

Some Problems in Ghana's Transition to Democratic Governance

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Résumé: Alors que la démocratie libérale peut conduire à la disparition du militarisme et de l'autoritarisme, le populisme quant à lui peut s'accommoder des deux systèmes politiques. Au Ghana, des luttes prolongées des diverses forces sociales ont abouti à des gains politiques comme la liberté de former des associations politiques, la liberté d'expression et le droit de choisir ses représentants politiques à travers des consultations politiques. Cependant en eux-mêmes, ces gains ne garantissent pas une gestion démocratique des affaires. Cette dernière ne peut être obtenue que si la société civile est suffisamment forte et autonome pour imposer sa volonté sur l'Etat et permettre une supervision permanente de l'utilisation du pouvoir d'Etat. La société civile au Ghana est faible bien que le pays dispose d'une classe moyenne suffisamment large et économiquement vigoureuse. Cette faiblesse a été exacerbée par les crises socio-économiques. En outre les capacités de l'Etat à prendre des actions politiques indépendantes ont été améliorées par un flux massif de l'aide par le truchement de l'intervention des institutions financières multilatérales dans l'économie politique du Ghana. Ainsi le régime a pu initier un processus de réforme qui lui a permis de gérer le processus de transition de sorte à garantir des résultats positifs ainsi que sa propre continuité.

Introduction

In their policy towards African countries, donor agencies and countries have emphasized the need for regimes to restore political pluralism, competitive elections and also respect civil liberties as political conditionalities for further economic assistance. It is implied that when a country's authoritarian regime - civilian or military - concedes these elements of liberal democratic ideology that country becomes or has become democratic. This view has been around, at least, since the 1950s. Among both nonacademics (Mackenzie 1958) and academics of Western democracies a government is democratic if it is based on free elections. Hence Huntington could insist as late as the 1970s that 'holding free and competitive elections is accepted as a sign of pluralist democracy'. (Huntington and Moore 1970:509). The irony is that after decades of failed experiences this view did not die. It was simply put on the ice; and has resurfaced in the same form buttressed by the same depth of conviction.

In this paper I argue that merely conceding such elements of liberal democracy does not lead automatically to democratic governance. By democratic governance I mean the institutionalization, through sustained

political practice, of legitimate organizations, procedures, norms and rules that would ensure limited government and respect for human rights as well as efficient and effective government through a transparent system of accountability. I shall use the case of Ghana, where a new government was elected recently, to argue that the prospects for democratic governance are affected by: i) the political values held by the governing elite, especially in so far as these affect the chance that democratic ideas and practice would flourish; ii) the degree of autonomy of the state; and iii) the level of development of civil society or non-state publics.

The Background

After nearly a decade of military rule the government of the Provisional National Defence Council (PNDC) agreed to return the country to constitutional rule after considerable domestic and external pressure. From August 1991 to March 1992 a consultative assembly sat to write a new constitution which was duly approved at a referendum held on April 28 of the same year. Presidential and parliamentary elections were held in November and December 1992, respectively; and on 7 January 1993, a government, elected under the new constitution, was sworn in.

The 1992 constitution contains more elements - both doctrinal and structural - of liberal democracy. There is an elaborate chapter on fundamental human rights (Chapter 11), and a Commission on Human Rights and Administrative Justice (Chapter 18). The powers of the three organs of the state - the executive, legislature and judiciary - have been carefully delineated and at the same time combined in a complex system of checks and balances, coordination and cooperation (Chapters 8, 10 and 11). The constitution further provides for a media commission that will create the enabling environment within which the media could operate as the watchdog of the rights of the citizen (Chapter 12). An equally significant provision of this constitution will be found in Chapter 6 which deals with the 'The Directive Principles of State Policy'. This provision dates back to the 1979 constitution. It is nonetheless remarkable for its affirmation of the democratic doctrine of limited government and the principle that governments are set up for the sole purpose of protecting and enhancing the liberties of the citizen.

These beautiful provisions notwithstanding, the constitution may not succeed as the framework for democratic governance if the ruling elite does not believe in democracy, and if the political and social conditions are not supportive of democratic governance.

The Rawlings Regime's Conception of Democracy

The dominant political values within the present government may be extrapolated from the various ideological positions of the PNDC government. These values determine the regime's conception of democracy which was redefined three times during its tenure in response to political crises as and

when they occurred. What then is the Rawlings regime's conception of democracy?

