded from illegal sources, which promoted corruption. The promulgation of the 1992 Political Parties Law (PNDCL 208) is, therefore, an attempt to neutralize the "excesses" of party financing during the First and Third Republics.

## **Regulation of Party Finance**

The 1979 Political Parties Decree (SMCD 229) and the Political Parties Law of 1992 (PNDCL 208) purport to limit the size of individual contributions, to prohibit certain types of contributions and to require political parties to declare their assets, liabilities, expenditure and audited accounts.<sup>11</sup> The 1979 Decree and the 1992 Law mandatorily require the publication of the size of contributions, the names of contributors, assets, liabilities and the nature of expenditures before and after elections. The 1992 Political Parties Law, for instance, stipulates that:

every political party shall within 60 days after the issue to it of a final certificate or registration submit to the Interim National Electoral Commission (INEC) — a written declaration giving details of all its assets and expenditure, — including all contributions or declarations whether in cash or in kind made or to be made to the initial assets of the party by its founding members in respect of the first year of its existence.<sup>12</sup>

The Law further enjoins a political party to submit to the INEC within 40 days after a public election in which it participated a “detailed statement — of all expenditure incurred in respect of each candidate put up or supported by that political party specifying the manner in which any money involved was spent.”<sup>13</sup> Any political party which refuses or neglects to comply with the provision or makes a false declaration will have its registration cancelled.

The assumption behind the requirement to declare assets, liabilities and expenditures in relation to elections is that the secrecy surrounding party financing facilitated corruption. In other words, the requirement is to ensure transparency and accountability in the operations of political parties.

### **Limitation on Sources of Funds**

The 1979 and 1992 Political Parties Law prohibit or limit contributions from certain types of sources. Aliens, companies, partnerships, firms or business enterprises are all barred from contributing to the funds of political parties. The basic explanation for this limitation is that large contributions by aliens and business interests are made in expectation of something in return, for example, the granting of licenses and award of contracts. Corrupt practices which the granting of licences and award of contracts promote have serious implications for the building of a democratic society. Corruption, as Price has pointed out, undermines the dependability of government organizations and reduces the government’s capacity to respond to and control its environment.<sup>14</sup> In this way corruption “impedes political development and negatively affects the attainment of modernization goals.”<sup>15</sup> Corruption also undermines the stability of regimes. Indeed, one of the main reasons offered by coup makers to explain the overthrow of regimes is corruption.<sup>16</sup>

Perhaps the most debilitating effect of corruption on a demo-

cratic society is its link to the "softness of the State."<sup>17</sup> In the words of Myrdal

the general setting of the soft state makes corruption possible, and in turn the prevalence of corruption is a mighty influence keeping these countries as soft States.<sup>18</sup>

The state is often an artificial entity. The disregard of its rules bears little social stigma and rules are largely disregarded where the political overseers exhibit weak leadership.<sup>19</sup>

On the other hand, the issue of limiting the size of individual contributions to parties is a vexed one. While some argue that one cannot run a political party without money, others assert that large contributions carry the risk that individual donors would unjustly influence, dominate and manipulate political parties and their leaders.<sup>20</sup>

In 1979 citizens of Ghana could not contribute more than €1,000 per annum to party funds. This was found to be meagre. A Bill was to be initiated in Parliament by the PNP to raise the contribution to €100,000 when the PNP was overthrown by the Provisional National Defence Council (PNDC). The 1992 Political Parties Law, on the other hand, originally pegged the amount of contribution to party funds at €200,000. This generated a lot of heated debate and controversy among political groupings, who claimed the initial level of contribution failed to take into account the cost of living and the inflation and exchange rate in the country. The Law was subsequently amended by the PNDC to empower the INEC to set the limit of individual contributions. After consultations with potential party leaders the INEC fixed €1 million in cash or in kind as the limit that any individual can contribute to a political party fund within a year. Again, this level of contribution did not satisfy most political groups, who pointed out that at a meeting with INEC on 12 June 1992 they suggested levels of contributions ranging from €10 million to €20 million.

The controversy over the limit on contributions by individuals cannot be discussed adequately without identifying the sources of funding of political parties vis-a-vis the requirements which a party has to meet before being issued a certificate of registration. The main sources of party financing in Ghana are supposed to be the sale of party cards or what is called membership dues; sale of party "T" shirts; fund raising rallies; and individual donations. Of these ind-

vidual contributions from well-to-do persons by and large remain the mainstay of party finance. This has been the case because the other sources of funding are grossly inadequate in view of the requirements which a party has to satisfy before registration. Some of the requirements include the following:

- (i) that there is in each district of Ghana a founding member of the party who is ordinarily resident in the district or is a registered voter in the district;
- (ii) that the party has branches in all the regions of Ghana and is, in addition organized in not less than two-thirds of the districts in each region;
- (iii) that the party has on its national executive committee or secretariat a member ordinarily resident or registered as a voter in each region;
- (iv) a list of full names and addresses of at least one founding member of the political party from each district;
- (v) a full description of the identifying symbols, slogans and colours, if any, of the political party; and
- (vi) payment of a registration fee to the Interim National Electoral Commission.<sup>21</sup>

One of these requirements, which has financial implications, is that a party must have branches in all the regions of Ghana and not less than two-thirds of the districts in each region.<sup>22</sup> The logistics involved in this requirement, operating at the ward, branch, constituency, district, regional and national levels, runs into billions of cedis, which membership dues, sale of "T" shirts and fund raising rallies *per se* cannot adequately take care of. Political parties do not, therefore, have any choice but rely extensively on individual contributions. This situation buttresses the view that the high cost of campaigning is one of the major unsolved problems in politics.

