

GHANAIAN ELECTIONS AND CONFLICT MANAGEMENT

Interrogating the Absolute Majority Electoral System¹

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ABSTRACT

In Ghana a president is elected by an absolute majority (50% plus one vote) of the total valid votes cast in the whole country. From a conflict-management perspective this electoral system has two major flaws which can, potentially, jeopardise the fragile electoral peace that has endured since the 1992 elections. First, it gives extra and strong incentive to the two dominant parties, the New Patriotic Party (NPP) and the National Democratic Congress (NDC) to engage in crude ethnic politics to win even when they have lost in the majority of the ten regions. Second, by turning the whole country into a single-member constituency, regardless of its ethno-regional divisions, the votes of minority regions could become insignificant in electing the president, a dynamic that can lead to political exclusion and, subsequently, conflict. To remedy this situation and to promote conciliatory politics in the increasingly acrimonious political climate of Ghana, this paper argues, a double-winning system should be introduced which requires that, in addition to the 50 per cent-plus-one vote a candidate must win in five regions with a simple majority of valid votes cast.

INTRODUCTION

The 2008 Ghana elections validated the conventional wisdom that the country is a model of electoral democracy and peace in Africa. As in the 2000 landmark elections that led to the peaceful turnover in leadership from the incumbent to the

1 This article is based on information collected during five months of doctoral fieldwork in Ghana. The work was carried out with financial support from the International Development Research Centre (IDRC) in Ottawa, Canada.

opposition party, the incumbent New Patriotic Party (NPP) turned over power peacefully to the opposition National Democratic Congress (NDC) following its razor-thin victory in the second-round presidential elections.

Amid euphoria similar to that which accompanied the landmark 2000 elections,

[t]he outcome of the parliamentary and presidential elections of December 2008 was hailed by stakeholders, the national and international media, diplomatic missions and international scholars alike as another step forward in consolidating multiparty democracy in Ghana, and as a model for the whole of Africa.

Jockers, Kohnert & Nugent 2010, p 96

The choice of Ghana for the first visit to Africa of newly elected US president Barack Obama in 2009 can be viewed as the highest international validation of the country's 2008 parliamentary and presidential elections. Obama said he 'chose Ghana to "highlight" its adherence to democratic principles and institutions, ensuring the kind of stability that brings prosperity' (Nossiter 2009).

However, I argue that the absolute majority system used to elect Ghanaian presidents brought Ghana close to a post-election conflict similar to that witnessed in the aftermath of the 2007/08 elections in Kenya and the 2010 elections in Côte d'Ivoire. As discussed below, because of the accumulative or 'instrumentalist nature' of politics in Ghana, where, essentially, political office is not only the source of power but of access to resources to distribute patronage to supporters and kinfolks (Owusu 2006, p 33), both the leaders and supporters of the NDC and NPP resorted to ethno-regional politics to win the elections at all costs, particularly during the run-off presidential election.

It was this ethno-regionalist politics in the Ashanti and Volta regions that was responsible for the highly-charged political atmosphere, particularly, between 28 December 2008, when the second-round presidential election was held nationwide, and 2 January 2009, when the 'third round' was held in Tain, and 3 January 2009, when the winner was announced (Ayelazuno 2009a). As correctly noted by one source, 'between the presidential run-off and the declaration of the final results, there was little confidence that Ghana would not go the way of Kenya or Zimbabwe' (Abdulai & Crawford 2010, p 30).

The main cause of the tension, from my eyewitness perspective, was the closeness of the contest: the results were too close to determine a winner. Despite the fact that the opposition NDC candidate was ahead of the incumbent NPP candidate in results collated from more than 80 per cent of the constituencies – indeed, some media houses like Joy FM Radio called the results

for the NDC candidate based on their collation of results from all the constituencies – the lead was narrow. With the results in some constituencies still outstanding, in terms of the majoritarian system either party could have won. In fact, the elections went into a ‘third round’ because of the closeness of the two candidates after results from 229 of the 230 constituencies had been collated.

Paradoxically, Tain, a tiny constituency in the Brong Ahafo Region, with 53 880 registered voters – where the run-off election could not be held because of logistical hitches – determined the winner of the presidential poll.² Yet in terms of regional results the winner was clear: the NDC candidate won in eight regions and the NPP candidate in only two. Essentially, because of the majoritarian system, the margin of victory of the NDC candidate – despite his landslide regional victory – was so slender (less than 1%) that the temptation for the incumbent NPP to cheat would have been irresistible, even in advanced democracies like the USA and Britain.

As documented elsewhere, the NPP did, in fact, try to cheat to offset the lead of the NDC; and not to be outdone, the NDC also tried to cheat to keep its lead (Abdulai & Crawford 2010, pp 30-31; Jockers, Kohnert & Nugent 2010, p 107; Ayelazuno 2009a, pp 17-19). Had the NPP succeeded the Ghanaian model might have unravelled, as the NDC would probably have rejected the results. In addition, the majority in the eight regions who voted overwhelmingly for the NDC would have been aggrieved that their votes did not count.

From a conflict management perspective an electoral system should try as far as possible to serve as a disincentive to parties to cheat to win when defeat is looming. The fact is, logically, most competitors, especially incumbent parties – who usually have the resources to cheat, subtly or crudely – would do so, or at least try to do so, as happened in Kenya in 2007/08 and in Côte d’Ivoire in 2010. As illustrated below, the 2008 elections showed that the Ghanaian electoral system offers just such an irresistible incentive, a potential cause of electoral conflict in a divided society like that in Ghana.

The elections drew attention to another weakness of the majoritarian electoral system, also a potential cause of electoral conflict in the specific social context of ethnic diversity in Ghana: a president could be elected by winning the popular vote nationally without winning in three, let alone half, of the ten regions into which Ghana is divided administratively and ethnically, as I will argue below (Amoah 2007, ch 3; Arthur 2009; Oelbaum 2004).

2 This is not to underestimate the importance of the Tain elections because of the size of the electorate or constituency. Of course all qualified Ghanaians must be given the opportunity to vote, regardless of whether or not the winner has already been decided. It is the flaw of the majoritarian system that is being underlined here, namely, the way in which a candidate can hold onto the hope of winning the presidency with votes from one constituency, when she/he has lost in eight regions out of ten.

The NPP's presidential candidate, Nana Addo Dankwa Akufo-Addo, came close to winning the election despite losing in eight of the ten regions. Had he won he would have been the first presidential candidate to do so since the 1992 elections. While it would have been a legitimate victory according to absolute majority rule, it would not have been a conciliatory one, as the majority of regions did not vote for him.

From a conflict management perspective not only should citizens of voting age and mental capability be allowed to vote regardless of ethnicity, gender, race, class, religion or gender, they should be certain that their vote will count towards deciding the winner. If a segment of the citizenry, minority or majority, perceives that its votes do not count towards choosing the leader its members may feel insecure and excluded from government, and this could exacerbate ethnic cleavages, leading to conflict.

Ethnicity and ethnic politics in Ghana are so complex that it would be facile to say that politics there is mainly ethnic (Chazan 1982; Nugent 2001; Fridy 2007). However, drawing on renowned scholars such as Berman, Eyoh & Kymlicka (2004) and Ekeh (2004), this paper gives ontological and analytical priority to the social-historical context of Ghana vis-à-vis competitive party politics and argues that the country is, quintessentially, an ethnically divided society, both in a primordial and a constructionist sense.

Given its competitive nature party politics is bitter and tends to deepen existing social cleavages even in advanced democracies like the USA. Identity politics, including ethnicity, exists in these advanced democracies too (Berman, Eyoh & Kymlicka 2004, pp 13, 15). In the specific social-historical context of Ghana and most African countries this problem has been aggravated by the interaction of socio-economic, historical, internal, and external factors which have configured a specific state-society relationship based on kinship ties, in which political office is the easiest and the surest means to the accumulation of wealth and the distribution of patronage based on these ties (Berman, Eyoh & Kymlicka 2004; Ekeh 2004).

