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# RESURGENCE OF MULTI-PARTY RULE IN GHANA, 1990-2004 A HISTORICAL REVIEW

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Ghana's political history since independence was full of "cases of alternations between authoritarianism and democracy"1. Democratic experiments in 1969 and 1979 were truncated by military takeovers making Ghana's political history a chequered one. It was against this background that many people were apprehensive about the reintroduction of democratic rule in 1992. But as things turned out the Fourth Republic of Ghana stood out clearly as a true democratic transition in Ghana. For one thing, it marked a remarkable departure from the incidence of coups and counter coups that punctuated the political history of Ghana in the immediate postindependence period. It was also significant because it marked the transition from a long period of military rule and dictatorship to democracy. Most significantly, the period witnessed a historic transfer of power from one democratically elected government to another. In the light of this some people refer fondly to the Fourth Republic as the 'second independence of Ghana'. This paper takes a historical view of Ghana's transition to multi-party democracy from 1990 to 2004.

### Prelude to Multi-Party Rule

Ghana's transition to multiparty democracy followed the wave of democracy that engulfed sub-Saharan Africa at the end of the 'Cold War.' Capitalism became the dominant ideology the world over. The West, having emerged victorious from the 'Cold War', espoused the desirability of democracy in promoting development, and the benefits that developing countries stood to gain from political pluralism. With the demise of communism, most dictators, military and fragrantly repressive regimes became vulnerable to opponents who espoused

<sup>&</sup>lt;sup>1</sup> Robert Pinkey *Democracy and Dictatorship in Ghana and Tanzania* (London: Macmillan 1997), 158.

democracy<sup>2</sup>. Democracy reigned supreme as the western powers and their financial institutions began to use aid as a political weapon to bring unyielding African governments to order. Reluctantly, African leaders such as Omar Bongo, Eyadema, Flt. Lt. J.J. Rawlings, etc began to abandon their one-party system or military regimes in favour of democracy<sup>3</sup>. Not even the supposedly immutable apartheid regime could withstand this insuperable pressure for change. In his inaugural address to the Consultative Assembly on the 26th of August 1991, Flt. Lt. J.J. Rawlings noted:

the last decade of the twentieth century will certainly be remembered as one of the most spectacular and eventful of transitional times. We have seen the growth of détente between the seemingly rigid power blocs of East and West. We are witnesses to the changes taking pace in the Soviet Union. In many counties of our own continent, various political and administrative structures are facing their first challenges in decades. These challenges are characterised by manifestations of mass discontent and dissatisfaction with systems which had long failed to provide their people access to the decision-making process.

So a continent-wide democratic movement emerged, making dictatorship and military regimes irrelevant in the scheme of things. These external developments did not only make it obvious that the Provisional National Defence Council (PNDC) which had ruled Ghana since 1981 could not remain in power indefinitely, but it also strengthened the resolve of many individuals (both in and outside of the country) and organizations to press home their demand for political change. Indeed, the pressure from Western donors on the PNDC to move the country to multi-party rule was more exacting than internal pressures for change<sup>4</sup>. The IMF and the World Bank had for a long time been strident supporters of neo-liberal models of development. These development paradigms could not be implemented without the inevitable transformation of the state and the establishment of democratic principles. Consequently, most of the financial assistance given to many African countries, particularly from the late 1980s, was meant to reform the states and prepare the grounds for democratic governance. The PNDC Government therefore had no choice but to initiate the process of democratization in 1991.

<sup>&</sup>lt;sup>2</sup> Richard Sandbrook Closing the Circle: Democratisation and Development in Africa (Toron to: Between the lines, 2000), 4.

<sup>&</sup>lt;sup>3</sup> J. J. Rawlings made no secret, on many occasions, about his strong aversion to multi-party rule.

<sup>&</sup>lt;sup>4</sup> Many people underestimated the magnitude of external pressures for change because such pressures were more implicit than explicit. Most of the donors equated good governance to democracy.

Richard Sandbrook observed that Rawling's belated embrace of party politics owed more to his need to placate donors than to his sudden conversion to liberal democracy<sup>5</sup>. Yakubu Saaka also argued that comparatively, external pressures had by far the greater impact on the PNDC.<sup>6</sup> When in June 1990 the PNDC was still hesitant about returning the country to democratic rule, US Assistant Secretary for Africa, Herman Cohen, was forthright in saying that Rawlings and his colleagues were allergic to democratic reforms.<sup>7</sup>

There were internal pressures as well, though they were not to the level that could force the PNDC to succumb to liberal democracy. Nevertheless, pressures at home made the PNDC absolutely aware that the demand of the people for the return of their political parties could no longer be treated with impish disdain. The Economic Reform Programme embarked upon by the PNDC in the early 1980s many Ghanaians unemployed and made life generally unbearable. Admittedly, these reforms were bold and necessary steps taken by the PNDC government to resuscitate the rather shattered economy. Ghana's economy prior to the 1980s was in shamble. In the early 1960s Ghana had one of the highest per capita incomes in the continent but by the 1980s. Ghana's economy was ranked twenty-first out of forty-four African Countries. World Bank report of 1983 indicated that Ghana had the most distorted economy at the time<sup>8</sup>. This was due largely to bad economic policies by successive governments. State machinery virtually ground to a halt by 1979. Large number of Ghanaians left the country for greener pastures in the face of the hopelessness that engulfed the country. An estimated two million Ghanaians were said to have left the country9. The PNDC was able to breathe some life into the economy and significant gains were recorded particularly between 1985 and 1989. During that period the economy recorded a growth rate of between 5-6 per cent<sup>10</sup>. But these economic reforms proved costly to the PNDC. The problem of unemployment was exacerbated as a result of the policy of retrenchment. Government's devaluation of the cedi and subsequent rise in prices in April 1983 and the indication

<sup>&</sup>lt;sup>5</sup> Richard Sandbrook *Closing the Circle: Democratisation and development in Africa* (Toronto: Between the Lines 2000) 27.

<sup>&</sup>lt;sup>6</sup> Yakubu, Saaka. "Legitimising the Illegitimate: The 1992 Presidential Election As a Prelude to Ghana's Fourth Republic", in Abanga Akeya George.(ed) Issues and Trends in Contemporary African Politics(New York:Peter Lang 1997) 149-172

West Africa (June25th-July 1st 1990) 108

<sup>8</sup> World Bank. African Economic and Financial Data (Washington DC 1989)18.

