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Preventing Electoral Violence in Ghana – the Security Sector Reform (SSR) Solution

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Abstract

Elections serve many important purposes in states across the globe, most especially as an important means of acquiring or retaining political power. This has led to violence as a characteristic of electoral politics in Africa and Ghana. This paper seeks to provide insights into electoral violence in Ghana, and offer Security Sector Reform as a means of curbing it. The paper also offers some complementary to preventing electoral violence.

Keywords: Africa, Elections, Electoral Violence, Ghana, Politics, Security Sector Reform.

Introduction

Elections serve many important purposes in states across the globe. Today, elections have become a marker of democracy as they grant legitimacy to governments and are often thought of as a means by which people make inputs into the governance of their countries (Frimpong, 2012; United States Institute of Peace, USIP, 2019). This makes elections an important means to an even more important end – acquiring or retaining political power. This importance also bestows on elections the quality of being a causative factor of political violence within states, more so in fragile, conflict-prone and oppressive societies (USIP, 2019).

Electoral violence is defined to include any threats of or actions that intimidate, physically harm or abuse stakeholders in order to influence electoral outcomes (Fischer, 2002). Electoral violence could occur in every stage of the electoral cycle even though some research suggests that most of the violence occurs before the elections (USIP, 2019). Electoral violence manifests in many ways the most notable of which are mass riots, clashes between opposing political parties, clashes with state security personnel, etc. It must be noted again that electoral violence points more to the breakdown of the electoral process rather than as the result of the electoral process (Fischer, 2002).

As an area of study and practice, Prevention of Electoral Violence (PEV) became important for two reasons; the growth of “prevention” as a norm preferable to all other reactionary solutions, and the appreciation of elections as a process rather than as an event that occurs only on the day of the poll (USIP, 2019). The logic of the PEV arena is for practitioners and scholars to analyze the sources of risk to elections and apply the most appropriate solution to the risks identified.

Electoral Violence in Ghana

African elections, especially, have often been characterized by violence. The most recent examples have been the Ivory Coast in 2010-2011, Nigeria in 2011 and Kenya in 2013 (Frimpong, 2012; Lynch et al., 2019; USIP, 2019). In each of these examples, presidential elections have led to

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violence either over the process of conducting the election or over the results generated by the election. In all of these, Ghana has been relatively peaceful and has become the poster-child of the international community in terms of the conduct of elections (Lynch et al., 2019).

It has been opined that violence has been a part of Ghana's elections especially since the year 2000, but that these acts of violence have seemed to be minor events for two reasons; scant media coverage or a possible under-reporting of the violence, and the International Community's desire to preserve Ghana's "poster boy" image as a bastion of peace and stability in an unstable continent (Amankwaah, 2013; Fischer, 2016). The danger this presents to Ghana lies in the tendency to refuse to address the causes of the violence, and hence puts Ghana at greater risk of an implosion (Amankwaah, 2013). Indeed, the violence at the Ayawaso West Wuogon Constituency by-election points to the risks Ghana faces in the conduct of its elections.

A survey conducted on incidents of electoral violence in Ghana from 1992 to 2012 turned out four key features of electoral violence in Ghana. First, the study found violent intimidation to be common in all elections in Ghana. It also found that the intimidation tactics were meant to disenfranchise political opponents. Opponents were found to be most at risk when campaigning or voting in the strongholds of their opposition. Public action tactics – such as the forceful takeover of state entities – were more favoured have the snatching of ballot boxes had declined considerably (Fischer, 2016).

The risk factors for electoral violence in Ghana seem to be varied. Violence is thought to arise from fierce political competition, the prospect of the loss or gain of political power and weaknesses within the election management body and the police in the provision of election security (Fischer, 2016). Other causes of electoral violence in Ghana include tribal or ethnic politics (where partisan politics finds expression in inter and intra-tribal differences), the complicity of "big men" in creating space for violence, and the ready availability of "macho" men (Amankwaah, 2013).

The 2008 Presidential and Parliamentary elections in Ghana are thought to be pivotal in terms of electoral violence. It is thought to be the most violent election in terms of the frequency and intensity of violent events. The frequency and intensity were motivated by the fact that the 2008 election was an open seat election (a president had concluded his term and could not run by law), compounded by a second-round vote between the two major political parties which heightened the zero-sum nature of the election, and the uninvestigated allegations of voter fraud (Fischer, 2016). It is contended that the Electoral Commission did not investigate the allegations of voter fraud so as not to open a can of worms it was not prepared to deal with, to save itself the limited resources of time and money, and possibly to keep up Ghana's external image as a stable democracy (Amankwaah, 2013).

In recent times – at least beginning in 2014 thereabouts – the space for and brazen unbridled support of political party militia groups or "vigilantes" by the two leading political parties in Ghana (NPP & NDC) represents a clear and present danger for electoral violence in Ghana. Coupled with this is the apparent structural weaknesses of Ghana's Police Service and other National Security groups, thus making it difficult for the state to deal properly with the newer threats of election-related violence in Ghana.