Three major deficiencies are, however, associated with individual contributions. First, contributions may affect policy-making by making parties alter their policies and administrative decisions to fit the interest or demands of the big donors. In other words, individual donations may lead to corruption, whereby the huge financiers may demand their "pound of flesh" in the form of award of contracts and appointment of persons of their choice to top government positions, and granting of import licenses. Second, control over

party funds by a few people may affect the internal power structure of power within a political party. The party leadership is controlled by those who have funded the party. Policies, which are not in line with the interests of party members, emanate from the "sponsors" of the party rather than the leadership. Sometimes the few rich people in the party manoeuvre to either get themselves or their incompetent favourites appointed to top positions in the party, where they could influence decisions directly. The consequences of "hijacking" the administration of the party by big donors may result in the party leadership becoming stooges and thereby losing interest in members as well as ceasing to canvass for new members.<sup>23</sup>

Third, the high cost of campaigning may give undue influence over political recruitment to the big donors. For example, if two men in a party organization are seeking nomination for either an elective or appointive political position, and if one has the resources to pay his own campaign bills whereas the other has not, the chances are that the wealthier aspirant will win out. In short, if it is expensive to stand for Parliament, for example, men and women without financial resources may be prevented from putting themselves forward.<sup>24</sup>

Truman had the above dangers in mind when he argued that the central objective of contributions is "access to the power of the elected officials" rather than a donation which "is purely a matter of personal friendship."<sup>25</sup> The result is that those who help out a politician in his time of need can receive favoured treatment when they have problems of their own. What is ironic is how inexpensive such an investment can be. For a gift of say €5 million an individual may gain, in return, the "intercession" of a minister or parliamentarian that will get him government contract or an import licence that will ultimately net him or his business about €500 million.

One reason for this favoured treatment is that so few citizens contribute at all. The dominant access to politicians by a few wealthy contributors to political party campaigns in Ghana is largely the apathy of millions of voters who could contribute to the campaign funds of political parties but abstain from it ostensibly because Ghanaians allegedly do not have the habit of "political giving."<sup>26</sup> They make annual donations to their churches; but very few send money to their local party organizations or to the candidates.

## Measures to Improve Financial Standing of Political Parties

How does one resolve the paucity of funds available to political parties in Ghana and their heavy reliance, therefore, on individual contributions? First, the political parties themselves must make some effort to broaden the base of contributors. Scholars of party finance<sup>27</sup> recognize that the development of a flow of regular contribution from large numbers of relatively small contributors would free parties from the "importunities" of those who give large sums when the party coffer is empty and also permit more orderly planning and conduct of party activities. In this connection, the decentralization of the structure and machinery of political parties should be vigorously pursued to ensure transparency and accountability. Like the national government, the structure of parties in Ghana over the years had been centralized to the point that the parties did not find "grassroots" fund raising drives profitable as a means of whipping up political enthusiasm. Decentralization of the structure of the parties will also promote political education of the "grassroots" to pay their membership subscriptions, which will broaden the base of party funding.

Second, the possibility of state financial subsidies to the parties in the form of block grants should be explored. State subvention to parties and the cost of electoral campaigns have been successfully introduced in about two dozen countries, including, Germany and Puerto Rico.<sup>28</sup> State subsidies may not only minimize corruption but may also enable the parties to concentrate upon the recruitment of new members and on political education rather than the time-wasting task of fun-raising. State subsidies however are not only expensive but also make the parties bureaucratic and unresponsive to the demands and interests of members. It is also likely that state subsidies will deter the collection of membership subscriptions by party organizations. Short of direct state subsidies for general campaign purposes, the provision of "free" (or more accurately paid-for-out-of government funds) time for political parties on radio and television may be considered. This will enable all parties to have equal access to the media.

A national foundation may be established by the state to raise funds both internally and externally for distribution to the parties. This foundation should be a corporate entity and independent of the government of the day. The justification for such a foundation is to greatly reduce the financial gap between the parties. State income tax



laws may also be amended to grant tax incentives for political parties. For instance, a tax credit of up to €14 million may be granted on a political party's contributions returns with no "itemization of deductions," while an income deduction of up to €6 million be permitted on returns with "itemized deductions." Tax incentives are, however worthless unless the parties have an effective machine for solicitation.<sup>29</sup> The merit behind this proposal is not only to aid the efforts of parties to lift themselves from financial difficulties but also to allow for deductions of "charitable" contributions and operating costs of the parties.<sup>30</sup>

## Conclusion

What conclusions can we draw about the financing of political parties in Ghana? First, the cynical view that contribution to the funds of a political party is equivalent to a bribe at times matches the facts. Yet the significance of money in politics can be appreciated only by a view that places party finance in the total context of the political process. It is probably fair enough to say that men of wealth on the whole use money in politics to protect what they regard as their interests. Their votes are few in a regime of popular government and they build their "political defences" by the use of money. (Key, 1964; Heard 1960 Alexander 1961).