This makes elections a do-or-die affair where the end justifies the means, rather than the reverse; including the shameless exploitation of ethnicity as one of the means to political office.

A recent example in Ghana is the much debated 'all-die-be-die'³ declaration made by Akufo-Addo, who told his supporters in February 2011 at Koforidua, the capital city of the Eastern Region, where he comes from, that the NDC intended to remain in power through intimidation and violence during the 2012 elections. 'They have intentions to intimidate us in 2012', he said, 'because they believe

3 An expression meaning every death is death, so it doesn't matter how one dies.

that we the Akans are soft and cowards ... So, in 2012 we need to be courageous because all die be die' (Citifmonline 2011). Other leading figures in the NPP, for instance Obetsebi Lamptey, former minister of state and current chairman of the party; Mac Manu, former chairman of the party; and Sir John, the NPP's general secretary of the NPP, have not only endorsed Akufo-Addo's battle cry but have made even more inflammatory comments about the 2012 elections.

Prominent members of the NDC are reported to have made similar inflammatory comments about the 2008 elections, and continue to do so with regard to the 2012 elections (*The Herald* 2011; myjoyonline.com News 2011). It is not surprising, therefore, that ethnicity has become, to use Mansfield & Snyder's metaphor, an 'intoxicating brew' in the democratisation processes of some countries (cited in Reynolds & Sisk 1998, p 11), making elections the cause of deadly ethnic conflicts in some African countries (Glickman 1998; Berman, Eyoh & Kymlicka 2004).

Elections are due in Ghana in 2012 and efforts should be made to avoid the high politico-ethnic tensions that characterised the 2008 elections. As indicated above any cursory survey of debates between and pronouncements by leaders and supporters of the NPP and NDC in the media makes one thing clear: the 2012 elections will be a zero-sum competition, where, as one political scientist remarked about Nigerian elections, 'winners take all while losers lose everything' (Fawole 2005, p 155).

The behaviour of the two parties suggests that, like the Nigerian elections, the 2012 elections could become 'a savage blood sport that leaves very little room for magnanimity in victory and gallantry in defeat' (Fawole 2005, p 155). Obviously, with the eyes of the politicians fixed on the billions of dollars flowing from Ghana's new oil find as a promising means of accumulating wealth and distributing patronage, the 2012 election will be 'fought as if it is the last one' (Fawole 2005, p 155) and no doubt the politicisation of ethnic cleavages will be one of the main strategies, if not *the* main strategy of both parties, as they try to win at all costs.

In these circumstances institutional engineering must be taken seriously as *one* possible strategy for consolidating Ghana's fragile electoral peace and building a democratic, multi-ethnic state. The main purpose of this article is to formulate such an institutional design, the *double-winning* system, and to illustrate the promise it holds for managing electoral conflict in Ghana.

After underlining the flaws of the present absolute majority system I will draw on theories of institutional design and conflict management (Horowitz 1991; Deng 2008; Reynolds & Sisk 1998; Reynolds 2002; Bastian & Luckham 2003; Birnir 2007) to conclude that the winner-take-all system should be replaced with a double-winning system, as practised in Indonesia, Kenya, and Nigeria (IDEA 2005, p 137).

THE GHANAIAN ELECTORAL MODEL: A CRITICAL PERSPECTIVE

Elections do not necessarily produce liberal democracy in democratising countries. Depending on their deviation from the minimum procedural requirements for producing liberal democracy they have led to 'hybrid regimes' like 'electoral autocracy', 'electoral authoritarianism' or 'competitive authoritarianism', and so on (Diamond 2002). However, they have also produced models of democracy in countries which have gradually learnt the value and practices of liberal democracy. Ghana is one such country.

There is no doubt that Ghana's democratisation is outstanding by any standards. The argument of this chapter is eccentric, even alarmist, considering that most observers see Ghana's 2008 elections as an affirmation of the gradualist theory of democracy consolidation in Africa, namely, the 'electoral cycle creates a positive spiral of self-reinforcement leading to increasingly democratic elections. Third elections mark a cut-off point at which the democratic qualities tend to improve radically' (Lindberg 2006, p 71).

Ghana is, therefore, most observers contend, the poster child for the consolidation of liberal democracy in Africa. While it is entirely legitimate to showcase some of the good qualities of Ghanaian elections for other African countries to emulate, it seems this has not only been overdone it has been done with disregard for the specific social-historical context of the country, namely its ethnic cleavages and the way electoral politics can exacerbate those, potentially leading to bloody conflicts.

As Jockers, Kohnert & Nugent (2010, p 99) observe of the 2008 elections, '[t]he international community inside and outside Africa was at pains to have a positive example to hold up, a model for Ghana's African peers to emulate'. With this in mind most analysts gloss over the conflict dimension of Ghana's democratisation process. The reality, however, is that the very factors that have made elections an 'intoxicating brew' of ethnic conflict elsewhere in Africa (Kenya, Côte d'Ivoire, and so on) are also inherent in Ghana's social structure.

Indeed, Ghana bears striking similarities to these countries in many ways: it is an ethnically divided society; elections are zero-sum contests which the political elites are determined to win at all costs because of their imperative to accumulate wealth from state resources and distribute patronage to kinfolk and party supporters; ethnic and other social cleavages (chieftaincy and land disputes) are 'fair game' for politicians both during and after elections and there are many gullible supporters ready to be mobilised by politicians or to self-mobilise to commit atrocities against each other because of ethno-political hatred.

It is, therefore, a curious paradox that while some observers romanticise Ghana

as an oasis of peace – a validation of how elections can be a conflict management tool rather than an ‘intoxicating brew’ of ethnic conflict – the country has actually been battling with many inter-ethnic, intra-ethnic and other bloody civil conflicts (Tonah 2007). The acrimonious and zero-sum nature of electoral democracy in Africa has escalated some of these inherent societal conflicts and even reactivated the dormant and low intensity ones in Ghana (Ayelazuno 2009b).

Notable among these are the age-old and recursive inter-dynasty conflicts in Dagbon state in the Northern Region (MacGaffey 2006; Tsikata & Seini 2004). The fixation of analysts with Ghanaian elections at the national level overshadows micro-level conflicts, since these have never really threatened to cause the implosion of the state, as happened recently in Côte d’Ivoire and Kenya (Ayelazuno 2009b).

Again, Ghana bears a striking resemblance to Kenya in this regard. The post-election conflict in Kenya took most people by surprise as few political scientists predicted it, yet, as a number of scholars have observed, Kenya ‘was already on the precipice long before the first ballot was cast or President Mwai Kibaki was declared winner and sworn in for a second presidential term on 30 December’ (Kagwanja 2009, p 365). Mueller (2008, p 186) argues that ‘Kenya was precariously perched and poised to implode even prior to the election ...’ If that is true why didn’t political scientists and democracy promotion agencies see it coming?⁴

My hunch is that, as is the case with today’s Ghana, it was because some analysts were bent on promoting Kenya as a model of electoral peace. Like Ghana, Kenya, prior to its implosion in 2007, was ‘widely viewed as a bastion of peace and stability in a volatile region’ (Lynch 2008, p 542). It was viewed as a model of the way democratisation can promote ‘moral ethnicity’ rather than being an ‘intoxicating brew’ (Orvis 2001).

It seems that most observers failed to take seriously many warning signs of potential conflict in Kenya because of the complexity of ethnic politics there. As in Ghana, members of the political class have used their ethnic constituencies as bargaining chips for their share of political power and for building fragile coalitions to win political office (Ndegwa 2003; Cheeseman 2008). Once these elite pacts were working and the nation-state was not in danger of imploding from the ethnic and other social conflicts simmering below Kenya remained a model of electoral democracy until the disputes escalated into full-blown bloody conflicts in the aftermath of the 2007 elections. As they threatened to implode the state the international community rushed in with a battery of diplomatic efforts to manage

4 Perhaps Stephen Ndegwa (2003) is a notable exception: in the midst of the euphoria that followed the 2002 landmark Kenyan elections his reading of the political dynamics of Kenya was extremely cautious, if not pessimistic.

the problem. They were too late – between 1 300 and 2 000 lives had already been sacrificed, 400 000 to 600 000 people displaced and a massive \$1.5-billion lost (Kagwanja 2009, p 369).

