

## **Chapter 2**

### **Political and Historical Background**

#### **Independence and the Nkrumah era**

On March 6, 1957 the Gold Coast was proclaimed a sovereign independent nation – the first in sub-Saharan Africa. The nation chose to remain a member of the Commonwealth upon attaining independence. On 1st July, 1960 it was proclaimed a republic and Kwame Nkrumah was installed as President. The name Ghana was adopted after the medieval Ghana Empire of West Africa, which was also famed for its wealth and trade in gold.

It is interesting to note that prior to independence the British government held a referendum that resulted in the integration of the territory of British Togoland into the Gold Coast, enlarging the newly-independent nation's borders. (British Togoland was a League of Nations Class B mandate in Africa, formed by the splitting of German protectorate Togoland into French Togoland and British Togoland).

Nkrumah spearheaded the movement for African Unity, laid the foundations for the formation of the Organization of African Unity (OAU), and was a firm supporter of the Commonwealth and the Non-Aligned Movement. Domestically however, his popularity soon started waning. Ghana transformed into a one-party state, with the Convention People's Party (CPP) as the only recognisable party. Further, an increase in the President's powers, through laws such as the Preventive Detention Act of 1958, and widely unpopular economic and social policies contributed to his fall from grace.

#### **Political turbulence from 1966–1980**

On 24 February, 1966, Nkrumah's government was overthrown by the Ghana Armed Forces, and a National Liberation Council (NLC) headed by Lieutenant-General Joseph Arthur Ankrah was formed to administer the country. In April 1969 however, Ankrah was removed from office and Lieutenant-General Akwasi Amankwa Afrifa took power, initially as the NLC Chairman and later as the Chairman of a three-man Presidential Commission. This Commission paved the way for a General Election in 1969, which brought the Progress Party to power, with Kofi Abrefa Busia as Prime Minister and Edward Akufo Addo as President.

The Ghana Armed Forces again seized government in January 1972, and Colonel (later General) Acheampong became the Head of State and Chairman of the National Redemption Council (NRC). The NRC later became the Supreme Military Council (SMC), and in July 1978, General Acheampong was replaced by General F.W.K. Akuffo in a palace coup.

The SMC was overthrown in June 1979 in a mass revolt of junior officers and members of the Ghana Armed Forces, led by Flight-Lieutenant Jerry John Rawlings. The Armed Forces

Revolutionary Council (AFRC) was set up following the uprising under Rawlings' chairmanship, and carried out an in-house 'cleaning' exercise across both the armed forces and wider society aimed at restoring a sense of 'moral responsibility' and the 'principle of accountability and probity' in public life.

One of the AFRC's early acts in power was to summarily execute eight senior military officials – including, three former Heads of State, Generals Ignatius Kutu Acheampong, Akwasi Afrifa, and F.W.K Akuffo, on June 16 and June 26, 1979 for alleged corruption and embezzlement of public funds.

The AFRC held office for three months and honoured plans for a General Election announced before the uprising. The elections were won by the People's National Party led by Dr Hilla Limann, and on 24 September, 1979 power was transferred to the civilian government. This administration lasted two years before being overthrown on December 31, 1981 by another Rawlings-led coup. Rawlings became the Chairman of a nine-member Provisional National Defence Ruling Council (PNDC), which presided over a number of Secretaries of State responsible for the various government ministries.

### **Return to multi-party democracy**

Upon assuming office, the PNDC set up a National Commission for Democracy (NCD) charged with formulating a programme for 'the more effective realisation of true democracy'. The PNDC also established elected District Assemblies to facilitate the introduction of more grassroots governance.

In 1990, prompted by the PNDC, the NCD organised forums in the country's ten regions to ask Ghanaians what form of government they wanted. This exercise eventually led to the promulgation of the 1992 Constitution, which was approved by the people of Ghana in a referendum in April and May 1992. In response, the PNDC lifted the ban on political activity and restored the freedom of the press.

The PNDC was accused however, of a reign of terror and repression by a cross section of the Ghanaian public. Notably three High Court Judges and a retired army officer were abducted and killed in 1982. This led to accusations of complicity being levelled at Rawlings and other PNDC leaders, although an official enquiry at the time exonerated the alleged perpetrators from any blame.