Essentially the view of democracy that prevailed during the first two years of the regime emphasized popular participation or some form of direct democracy by the masses of the people. The defence committees were seen as the bedrock of that democracy (Chazan, et al., 1988:71-92).¹ Elections, political parties, representation and representative institutions as well as constitutions were denounced as bourgeois mystification. They not only aborted democracy and negated the sovereignty of the people; but they also alienated the people from the state. This was said to be a malaise that was at the root of the political crisis of the state. The solution to it was to create the means by which the people could exercise direct sovereignty. During this period the people, in political practice, referred to the urban underclass.

The Rawlings regime started to redefine the political basis of democracy from 1984 onwards and ultimately gave it a new institutional form. By then the Economic Recovery Programme (ERP) had alienated and destroyed the urban coalition that had been forged in the early years of its rule, undermined the credibility of its radical populist ideology, and precipitated a legitimacy crisis. Consequently, the social strata that constituted the agents and beneficiaries of the new democratic revolution also had to be redefined. Thenceforth the defence committee ceased to be the 'bedrock' of the new democracy: they had become a political menace and a liability to stability and legitimacy (Ninsin, 1993). The new beneficiaries of democracy were now the rural people - the 'real workers', and the District Assemblies (DAs), which were inaugurated in 1989, became the new agents of mobilization.

Though they were intended to be representative, the DAs were based on a rather limited view of elections and democracy.² Accordingly, elections to the assemblies were conducted on nonpartisan basis and electoral competition was permitted only within the monolithic political framework defined by the PNDC government. The usual canons of liberal democracy - political pluralism, open and free debate, and respect for civil liberties - were conspicuously absent.

So clearly certain political imperatives were at work. The period between the middle of 1982 and 1984 witnessed a great deal of instability, and exposed the fragile legitimacy of the regime to much greater threat. It was

1 See *Also a Revolutionary Journey*, (Collected Speeches by J J, Rawlings) Vol. 1. Accra: Ministry of Information.

2 For the rules governing the conduct of elections to the district assemblies, refer to *The Local Government Law 1988* (PNDC 207).

therefore prudent that the regime should initiate some reforms, following the crackdown of the defence committees, in order to stabilize the situation and also ensure greater legitimacy for itself. As part of the reforms that followed 1984, the Rawlings regime attempted to partially accommodate some of the demands of the country's political and economic elites but did so very cautiously. For instance, new appointments were made from the ranks of these elites to fill vacancies created in the PNDC and its leading organs by the political upheavals. In justifying such appointments Rawlings said that the 'new political system' would be built with 'nationalists', the 'representatives of the people', men and women who would be chosen for proven 'experience, maturity, and dedicated and patriotic service' (Ninsin, 1993:8-9, op.cit.).

It is also significant that the PNDC, even as it sought to placate the country's political and economic establishment elites, did not intend to fully liberalize politics in order to give representatives of the establishment the chance to participate freely in politics. Instead the lower middle classes were made the principal target of incorporation. The regime merely appointed a handful of carefully selected members of the establishment to fill one-third of the seats on the DAs as stipulated in the *Local Government Law 1988 (PNDCCL 207)*; the result was that the DA election brought into office predominantly small property owners. According to the *Information Digest* (November/December No. 7, 1989) of the Ministry of Information, the DAs total membership of 6,500 was dominated by farmers (33.2%) and teachers (32.3%) all or most of whom were resident in their respective localities. They were followed by civil and public servants (12.7%) and self-employed (9.5%). There were only 109 (1.78%) accountants and bankers and 40 (0.6%) legal practitioners. It should be noted that a large number of these minority groups were appointed by the regime to strengthen the rather low calibre of the elected assembly members and more especially to strengthen its links with society. Clearly therefore the political reforms which were ushered in by the new notion of democracy were intended to coopt selected 'publics' in order to bolster the regime's faltering legitimacy and strengthen its capacity for governance rather than restore liberal democratic governance.³

This conception of democracy implies opening up the political system through reforms that will bring selected publics into the decision-making structures to ensure broader consultation and accountability. It is consistent with current definitions of 'governance' which dominates discourse on government and politics in Africa among academic Africanists of North American Universities as well as bureaucratic Africanists within the donor community and multilateral financial institutions. See for example, Bratton and Hyden, (1992); and World Bank, (1989; 1991). Among these 2 Africanist groups, there is the tendency to define 'governance' not as a democratic system of representation, accountability and consultation, and of securing consent and legitimation. The emphasis is

Compared to their more established counterparts of mainstream and upper middle class elites, these members of the lower middle classes are less economically independent and secure. The PNDC government could therefore not expect any organized opposition from the latter. Besides, these lower middle class elites had been elected to the DAs in their individual capacities and not as representatives of organized political parties and associations or of other non-state publics. Experiences from the regime of the Convention People's Party (Austin, 1964) and the Supreme Military Council (Ninsin, 1985) show that this lower stratum of the middle class, which comprises mainly small property owners, has one political disability: it lacks economic security and therefore tends to rely on the state - become politically gullible in exchange for economic favours. Given these favorable political conditions in the DAs the PNDC could be confident that the DA members would not turn themselves into a force for either more political reforms or democratization.