I fear the same mistake is being made in Ghana. The international community is bent on promoting the country's elections as a model for its African peers to emulate. Hence Ghana's model elections have overshadowed the relevance of the social context in the analysis of its democratisation. For instance, whereas some scholars have done a good job of pointing out the many serious flaws beneath the surface appearance of the consolidation of democracy and electoral peace (Gyimah-Boadi, 2001, 2003, 2009; Jockers, Kohnert & Nugent 2010; Abdulai & Crawford 2010; Smith 2002), rarely do they go far enough and look at Ghana as an ethnically divided society that needs institutional engineering to maintain its peace and stability. Nor do they investigate how the existing institutions for managing political conflict have become dated or weak with time and under different political realities.

With the country viewed as a model of electoral democracy most analysts do not pay attention to the powder kegs hidden beneath the much-celebrated Ghanaian electoral model and the liberal version of democracy it has installed (Ayelazuno 2007). Both critics and admirers of the Ghanaian electoral model seem to be satisfied that the majoritarian electoral system has established a stable two-party system that has worked well, both in terms of the election of presidents and the rotation of power between the two dominant parties and in terms of the translations of votes into parliamentary seats and the consolidation of representative democracy.

Although the ethno-regional politics of the NDC and NPP worries critics and admirers, few, if any, have questioned the electoral system which has given the two parties the incentive to try to win the presidency by mobilising votes on an ethnic basis, especially when defeat seems to loom. The ethno-regionalist politics of the NDC and NPP in their so-called strongholds seems to be taken lightly. For example, scholars have not paid serious attention to the new pattern of the results of the 2008 presidential elections and its significance for the exclusion of both the minority and majority, as I demonstrate below.

Scholars seem to be convinced that ethnic politics is not salient or predominant in Ghana in terms of voter alignment and the determination of the winner of presidential elections (Fridy 2007; Nugent 2001; Chazan 1982; Arthur 2009).⁵ Indeed, some scholars even think that the socio-economic factors that underpin voter alignment in advanced Western democracies – education levels,

5 This may be true, but it doesn't mean it cannot be an 'intoxicating brew' for electoral conflict. And to be fair to the analysts who make this argument, they do not say so explicitly.

the rural-urban divide, income and occupation – are what determine the party alignments of 80 per cent of Ghanaian voters and, thanks to the magic of statistical analysis, this argument has been made rigorously and persuasively (Lindberg & Morrison 2005).

In their survey of the voting behaviour of voters in the country Lindberg & Morrison (2008, p 96) sought to illustrate that Ghanaian voters have progressed towards becoming the mature, sophisticated voters of the advanced Western countries.

On the basis of responses to survey interviews with a broad sample of Ghanaian citizens we conclude that only about one in ten voters is decisively influenced by either clientelism or ethnic and family ties in choosing political representatives, while 85 to 90 per cent behave as 'mature' democratic citizens. Ethnicity is not a key factor in determining the vote in Ghana and clientelism, when it appears, is furthered by intense competition, resulting in a dilemma for new democracies.

According to the study Ghanaian voters are 'rational and responsible actors who are knowledgeable about the reasons for their voting behavior'. They do not just evaluate parties in retrospective terms, based on their performance in the past. They are so sophisticated that they base their electoral choices on the evaluation of the programmes and policies of parties with regard to the future (Lindberg & Morrison 2008, pp 99-100).

If this were true the danger of elections turning ethnic cleavages into deadly conflict would have been minimal, if not totally absent. Being so rational Ghanaians would not be gullible enough to allow themselves to be mobilised or would not self-mobilise to commit atrocities against each other because of ethno-political grievances, as I have asserted above. The case of the rational voter is, however, a myth, even in the advanced democracies, the specific social context in which it was theorised. Its extrapolation to the social context of Ghana is a case of epistemological expediency.

Furthermore, the extrapolation is based on a Eurocentric notion of state-citizens relationships in which, in exchange for the protection of their freedom, rights, liberties, security and other services provided by the state, citizens give undivided loyalty to the nation-state – a sort of republicanist notion of citizenship and nationalism.

It doesn't work quite this way even in the advanced Western democracies, let alone in Africa (Berman, Eyoh & Kymlicka 2004; Ekeh 2004). While Ghana's exemplary democratisation provides fertile ground for scholars of African

politics to test their political theories and methodologies, doing this without paying attention to social-historical context may lead to erroneous conclusions, however scientific the methods or parsimonious the theories. Yet paying attention to specificity of social-historical context detracts from the epistemic ambitions of these scholars to explain political phenomenon in a formalistic, legalistic manner by subjecting it to 'robust empirical generalizations' that seek to generate 'higher-and higher-level generalizations' (Tilly 2001, p 23).

The value of using parsimonious theories to study politics in Africa and making 'robust empirical generalizations' should not be underrated. It is a mark of good scholarship to view social phenomena, like voter alignment, in a more sophisticated way. This is not just for the sake of analytical rigour. The point is that human beings, whom the social scientist studies, are complex. Testing parsimonious theories with empirical data can help us understand this complexity systematically and concisely and help rectify simplistic assumptions like 'Ghanaians vote en bloc on an ethnic basis' or 'Ghanaian politics is mainly ethnic'.

However, some scholars have taken this to extremes and in doing so have turned analytical rigour into another facile, modernist rendition of politics in Ghana; a clear case of what one authoritative source conceptualised as the 'ethnocentrism of social science' (Wiarda 1981). Both Marxist and liberal scholars with this perspective, some of whom are Africans, believe 'that the non-Western world would inevitably follow the same developmental path as the West' (Wiarda 1981, p 166). As felicitously put elsewhere, they 'dehistoricize phenomena by lifting them from context, whether in the name of abstract universalism or an intimate particularism, only to make sense of them by analogy' (Mamdani 1996, pp 12, 13).

Lindberg & Morrison's rational-choice argument has less to do with a sophisticated analysis of ethnic politics in Ghana than with abstraction for the sake of parsimonious analysis; abstraction that would allow for 'higher-and higher-level generalizations' in order to arrive at a legalistic explanation of political phenomena (Tilly 2001, p 23). Suddenly the social context of ethnic divisions in Ghana and the tendency for them to be politicised by the competitive nature of elections give way to a social context of rational voters whose rationality has sanitised them, removing their ethnic sentiments.

As stated above, this is a myth, even in advanced democracies like the USA. One authoritative source, using a similar rational-choice approach to that of Lindberg & Morrison, has documented that American voters, for example, 'are deeply ignorant about politics. They do not know who their representatives are, much less what they do' (Caplan 2007, p 2; see also Converse 2006).

The case of the 'mysterious' Alvin Greene, the Democratic nominee for the 2010 senatorial elections in South Carolina, lends credence to Caplan's argument.

As the *New York Times* reported:

Greene, an unemployed Army veteran who had been completely unknown ... inexplicably defeated a heavily favored former legislator and judge to become the state's Democratic nominee for the Senate – and the state's latest political circus act.

Leibovich 2010

While Greene's opponent, Vic Rawl, was popular, raised funds and campaigned, Greene held no rallies and hardly campaigned. Compared to his opponent he had no clear platform which would allow voters to evaluate him rationally.

This is a clear example of the myth of the rational voter in the heartland of liberal democracy. If the rational voter is not very rational in an advanced democracy like the USA, with a highly educated electorate, it is hard to believe that she/he can be rational in the social context of Ghana; a new democracy with fewer educated voters than the USA.