### **The 1992 and 1996 elections**

Presidential Elections were held on November 3, 1992 and observed by the Commonwealth, among others. The election was won by Rawlings standing for the National Democratic Congress (NDC), who beat New Patriotic Party (NPP) candidate Professor Albert Adu Boahen. In the Parliamentary Elections held on December 29, 1992, the Progressive Alliance – made up of the NDC, the National Convention Party (NCP) and the Eagle Party – won 198 out of a total of 200 seats. Four parties, including the NPP, boycotted the Parliamentary

elections due to dissatisfaction with election arrangements.

The 1992 Commonwealth Observer Group report noted that the process of transition to multi-party democracy was marked by a number of contentious issues, which engendered an atmosphere of deep-seated suspicion of the motives and actions of the incumbent. The report also noted that the 'events of the first years of the [Rawlings] revolution cast a long shadow, and memories of traumatic events were still fresh in people's minds'.

According to the report, the 'culture of silence' had been lifted and Ghanaians felt able to speak freely about their past experiences. This resulted in an acute polarisation of society in the lead up to the 1992 elections. Other concerns highlighted by the Group included a lack of dialogue between government and opposition, and an 'unsatisfactory' playing field.

On the electoral process itself, the Group expressed concerns about the preparation, compilation and publication of the voter register. The report further highlighted problems with technical aspects of the poll. Nonetheless, the report concluded that the above comments were not 'to be understood as in any way detracting from the overall freeness and fairness of the process'.

The opposition NPP meanwhile compiled its complaints in a report entitled 'The Stolen Verdict'. The NPP claimed that the voters' register – criticised by the Commonwealth and other observers – was fundamentally flawed. They also criticised the 1992 Commonwealth Observer Group's Interim Statement and Report, believing that the former had been issued before the polls had closed (Commonwealth records, however, confirm that it was issued on the morning of 4 November, 1992, the day after the election, as is the established practice with interim statements).

The Commonwealth again observed the elections in 1996, which saw Rawlings re-elected. In its report, the Observer Group points out that these elections took place 'against the background of the contentious 1992 polls'. Improvements noted were:

- the new Constitution, which provided the basis for a revamped Electoral Commission (EC) and electoral process;
- steps taken by the EC to instil widespread confidence that the electoral procedures would be open and fair;
- the concurrent holding of elections for the Presidency and Parliament.

Notwithstanding various concerns – such as delays in getting the results from some polling stations, the lack of a political parties' code of conduct, and the role and attitude of the media – the Group concluded that 'overall the conditions allowed a free expression of the will of the electors'.

### **The 2000 and 2004 elections**

The 2000 Presidential Elections saw the NPP candidate John Kufuor win 48.17 per cent of the vote, and his NDC rival John Atta Mills (Rawlings' Vice-President and hand-picked

successor) secured 44.54 per cent. The NPP also won 100 of the 200 seats in Parliament, with the NDC winning 92 (independents and candidates from other parties won the remaining eight). In the absence of a clear winner, and in accordance with Article 63 (3)(4)(5) of the 1992 Constitution, a Presidential Run-off was scheduled for 28 December, 2000. In the Run-off Election – with pledges of support from the other five opposition parties – Kufuor defeated Mills with 56.73 per cent of the vote.

Both rounds of the election were observed, and declared free and fair, by domestic and international observers. President Kufuor took the oath of office on January 7, 2001, marking the first peaceful transition of power to an opposition party in Ghanaian history. The Commonwealth did not observe the election, although it was represented by a member of the Secretariat staff.

Kufuor was re-elected in December 2004 for a second four-year term, again defeating Mills with 52.45 per cent of the popular vote to 44.64 per cent, and in so doing became the first civilian (non- military) President to fully serve the maximum tenure of two terms in office. The NPP won 128 Parliamentary seats to the NDC's 94. The Commonwealth did not observe these elections.