Such statements about the concern of moneyed interests in politics may be generally correct. That the unbridled dominance of money would run counter to the tenets of a democratic order may also be indisputable. But the pragmatic question about the power of money in politics may come down to one of how much power and how that power is used. The abuse of such power may go unchecked if accountability is not part of the political process. In other words, money has its power in politics but this power has its limits.

Furthermore, the role of contributors in influencing policies and actions of government must be regarded in a larger context than that of a contributor always *buying* a specific action or wanting something in return. Businessmen, for instance, may contribute to a party on the assumption that its general policy orientation will turn out to be sympathetic to them. In effect, persons with political concerns give to their friends. When the chips are down *on specific questions* they hope to be treated favourably. Thus the pattern of contributions may be just one dimension of the variety of interest cluster around political parties.

All these, however, are not to deny the fact that contributions to political parties in Ghana are mostly meant to purchase specific actions. A party or a candidate that encounters great difficulty in raising the money absolutely necessary to meet campaign expenses may be under an exceptionally strong pressure to make concrete commitments in exchange for financial support. The Ghanaian experience of financing political parties has shown that parties or candidates put themselves under obligation to do specific favours for contributors somewhat beyond the fringe of respectability. Finally, the way in which parties raise and spend money may also have a potentially adverse affect on political life in a number of ways. Unfortunately, political scientists have not found any agreed way to assess its actual impacts and there is much disagreement and confusion about the topic. The problem arises mainly because it is difficult to separate the influence of money from politics.

#### NOTES

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6. *Ibid.* p.13.
7. *Ibid.* p.21.

8. *Ibid.* p.23.
9. See Victor Le Vine. *Political Corruption: The Ghana Case*. Stanford: Hoover Institution Press, 1974); Herbert Werlin, "The Roots of Corruption: The Ghanaian Enquiry". *Journal of Modern African Studies*. Vol. X No.2, (1972), pp.247-266.
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11. See Republic of Ghana, The Political Parties Decree, 1979 (SMCD 229). Tema: Ghana Publishing Corporation, 1979; Republic of Ghana, Political Parties Law (PNDCL 281) Tema: Ghana Publishing Corporation, 1992.
12. Republic of Ghana, Political Parties Law, 1992, Section 13, p.7.
13. *Ibid.* para. 14 (2) p.8.
14. Robert Price. *Society and Bureaucracy in Contemporary Ghana*. (Berkeley: University of California Press, 1975, pp.142-143.
15. *Ibid.* p.145.
16. See Austin and Luckham (eds) *Politicians and Soldiers in Ghana*. A.A.Africa. *The Ghana Coup: 24th February, 1966*. London: Frank Cass, 1967; David Goldsworthy. "Ghana's Second Republic : A Post Mortem" *African Affairs* LXXII No.286 (1973), pp.8-25.
17. Gunnar Myrdal. *The Challenge of World Poverty*. London: Penguin, 1970 p.208. The soft state is one where all the various types of social indiscipline manifest themselves in the form of deficiencies in legislation and in the observance and enforcement of law. Moreover, there is widespread disobedience by public officials, on various levels, to rules and directives and much collusion with powerful individuals and groups whose conduct they should regulate.
18. Myrdal. *The Challenge of World Poverty*. p.208.
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20. See Robert Dodoo. "Financing Political Parties" *People's Daily Graphic* 13 June, 1992; K.A. Osei, "Matching Funds for Parties" *People's Daily Graphic* 19 June, 1992.
21. Republic of Ghana, Political Parties Law, 1992. p.4-6.
22. *Ibid.*
23. V.O. Key *Politics, Parties and Pressure Groups*. 5th edn. New York: Crowell Company, 1964, pp.510-514.
24. See Ewing. *The Funding of Political Parties in Britain*. Cambridge: Cambridge University Press, 1987; Michael Pinto-Duschinsky, "Funding Political Parties since 1945" in Anthony Seldon (ed) *United Kingdom Parties since 1945*. London: Philip Allan, 1990; A. Heidenheimer (ed) *Comparative Political Finance*. Lexington, DC: Heath, 1970.
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The papers which appear in this book were presented at a national seminar organized by the Department of Political Science in collaboration with the Friedrich Ebert Foundation. They address various aspects of the daunting problem of successfully building a democratic society in Ghana as well as the role of political parties, the law and constitution, socio-political forces, culture, practices and processes in implementing this challenging national agenda.

The analyses are incisive, frank and compelling. This book should be read by all and sundry.

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ISBN 9964 - 978 - 14 - 6



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