In any event one is not rational only when one votes for a party based on universal values like ideological doctrines or class consciousness. Voting for an ethnic party or candidate could also be based on rational analysis. What is rational is relative and varies with individuals, whose rationality, I will argue, is conditioned by their social and historical circumstances.

Ethnicity in Africa, as we are reminded by Berman, Eyoh & Kymlicka (2004, p 4), 'is not simply an atavistic or irrational attachment to kith and kin, or to blood and soil'. It is a web of social relations which shape the definition of responsibilities and rights of individuals. In my opinion, it is just such an ahistorical and acontextual rendition of Ghanaian politics that minimises, if not hides, the tendency of electoral politics to lead to ethnic conflict and, for that matter, the need to take proactive steps to manage it.

ETHNICITY AND ETHNO-REGIONALISM IN GHANA

The purpose of this section is to illustrate that Ghana is an ethnically divided society that requires institutional engineering to promote conciliatory and inclusive politics. The country's ten regions are not simply administrative units, they are ethnic ones (Amoah 2007, p 51). One factor that must be emphasised again is that ethnic divisions, membership/identity, consciousness, conflict and consensus are not merely complex in Ghana, they are also fluid and malleable (Nugent 2001; Chazan 1982). However, both the primordial and constructionist notions of ethnicity are germane to understanding the phenomenon in Ghana.

In the specific sociological and historical context of the country primordially

fixed social identity is one of the institutions that have endured social change over decades. The rich diversity of languages spoken in the country attests to these primordial ethnic divisions. It is common, for instance, for people living in nearby villages to speak different languages and be unable to communicate with each other without an interpreter (Austin 2000, p 148). Ethnicity is, therefore, part and parcel of the personality fibre of most Ghanaians, just as it is elsewhere in the world.

The most cosmopolitan Ghanaian, unless he or she was not born and socialised in the country, has some ethnic sentiments. Kinship is the bedrock of this form of ethnicity (Ekeh 2004). Every Ghanaian is born into a kin group, the microcosm of ethnicity. Then one is not just born into a family but into a lineage and a clan, the two descent groups that organise and structure the behaviour of members of a particular kin group. As Nukunya (2003, p 17) has pointed out, kinship is the elemental institution of society as it is the pivot around which the fabric of social life – family, socialisation, religion, economic status, politics, and so on – is woven.

With the social changes that have come with modernisation kinship ties have frayed. Nevertheless, those ties, values, and practices endure, even in the cities (Nugunya 2003, p 18; Busia 1967, p 117). In Ghana the development of the modern nation-state, unlike that in Western Europe, has not led to the demise of kinship. On the contrary, 'kinship has grown in stature with the development of the state in Africa' (Ekeh 2004, p 28).

Stephen Ndegwa (1997, p 602) has argued powerfully that citizenship in Kenya is more complicated than the conventional and Western connotation of being or not being a member of a monolithic political community, the modern nation-state, or being included or excluded from it. 'In post-colonial Kenya', he argues, 'the socially enacted relationship between ethnic identity, authority, and legitimacy competes with the legally sanctioned membership, authority and legitimacy of the nation-state'. A Kenyan may even prioritise his/her allegiance and membership of his/her ethnic group over that of the nation-state, Kenya (Ndegwa 1997, p 602).

This is equally true about Ghanaians. Ghanaians are citizens, not only in the sense of the modern nation-state that was carved by colonialism but in terms of the nations that predated the Gold Coast and Ghana – the nation based on kinship (Busia 1967, p 19). Ghanaians are also Gas, Ewes, Ashantis, Dagombas, Nankanis, Kassenas, Nzemas, Frafras, Dagabas, and so on. Existing side by side with the administrative divisions and government apparatuses of the national state are sub-national apparatuses and divisions like chieftaincies, monarchies, kingdoms, villages, lineages, and clans.

Some Ghanaians may prioritise their sub-national citizenship over their nation-state citizenship in terms of loyalty to political authority and participation

in the affairs of the polity. As one influential Ghanaian political anthropologist put it, 'every Ghanaian citizen belongs to, and is often emotionally and ideologically attached to, a village, chiefdom, or district; indeed, one's national self-image is defined to a large extent by the sense of belonging to one's home locality' (Owusu 1996, p 325; see also Assimeng 1999, p 182).

It should be noted that there is nothing primitive about the existence of ethnic groups in Ghana, or in Africa in general. 'It is no sign of backwardness,' Kofi Busia (1967, p 119) correctly argues, 'to recognise the fact of the existence of different types and ethnic groups ... Ethnic groups exist everywhere in the world' (see also Berman, Eyoh & Kymlicka 2004, p 13). It should also be noted that, contrary to popular opinion, ethnic divisions do not inexorably lead to civil conflicts such as those, like Rwanda and Burundi, for instance, with which they are popularly associated in Africa.

As Ghanaian sociologist, Steve Tonah (2007, p 14) states emphatically, '[e]thnicity and ethnic pluralism *per se*, do not contribute to the numerous conflicts on the African continent more than they contribute to the consensus found among several ethnic groups in Africa.' This is particularly true in Ghana, even with regard to the infamous Ewe-Ashanti ethnic animosity, discussed below.

Historians have discovered that rather than hostility or hatred for each other, which seem to be the case in Ghanaian politics today, 'in the pre-colonial period the Anlo Ewe were allies of the Asante, whereas the Akyem were amongst their most bitter enemies' (Nugent 1999, p 307). Ethnic conflict and consensus are, thus, socio-historically contingent and specific.

Thus far, I have tried to make a strong and one-sided case for primordially fixed ethnic divisions and identities in Ghana. However, as some influential authorities on ethnicity have warned, ethnicity in general, and in Ghana in particular, is a slippery phenomenon. 'It is simply not possible,' argues Nugent (2001, p 2), 'to take the map of Ghana and to divide it into neat ethnic compartments without doing violence to one or another aspect of social reality.' Carola Lentz (2006, p 3) has also noted that '[e]thnicity is an enigmatic, unstable and problematic notion'. For her, 'the "content" of any particular ethnicity is historically contingent ... it is the product both of particular – mainly political – contexts and of the materials which history has made available' (Lentz 2006, p 3).

In a sense, ethnic identities and groups are socially constructed and not simply primordially fixed. The fluidity of ethnic groups 'allows them to be politically activated or deactivated, depending on circumstances and the interests at stake' (Owusu 2006, p 14; Chazan 1982, p 462).

It is precisely because of the fluidity of ethnicity and its constructionist notion that I consider the ten regions of Ghana not just as administrative regions but as ethnic regions, regardless of their ethnic heterogeneity. The malleability

of ethnicity is not only discernible in the way Ghanaians transcend their ethnic affiliations to join non-ethnic social groups (for example, professional associations), or the way their non-ethnic sentiments (like class consciousness and religious sensibilities) can dominate their ethnic sentiments. It is also reflected in the way different ethnic groups build coalitions and forge political links with each other in the general interest of their groups, as documented on the Dagara in the Upper West Region (Lentz 2006).

The regional divisions of Ghana are quintessential examples of such coalition building. The ideal of every ethnic group in the country would be to have a region of its own, because the creation of a region or even a district means access to a piece of the national pie, as basic infrastructure would be constructed to raise the community to regional status. Since it is impossible for every ethnic group to have a district or a region, the best option is for several to unite to demand one.

Obviously, ethnic groups in each of the ten regions – for example, the Frafra, Builsa, Nankani, Kassena, Namdam, Tallensi, Kusasi, and so on, in the Upper East Region – do not relinquish their ethnicity in favour of the constructed ethnic group; in this example, the Upper East Region. However, in terms of national politics and in competition with the other regions for development projects, they stand together. Even where such regions belong to a bigger ethnic group, like the predominantly Akan regions (Ashanti, Eastern, Western, Brong-Ahafo and Central regions), allegiance to region supersedes ethnicity. This, I will argue, is not necessarily because of the historical intra-Akan conflicts and animosities, for example, between the Ashantis and the other sub-ethnic groups like the Akyems and Fantis (see Nugent 1999, pp 307-08; Kimble 1963, p 264). It is because of the new ethnic sentiments that develop concomitantly with the new ethnic group, the region.