The established middle classes boycotted the election to the DAs because in their view the political reforms that led to the establishment of the assemblies were undemocratic. On the surface of it their boycott fulfilled the PNDC regime's intentions. In reality, however, the boycott only aggravated the political crisis of the PNDC and forced it to initiate the third level of political reform which led to the inauguration of constitutional rule. In fact, from 1986 to about 1990 the agitation for democratization had involved many more groups, strategies had become better coordinated, and much more intensive, involving as it did groups like the Movement for Freedom and Justice (MFJ), Ghana Bar Association (GBA), Christian Council of Ghana (CCG), and the National Union of Ghana Students (NUGS) as leaders of the movement. During the same period the contradictions and weaknesses of the ERP had become more glaring.

In attempt to fathom the full depth of the political crisis the regime conducted two public opinion surveys between the middle of 1990 and August 1991.⁴ Significantly, both surveys, the second of which was done covertly, revealed widespread aversion with continued military rule. A substantial majority showed preference for multi-party politics and a return to constitu-

on a broad corporate kind of structures within which consultation, accountability and so-called transparency as well as effectiveness and efficiency in government could be achieved.

- 4 The 2 studies were conducted on behalf of the government by the National Commission on Democracy. Refer to National Commission on Democracy, *Evolving a True Democracy* (Summary of NDC's Work Towards The Establishment of a New Democratic Order) Report Presented to PNDC, Accra, March 25 1991 and National Commission on Democracy, *Public Reaction to The NCD Report on Evolving a True Democracy and the PNDC's Constitutional Proposals*. (A Study conducted by the NCD's Research Department and sponsored by the Friedrich Ebert Stiftung), Accra, August 1991.

tional rule. In the circumstances, further political reforms became the only solution. It was at this juncture that the Rawlings regime felt compelled to concede the additional political reforms which ushered in the government of the New Democratic Congress (NDC) headed by Rawlings himself.

It must be emphasized that even as the regime conceded the latest political reforms, it still stuck to its original view of democracy as popular, participatory and without political parties. Rawlings did not only admit his opposition to political pluralism publicly, his regime also deliberately packed the consultative Assembly, which wrote the 1992 Constitution, with people who may be described as representatives of the grassroots or the masses. As Jonah (1991) has argued, this strategy is reminiscent of how the country's past military regimes had tried to monopolize and manipulate the constitution-making process for their benefit. We should add that the composition of the assembly was intended also to emphasize that body's popular character, as well as revitalize the regime's own links with the social forces which it had targeted for mobilization since the mid-1980s (Ninsin; Drah, 1991). On the one hand, such practices could come from a military regime that is under pressure to disengage (Hansen; Kennedy, 1989). On the other hand, they manifest the regime's commitment to using anti-democratic means to achieve its goal of popular democracy. Either of these tendencies was bound to produce undemocratic practices. The transition period - 1991 to January 1993 - became a test case of the regime's commitment to liberal democratic ideals. In brief, the regime tightly controlled the transition process to ensure that this populist notion of democracy would be realized, and its political and economic positions vindicated.

The Undemocratic Transition

The principal feature of current Ghanaian politics is the successful transformation of the PNDC into the civilian regime of the NDC also with Rawlings as head of state. The politics that produced this self-succession had to be controlled because much was at stake. The regime had come to power claiming to represent the popular masses. From 1983, when it started to implement the structural adjustment programme, it consistently claimed that its policies and actions were in the best interest of the people. On the one hand, the transition arrangements, the centerpiece of which were the elections, had therefore become an acid test of the government's legitimacy before the donor community which needed to be assured that, after years of ruling the country with a heavy hand, it was still popular. On the other hand, they were crucial as a means of proving to its critics at home that it indeed enjoyed popular support. Accordingly, the idea of a transition to constitutional rule through multiparty elections became part of the state's ideology of legitimation. Such was the need for the regime to legitimize itself, especially in the face of mounting criticism from home and abroad coupled with domestic political protest, that it did not only have to accept the need for

multi-party elections. More especially, it had to control the entire transition process to ensure a favorable outcome. Towards this goal, democratic norms and principles are expendable; for even without democratic principles; 'elections still have meaning as a legitimating mechanism. Elites seek to demonstrate public approbation even in authoritarian contexts' (Hayward 1987:14). This section examines the more visible aspects of this controlled process.