<sup>9</sup> Abbey J. Ghana's Experience with Structural Adjustment (minco, n.d. 2)

<sup>&</sup>lt;sup>10</sup> Ahiakpor James C. W. "Rawlings' Economic Policy Reform and the poor: Consistency or Betrayal?", *Journal of Modern African Studies* (1991) 589.

that more stringent reforms were imminent sparked off protests from unionised groups<sup>11</sup>.

Protests also came from religious bodies when 14 churches joined the Catholic Bishops' Conference to register their protest against PNDC Law 221. This law sought to regulate the activities of religious bodies in the country. The law required all religious groups to register with the National Commission on Culture. The churches' refusal to comply with this directive created antagonism between the PNDC and the churches. The churches then became strong advocates of the restoration of multiparty democracy. The manifestation of these and many other protests weakened the very support base of the government. As the years went by the desire of the people for a return to constitutional rule became more evident.

Very early in its administration, the PNDC came under no illusion that the political organizational structure under which they were operating could not be sustained. As early as 1982, it formed the National Commission for Democracy (NCD) headed by Justice D.F Anang. Other members of the commission were Mr T.K Adzoe, Oseadeeyo Dr Nana Agymang Badu Mr Kwamena Ahoi, Prof Max Assimeng, Mr C. N. Attah(Chamba-Na), Dr R.A. Ayirebi-Acquah, Mr NK.. Baddo, Mrs Georgina Baiden, Chief K. Y. Baloro, Lt. Col. (rtd) Christine Debrah, Mr E.A. Haizel, Mr D.A. Kangah Mr Stephen Krakue, Mr J.J. Mensah-Kane, Ms Doris Ocansey, Nana Oduro Numapau 11, Mr A.K. Yankey and Mr W.H. Yeboah, Mr E.S.P. Akoto, Prof. Akyeampong, Mr D.A.Kangah and Mr W.H.Yeboah.

The NCD was tasked with the responsibility of assessing how best the government was responding to the expectations of the people, to educate the people about the objectives of the PNDC in relation to "real democracy", and above all, to formulate for the consideration of government a programme for a more effective realization of a true democracy in Ghana<sup>12</sup>." The NCD came out with a document on the creation of district political authority. It also spelt out the modalities for district level elections. This, in the view of the PNDC, aimed at evolving national political authority through a democratic process. In 1987, the NCD was given additional responsibility of creating 110 districts, registering voters and conducting elections and referenda. This culminated in the compilation of a nation-wide voters' register in 1988. Subsequently, District Assembly elections were held in 1989. Only two-thirds of the members of the assemblies were elected. One-third of them were

<sup>11</sup> Daily Graphic, 13th May 1983.

<sup>&</sup>lt;sup>12</sup> NCD, Report presented to the PNDC on Evolving a True Democracy. 1991.

appointed by the PNDC. It is important to note that these developments were not aimed at democratizing the country along the lines of party politics. No political parties or organised groups were allowed to take part in the elections. It is observed that the operational style of the PNDC government was to deny political expression because it had the fear that political liberalization would generate opposition.<sup>13</sup>

The district assembly concept aimed at decentralization but its implementation was a sham. It appeared that the original plan was that the District Assemblies would culminate in the formation of Regional Assemblies and National Assembly. The National Assembly would then be the supreme legislative body in the country. Interestingly, the Regional and National Assemblies materialised. Throughout the PNDC rule decision-making was centred in J.J Rawlings and his immediate lieutenants. Chazan Naomi observed that during the PNDC era executive authority was centralised and personalised in Rawlings<sup>14</sup>. District assemblies ought to be the breading grounds for national leaders. Yet, the law establishing the district assemblies was non-partisan. Therefore, what the whole district assembly concept sought to do was to establish localised no-party system that could give the PNDC government legitimacy at the local level. As late as 1986, the TUC felt that it could not rely on the goodwill of the PNDC to return the country to multi-party rule when at the same time undemocratic policies were still being pursued by the government. The TUC therefore issued a press statement calling on the PNDC to demonstrate commitment to genuine democracy<sup>15</sup>. In the light of the above, it is historically anachronistic to trace the resurgence of multi-party democracy in Ghana to the formation of the National Commission for Democracy in 1982<sup>16</sup>. Indeed, 1982 signified the hay days of the PNDC; the period when Ghanaians did not or could not contemplate the return of the country to multi-party democracy. Robert Pinkey put it aptly when he said that there was little evidence that the emergence of pluralist democracy in 1969 and 1979 produced any achievements which might have made subsequent

<sup>&</sup>lt;sup>13</sup> Jeffrey Herbst *The Politics of Reform in Ghanu 1982-1991* (USA: University of California Press 1993) 91.

 <sup>&</sup>lt;sup>14</sup> Chazan, Noami. 'Anomalies of Continuity: perspectives on Ghanaian Elections since Independence' in Hayward Fred M.(ed)*Elections in Independent Africa*(Westview 1987)
 <sup>15</sup> TUC. The TUC and Democracy in Ghana. Paper presented to the NCD (17<sup>TH</sup> December 1986)

<sup>&</sup>lt;sup>16</sup> The Commonwealth Observer Group which monitored Ghana's elections on 3 November 1992 traced Ghana's first step to multi-party democracy to the formation of the NCD in 1982.

attempts at democratization more effective and long lasting<sup>17</sup>. So until 1990, there was much in multi-party democracy that the PNDC government subverted and inverted.

#### Constitution Making

Ghana's march to multi-party democracy actually started in 1990 when the PNDC government, yielding to incessant pressure, tasked the National Commission for Democracy to go round the country to elicit the views of the people on the future of political direction of the country. Consequently, seminars were held in all the ten regional capitals starting from Sunyani on the 5th of July and ending in at Wa on the 9th of November 1990.