For example, in November 2010 the Western Regional House of Chiefs, an organisation of traditional political leaders of different ethnic groups in the region, sent a petition to the government demanding that ten per cent of the country's oil revenue be allocated exclusively to the development of their region. Obviously their petition was based on a regional sense of ethnicity as Ghana's oil is located off Cape Three Points, in the Western Region.

In the primordial sense the chiefs represent different ethnic groups in the Western Region (Fante, Wassa, Nzema, and so on), which may have acrimonious relationships because of historical or contemporary disputes over land, chieftaincy or government development projects. However, they forged a regional alliance in relation to the other nine regions and, for that matter, in relation to Ghana as a nation-state. It should also be noted that these chiefs and their people may be aligned to different parties, especially the NDC and NPP. Nonetheless, party allegiance took a back seat to ethno-regionalism.

In the primordial sense of ethnicity I will argue that, regardless of the heterogeneity of the ethnic groups in each region, they are more homogeneous and closer to each other in kinship, language, history and other primordial characteristics than they are to the adjoining regions. The point is the ten regions were not created through administrative logic alone but also with 'emphasis on maintaining the coherence of traditional states and tribes' (Oelbaum 2004, p 245).

The three northern regions are not merely close to each other geographically (see Figure 1, the regional map of Ghana), but close ethnically, despite the heterogeneity of their ethnic groups. For instance, most of the ethnic groups in the Upper East Region are more homogeneous and closer in kinship than those in the Northern Region. However, all the ethnic groups in the Upper East Region are more homogeneous and closer in kinship to the ethnic groups in Upper West and Northern regions than those in the Brong-Ahafo and Ashanti regions, and the regions further south. For example, it is easier for Fra-fra in Upper East Region to understand Dagbani (the language of Dagombas, one of the ethnic groups in Northern Region) than Twi, Fanti, or Ga (languages spoken in Ashanti, Greater Accra, Central and Western Regions in the southern part of the country).

The diverse ethnic groups in Ghana – 93 by one scholar's estimate (Ametewee 2007, p 31) – have been subsumed into eight major groups by scholars and the government of Ghana alike. The eight groups, according to the Ghana Statistical Service (GSS), are Akan, Ga-Dangbme, Ewe, Guan, Gurma, Mole-Dagbon, Grusi, and Mande-Busanga (Ametewee 2007, p 30; Arthur 2009, p 52). The geographical proximity of regions and the homogeneity of their ethnic groups coincide with the geographical concentration of these eight major groups. For example, the groups subsumed broadly as Akan – Ashanti, Fanti, Brono, Akyem, Akwapim, Denkyira, Nzema, and so on – are concentrated in the southern part of the country and in the five Akan regions: Ashanti, Brong Ahafo, Eastern, Western and Central.

The ethnic groups subsumed into the Mole-Dagbon – Dagomba, Nanumba, Dagarti, Frafra, and Mamprusi – are generally concentrated in the Upper East, Upper West, and Northern regions (Arthur 2009, p 51). Similarly, the Ewe and Ga-Dangbme are concentrated in the Volta and Greater Accra regions respectively.

With the exception of Greater Accra Region this assertion is true, even when migration is brought into the equation. The Ga-Dangbme people, the primordial ethnic group of Greater Accra, have been outnumbered by Akans: they constitute 29.7 per cent to the Akans' 39.8 per cent and Ewe 18 per cent. In the Ashanti Region 78.9 per cent of the population is ethnic Ashanti and in the Volta Region 68.5 per cent is ethnic Ewe (Ghana Districts 2010; see also Arthur 2009, p 52).

As stated above each ethnic group in Ghana would prefer to have an administrative region of its own. Agitation for administrative regions has, thus, both in

the past and the present, been underpinned by primordial ethnic sentiments. The Brong Ahafo Region was carved out of the Ashanti Region, the Upper West Region was carved out of the former Upper Region and the former Upper Region was carved out of the Northern Region. The Gonja and other cognate ethnic groups in the western part of the Northern Region are agitating for a separate region (Savanah Region).

Similarly, the northern part of Volta Region, predominantly inhabited by non-Ewe ethnic groups, has also been agitating for a separate region. What is significant about these demands and about those in the Brong Ahafo, Upper, and Upper West regions, is that they are based on their ethnic grounding rather than population density – the conventional and fundamental criterion for creating administrative zones and constituencies. Where they have been created – like Brong Ahafo, Upper, and Upper West regions – this has been done on the basis of ethnicity rather than population density. Indeed, it is mostly the regions with low population densities that have made these demands. To use population density to analyse the demands of ethnic groups for separate regions, districts and constituencies, as some scholars do (see Smith 2002), is to dismiss the conflict management logic that has informed their creation by Ghana's leaders.

Clearly these leaders were not working with the simplistic population-density criterion or the three northern regions would have all been one, as was the case until 1960, when the Upper Region was created out of Northern Region; or, at best, they should have been two regions, as was the case until the Upper West Region was carved out of the former Upper Region. Table 1 illustrates the population distribution and Table 2 the number of registered voters by region.

Two things are significant: inhabitants of the three northern regions are a minority in Ghana, going by the constructionist 'Northerner' vs 'Southerner' ethnicity. If lumped together their population is a mere 16.4 per cent of the national population and registered voters constitute a mere 15.32 per cent. Secondly, it is clear that if population density is the criterion for creating a region either the Upper West and Upper East regions should not have been given regional status or the Ashanti region should have been divided into at least three regions.

With a total of 1 596 800 the population of the two regions is not even half of that of the Ashanti region (4 459 400). However, in terms of the number of distinct ethnic groups that make up the Upper East Region (Nabdam, Tallensi, Kusasi, Nankani, Builsa, Kassena, Frafra, Busanga, and so on) and the Upper West Region (Dagaba, Sisaala, and Wala), they are home to more diverse ethnic groups than Ashanti Region, which is inhabited predominantly by ethnic Ashantis (Arthur 2009, p 52). As a result of migration the ethnic groups in the Upper East and Upper West regions can be found in Ashanti Region too but, as indicated above, 78.9 per cent of that region's population is still ethnic Ashanti.

The upshot of this is that, as Amoah (2007, ch 3) has documented in more detail, the ten regions of Ghana are not just administrative but ethnic – despite the complexity of ethnic identity in the country. Therefore, in both the constructionist and the primordial sense of ethnicity Ghana is an ethnically divided society. To borrow from Donald Horowitz (2001, p 48), despite the variable porosity of ethnic group boundaries in Ghana most, if not all, Ghanaians are born into ethnic groups, in which they will die.

Both the political class and the ordinary voters have ethnic sentiments, regardless of how cosmopolitan they have become. This does not mean that Ghanaians cannot transcend their ethnic divisions to join non-ethnic social groups, nor does it mean that, by so doing, they have given up their ethnic loyalty completely. Similarly, the ten regions may forge inter-regional coalitions that transcend their ethno-regional divisions without giving up their ethno-regional sentiments. The three northern regions are a notable example of this: because of historical and cultural variables, including their historical marginalisation in development and cultural/negative stereotyping by other Ghanaians, people from the three northern regions consider themselves ‘brothers’ and ‘sisters’ or ‘Mabians’ (Amoah 2007, p 71). In this sense, the term ‘Northerners’ is not just a geographical nomenclature for people from northern Ghana, but also an ethnic identity.

Politically and historically societies have devised various strategies to build multiethnic and democratic states by promoting conciliatory politics, political inclusiveness, and security for each individual, irrespective of ethnicity or any other identity. Though challenging, the success of these strategies elsewhere in the world gives hope that multiethnic democratic states are viable in Africa (Berman, Eyoh & Kymlicka 2004, p 13). The next section examines one of those strategies.