From the late 1980s, when the MFJ was formed to spearhead the agitation for democratic reforms, to May 1992 when the ban on pluralist politics was lifted, the PNDC monopolized the political space. It did not allow freedom of political activity; and political associations like the MFJ were formed in defiance of the regime's antipathy. Apart from the MFJ, several other political associations could exist only in disguise. When the ban on political activities was lifted and several political parties came into the open, the regime persistently refused to engage in dialogue with the parties of the opposition despite repeated demands by the latter. Nor would the intervention⁵ of the Christian Council of Ghana and Catholic Bishop Conference convince the regime of the legitimacy of the opposition parties as well as their demands and thereby oblige her to engage in dialogue with them. Yet the opposition had raised burning issues which had to be thrashed out before a smooth and peaceful transition to constitutional rule could be guaranteed. The issues included:

- a) the need to replace the PNDC government with a transitional government in order to ensure fairness in the transition process;
- b) dissolution of the government's revolutionary and para-military organs;
- c) revision of the voters register which was flawed by over-registration;
- d) repeal of laws which were considered undemocratic and repressive;
- e) dissolution of the district election committees which had been set up to manage the district council elections of 1986-89 for fear that these might interfere with conduct of the elections;
- f) holding the presidential and parliamentary elections simultaneously;
- g) revising the Political Parties Law 1992 to make it more democratic and fair to all aspiring political leaders.

5 These two main religious bodies presented separate memoranda to the government. Their positions were identical to that of the opposition parties - in effect a rebuttal of the government's intransigence. See Christian Council, *Christian Council Response to Ghana's Search for a New Democratic System*, Accra, December 1990; and Catholic Church, *The Catholic Church and Ghana's Search for a New Democratic system*, Accra, February 1991.

It should be noted that in the meantime the opposition parties comprising the New Patriotic Party (NPP), Peoples Heritage Party (PHP) and the Popular Party for Democracy and Development (PPDD), had formed one umbrella organization called the Alliance of Democratic Forces (ADF). When the results of the presidential election were announced these parties had altogether won 41% of the votes cast compared to the 58% won by Rawlings' NDC. Yet the government refused to recognize the legitimacy of the opposition parties and their demands.

When the regime finally agreed to talk to them it became quite evident that dialogue and compromise were impossible between the two contending parties. Accordingly after a couple of rather unproductive meetings the consultations collapsed. With that opportunity for both government and opposition parties to lay a firm foundation for liberal democratic politics aborted, the culture of suspicion, intolerance and recrimination, which had characterized Ghanaian politics over the last 11 years of military rule, gained firmer roots. Accordingly, the decision of the opposition parties to recognize the NDC government and legislature, and also act as a responsible opposition from outside the legislature did not improve the political situation. The regime retained firm control of the political situation.

Under these controlled conditions, what meaning could we attach to the presidential and parliamentary elections? Certainly, the elections allowed the Ghanaian electorate to choose representatives. But clearly the mere opportunity to exercise such a right does not amount to democratic choice. How effectively (or rationally) the franchise is used, and more especially the atmosphere within which it is used as well as the opportunities the voter has in exercising the franchise freely are all extremely important in determining the real meaning of an election (Hermet, 1978). In the circumstances of the 1990-1992 period, when internal protests and criticisms were increasing, and external pressures were also mounting, it would appear that the need to renew the bond between state and society and to legitimize the regime's exercise of political power, had become an imperative that no regime anxious about its survival could afford to ignore. The controlled transition process ensured that the elections would produce results that are advantageous to the regime. After all, when authoritarian regimes are in crisis, elections become an important means for bringing the state closer to society (Young, 1987). In the Ghanaian case, the whole of the transition process became part of the means by which the regime legitimized itself.