One striking feature of the regional seminars that were organised by the NCD was that the debate was limited to the District Assemblies and not the general public. No political groupings or parties were represented at the seminars. The impression that was created at the regional seminars as noted by the NUGS was that "whoever was for multi-party democracy was against the concept of decentralization, and that the choice of one necessarily meant the rejection of the other." 18 At the last seminar organised by the NCD at Wa, Justice D.F. Anang said that multiparty democracy had woefully failed the people (of Ghana) despite the several chances accorded that system. This particular statement heightened the fears of prodemocracy groups in the country. The generally held view was that the regional seminars were organised in order to ensure that democracy was achieved largely on the terms that the PNDC government really wanted. These fears, whether spurious or imagined, led to the birth of a pro-democracy group called Movement for Freedom and Justice (MFJ) in August 1990. The group sought to confront the government and prevent it from imposing its brand of democracy on the country. Some of the officers of the movement were Prof. Adu Boahen (chairman), Johny Hansen, Ray Kakraba Kwashie, Obeng Manu, Kwasi Pratt Jnr. John Ndebugre, Dan Latey, Akoto Ampau, A. Owusu Gyimah

At a press conference to inaugurate the formation of the movement the leadership of the movement expressed its dissatisfaction with the manner in which NCD organised the regional seminars. It condemned the way debates foreclosed the possibility of opposing views. The group observed that the debate was confined to only those individuals and groups in favour of the positions officially

<sup>17</sup> Robert Pinkey Democracy and Dictatorship in Ghana and Tanzania. (UK: Macmillian 1997) 159

<sup>18</sup> NUGS. Political Future of Ghana (Press conference in Accra 4th September, 1990),

or unofficially adopted by the NCD.19 The group therefore resolved to work for the restoration of democracy in the country. Still being haunted by the spectre of a likely imposition of a government reminiscent of General I.K. Akveampong's Union Government, the MFJ could not wait for the NCD to come out with its report on the seminars that were held in the regions on the Evolving a True Democracy.' In November 1990, the group issued another press statement condemning a no-party system that the NCD was trying to impose on Ghanaians<sup>20</sup>. Indeed, the activities of the MFJ during the time people could not come out openly to challenge the PNDC, emboldened the zeal of many Ghanaians in their quest for multiparty democracy. By 1989, the PNDC had successfully silenced all people who held dissenting views about its policies. The president of NUGS Kakraba Cromwell, was arrested in 1987 for an alleged drug offence committed in 1983. Similarly, leading members of the New Democratic Movement and Kwame Nkrumah Revolutionary Guards-Akoto Ampaw, Yao Graham, Kwesi Adu Amankwa, Kwesi Pratt and Kwame Karikari were arrested for their critical stance against the PNDC. These arrests coupled with the warning from General Arnold Ouainoo (after Prof Adu Boahen's Dankwa-Busia Memorial lecture) that there would be mayhem if opposition opponents of the PNDC did not mind their tongues, created fear among the people and led to what came to be known as a 'culture of silence' in the political history of Ghana.21

The debate on the genuineness of the PNDC government's design to return the country to multi-party rule was brought frontally into the whole interpretive mix. Political liberalization is an essential part of democratization. The implementation of structural adjustment programme does not lend itself to authoritarianism. For structural adjustment to succeed certain facilitative changes such as the liberalization of the press, reforming of the legal system as well as some kind of political opening ought to occur. Jeffrey Herbst observed that Rawlings often ignored the contradictions between his authoritarian practices and the political requirements of structural adjustment, apparently believing that he could manage the conflict between rhetoric and reality by exerting his personal charisma<sup>22</sup>

<sup>&</sup>lt;sup>19</sup> MFJ press conference in Accra. (August 1990).

<sup>&</sup>lt;sup>20</sup> Ibid .(Accra, 28th November 1990).

<sup>&</sup>lt;sup>21</sup> Paul Nugent Big Men, Small Boys and Politics in Ghana: Power, Ideology and the Burden of History 1982-1994 (London: Printer 1995) 178-179

<sup>&</sup>lt;sup>22</sup> Jeffrey Herbst The politics of reform in Ghana, 1982-1991 (USA: University of California Press 1993)159.

On the 25th of March1991, the NCD presented its report to the PNDC government. Even though many of the participants at the regional seminars opted for a no-party system, the NCD's report favoured multi-party democracy, much to the surprise of many critics who felt that the NCD was simply working according to the whim and imperatives of the Chairman of the PNDC. Perhaps, the wave of democratization blowing across sub-Saharan Africa coupled with persistent pressure from such groups as the MFJ brought the NCD to the realization that anything short of liberal democracy could set in motion dangerous rippling that could take a long time to settle. Besides, by 1990 the issue of corruption which the PNDC government always used to justify its abhorrence of multi-party democracy became pervasive in the government.23. It is also worth noting that by 1990 the PNDC had purged itself of the many Marxist-minded individuals in its government leaving Rawlings with newcomers who were technocrats with some inclination towards multi-party democracy.

The report recommended, among other things, the establishment of a consultative Assembly to draft a new constitution for the country. The submission of the report saw the acceleration of the tempo of democratization in the country. The PNDC accepted the report and set up a committee of experts to work on proposals for a draft constitution. Members of the committee were: Dr SKB Asante(Chairman), Oseadeeyo Dr Agyeman-Badu, Mrs Justice Annie Jiagge, Mr L.J. Chinery-Hesse, Mr Ebo Bentsi-Enchill Dr KAfari Gyan, Dr Charles D. Jebuni, Dr EVO Dankwa and Mrs S. Ofori-Boateng.

The recommendation by the NCD for the formation of a Consultative Assembly did not go down well with many prodemocracy groups and individuals who had been suspicious of the PNDC's programme to return the county to constitutional rule. The Consultative Assembly was merely an advisory body. It could not promulgate the constitution. Previous constitutions had been drawn and promulgated by a Constituent Assembly.

Meanwhile the MFJ took advantage of the democratic hysteria in the country to intensify its opposition to the PNDC's designs to have things its own way. The committee called for the lifting of the ban on political parties and their activities. Even though political parties and their activities were proscribed since 1981, leading political party activists in and outside of the country maintained networks of

<sup>&</sup>lt;sup>23</sup> President Rawlings himself acknowledged this in his speech to the Nation on the 2<sup>nd</sup> of January 1990.

contacts through which they tried to coordinate their protest activities. Politicians who were in exile in Britain, such as J.H. Mensah, De Graft Johnson etc, formed what they called The Democratic Alliance of Ghana. This group published series of articles in their newsletter *Gye Nyame* attacking the PNDC and calling for a return to multi-party rule. The political parties had a daunting task of organizing themselves, particularly when some of their leaders were since flirting with the PNDC.