INSTITUTIONAL DESIGN AND CONFLICT MANAGEMENT IN DIVIDED SOCIETIES

Scholars of conflict management in divided societies have consistently been at pains to underline how democracy and democratisation can further deepen existing social cleavages if institutions are not engineered to promote reconciliation and the inclusion of all groups, both majority and minority, in the body politic of the state (Horowitz 1991, 1993; Reynolds & Sisk 1998; Belmont, Mainwaring & Reynolds 2002; Bastian & Luckham 2003; Birnir 2007; Deng 2008). Donald Horowitz (1993, p 18), for instance, has noted that:

[d]emocracy is about inclusion and exclusion, about access to power, about the privileges that go with inclusion and the penalties that accompany exclusion. In severely divided societies, ethnic identity

provides clear lines to determine who will be included and who will be excluded. Since the lines appear unalterable, being in and being out may quickly come to look permanent.

This zero-sum and polarising tendency of democracy in ethnically divided societies defies advancement on the transition-consolidation continuum of democratisation. 'Ethnicity,' as we are again reminded by Horowitz (1993, p 20), 'poses obstacles at the threshold of democratization and obstacles after the threshold is crossed.' Ghana is, therefore, not immune to electoral conflict because of its successful organisation of relatively peaceful, free and fair elections in the past 18 years. In light of this, the constitution and political institutions of newly democratised countries like Ghana must always be scrutinised for flaws that are likely to lead to ethnic conflict because of political exclusion – regardless of the number of peaceful, free and fair elections they have held.

Besides the constitution, electoral systems/bodies are, perhaps, the most important institutions with the power to check tendencies towards exclusion of either majorities or minorities. Electoral systems/bodies are not merely important because they shape the party system they also apportion parliamentary representatives across the country, determine who is elected and open the political space for holding political leaders accountable.

Electoral systems also condition the attitude of parties, their leaders and supporters toward other parties with respect to the way voters are mobilised and can determine whether they adopt exclusionary, racist or ethnic attitude to politics or accommodative and conciliatory ones (Horowitz 1991, p 165; Reynolds & Sisk 1998, p 19).

Electoral systems have, thus, been the focus of democratic conflict management scholars, concerned with finding how they can be designed in ways which will ensure that certain ethnic groups are not systematically excluded from the political process, whether overtly, covertly or subtly. As Belmont, Mainwaring & Reynolds (2002, p 3) argue: 'Institutional design can systematically favour or disadvantage ethnic, national and religious groups.' The first-past-the-post electoral system, in their view, is a paradigmatic case of this scenario because it has the potential to 'systematically and profoundly disadvantage even large minority groups, especially those that are geographically dispersed'.

However, Horowitz (1991) has argued powerfully that a good electoral system is not necessarily one that builds a coalition between majority and minority parties through proportional representation, as advocates of consociational democracy would argue. The best system is one that does not merely give the incentive to coalesce but the incentive to accommodate, to compromise, and to conciliate. The incentive to coalesce or build coalitions places emphasis on

'seat pooling' and the presumption of statesmanship. In contrast, the incentive to compromise and conciliate is based on 'vote pooling' and the making of statesmanship. 'Consociationalism and its electoral component,' argues Horowitz (1991, p 176),

come down to statesmanship, not electoral incentives. If the experience of severely divided societies shows anything at all, it is that statesmanship alone, statesmanship without tangible reasons, statesmanship without rewards, will not reduce conflict. Without incentives, statesmanship will be in short supply.

It is an enormous challenge to design institutions that guarantee the successful management of political conflicts in ethnically divided states. Institutional design is no panacea for conciliatory politics in all countries, nor is there a specific institutional design model that works across all countries, irrespective of social context and history (Belmont, Mainwaring & Reynolds 2002, p 3).

Horowitz has unceasingly drawn our attention to the challenges of institutional design aimed at promoting conciliation in multiethnic societies. He argues that there is no cut and dried institutional framework that deals resolutely with political exclusion and the concomitant danger of murderous ethnic conflicts. While it is common for electoral systems to be targeted for institutional engineering to promote conciliation Horowitz reminds us that while '[e]lectoral systems shape and constrain the way in which politicians and constituents behave ... they are only one small part of the forces affecting the total constellation of behavior, even of political behavior.' For this reason, he points out, '[m]iracles do not follow from changes of electoral systems' (Horowitz 2003, p 116).

This notwithstanding, Horowitz advocates institutional engineering as a conflict management strategy in divided and democratising societies. He argues that '[a] coherent package, even a redundant package, of conflict-reducing techniques is required' in divided societies, and that '[s]uch a package would include electoral systems to create ongoing incentives for interethnic cooperation and for preelection coalitions based on vote pooling' (Horowitz 1993, p 35).

While there is no one institutional design that promotes the politics of conciliation and tolerance in ethnically divided societies some electoral systems work better than others. For example, the presidential electoral system that Nigeria pioneered in 1979 in the Second Republic, which stipulates two winning requirements – national plurality and regional distribution – is promising for political conciliation in a divided society (Horowitz 1990, p 76; 2003, pp 118-19; 2008). Following Horowitz, therefore, I argue for the present presidential electoral system of Ghana to be changed to include a regional distribution component – a

double requirement for winning – as practised in Indonesia, Kenya and Nigeria (IDEA 2005, p 137).

THE ABSOLUTE MAJORITY ELECTORAL SYSTEM AND CONFLICT MANAGEMENT IN GHANA

Ghana's 1992 Constitution stipulates that the president be elected by an absolute majority in which the 230 constituencies of the country become one, regardless of the difference in population and the numbers of registered voters of the ten ethno-regions. Article 63(3), the substantive constitutional provision governing the election of a president in Ghana, reads:

A person shall not be elected President of Ghana unless at the presidential election the number of votes cast in his favour is more than 50 per cent of the total number of valid votes cast at the election.

Republic of Ghana 1992, p 54

Conspicuously absent are regional distribution requirements, which literally means that if the 50 per cent-plus-one votes are obtained from one of the bigger and most populous of the ten regions, the president is elected. In reality, this is impossible, thanks to the absolute, rather than the simple majority system. In a sense, Ghana's electoral system promotes 'vote pooling' from all ten regions, hence the incentive to accommodate ethnic differences that Horowitz theorises above.

The much-praised statesmanship of the Ghanaian political elites, Horowitz would argue, is not the result of having imbibed Western values of democratic statesmanship but of the fact that the electoral system has left them with no alternative other than to adopt an accommodative and conciliatory attitude to politics rather than the crude ethnic politics practised elsewhere.

However, as stated above, the single, absolute majority winning system still promotes ethno-regional politics, especially in run-off elections when the competition is keenest. It also gives the two dominant parties a powerful incentive to manipulate results from their ethno-regional strongholds to win, regardless of whether they are losing or winning in the other eight regions.

This behaviour manifested itself to some extent in the second-round elections in 2000; was perhaps less evident in the 2004 elections because there was no need for a second round to determine a winner; but came back strongly in the second-round polls in 2008. In both 2000 and 2008 the incumbent party was more aggressive in this regard, obviously because they had sensed defeat in the first round.

As was evident in the 1992 presidential elections in Angola and Algeria second-round elections do not give the losing party any incentive to engage in conciliatory politics. Rather, the contrary is the case, and thus it becomes desperate and uncompromising, even rebelling against the electoral process/institutions (IDEA 2005, p 53). This is the scenario that unfolded in Côte d'Ivoire both prior to and in the aftermath of the 2010 elections. Laurent Gbagbo, the incumbent president, anticipating defeat in the run-off election on 28 November 2010, prepared himself politically to defy the electoral outcome and retain power at all costs.