The Autonomy of the State

The Rawlings regime could be so arbitrary not only because the country did not have a democratic constitution that would define the parameters of state power and also limit its exercise; but more especially because the Ghanaian state had become extremely powerful and autonomous. The concept of state autonomy does not imply absolute independence and freedom of the leading

organs of state from society and its publics (Nordlinger, 1981; Jordan, 1985). It is used here to refer to a situation where the key organs of state are not entirely free from social and other pressures from their environments but are sufficiently free to often ignore or override such pressures (Nordlinger, 1981) in peripheral societies, however, the crucial role played by the state in organizing access to scarce resources like foreign capital and, generally, in promoting accumulation gives the state much greater autonomy from the political and economic interests within its domestic environment (Ninsin, 1985) than is normal.

In Ghana's political economy during the 1982-92 period, the massive flow of foreign loans and grants enabled the state to restore its shattered fiscal base and thereby strengthen its capacity to discharge crucial social, economic and other obligations. With that, the Ghanaian state of the Rawlings regime was also able to salvage its crumbling legitimacy and political capacity. Consequently its autonomy from the economic, cultural and political elites increased considerably. The regime's record of unparalleled political will - an euphemism for authoritarianism (Hansen, 1987; Hansen and Ninsin, 1989; Ninsin, 1991a) - in implementing the ERP is explained partly by this massive support it received from the donor community.

Furthermore, the regime enjoyed monopoly in policy formulation,⁶ and so had almost unqualified discretion in determining the parameters of economic activity and in restructuring economic relations. In the absence of established democratic structures and procedures for ensuring accountability, the Rawlings regime was accountable only to itself for the use or misuse of the massive economic resources and political power it monopolized.⁷ In those circumstances the Ghanaian state did not only become authoritarian, it also became independent of key political, economic and cultural elites and so could act freely within its domestic environment without the fear that any of such interests might mobilize an independent resource against it. This autonomy was expressed in the patron-client relations which were subsumed under the military bureaucratic state as a wide range of interests depended on the regime for access to foreign capital and contracts while regions, dis-

6 The rather limited and frustrating relationship between the PNDC government and the business community on the very politically sensitive question of privatization, which is an example of the monopoly the government exercised over the decision-making structures, is analyzed in Tangri (1991:528-533).

7 Recently there were some interesting revelations about the management of public funds inside the Ghana National Petroleum Corporation, and about the embezzlement of public funds in the public services in the private media. Official response to the first was to take legal action against the press house and journalist concerned with that revelation. Regarding the second, the government simply kept its usual silence. See various 1992-93 issues of the Ghanaian Chronicle.

tricts and communities looked up to it for development projects - like health posts, school blocks, electricity, piped water, tarred roads and bridges.

As has been shown elsewhere in this paper, the level of the state's autonomy become evident from the absolute control the PNDC regime could exercise over the transition to constitutional rule in spite of the protestations of individuals and groups with contrary views. In the end, the results of the November and December 1992 elections, which gave the PNDC party - the National Democratic Congress (NDC) - undisputed control over the executive and legislative powers of the state,⁸ show quite clearly the extent a regime could go to employ state power, that stood unchallenged, to achieve desired results.

Chazan (1987:70) has argued, with some justification, that Ghanaian 'elections as a mode of transition... have insured continuity with the immediate past' rather than effect new directions in policy. In the present case the prospects for continuity in policy is born out by the significant fact that the regime of the National Democratic Congress, which is headed by Rawlings, is the 'first child of the PNDC' (to quote The Speaker of the present Parliament, Mr Justice Annan, then a leading member of the PNDC when he made this remarkable revelation): it is not a matter of speculation. Accordingly, there is a strong possibility that the undemocratic values that shaped the policies and actions of the PNDC government would prevail during the tenure of its successor, the NDC, in spite of the constitution.

It is true, as shown above, that the 1992 constitution provides reasonable grounds for realizing democratic governance in the long run. But recent actions of the regime provide additional grounds for suggesting that the authoritarian tendencies within it could easily undermine the constitution. A few cases may be cited to illustrate this threat. The constitution was approved in a referendum held in April 1992. The legal position as to whether its approval at the referendum made it immediately operational, and binding on all officers of the state is not clear to me. What is clear is that the PNDC has acted in a number of ways which, if continued, could easily threaten the sanctity of the constitution, and ultimately abort it. For example: i) the PNDC government continued to promulgate a number of laws that are said to predate the constitution even after it had ceased to exist; ii) in total disregard of the constitution it appointed certain public officers whose appointment is otherwise regulated by the constitution; iii) it announced a budget

8 The NDC, whose presidential candidate was Rawlings, won the presidency with 58% of total votes cast, and gained undisputed control of the legislature with 190 of the 200 seats at stake. The NDC's electoral allies - the National Convention Party and the Eagle Party won 7 and 1 seat respectively; while the remaining 2 seats went to independent candidates, both of them women.

just a day before it left office; and that budget came into force without the approval of the legislature contrary to the provisions of the constitution. Surely then, this continuity syndrome in Ghanaian politics was not just an election gimmick (as the election ideology which was so generously propagated in the heat of the transition politics appeared to suggest), but as Rawlings warned in his inaugural address as the first president of Ghana's 5th Republic, the revolution is not over yet!