In July 1991, the PNDC went ahead to establish the Consultative Assembly, much to the chagrin of opposition groups. It was made up of 259 members out of which 117 were elected by the District Assemblies. Twenty-two of the members were appointed by the government, and 121 represented various organizations in the country. The speaker of the assembly was Hon. P. Rowland Adiali Ayagitam. Groups which were represented in the assembly included the Market Women Association, the Cocoa, Coffee and Sheanut Farmers Association, the Association of Writers, the Federation of Moslem Councils, UTAG, the Regional Houses of Chiefs, the Bakers Associations, CDR, the Ghana Hairdressers and Beauticians Association, the Armed Forces etc.

The inclusion of the ordinary working class and people with low academic credentials in the drafting of the constitution was a novelty in constitution making in Ghana. Even though some of the representatives were not educated to the level where they could understand the intricacies of constitution making, it was important that they were given the opportunity to make input into the drafting of the constitution. It was in tune with the PNDC's much touted aim of bringing decision-making to the door step of the ordinary people, even though that never happened during the PNDC's regime. Some people were of the view that the inclusion of ordinary people in the composition of the assembly was to "validate Rawlings' populist credentials." Five Ghanaian languages were allowed at the assembly meetings and this enabled all members of the assembly, educated and non-educated alike, to participate freely in the deliberations of the assembly.

The Ghana Bar Association boycotted the Consultative Assembly. Apart from the composition of the assembly, which the GBA took a strong exception to, it also took issue with the whole transition process. First, the GBA felt that no meaningful and dispassionate debates could go on if laws such as PNDC Law 4, 78, 91,211 and 221

<sup>&</sup>lt;sup>24</sup> Saka, Yakubu. "Legitimizing the Illegitimate: The 1992 Presidential Election As a Prelude to Ghana's Fourth Republic", in Abango Akeya George (ed) *Issues and Trends in Contemporary African Politics* (New York: Peter Lang, 1997)156.

were not repealed. Such laws, the GBA noted, restricted freedom of expression and citizens' liberty<sup>25</sup>. Second, the GBA felt that whichever body was mandated to draw the constitution should ultimately be responsible for the promulgation of the constitution. The GBA therefore advocated the establishment of a Constituent Assembly instead of the Consultative Assembly. Third, the GBA felt that the Consultative Assemble should not be supervised by the NCD (the NCD was considered an organ of the PNDC) and that there should be an impartial body to perform that supervisory duty. Regrettably, the boycott of the Consultative Assembly did not serve the interest of the country. It had been better for the GBA to make its voice heard at the assembly, even if its views would not be considered.<sup>26</sup>

In any case, the constitution was presented to the government and it was to be put to a referendum on the 28th of April, 1992. The draft proposals by the Committee of Experts formed the basis of the deliberations of the Consultative Assembly. By and large, the constitution turned out to be a good document, some defects notwithstanding. It provided for an elected multi-party democratic parliament. The majority of ministers must come from parliament and the terms of office of the President and members of parliament should be four years. The constitution also guaranteed the protection of human rights, democracy, and freedom of association and speech. But a heated debate was generated by the insertion of indemnity clause into the constitution. The clause absolved PNDC government officials from responsibility for unlawful acts during their tenure of office. Critics of the PNDC felt that it was a great injustice to allow the PNDC and its functionaries to go unquestioned about their performance in office. Another issue that generated a lot of resentments from many people was the issue of citizenship. In the previous constitution, one was disqualified from being the president of Ghana if all of one's parents were not Ghanaians. This time the Consultative Assembly lowered the 'marking scheme' ostensibly to make it possible for Rawlings to stand and become the president of Ghana. This gave credence to the view that "the constitution was drawn to suit the moulders"27

<sup>&</sup>lt;sup>25</sup> The Christian Council and the Catholic Bishops Conference also added its voice by calling on the PNDC to repeal laws that called for executions for political offences.

NUGS also refused to join part in the Consultative Assembly in protest of the composition of the assembly. NUGS felt the assembly was loaded with PNDC loyalists.

<sup>&</sup>lt;sup>27</sup> Chazan Naomi. "The Anomalies of Continuity: Perspectives on Ghanaian Elections since Independence", in Fred M. Hayward (ed) *Elections in Independent Africa* (Boulder, Col: West view Press 1997) 65.

At the referendum held on the 28th of April 1992, an overwhelming number (3.7million) of Ghanaians voted 'ves' for the constitution. The referendum was conducted by the Interim National Electoral Commission (INEC), which had been established in November 1991 by PNDC Law 271. Its mandate was to conduct not only the referendum but also the presidential and parliamentary elections. Most members of the INEC had served on the NCD. The support given to the constitution despite the many protestations was due to three main reasons. First, the blending of both the American and the Westminster system of government appealed to many people. Second, indemnity clauses were not peculiar to the 1992 constitution. The 1969 and 1979 constitutions contained indemnity clauses. Perhaps, what made the indemnity clauses so repugnant this time was that they were said to have been inserted into the constitution after the Consultative Assembly had finished work on the draft constitution28. Indeed, the indemnity clauses were not debated by the Consultative Assembly. This was one reason why people felt that the body which drafted the constitution should have been mandated to promulgate it without recourse to the PNDC. Third, many people felt that apart from the indemnity clauses there were not so many mistakes in the constitution as to warrant its rejection. Therefore, the indemnity clauses were the price Ghanaians had to pay to move the country into multi-party democracy. Pro-democracy groups and civil society were in a quagmire, they either voted for the constitution with all its flaws and move the country into democracy, or rejected the constitution and remained under PNDC rule. The former, certainly, was a lesser evil29.

It is important to observe that despite protest from pro-democracy groups such as the MFJ, the PNDC did not involve opposition group in the transition process. Yet, the PNDC did not step down to allow an interim government to supervise the transition. The whole transition was stage-managed by the PNDC. This did not only create a great deal of suspicion in the minds of the opposition groups, but it also made the whole transition process less transparent and the electoral playing field uneven<sup>30</sup> The Commonwealth Observer Group

<sup>&</sup>lt;sup>28</sup> Report of the Commonwealth Observer Group (1992) 5.