Preventing Electoral Violence in Ghana – The SSR Approach

Security Sector Reform refers to the transformation of the security sector – institutions with a formal mandate to ensure the safety of the state and citizens – to ensure that it is managed and operated "... in a manner that is more consistent with democratic norms and sound principles of good governance, and thus contributes to a well-functioning security framework" (OECD, 2005: 20). Viewed in the light of the concept of Peacebuilding as defined by Kenneth Bush, SSR is viewed as aiding the deconstruction of the structures of violence and building the structures of peace, with the aim of preventing an outbreak of, or a relapse into violence through a democratically controlled security sector (Bush, 2005). Wulf (2005) adds that the aim of SSR is not only the democratization of security but the development of effective civil oversight and institutions with the ability to provide security.

Aning (2001) discusses that Ghana's security sector contains three key elements;

- i. Statutory groups mandated with using coercive force (army, police and other paramilitary units)
- ii. Oversight institutions including NGOs to manage and monitor the security sector and

iii. institutions responsible for guaranteeing the rule of law including the judiciary, the ombudsman and the penal system.

The Statutory Groups – Reworking the appointment architecture

In carrying out an SSR to prevent electoral violence, the main action Ghana ought to undertake is reworking the structure of appointment of heads of the various frontline security institutions, mainly the police. As a frontline institution on internal security, the appointment structure serves to weaken the Police Service more and prevents it from taking action aimed at curbing electoral violence. Chapter Fifteen of Ghana's 1992 Constitution is devoted to the Police Service. Article 201 provides for the creation of a police Council whose job includes, among others, advising the President on matters of internal security and the control and administration of the Police Service. Of the 9 persons who constitute the Police Council, 7 are appointed by the President except for the representatives from the Ghana Bar Association and the Retired Senior Police Officers Association. This makes the Police Council beholden to the President. The Inspector-General of Police (IGP) who functions as the head of the Police Service is also appointed by the President and the same constitution in Article 202(3) vests the power to appoint persons to any position in the Police Service in the President.

This arrangement has weakened the Police Service in the execution of its mandate when issues at play have to do with a current government. Intrinsic fears of losing their place in the service have meant that the Police have always pussyfooted on issues that have to do with members of the party of the current government. Issues such as electoral fraud and electoral violence have been seemingly no-go areas for the Police especially when the culprits belong to the governing party. Opposition parties have always voiced their lack of trust in the Police and have formed groups meant to provide them protection. In dealing with electoral violence conclusively, the Ghana Police Service needs to be independent. All ties with the President must be severed so as to guarantee their independence. This requires a constitutional amendment, and this must be done as part of the reform of the security sector.

Kwesi Aning (2008) summarizes the appointment structure in the table reproduced below;

Table 1. Security Sector Governance Actors in Ghana and their Mode of Appointment

Actor	Role	Mode of Appointment
President	Controls all security services. Appoints service chiefs and top commanders in consultation with Council of State and Service Councils	National Elections
Vice President	Chairs the Service Councils	President
National Security Advisor		President
Minister for National Security		President and Parliament
Council of State	Advise President on key appointments	President
Armed Forces Council	Advise President on policy, promotions, finance & budgeting	President, Armed Forces Act, 1962
Police Council		President, Police Service Act, (Act 350 of 1970)
Prisons Council		
Committee on Defence & Interior	Oversees the budget of Ministries of Defence and Interior	Parliament
Finance Committee	Examines the budget of the Office of the President including that of the NSC	Parliament
Public Accounts Committee	Considers the Report of the Auditor-General	Parliament

Judiciary		Consents to the issue of warrants for investigations and intercepts by intelligence agencies
Commission on Human & Administrative Justice	Investigates complaints on the Armed Forces, Police, and Prisons Services	Act of parliament, CHRAJ Act, 1993 Act 456
Ministry of Finance	Controls budgetary allocations	
Auditor-General	Audits all MDAs and reports to parliament	President

(Source: Aning, 2008)

The Oversight Bodies - Stricter Parliamentary Oversight

Parliamentary oversight is important to ensure the effectiveness and efficiency of the security sector, serve as a check on the power reposed in the security services, and as a means of popular participation in the affairs of the security services (Ebo, 2008). In Ghana, Parliament is the main body with oversight functions of the security forces. Articles 200 (2) and 210 (2) of Ghana's Constitution gives Parliament only, the powers to raise an army or police. Parliament exercises its oversight over the security sector through three of its committees; the Committee on defense and the interior, the Finance Committee and the Public Accounts Committee (Aning, 2008). In the history of Ghana, especially in fourth republican history, Parliament (through its Committee on Defence and the Interior) has always lived in the shadows of the Executive with regards to oversight of the statutory security institutions. This ought to change if Parliament is to properly exercise its oversight functions.