The Weak Civil Society

The question that remains to be answered is: Why should the PNDC/NDC regime be able to act so capriciously when Ghana is known to possess one of the most vigorous middle classes in sub-Saharan Africa? The answer to this question must be sought in the character of civil society - that strata of intermediary organizations and associations (otherwise called non-state publics) which represent various social forces.

The literature on civil society and democracy in Africa has tried to link the growth of associational interest groups or voluntary associations to the rebirth of democracy (Diamond et al., 1988; Rotchild & Chazan, 1988; Chazan et al., 1982; Bratton, 1989). According to Chazan, who has written extensively on Ghana, the crisis of the Ghanaian state has energized civil society through the development of alternative - that is, parallel (to the formal) - economies for purposes of survival and entrepreneurship. These developments in society and economy have produced in the political sphere alternative institutions and patterns of interactions - referring to the growth of associational interest groups - which are pregnant with democratic ideals and aspirations because, according to her, such associations are restructuring their relationship to the state. Democracy in Ghana is therefore gaining a new dynamism.

It is true that the crisis of the Ghanaian state has induced a process of informalization both in society and the economy which is expressed in the proliferation of self-help or voluntary associations. The problem however is whether the formation or existence of such associations is evidence of the development of an autonomous civil society. Chazan seems to assume that it does. If her analyses, conclusions and prognoses were valid, Ghana's transition to democratic governance should not be so problematic. Indeed as Guyer (1992:66) points out with regards to the Nigerian situation: 'the larger (political) context (in which such associations operate) needs to be taken into account. The associations based in communities are often too small to achieve very much in any larger arena...' If we regarded civic associations as urban phenomena, then Herbst (1993:172-73) has had good reason to be skeptical about their political importance in the particular case of Ghana where a multitude of them has mushroomed in the city of Accra and other big towns.

In any case, the conceptualization of the current political crisis in Africa and the prospects for democracy in this structural-functionalist framework has been criticized on several grounds. Some of the criticisms (Bangura and Gibbon, 1992) require consideration here. First, the formulation is based on the false proposition that power and exploitation are exclusive properties of the formal structures of the state and economy. Accordingly, informalization in the economy necessarily implies freedom and autonomy from the formal structure of the state and the economy, and therefore the democratization of political power, or the proliferation of autonomous centres of power in the political sphere. On the contrary, relations of power and exploitation characterize non-formal political and economic structures as well. Second, the dichotomy is a false one. The state-nonstate and formal-informal spheres are not mutually exclusive. They are characterized by a complex relationship of super-ordination and subordination. In the Ghanaian situation, for instance, it has been observed that the non-formal sectors are dominated and exploited by the formal sectors (Ninsin, 1991c). Third, the formal and informal sectors are integrated into a single entity (Beckman, 1990:12) at the level of the individual producer/worker, household, the extended family, and community.

Fourth, society in Ghana and elsewhere in Africa, is fraught with interests and tendencies that are parochial, sectarian, full of insoluble contradictions and bear a strong tendency to act in undemocratic, if not authoritarian, ways. Accordingly the voluntary associations that are developing from these societies should logically reflect such tendencies. To attribute democratic culture and aspirations to these associations is therefore to overlook such objective conditions.

Finally, the concept misrepresents social reality by equating mere existence to autonomy. Most of Ghana's voluntary associations lack adequate financial and other material resources. They lack economic security. This makes it extremely difficult for them to be entirely free and independent of the state in the crucial and larger political arena where important decisions are made about resource allocation and the distribution of social, economic and cultural rights. Hence the majority of community development-oriented civic associations, for example, often find it necessary to link up with an external agency - usually a foreign NGO or a department of state through members of the bureaucratic or political elite - as a condition of their success. Those associations which are based on independent economic activities like trade, construction, transportation and artisanal vocations tend to eke out an existence from the meagre contributions of their members. The pressure to depend on the state for access to much needed resources is therefore quite strong. A good example of a large private association - which is one of the member unions of the Ghana Trades Union Congress - is the Ghana Private Road Transporters Union (GPRTU) whose clientelist relations with the state

is now legendary.⁹ It is most likely that the GPRTU was organized independently of the state. But several of the so-called civic or self-help associations find themselves politically so weak that the impetus to get organized actually had to come from the state (Ninsin, 1991c:112). There is therefore no empirical basis for attributing autonomy to these and similar voluntary or civic associations. Their capacity for independent political action is extremely limited. Indeed the majority of them may not be political at all.