<sup>&</sup>lt;sup>29</sup> It is important to note that the majority of Ghanaians who voted for the constitution did not see the constitution, let a lone read it.

<sup>&</sup>lt;sup>10</sup> In countries lie Mali, Niger and Madagascar domestic pressure was so exacting in the early 1990s that the incumbent governments had no choice other than to accede to the constitution of provincial governments to manage the transition. This is not to say, however, that Ghana could afford the violence that characterised such pressures in those countries.

at the polls in 1992 described the lack of dialogue between the PNDC and the opposition parties in the transition process as unfortunate. It went further to state that such consultations were important in the "operations of all successful democracies.<sup>31"</sup>

## Lifting the Ban on Political Parties

Before the constitution was put to a referendum, and long before the ban on political party activities were lifted, several pseudo political organizations had emerged. Some of them were; Rawlings Fun Club, Great Unity Club, Kwame Nkrumah Welfare Society, the Eagle Club and the like. The activities of these so called clubs stealthily prepared the grounds for party political activities in the country.

Prior to the lifting of the ban on political activities, the voters' register which had been compiled in 1987 for the purpose of the district elections was re-opened in 1991, not for fresh registration but to afford people who did not register in 1987 the opportunity to do so. Opposition groups had earlier called for the compilation of flesh register so as to do away with ghost names, double entries etc. But this request was turned down by the government.

The ban on political parties was finally lifted on the 18th of May 1992, six months to the presidential and parliamentary elections. The lifting of the ban saw the emergence of a stupendous number of political parties: Democratic People's Party, New Generation Party, Eagle Party, National Convention Party, People's National Convention, National Democratic Congress, People's Party for Democracy and Development, National Justice Party, National Salvation Party, New Patriotic Party, People's Heritage Party, National Independent Party, and Ghana Democratic Republican Party.

The law regulating the activities of the political parties came into being on 18th May, 1992. Under the law, no political party was to use a symbol of any ethnic, religious or professional body. Again, no slogan, colour or symbols of the United Party, Convention People's Party, National Alliance of Liberals or the Popular Front Party were to be used by any political party.<sup>32</sup> The parties were to have representatives throughout the country. This was laudable as it sought to avert a situation were political parties could be formed based on ethnic affiliations. The NDC, the EAGLE and NCP formed what became known as the 'Progressive Alliance.'33 The basis on which NCP (an Nkrumahist Party) decided to form an alliance with the NDC was difficult to fathom. But such ambiguous political

<sup>&</sup>lt;sup>31</sup> Commonwealth Observer Group Report (1992).

<sup>32</sup> These parties had long been proscribed by the PNDC.

coalitions were characteristic of the Fourth Republic. As subsequent events showed, the alliance proved disastrous for the Nkrumahists.34 The squabbles that developed between the Vice-President, Mr K N. Arkaah and President J.J. Rawlings, leading to an alleged physical attack on Mr Arkaah by President Rawlings at a cabinet meeting. were sad to recount and a dent on the Fourth Republic<sup>35</sup>. Meanwhile. the ranks of the NCP had been infiltrated by some members of the PNDC prior to the 1992 elections. They included Prof. Kofi Awoonor. John Tettegah and Ebo Tawiah.

No doubt, the activities of the political parties were seriously hampered by the limitations imposed on them by the government. The parties were not allowed to receive any money from any external source and individuals could not make contributions to the parties more than 200 pounds. In addition, the political parties were to disclose their assets and expenditure to the Electoral Commission before and after an election. No Companies or business concerns were allowed to make contributions either in kind or cash to the political parties.36 The ban on political activities was lifted in May 1992 and yet, the registration of the parties took place as late as September 1992. This did not give enough room to the political parties to put their structures together and compete favourably.37

An important step in the transition process was the release of some political prisoners, the freedom of the press and the granting of amnesty to all opponents of the PNDC who were in exile. As many as 34 independent newspapers and magazines emerged from 1991-199238. Government was hesitant in allowing private broadcasting. When in 1994 some businessmen established Radio Eve. a private FM station, in Accra, in utter defiance of government's aversion to private broadcasting, the government moved to close the station down. It took public agitations to force the government to set up a parliamentary committee to draw up guidelines for the operation of private radio stations.

appearance of private newspapers revolutionised the democratic process. Even though the circulation of these private newspapers was initially limited to the urban centres, their headlines

<sup>&</sup>lt;sup>34</sup> See Yakubu Saaka, "Legitimizing the Illegitimate: The 1992 Presidential Election as a Prejude to Ghana's Fourth Republic", in George Akeya (ed) Issues and Trends in Contemporary African Politics (New York: Peter Lang 1997)143.

This incident was widely reported by the media both at home and abroad.

<sup>&</sup>lt;sup>36</sup> Political Party Office Holders Law (1992).

<sup>&</sup>lt;sup>37</sup> Political parties were proscribed for eleven years.

<sup>38</sup> Kwame Karikari "The Press and the Transition to Multi-Party Democracy in Ghana" in Ghana in Transition to Democracy.

went far and wide. The Ghanaian press was noted for its ruthlessness and critical stance against governments since the colonial days, and their role in bringing about the new democratic dispensation was laudable. Some of these papers were The Independent, Ghanaian Chronicle, The Free Press, The Guide, Ghanaian Voice etc. During the absence of opposition in the first parliament of the Fourth Republic, the press took it upon itself to play the role of opposition by defending the constitution and keeping the government on its toes.<sup>39</sup> From 1996, the media coverage of elections in the country improved appreciably. Even though the private newspapers were largely partisan and their headlines were often biased in favour of the political parties they represented they were instrumental in disseminating information about the electoral process and in reporting incidences of shortage of voting materials to the EC.<sup>40</sup>

### Elections

A sordid spectacle that characterised political campaigns in the Fourth Republic was acrimonious attacks on personalities. Political parties found it expedient to attack each other rather than sell their programmes and policies to the electorate. The first presidential election was slated for 3<sup>rd</sup> November 1992 and the parliamentary elections were to follow on the 8<sup>th</sup> of December 1992. The INEC headed by Justice Josiah Ofori-Boateng and assisted by Dr K. A Afari-Gyan and Nana Oduro-Numapaw had the duty of conducting the elections They also had additional responsibility of reviewing the delimitations of the constituencies.