Stricter Parliamentary Oversight would happen if Ghana's Parliament would show and implement what Aning (2008) has called the "Triple-A of Parliamentary Oversight" namely Authority, Ability, and Attitude;

- Parliament must demonstrate its oversight authority beyond what it does currently through the Committee on Defence and the Interior – vetting the budgets of the ministries of Defence and Interior, and ensuring a regional balance of the Security Services. Parliament could demonstrate its authority by summoning staff of the statutory security forces and other stakeholders to testify at hearings and approve or reject strategy or doctrine (Ebo, 2008). Ghana also lacks a comprehensive security sector policy, and this makes Parliamentary oversight difficult. Dr. Benjamin Kunbuor – a former Defence Minister – asserts that Ghana lacks a comprehensive security sector policy, thus, the rules for engagement in the security sector were neither known, nationally-owned nor have any legitimacy (Yire, Amenyo, 2017). Stricter Parliamentary Oversight would be gained if Parliament would demand the creation of Ghana's Security Sector Policy, and monitor the implementation of same to ensure that security solutions being employed respond adequately to the threats and risks Ghana and Ghanaian face.

- Parliament must demonstrate its ability for oversight. The ability has been conceptualized as the capacity of Parliament to hold leaders accountable based on the resources available to it. Where Parliament lacks the technical ability, it could fall on security experts within Academia, Think Tanks and Retired Service Associations, so as to understand the sector and perform the needed oversight.

- Parliament and Parliamentarians need to demonstrate the right attitude towards oversight of the security sector. Excessive partisanship, and pandering to the whims of the Executive need to be greatly reduced so that Parliament could.

Complementary Approaches to Preventing Electoral Violence

This paper makes the argument that Electoral Violence in Ghana can be tackled through a thorough Security Sector Reform, specifically reworking the appointment architecture in the Police Service and ensuring stricter Parliamentary Oversight of the Security Sector. However, the paper concedes that these approaches are not exhaustive, especially when the objective is to secure long-

term peace in Ghana. The paper, therefore, suggests complementary means by which electoral violence may be prevented and lasting peace secured in Ghana.

Review and apply existing laws

Ghana's President has tried to introduce a new law – the Vigilantism and Related Offences Bill, 2019 – to combat political thuggery that often leads to electoral violence. Whilst the move looks great and well-intentioned, a critical opinion suggests that existing law in Ghana is able to deal with such phenomena and should be reviewed and applied. For example, section 200 of the Criminal Offences Act, 1960 (Act 29), as amended by the Criminal Offences (Amendment) Act, 2012 (Act 849) provides punishment for organized criminal groups. Section 255 of the same Act also states “A person who attempts to prevent, obstruct or disturb a public election by a kind of force, violence, or threat or by any act which is a criminal offense punishable under this act commits a misdemeanor”.

The problem with the provisions in the Act above is that it regards those infractions as misdemeanors. The law must only be amended so as to elevate the acts to felonies that command heavier sentences. Whilst working on an amendment, existing law should also be applied to tackle the phenomenon of electoral violence.

Empower Prosecutors

Prosecutors – both police and the Directorate of Public Prosecutions – ought to be empowered to prosecute cases of electoral violence in Ghana. The evidence is anecdotal that when the Police arrest an offender in electoral violence, they try to find a criminal offense under Ghana's criminal code to prosecute the person because they need the permission of the Attorney-General to prosecute electoral violence cases, and the Attorney-Generals are often unwilling to prosecute their party members who get arrested.

Amend Political Parties Act to proscribe Vigilantism/Electoral Violence

Ghana has a Political Parties Act that seeks to regulate the activities of Political Parties. The argument is for that law to be amended to proscribe acts of electoral violence. The catch is that the law should impose bans on Political Parties by disallowing a party from contesting in an area where its supporters engage in acts of electoral violence. This, it is thought, would make the political parties proactive in controlling their supporters, or denying people who engage in acts of electoral violence so they can be prosecuted.

Find jobs/skills for teeming unemployed youth

Ghana's National Commission for Civic Education, on numerous platforms, has often made the argument that Ghana can deal with electoral violence better if and when its teeming unemployed youth are provided skills training or job opportunities. The argument is that large numbers of unemployed people are easily recruited by political actors and engaged to undertake acts of electoral violence. When they are engaged, then it is less likely they will be easily recruited and made to engage in acts of violence.

Conclusion

Violence is becoming a staple in Ghanaian politics. In the history of the 4th Republic, there have been several acts of election-based violence. The causes of the violence have been put down mainly to fierce political competition. Research also shows that the violence has been given impetus by the disconnect between criminal acts perpetuated during elections and punishment for those offenses. Some experts in the conflict field have said that it is almost impossible to minimize the occurrences of violence because of the lack of congruence between public utterances/discourse of political leaders and happenings behind closed doors. The institutions that ought to help prevent electoral violence have not been able to do so because of weaknesses either in the laws or in the institutional structure. The solution to Ghana's electoral violence problems lies not only within the reform of the security sector but also in other complementary governance actions aimed at strengthening the law and state agencies who enforce the law.

Conflicts of Interest

The author declares the work has no conflicts of interest.

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