Independent political action in Ghana has rather been the preserve of a small number of established middle class professional organizations like the Ghana Bar Association, bodies like the Christian Churches as well as the organizations of workers and students. It is the voluntary associations of such groups that confronted the arbitrary regime of the Supreme Military Council (SMC),¹⁰ and have since 1982 been the mainstay of the opposition against the PNDC government (Ninsin, 1987). Again, it is the representatives of such social forces that formed the opposition parties, and also founded private newspapers. The political parties they founded - the NPP, NIP, PNC, PHP, and PPDD - were popular enough to collect a total of 41% of the votes cast at the November 1992 presidential election. Also the opposition newspapers have, within the rather short period of their existence, established an impressive credential of independence and autonomy from the state and thereby won considerable public support and respect.

However, from the late 1980s it was clear that these middle class professional associations and others would not be able to dictate the terms and direction of political reform. First the political reforms that culminated in the establishment of the DAs were determined solely by the PNDC government in spite of the vociferous criticisms from these opposition forces. Second, the PNDC dictated the programme for transition to constitutional rule in total disregard of their views. Third, contrary to their record of struggle against the SMC regime during 1977-79 (Ninsin, 1985), these groups were unable to mobilize public discontent for demonstrations, strikes, boycotts and other forms of civil disobedience against the PNDC government. This monumental political weakness was starkly revealed when, contrary to repeated public announcements,¹¹ the opposition parties failed to convene a national conference of all opposition elements (along the same lines as those taking place in the francophone countries) to pressurize the PNDC to

9 There is a brief analysis of the nature of this clientelist relationship between the PNDC government and some organized interests, including the GPRTU in Ninsin, 1991b.

10 The various forms of civil disobedience which this middle class was able to mobilize against the government of the Supreme Military Council (SMC) are analyzed in Ninsin, 1985.

11 For example, what looks like the final announcement on that national conference appeared in *The Ghanaian Chronicle* Vol. 1, No. 47, 27 July 2 August, 1992 p. 1.

relinquish power, and even seizing the political initiative from the regime. Therefore the leading non-state publics in Ghanaian society were in a state of near paralysis compared to the political energy and effrontery of the PNDC regime.

In general these signs of gross political weakness on the part of civil society were also expressed as sycophancy during the period immediately following the elections. As soon as it became certain that the PNDC had retained political power under the constitution, and despite the controversy and tension that followed the elections, various important social groups found it necessary to either send congratulatory messages and assurances of unflinching support and loyalty to the new president, or they sent delegations to deliver such messages. Among such groups are chiefs from all the ten regions of the country, queen mothers from some of the regions, market women's associations, some district assemblies, certain pentecostal churches and a number of civic associations. Sycophancy is for such groups a way of exchanging political support for access to existing patronage networks.

Sycophancy was prominent in Ghanaian politics during the Nkrumah regime. It was part of the political practice primarily of civic groups or associations that were economically weak and insecure. Its resurgence twenty six years after the overthrow of the Nkrumah regime¹² is therefore indicative of the persistent backwardness of the whole of Ghanaian society.

It may also be argued that the weakness of civil society is invariably reflected in the capacity of certain state institutions that also bear part of the responsibility for protecting, and enhancing the enjoyment of the rights and liberties of the citizen. Such state institutions would include the legislature - where the interests of various social forces are concentrated, compete, and cooperate in a concerted social endeavour to restrain the executive and other arms of the state from any excesses, and the judiciary, which remains the ultimate watchdog against excess and violations committed by the executive. In the present case, the conduct of the Ghanaian judiciary, for example during the period of transition to constitutional rule, is quite instructive. In an attempt to restrain the regime from engaging in further actions which the opposition parties regarded as illegal or unconstitutional, the courts were