Consequently, the INEC created 60 additional constituencies bringing the total number of constituencies in Ghana to 200. Apart from the law regulating the registration and conduct of political parties, there was a separate law, which set out the qualifications for the presidential candidates and their running mates.<sup>41</sup> Out of the nine original political parties that met the requirements for registration, only five of them fielded presidential candidates. The others formed alliances. Therefore the final list of political parties and their candidates were: Dr Hilla Liman, People's National Convention, Mr Kwamena Darko, National Independence Party, Flt-

 <sup>&</sup>lt;sup>30</sup> See Roger S. Gocking *The Ilistory of Ghana* (London: Greenwood Press 2005) 219.
 <sup>40</sup> The failure of the media to discuss issues and manifestos of the political parties was described as disappointing. See Audrey Gadzekpo "The Media and the 1996 Elections", in Badu Afriyie Kwesi and Larvie John. *Elections* 1996 in Ghana(Gold-Type 1997) 57-71.
 <sup>41</sup> Presidential Law 1992.

Lt. (Rtd) Jerry John Rawlings, National Democratic Congress, Lt-General (Rtd) Emmanuel Alexander Erskine, People's Heritage Party, Prof. Albert Adu Boahen, New Patriotic Party.

In the presidential elections Rawlings won 58.3 percent of the votes and the NPP, the nearest political party, won 30.4 percent of the votes. The opposition parties led by the NPP rejected the results. The NPP wrote a report which they captioned 'The Stolen Verdict,' In that report they catalogued series of alleged irregularities and they described the election as full of systematic and fraudulent rigging, 42 Before the elections the Washington based International Foundation for Electoral System (IFES) recommended a complete re-registration of all voters in view of multiple entries of names and the existence of ghost names etc. But this advice was not heeded. In fact, the voters' register created a murky situation that made the outcome of the election highly contentious. In its report IFES stated that it was improbable to have a voters' register of 8,840,990 in a country with a population estimated at 16 million. 43 The transitional election was problematic even though the British High Commission (on behalf of the European Commission) accepted international observer teams' declaration of the result as broadly free and fair.44 In fact, the Commonwealth Observer Group described the election as fair but it was quick to add that the 'playing field' was not even. It would appear, however, that the opposition parties had lost the war long before the battle; given the obstacles that they had to overcome. By delaying the permit to hold political rallies and using state resources for its campaign, the PNDC had unfair advantage over other contesting parties45.

The parliamentary elections were boycotted by the opposition parties. Nevertheless, the first parliament of the Fourth Republic was inaugurated on the 29th of April, 1993, with Justice D.F. Anang elected as the speaker. The first parliament of the Fourth Republic was a parliament without any opposition. Out of the 200 seats in Parliament, the NDC and its allies occupied 198 seats with only two seats going to two women who stood as independent candidates. But, as stated earlier, the National Convention Party and the EAGLE Party had joined the NDC in an alliance to contest the elections. The leader

<sup>42</sup> NPP. The Stolen Verdict(1993)10

<sup>43</sup> IFES Report (June 1992)45

<sup>44</sup> Press Statement by the British High Commission (18th Nov. 1992)

<sup>&</sup>lt;sup>45</sup> The Commonwealth report in 1992 cited an instance where at a rally held at Cape Coast to launch the NDC a large number of civil servants were alleged to have attended in their government vehicles and a large number of buses belonging to the state-owned Transport Corporation were seen ferrying party loyalists.

of the NCP, Mr K.N. Arkaah, was the running mate of Flt Lt J.J. Rawlings in the presidential election. He (Mr Arkaah) subsequently became the Vice-President of Ghana under the Fourth Republic.

There was no doubt that the absence of a formidable opposition during the first Parliament of the Fourth Republic affected the quality of debates in the House. In the words of Ayensu and Darkwa, although the NDC members did not agree with every government proposal, the cut-and-thrust of debates was not in evidence.<sup>46</sup>

After the elections, there was tension all over the country and many people feared that the country would plunge into civil war. There were reported explosions in Accra and Tema and some arrests were made. The NDC linked the explosions to the NPP and Prof Adu Boahen was invited to appear before Accra Public Tribunal for questioning, Prof. Adu Boahen refused to appear before the Tribunal on the grounds that the Tribunal had no place in the 1992 constitution<sup>47</sup>. The political tension in the country increased perceptibly when a five day curfew was placed on Kumasi following the elections. The most bizarre incident occurred in Takoradi, when the NDC ward chairman was abducted from his home and set ablaze. These problems were bound to occur because the transition to democracy was supervised by the PNDC government which itself had an interest in the transition. It was a dark period in Ghana's transition to multi-party rule and credit has to be given to the Ghanaian spirit that the country did not lapse into turmoil. The opposition parties kept themselves busy outside parliament by wagging a legal battle against the NDC over the observation of June 4 as a public holiday. The ruling of the court in this case was a major victory for the opposition and those who were victims of June 4.48

The 1996 elections saw marked improvement in the electoral process. Even though the 1996 election did not bring about a change in government, it marked the beginning of the introduction of some sanity into the conduct of multi-party elections in the country. With the participation of all opposition parties in the election the institutionalization of an effective party system became more feasible. There was improvement in media coverage from 1996, thanks to the relentless efforts of the National Media Commission to ensure that

<sup>&</sup>lt;sup>46</sup> Ayensu K.B., Darkwa S..N. The Evolution of Parliament in Ghana( Accra: Sub Saharan Publisher 2006) 77.

<sup>&</sup>lt;sup>47</sup> Apparently, the tribunals' authority had expired on the 7<sup>th</sup> of January 1993. See Ghanaian Times of 13<sup>th</sup> July 1993.