### **The 2008 elections**

The 2008 Elections held on December 7 were the fifth elections since Ghana's return to multiparty democracy and the second time that power had been handed from one democratically-elected leader to another. The Commonwealth observed the elections, which were expected to be particularly hard-fought because of two factors: the NDC's desire to return to office after eight years in opposition; and the discovery of major oil deposits, which would significantly increase the resources at the victor's disposal. The Commonwealth Observer Group was led by Baroness Valerie Amos of the United Kingdom, whose past roles had included Leader of the House of Lords and Minister for Africa in the Foreign & Commonwealth Office.

A major concern in the run-up to the elections was the voter register: delays in the EC 'limited registration' exercise – held every election year to capture new or relocated voters and remove the deceased from the register – created high levels of tension among political parties, and led to some incidents of violence. The EC claimed that the delays were due to difficulties in procuring new equipment for registration (in particular cameras) and a delayed start to the registration. This proved controversial amongst stakeholders, with various allegations being made that the decision to push the deadline back was politically motivated.

It was initially expected that between 600,000 and 800,000 voters would be captured by the registration process, but ultimately 1,835,417 voters were registered. Stakeholders, including the Chair of the EC itself, believed the register was bloated and confidence in the organisation's competence was called into question. In its report, the Commonwealth Observer Group highlighted this issue as a central area of concern and recommended that all efforts be made to address the integrity of the voters' register in future elections.

The Commonwealth Observer Group report concluded that the conduct of the 2008 elections widely confirmed the view that Ghana's maturing democracy had become a good reference point for the African continent and the Commonwealth as a whole. The elections were found to have been conducted in an open, transparent and inclusive manner, and were therefore considered credible.

The Parliamentary Elections were declared at constituency level and the results collation process concluded successfully. The Presidential Election results were announced by the EC Chairman, Dr Kwadwo Afari-Gyan, on Wednesday 10 December, 2008. He declared that neither of the leading contenders – Nana Akufo-Addo of the NPP and John Atta Mills of the NDC – had obtained more than 50 per cent of the votes. Out of a total valid vote of 8,465,834, the former polled 4,159,439 (49.13%), whilst the latter achieved 4,056,634 (47.92%).

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### **The 2008 Presidential Run-off**

The Commonwealth Observer Group continued to follow developments in Ghana between the first and second round of voting, and was reconstituted for the Presidential Run-off. The Group of four persons was also led by Baroness Amos.

Whereas the build-up to December 7, 2008 had been primarily issues based, the tone of the Run-off campaign shifted focus to personality politics and party loyalty. Ethnicity became a decisive feature, a move that heightened tensions in some areas and was widely viewed as a step backwards for Ghanaian politics. The conduct of the campaign was generally orderly, although some negatives did remain, including:

- a certain readiness to protest on the basis of rumours rather than relying on institutional mechanisms of redress;
- politically-biased coverage of the elections by some sections of the media;
- the arguably-pernicious influence of money and patronage in inducing support.
- allegations of irregularities in the Ashanti region relating to the special voting process held on 23 December 2008 were particularly concerning.

Delays seen in a number of areas in the December 7, 2008 elections were less of an issue in the Run-off, thanks to improvements in the provision and management of polling materials that enabled greater numbers of stations to open on time. A relatively high voter-turnout on Election Day indicated the determination and interest of Ghanaian citizens in enhancing their country's democratic credentials through a credible transfer of power. Some problems did persist – such as the uneven allocation of voters to polling stations, and the presence of too few polling booths in some densely populated areas. While this led to long waiting times for some voters, the overall efficiency of the process did not seem to be affected.

Voting took place in 229 of the 230 constituencies on 28 December, with these results being announced two days later. Voting in the final constituency of Tain, in the Brong Ahafo region, however, was delayed until 2 January, 2009 due to electoral materials arriving late. This delay – and the fact that the election result could come down to the final constituency – created tension across the country, with stakeholders urging all parties to exercise restraint until the final votes were cast and the results announced. On the morning of 2 January, President Kufuor called on Ghanaians to respect the authority of the EC and urged peace and calm for the remainder of the election.