12 Of course, there have been evidence of sycophancy in Ghanaian politics since the overthrow of the Nkrumah regime. These took various forms, including sending messages of loyalty and support to the head of state as well as expensive, often full-page, advertisements in the print media congratulating the head of state on some occasion or achievement. It appears to have reached its apogee under the government of the SMC when young and aspiring business executives and professionals, with the support of some intellectuals, organized themselves into various civic associations to support that government's bid to 'reconstitutionalize' itself. For a discussion of the rather fascinating politics of that period refer to Ninsin, 1985.

asked to determine the legal and/or constitutional status of two of such actions. They are the *Political Parties Law 1992* and the citizenship of Rawlings, who had then declared his candidacy in the presidential election. However, contrary to expectations that the courts would be courageous enough to lay a firm foundation for interpreting and defending the constitution they dismissed both cases - for lack of jurisdiction in the case of the law on political parties, and for lack of substantive evidence regarding the suit on the citizenship of Rawlings. The cumulative effect of all such cracks in the fabric of civil society and in the institutions which are expected to act as the bulwark of constitutionalism is that the Rawlings regime could successfully execute its own agenda of political reforms which enabled it to succeed itself. Not even the intervention of powerful bodies like the Christian Council and the Catholic Bishop Conference could weaken its resolve.

Conclusion

The current political reforms in Ghana are due largely to the sustained struggles mounted by various social forces - comprising mainly established middle class civic groups and associations - against the regime of the PNDC. However, the democratic gains so far achieved - such as freedom to form political associations, freedom of speech, and the right to choose political representative through open political competition - do not in themselves make democratic governance possible. Democratic governance could be realized only if civil society is strong and autonomous enough to impose its will on the state, and ensure constant supervision over the use of state power.

If people must have power before they could make their governments govern in their interest and secure their welfare, then Ghana's civil society is not strong enough to be able to strive for the goal of democratic governance. Undoubtedly, the Ghanaian middle classes are substantially large and economically vigorous. Nonetheless, the prevailing underdeveloped social and economic environment, and not just the economic crisis and the weak or soft state that it produced,¹³ does not seem to have enhanced their growth into an autonomous political force capable of taming the state and democratizing political power. The same conclusions may be drawn for formal sector workers and students. The labour unions which have in the past demonstrated a potential for independent political action lack an independent

13 Like Ghana, Botswana is an underdeveloped country though its economy is healthier than Ghana's. However, even without an economic crisis, civil society there is so weak that the state power has evolved along corporatist rather than democratic lines. See Molutsi and Holm (1950) for a discussion of this case. Cf. Herbst (1993:38-75; 172-73) where the weakness of civil society is attributed exclusively to the battering of the economic crises of the decade preceding the implementation of economic reforms.

means for organization and self-financing. Accordingly, their numerical size, unity and potential political strength are easily undermined by state policy. Similarly, the state can easily weaken the student movement which is concentrated in the country's institutions of higher learning and is embodied in the National Union of Ghana Students, because students and indeed the entire education system depend almost totally on state subsidy.

As the weakness of civil society was exacerbated by the socio-economic crisis of the last 15 years or so, the capacity of the state for independent political action, received a substantial boost from the massive inflow of aid that accrued from the intervention of multilateral financial institutions in Ghana's political economy. Hence the PNDC regime, despite the clear political disadvantages it suffered during its tenure, could transform itself into an elected regime while the whole of society looked on in bewilderment.

It may be concluded from the foregoing analyses that the regime's success in achieving the results of the November and December elections are indicative of its resolve to employ the substantial financial and political resources at its disposal to perpetuate its rule despite the limitations imposed by the constitution. But more especially, this success seems to hint at the possibility that the transition to democratic governance may stop at the level of mere political reforms. Indeed the series of political reforms which culminated in the inauguration of the elected government of the NDC appear consistent with the PNDC's policy of tactically opening up the political space to incorporate a progressively larger number of civic groups in the political process while retaining the power structure it dominated; because, if one may repeat what Rawlings said at his inauguration as the first president of Ghana's 5th Republic, *the revolution is not over yet*.

It is in this clear vision of regime continuity that Ghana's political reforms should be seen - as changes in form. At the ideological level, the purpose of the reforms was to legitimize the regime as well as restore stability to the political order. At both this ideological and the structural levels, the goals of the reforms were therefore limited: they were not intended to promote the growth of appropriate institutions and practices as well as democratically defined state society relationship for democratic governance. A liberal democratic agenda appears to contradict the regime's populist democratic agenda; the two are not the same. The first leads to the extinction of militarism and authoritarianism while the latter appears to sustain them.

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