<sup>&</sup>lt;sup>48</sup> June 4 1979 was the day Rawlings staged his first coup. See *Ghanaian Times* (July 13 1993) These legal battles and their outcomes have been aptly covered by Roger S. Gocking in his *The History of Ghana* (2005) 217.

the code of conduct for election coverage was strictly adhered to. Mr David Kanga (Deputy Electoral Commissioner) lauded the performance of the media during the 1996 elections. He observed that the media tried to investigate electoral complaints to know how wide-spread they were before reporting on them. The training of political party agents made the electoral process more effective. Credit must also be given to the NDC for being more flexible and tolerant in its dealings with the opposition in the build up to the 1996 elections.

Sequel to the boycott of the 1992 parliamentary elections by opposition parties and the writing of the 'Stolen Verdict' by the NPP, an Inter-Party Advisory Committee (IPAC) made up of representatives of all political parties was formed. It met from time to time to address the concerns of political parties relating to the voters' register, the electoral process and other related issues. The creation of this platform deserves lots of commendation. It allayed some of the fears or suspicions that characterised the electoral process and it built confidence in the Electoral Commission. Some important decisions came out from the meetings of IPAC. In the first place, it was decided that from 1996, both the presidential and parliamentary elections would be held on the same day. Secondly, a new voters' register had to be compiled and transparent boxes were to be used. Thirdly, identity cards were to be issued to voters. The cards for the cities and some ten rural constituencies bore the photograph of the voters. Fourthly, there was the formation of an organization of domestic observers known as Network of Domestic Election Observers (NEDEO). It was made up of twenty-three civic organizations and religious bodies. The names of those Ghanaians with expertise in administration and elections who were co-opted to help NEDEO to train election observers at the national, regional and district levels deserve mention here. They were: Hon. Justice J. Kingsley-Nyinah. Mrs Cecilia Bannerman, Rev. K. Amoa-Kumah, ms Audrey Gadzekpo, Dr Bonnah Koomson, Dr Baffour Agyman-Duah, Dr E. Gyimah-Boadi Mr Benedict Assorow, Rev.Dr A Akrong, Mr Joe Baidoo-Amisah, and Mr K Amoah<sup>49</sup>. A total of 5,035 persons were trained and deployed to all the constituencies in the country. This group played a positive role in ensuring that the 1996 elections were an improvement over the 1992 elections. 50 The group also made several recommendations that were to guide future elections in the

<sup>&</sup>lt;sup>49</sup> Final Report of Domestic Election Observers (NEDEO) on the 7 December, 1996 Elections.(1997)

<sup>&</sup>lt;sup>50</sup> David Kanga "Elections Complaints and their Resolutions" in Kwaesi Badu and John Lavie (eds) Election 96 in Ghana Part 2 (Gold-Type 1997) 45-55.

country. The willingness of the Electoral Commission in opening up to these various groups was invaluable in improving the conduct of multi-party elections in Ghana.

Only three political parties, NPP (with its Great Alliance), NDC (with its Progressive Alliance) and the Peoples' National Convention (PNC), contested the presidential elections in 1996. This time. another nebulous alliance was formed between NPP (Danguah-Busia tradition) and PCP (Nkrumahist party) for the purpose of the 1996 elections. Consequently, Mr K.A. Arkaah became the running-mate of Mr J. A. Kuffuor (of the NPP)<sup>51</sup>. The PCP (Peoples' Convention Party) and DPP (Democratic Peoples' Party) later joined the race for parliamentary seats. In the election, NDC won 57.4 per cent, followed by NPP with 39.6 per cent, and PNC 3 per cent. In the parliamentary elections, NDC had 133 seats, NPP had 61 seats, PCP had 5 seats and PNC had one seat<sup>52</sup>. The 1996 elections were not without violence. Cases of sporadic attacks were reported throughout the country<sup>53</sup>. The strong presence of the opposition in the second parliament of the Fourth Republic helped to consolidate multi-party democracy in Ghana.

By 2000, the credibility of the Electoral Commission had soared high and all political parties expressed absolute confidence in the electoral process. The playing field had been levelled considerably. Of course, the Ghanaian electorate had grown to understand their rights and responsibilities in the democratic process.<sup>54</sup> This accounted for the peaceful and orderly nature of the elections in 2000. The role of the Coalition for Domestic Election Observers (CODEO) in recruiting, training and deploying 5,500 observers throughout the country for the 2000 elections was satisfying. This organization had a nine member board which included; Prof. Miranda Greenstreet, Prof. E Gyimah-Boadi, Dr Boafo Agyman-Duah. Mrs Eva-Maria Kohler, Mr George Naykene, Rev. S.T.Doku, Mr O.Agyeman-Bempah, Mr Nicholaus Kodzo Akyire, and Mr Rab Guar Gorman<sup>55</sup>.

The presidential election on the 7th of December 2000 produced no winner. J. A. Kuffuor of the NPP had 48.2 per cent, followed by

<sup>51</sup> This alliance did not enjoy the support of the entire leadership of the two political parties.

<sup>&</sup>lt;sup>52</sup> Mr JA Kuffuor's presence at the inauguration of the second parliament of the Fourth Republic signified the opposition's acceptance of the 1996 elections results.

<sup>33</sup> OAU Observer Mission Report on the 1996 Presidential and Parliamentary Elections in Ghana.

<sup>&</sup>lt;sup>54</sup> CODEO noted in its report that party agents conducted themselves in a collegial and mutually respectful manner. See CEDEO report on the 2000 elections in Ghana(March 2001)
<sup>55</sup> Ibid.

Prof. J E Atta Mills of the NDC had 44.5 per cent of the votes. This necessitated a runoff between Prof Atta Mills and J.A. Kuffuor for a clear winner to emerge. On the 28th of December 2000, other opposition parties came together to support J.A. Kuffuor in the runoff and he won 56.7 per cent of the votes while Prof Atta Mills won 43.73 per cent. The electoral outcome was seen by both domestic and international observers as legitimate, though some sporadic malpractices were recorded in the Volta. Asante and Greater Accra Regions. No doubts, the 2000 election was historic, for it marked the first time in the history of Ghana that the terms of office set by the constitution for a sitting president was really put to the test. Prof Atta Mills's show of magnanimity in conceding defeat and congratulating Mr J.A. Kuffuor set the tone for a peaceful and historic transfer of power from one democratically government to another. Ghana became a model in the turbulent region of West Africa and beyond where the resurgence of multi-party democracy led to years of wars and state collapse and the displacement of millions of people. Having won the election President Kuffuor set out to establish an all inclusive government by appointing people from opposition parties into his government. This was a departure from the winner-takes-all type of politics that characterised our previous democratic governments. But this laudable policy suffered a severe jolt when a minister of Youth and Sports appointed from the PNC party was dismissed from the government and jailed for the loss of a huge sum of money that was meant for the Black Star team.