When, in 2000, the NDC sensed that it would be defeated by the opposition NPP in the first round it became desperate and aggressive in exploiting the ethno-regional divisions discussed above. As one authoritative source put it, 'the NDC decided to go for broke in the second round with a campaign strategy strongly based on ethnic mobilization' (Gyimah-Boadi 2001, p 108). Led by its chief campaigner and incumbent president, Jerry Rawlings, the NDC severely criticised the people and the chiefs of the Central and Western regions for forsaking their own 'son', Atta Mills (the NDC's presidential candidate and Fanti by ethnicity) for Kufuor (the NPP's presidential candidate and ethnic Ashanti). The NDC asked voters to wise up and vote for their own 'son' in the second round, the principle being, '*Adze wo fie a oye*', the Fanti expression meaning 'It is better to have your own' (Frempong, cited in Arthur 2010, p 61; see also Gyimah-Boadi 2001, p 108).

There were rumours that the NDC was politicising the historically sensitive land issues of the Ga people in the Greater Accra region: the 'NPP would open the floodgates for Ashantis and other nonindigenes to take over Accra lands' (Gyimah-Boadi 2001, p 108). It has to be noted that the NDC was making these frenzied efforts to win despite clearly having lost both the popular and regional votes: it only won in four of the ten regions. Yet, because of the single, absolute majority system they were motivated to go all out because, constitutionally, they could still win.

Enter the 2008 run-off elections. From a conflict management perspective the situation was even worse than it had been in 2000. For the first time since the 1992 'founding' elections – indeed, since independence – the leading candidate in the first round presidential poll, the NPP's Akufo-Addo, had performed abysmally in the regional vote, yet was leading in the popular vote. As Table 3 illustrates the NDC's Atta Mills had won in six of the ten regions and split the vote almost equally with his opponent in the Western Region, yet he was behind in the popular vote. Indeed, his opponent almost won the election despite his commanding lead in the regional vote.

From the raw votes (Table 3) it is evident that the massive Ashanti vote accounted for Akufo-Addo's lead (1 214 350 as against Atta Mills's 438 234). In view of the fact that Akufo-Addo's lead in the first round was 102 802 Atta Mills

did very well in the other regions (including the Ashanti Region) to close the gap. His 551 046 votes from his stronghold in the Volta Region were clearly inadequate to do this. Similarly, Akufo-Addo's abysmal performance in the Volta – only 99 584 votes (14.98%) contributed immensely to his failure to accumulate the 50 per cent-plus-one which would have enabled him to win the first round. Had it not been for this failure he might have won, despite losing in the majority of the regions (see Table 3).

The run-off presidential elections, as indicated above, exposed the flaws of the majoritarian system more than the first round had. Ghana was in danger of having the minority decide who its president was to be. As Table 4 illustrates Atta Mills increased his lead in the number of regions he won from six in the first round to eight in the run-off. Despite this overwhelming lead in the regional vote his lead in the popular vote was so slim as to necessitate that an election be run in the Tain constituency to decide the winner.

It is obvious from the run-off election results (see Table 4) that, as in the first round, this 'third round' in Tain took place because of the huge number of votes Akufo-Addo had added to his first-round votes from the Ashanti Region, his stronghold (224 470 more), as against the smaller number Atta Mills added to his first round votes from Volta Region, his stronghold (79 853 more).

Indeed, in the run-off Atta Mills won more votes in the Greater Accra Region (83 075) than in the Volta Region. From a conflict management perspective this picture does not bode well for the future of the Ghanaian model of electoral peace. In an ethnically divided society like Ghana if two regions – Eastern and Ashanti – can overturn the verdict of eight regions some ethnic groups will be excluded from electing the government of the country.

As discussed above, these regions are not just administrative units, they are ethnic units. If the NPP candidate had won it would have meant that, in ethno-regional terms, the majority would have been governed by the minority – the procedure would have been impeccable but the exclusion would have been complete (Horowitz 1993, p 31).

As was the case with the first round the NDC candidate won in eight regions – all by more than 50 per cent of the votes cast and by more than 60 per cent in four of those regions – yet was not guaranteed victory because of the large population of Ashanti Region and, inextricably linked to that, the large number of registered voters there, as illustrated in Tables 1 and 2. For example, the 224 470 additional votes the NPP candidate won in the region was more than the total number of valid votes cast in the whole of the Upper West Region: 216 487 votes, shared between the two candidates.

Similarly, the total number of votes obtained by Atta Mills in Ashanti Region: 479 749 (just 25% of the total votes cast) was more than the total number of people

who voted in the Upper East and Upper West regions, even as turnout in these two regions (70.26% and 67.24% respectively) was just a few per cent less than the national turnout of 72.91 per cent.

As Table 4 shows the total number of votes the NPP candidate obtained from the Ashanti Region was greater by 68 135 votes than the total number of valid votes cast for the two candidates in the three northern regions together. Clearly the Ashanti Region has emerged as a majority ethno-regional group and has the dangerous potential of deciding the winner of presidential elections in Ghana to the exclusion of the other nine regions.⁶ This brings to the fore the risk of the absolute majority system excluding minority ethno-regions like the three northern regions from the political process.

As mentioned above the absolute majority system has resulted in the NPP adopting an accommodative attitude toward 'Northern' voters, to the extent that, since the 1992 elections (with the exception of the 1996 elections), the vice-presidential candidate has always been a 'Northerner' (*The Statesman*, 25 November 2011) – a practice the NDC has also adopted since the 2000 elections.

Following Horowitz it should be noted that this is not an act of statesmanship motivated by the common good but a response to the irresistible incentive offered by the absolute majority system, as the NPP needs to pool votes across the country if it is to get 50 per cent-plus-one. The three northern regions pose a challenge to the party's chances of winning because they have historically voted against it and its predecessors. A 'Northern' vice-presidential candidate is, therefore, motivated by votes, not statesmanship. However, this incentive to accommodate may dissipate if the 'Northern' vote becomes less relevant to the NPP's victory, with the growth in Ashanti votes, and if the NPP is able to turn the other four Akan regions (Brong

6 Of course, attention must be paid to the fact that the NPP won more than one-third of the votes in eight regions (the exception being the Volta Region). Indeed, its performance in the 2000, 2004, and 2008 elections shows that compared to the 1992 and 1996 elections the NPP is gradually gaining ground in the three northern regions. There are a number of theories about why this should be, among them rational choice and patronage networks. It is not within the scope of this article to discuss them here. However, it will suffice to state that in terms of this article the regions are constituencies and regardless of the votes a party gets the defeat of a presidential candidate in any region means the region has voted against her/him; and in ethno-regional terms an ethnic group has voted against both candidate and party. Besides, as some scholars have pointed out, partisan national politics takes the shape of local partisan politics based on local issues, for example, chieftaincy or land disputes (see Austin 1964, pp 292-93, 359-62; Austin 2000, p 152). Typical cases are the Andani-Abudu dynastic feud which has divided Dagombas, one of the ethnic groups in the northern region, into an NDC-NPP alignment, and the Bawku chieftaincy dispute which has, similarly, divided Kusasis and Mamprusis into an NDC-NPP alignment. In this sense, the party alignment of voters in the three northern regions cannot be considered non-ethnic just because they vote for the NPP rather than the People's National Convention (PNC), the party perceived to be a party of 'Northerners'. In Ghana's two-party system 'Northerners' know the PNC has no real chance of winning the presidency and would rather place their hopes for remedies of their local grievances on the NDC and NPP who have a real chance of winning power. This is another dimension of the complexity of ethnic politics in the country.

Ahafo, Western, Eastern and Central) into a stronghold. Because of the complexity of ethnicity in Ghana this looks difficult, but it is not impossible.