On 3 January 2009, the final result of the Presidential Election was announced at a press conference by the EC. The Run-off was won by NDC candidate John Atta Mills with 50.23 per cent of the vote, defeating NPP candidate Nana Akufo-Addo who secured 49.77 per cent.

In its report, the Commonwealth Observer Group welcomed the initiatives taken by the EC between 7 and 28 December 2008 to improve the efficiency of electoral procedures: building on many of the positives from the first round and addressing some of the negatives. These efforts had helped to ensure that the electoral process was robust, credible and met the benchmarks for democratic elections to which Ghana committed itself. The group commended the professionalism and dedication of the EC and security personnel, and expressed the hope that Ghana would further consolidate its democratic gains and promote political inclusiveness and co-operation in the future.

### **Background to the 2012 elections**

The 7 December 2012 elections were the sixth Presidential and Parliamentary Elections since the restoration of multi-party democracy in 1992. When President Mills died suddenly on 24 July 2012, he was immediately succeeded by Vice-President John Mahama. The President's death was expected to significantly influence the elections. His candidacy had reportedly divided his own party and he was at odds with party founder and former President Jerry Rawlings, whose influence reportedly remained strong among sections of the party's grassroots supporters. Rawlings had publicly and repeatedly predicted that with the late President at the helm, the ruling party would lose the 2012 elections.

An issue of contention in the pre-election period concerned the Electoral Commission's announcement, in June 2012, that 45 new electoral constituencies would be created following the release of the 2010 census figures, and the creation of new Districts. Some stakeholders were unhappy that the timing of the decision came so close to the election itself, and challenged the Electoral Commission in the Supreme Court, which upheld the Electoral Commission's decision in October 2012. The force of this criticism however subsided somewhat with the new constituencies coming into law, and focus switched to candidate-nomination and campaigning.

There were some substantive policy differences between the two leading parties: the ruling NDC describes itself as social democratic and says it believes in the "egalitarian treatment of all persons". The opposition NPP pledged to "promote a vibrant, free-market economy". On its website, it states that its primary goal is to create a 'property-owning democracy'. The economy was touted as the key electoral battleground: both parties planned to use Ghana's new-found oil and other mineral wealth to kick-start an industrial transformation, improve state education, health services, infrastructure, and create jobs.

One key area of divergence was education: the NPP proposed free High School education immediately; a policy that the NDC claimed was unrealistic, and whose alternative proposal called for the phasing-in of free Senior High School Education over a twenty year period. NPP candidates pointed to their party's management record – during its two terms in government, the economy more than doubled in size – whilst the NDC claimed that, after assuming office four years ago, it had presided over Ghana's elevation to a lower-middle income economy, with the economy registering a 14.4 per cent growth rate in 2011. While some commentators viewed the elections as a two-horse race between the NDC and the NPP, smaller parties made their voices heard, articulated alternative policies and priorities, and in the context of the highly contested elections, potentially held the balance of power.

There were 8 Presidential candidates, with running mates, 7 representing a political party and an Independent as follows:

John Dramani Mahama	National Democratic Congress (NDC)
Nana Addo Dankwa Akufo-Addo	New Patriotic Party (NPP)
Papa Kwesi Nduom	Progressive People's Party (PPP)
Henry Herbert Lartey	Great Consolidated Popular Party (GCPP)
Ayariga Hassan	People's National Convention (PNC)
Michael Abu Sakara Foster	Convention People's Party (CPP)
Akwasi Addai Odié	United Front Party (UFP)
Jacob Osei Yeboah	Independent

A total of 1332 parliamentary candidates were nominated to contest the 275 constituencies, representing a total of 14 political parties and Independents. Only the ruling NDP and the opposition NPP fielded candidates in all 275 constituencies. Smaller political parties fielded candidates in areas where they believed that they drew support. The political parties which contested the Parliamentary elections and the number of seats they contested were as follows:

<b>Political Party</b>	<b>Parliamentary</b>	<b>Seats Contested</b>
National Democratic Congress	(NDC)	275
National Patriotic Party	(NPP)	275
Progressive People's Party	(PPP)	211
National Democratic Party	(NDP)	145
Convention People's Party	(CPP)	145
People's National Convention	(PNC)	94
Democratic People's Party	(DPP)	16
United Front Party	(UFP)	7
Independent People's Party	(IPP)	5
United Renaissance Party	(URP)	4
New Vision Party	(NVP)	4
Ghana Freedom Party	(GFP)	3
Great Consolidated Popular Party	(GCPP)	2
Yes People's Party	(YPP)	1

### **Concerns and tensions**

During our briefings, we were made aware of a series of concerns and specific tensions engendered by the fiercely contested Presidential and Parliamentary elections campaign. This had the potential to lead to violence. Many issues of concern are covered in greater detail in later chapters of our report and some of the alleged significant items included:

#### ***Concerns***

- 'Monetisation' of the political and electoral processes including alleged widespread treating, bribery and other forms of corruption.
- Abuses of incumbency, including the use of state vehicles, state security apparatuses, state officials and state venues and paraphernalia. At the level of Parliamentarians, this abuse reportedly manifested itself especially with Ministers of State, District/Municipal/Metropolitan Chief Executives (DCEs) or Mayors who were also Parliamentary candidates. Some Mayors reportedly exploited their positions to their advantage and often to the detriment of the incumbent Members of Parliament, even those who are from their own parties.
- The winner-takes-all politics of exclusion, perpetrated by governments in power against losing political parties.
- Concerns were that some chiefs openly engaged in partisan politics. According to the 1992 Constitution, chiefs are debarred from participating in active party politics, but they remain an influential and indispensable part of the process of



campaigning. It is seen as practically impossible for a political party to try to campaign in a traditional area without first calling on the chief.

- Registration irregularities in the biometric voter registration exercise conducted earlier in 2012, where there were reported cases of violence and misconduct by some political actors. These irregularities, some corroborated by the Electoral Commission itself, included the registration of minors, registration of non-Ghanaians, bussing of persons to register in constituencies other than where they are resident, double registration and assigning wrong ages and genders to voters.
- Politicisation of ethnic issues, which is arguably one of the biggest threats to the holding of peaceful elections. Ghana has a number of ethnic tensions that feed into the national political agenda, and historically these have been exploited for political gains.
- Police bias towards competing public political events, with ruling party events reportedly being accorded priority allocation of policing resources.
- Biased media coverage of the campaigns.
- Subjecting female candidates to slander, abuse, and character assassination, which also discourage female participation in elective politics.
- Defacing of publicity materials of political opponents.

### ***Tensions***

- High levels of intolerance, which manifested itself in several ways, including through the use of vile and insulting language against political opponents, especially in phone-ins on Ghanaian FM radio broadcasts.
- The hiring by the major political parties of so-called 'macho men' or 'party foot soldiers' to promote their interests and discourage opponents through intimidation and violent measures.
- Reluctance to prosecute offenders for serious electoral offences, particularly if the offenders belonged to the ruling party.
- The partisan involvement of District and Regional-level public officials in the electoral process. We were informed that under the Security and Intelligence Agencies Act, 1996, Act 526, Ghana, Regional Ministers and District Chief Executives are the Chairpersons of the Regional Security Councils (REGSECs) and District Security Committees (DISECs) respectively. In those positions, they give orders to the Regional Police Commanders and District Police Commanders. Their orders are sometimes viewed with suspicion and interpreted as being pro-Government by the minority parties, especially when the Regional Minister or District Chief Executive is also a parliamentary candidate in the elections.
- Concerns were expressed about the influx of Economic Community of West African States (ECOWAS) nationals into the country due to the ECOWAS Protocol that provides for free movement of ECOWAS nationals, and whether these persons were encouraged or otherwise enabled by some political parties to illegally participate in the elections.
- It was in this context that the Group was pleased to learn that in the week

preceding the elections, Presidential candidates, witnessed by the Chief Justice, traditional and civil society leaders and Security Chiefs, had signed the Kumasi Declaration (see Chapter 4 for further discussion) under which leaders publicly committed themselves to taking a stand against electoral violence, impunity and injustice.