#### National Reconciliation

One event for which the Fourth Republic should be remembered was the institution of the National Reconciliation Commission. Many people supported the establishment of the NRC. Unfortunately, it generated a heated debate between the ruling NPP government and the opposition NDC. The debate centred on which period in our history should the hearings of the commission cover. While the NPP government wanted the work of the commission to cover the period from 1979 to 2000, the NDC felt that the work of the commission should stretch back to 1957. What calmed the fears of many people was the assurance from government that perpetrators of crimes against fellow Ghanaians would not be prosecuted. Indeed, human rights abuses in Ghana were not peculiar to the AFRC, PNDC and NDC regimes. All regimes in Ghana's history had records of human rights abuses. But no one can quibble away from the stark reality that the magnitude of abuses from 1979 through to 1992, and well

into 1996, were unprecedented in the history of Ghana. Some of the stories about torture and killings that were told at the Commission left many wandering as to why Ghanaians could commit such atrocities against their fellow citizens.

Kevin Shillington noted, "The single fault of the PNDC has been its cavalier attitude to the personal freedom of the individual. It has used and abused the detention laws, often on very little evidence or on the basis that someone has dared to challenge the direction or the legitimacy of the revolution." In 1983, Amnesty International bemoaned the ill-treatment of suspected political opponents and suspected criminals by members of the armed forces. It also noted reports of arbitrary killings by members of the armed forces. Again, there were reports of an awful spectacle of mutilated bodies washed ashore on the beaches of Accra. These bodies were believed to be political opponents of the PNDC. It was, however, important that a window of opportunity was given to all victims of violence to tell their stories so that some compensation could be paid to them. The commission did its work. But the extent to which reconciliation was achieved is a matter of conjecture.

## Conclusion

Ghana has made tremendous strides in democratic governance since 1992. But successful conduct of multi-party elections alone does not constitute good governance. By 2000, Ghana's democracy was still in flux. Democracy remained fragile in view of the perception that NPP was an Asante party and NDC an Ewe party. Indeed, the voting pattern of these two ethnic groups since 1992 confirmed this perception. In Ghana, the concept of shared nationality was still weak and politicians continued to exploit ethnic sentiments or division for political gains. The Dagbon crisis continued to defile solution because people could not de-link partisan politics from it. According to Kwame Ninsin factors that influenced the voting behaviour of Ghanaians were personal obligation to candidates. traditional loyalties, and ethnicity<sup>59</sup>. A large number of Ghanajans. particularly in the rural areas, could not make informed choices because they could not understand the manifestos of the political parties.

<sup>56</sup> Kevin Shillington Ghana and the Rawlings' Factor (London: Macmillan 1992) 179.

<sup>&</sup>lt;sup>57</sup> Amnesty International Concerns (1983) 1.

<sup>58</sup> The Times (London 13th August 1990).

<sup>59</sup> Kwame Ninsin, "The Electoral System, Elections and Democracy in Ghana", in Ninsin Kwame and F.K. Drah. (eds) Political Parties and Democracy in Ghana's Fourth Republic. (Accra: Woeli Publishing Service 1993) 181.

Several reasons have been suggested to explain the voting pattern of Ewes and Asantes. Anthony Aubynn<sup>60</sup> contended that Prof Adu Boahen's assertion in his J.B. Danquah Memorial lecture in 1989 that all top government positions were being occupied by Ewes, sent shock waves among the Ewes and Asantes in particular<sup>61</sup>. Therefore, the alleged Ewe hegemony became a campaign issue in 1992. Consequently, while the Asantes wanted to vote the NDC out of power in order to stop 'Ewe occupation of top governmental positions', the Ewes also saw the whole NPP campaign as an attack on them. Therefore, the Ewes mobilized to vote en block for the NDC. Since then, the voting pattern of the two ethnic groups continued along the same line.

A worrying characteristic of the Fourth Republic was the large number of government ministers and special assistants. This trend, which started with the NDC in 1992, continued when NPP took over power in 2000. This confirmed the fears expressed by many observers that neo-patrimonial tendencies were re-emerging in Ghanaian politics.<sup>62</sup>.

The contestations that shaped our transition to democratic governance in 1992 were informed and influenced by wide-spread agitations for multi-party democracy. Unfortunately, Ghana's efforts at deepening and institutionalising multi-party democracy appeared to have been stalled by the failure to democratise the District Assemblies (DAs) along party lines. With the resurgence of multiparty democracy in 1992, the law that established the DAs should have allowed political parties to be involved in the workings of the assemblies. District Assemblies, by their establishment, remained peripheral to the main democratic process in the country. This made the country's democratization nebulous. The inevitable consequence was the loading of the DAs with people loyal to the ruling party, much to the detriment of other parties. Throughout the transitional period Ghanaians were witnesses to the sordid spectacle of District Chief Executives campaigning openly for the incumbent government during general elections; a fragrant abuse of the provision of the constitution that forbade partisan politics at the DAs. This did not make the electoral playing field even. The involvement of political

<sup>&</sup>lt;sup>60</sup> Anthony Kwesi Aubynn "Behind the Transparent Ballot Boxes: The Significance of the 1990S Elections in Ghana", in Cohen Michael and Laakso (eds) *Multi-Party Elections in Africa* (Oxford University Press 2002) 75-103.

<sup>61</sup> The emphasis here on Asante and Ewes is the writers' own.

<sup>&</sup>lt;sup>62</sup> The dangers which neo-patrimonial rule posed the emerging democracies were well articulated by Richard Sandbrook. See his, Closing the Circle: Democratization and Development in Africa (2000)17-18.

parties in the affairs of the DAs could have promoted effective debates at the assemblies and checked some abuses of power by District Chief Executives. In this way, the parties would have been enhancing governmental accountability at the district level. All in all, however, by 2004 a lot had been achieved which formed the foundation for the consolidation of multi-party rule in Ghana.

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