The majoritarian system gave the incumbent NPP an incentive to win the 2008 run-off presidential elections through crude ethno-regional politics and legal tricks similar to those the NDC used in the 2000 run-off poll. As Gyimah-Boadi (2009, p 143) observed, '[b]oth parties shamelessly attempted to mobilize ethnic votes, virtually declaring their respective strongholds – the Ashanti Region for the NPP and the Volta Region for the NDC – as “no-go” zones for their opponents' (see also Jockers, Kohnert & Nugent 2010, Abdulai & Crawford 2010; Ayelazuno 2009a). However, as argued above, the incumbent party is often more aggressive in exploiting ethnic cleavages in the face of defeat in the second round. Like the NDC in the 2000 run-off the NPP was more aggressive and calculated in its attempt to win.

For example, while the NPP presidential candidate had declared publicly that he would win the Tain election his party, exploiting incumbent advantage, had secretly persuaded the chief justice to empanel a high court judge on a public holiday (New Year's Day) to hear a case it had filed over the election results. The case, which was brought in terms of an *ex parte* motion – implying that the other parties affected by the case (the electoral commission – EC – and the NDC) were not notified – was 'seeking an injunction to restrain the EC from running the Tain polls and from declaring the results of the presidential runoff until elections were re-run in some constituencies in the Volta Region' (Ayelazuno 2009a, p 18).

Thanks to the media, lawyers sympathetic to the NDC got wind of the suit and appeared before the judge to argue against it. The judge might have been summoned to do the bidding of the incumbent party but he could not do it in the face of the compelling and sound legal arguments advanced by the NDC's lawyers, who were acting as 'friends of the court', since they were not formally representing the NDC and the EC.

Whether the judge would have done the NPP's bidding had the public (including this author) and the NDC's lawyers not flooded the court is open to speculation. However, if the circumstances that led to the mayhem in Kenya are anything to go by (Kagwanja 2009) one could argue that the judge would probably have done the bidding of the incumbent NPP, just as the chief justice of Kenya hurriedly swore in Kibaki as president, in the face of the post-election chaos. As was the case in Kenya the NDC would have rejected the results and this could have ignited a bloody conflict.

Another clear case of crude ethno-regional politics on the part of the NPP, which could have led to deadly conflict, was the attempt to cancel out the NDC candidate's lead with fraudulent results from a number of constituencies in the Ashanti Region, including Old Tafo, Suame and Manhyia. What made these results

fraudulent was not just the implausible voter turnout (Jockers, Kohnert & Nugent 2010, p 107), but also the fact that they were a second set of results with higher figures than the first set sent earlier to the EC's national headquarters. It was this second set of results that narrowed the hitherto comfortable lead of the NDC's Atta Mills so significantly that a 'third round' had to be held in Tain. Even though the results were not enough to cancel Atta Mills's lead 'the NPP came close to snatching victory at the last gasp' (Jockers, Kohnert & Nugent 2010, p 107). This bears a striking resemblance to the circumstances that led to the post-election conflict in Kenya. In that case, the Orange Democratic Movement leader, Raila Odinga, held a commanding lead throughout the count until at the last minute, when results from 'President Kibaki's central and eastern Kenya turfs' narrowed that lead to a mere 38 000 votes and eventually cancelled it out (Kagwanja 2009, p 367).

Why did the NPP try so desperately to win the election when it had lost in eight of the ten regions? As supporters of the NPP were quick to point out in media panel discussions – and correctly so – the regional votes were irrelevant because under the majoritarian system the whole country became a single constituency for the presidential election. If there were a second and regional winning requirement, as has been argued in this article, the NPP would not have been motivated to engage in such desperate attempts to win at the eleventh hour, as it was clear that they had suffered a crushing and irreversible defeat in most of the regions. As it was, it was the NPP's last-minute machinations to overturn the NDC's victory on one hand and, on the other, the determination of the NDC to hold on to its lead that set Ghana teetering on the brink of conflict.

CONCLUSION

The kernel of the argument of this article is that the Ghanaian majoritarian electoral system has two major flaws which can potentially jeopardise the fragile electoral peace that has endured since the 1992 elections. First, it gives an extra and strong incentive to the two dominant parties, the NPP and the NDC, to engage in crude ethnic politics to win, even when they have lost in the majority of the ten regions. The NDC did this in 2000 when it lost in six regions and the NPP in 2008 when it lost in eight.

Second, by turning the whole country into a single-member constituency for the presidential election, regardless of ethno-regional divisions, the votes of minority regions could become insignificant in electing the president, a dynamic that can lead to political exclusion and, subsequently, to conflict. To promote conciliatory politics in a political climate that is becoming increasingly divisive and acrimonious the article argues for a *double-winning* system which requires

that, in addition to the 50 per cent-plus-one vote a candidate must win in five regions by a simple majority of valid votes cast.

Although it is by no means a panacea for preventing post-election conflict in Ghana, this system has the potential to dissuade an incumbent party that is facing defeat from going all out to win run-off polls by means that include politicising ethnic cleavages. Overall, the double-winning system would promote inclusive politics since all regions, regardless of the size of their population and electorate, would be important.

The lessons for the 2012 elections are clear. With Ghana joining the club of African oil-rich countries, gaining control of the state, as seen in the older oil-rich states (Nigeria, Equatorial Guinea, Gabon, Chad, and so on) is the surest means of accumulating wealth and distributing patronage from the billions of dollars flowing to the state as oil revenue and the hundreds of thousand dollars from other shady deals in the oil industry. Therefore the 2012 elections will be as keenly contested as, if not more keenly than the 2008 elections.

The NDC (as the NPP has already alleged) will be tempted to go all out to win and the NPP will also be determined to regain power and gain control over the oil money, since it was under that party's government that oil was discovered.

The politicisation of ethnicity will be fair game as a strategy for victory at all costs. Signs of this are very visible in the debates in the media between and pronouncements by leaders and supporters of both parties, more than a year before the elections. If the 2008 scenario is repeated in 2012, with the tables turning on the NDC – the NPP winning in majority of the regions yet on the verge of losing the elections because of the use of incumbency advantage by the NDC to cheat to keep power – a politico-ethnic conflict may explode. Note that the clarion call of the NPP, going into the 2012 elections, is 'all-die-be-die'. With a *double-winning* system in place the chances of this pessimistic scenario being realised are significantly minimised.

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Table 1
2007: Estimated population in thousands by region

Region	Population	Percentage
Ashanti	4 459 400	19.9
Greater Accra	3 903 600	17.4
Eastern	2 251 200	10.0
North	2 121 600	9.4
Western	2 358 800	10.5
Brong Ahafo	2 120 900	9.4
Volta	1 798 200	8.0
Central	1 777 300	7.9
Upper East	978 100	4.3
Upper West	61 8 700	2.7
Total	22 387 800	100

Source: Compiled by the author with data from Ghana Statistical Service (Ghana in Figures 2007)

Table 2
Registered voters in thousands by region

Region	Registered voters	Percentage
Western	1 256 707	9.8
Central	1 048 351	8.17
Greater Accra	2 553 645	19.91
Volta	1 034 250	8.06
Eastern	1 391 063	10.84
Ashanti	2 381 214	18.57
Brong Ahafo	1 191 288	9.29
Northern	1 116 087	8.70
Upper East	513 404	4
Upper West	336 465	2.62
National/Total	12 822 474	100

Source: Compiled by the author with data from the Electoral Commission of Ghana

Table 3
Regional distribution of votes between Akufo-Addo and Atta Mills, excluding smaller parties (First round 2008 presidential elections)

Region	NPP/Akufo-Addo		NDC/Atta Mills	
	Raw numbers	Percentage	Raw numbers	Percentage
Western	376 270	47.55	372 400	47.06
Central	313 665	45.97	345 126	50.58
Greater Accra	768 465	46.03	870 011	52.11
Volta	99 584	14.98	551 046	82.88
Eastern	491 520	57.14	353 522	41.10
Ashanti	1 214 350	72.40	438 234	26.13
Brong Ahafo	392 588	50.56	370 404	47.70
Northern	303 406	38.27	450 564	56.84
Upper East	118 454	35.25	188 405	56.06
Upper West	81 137	37.72	116 922	54.36
National Total	4 159 439	49.13	4 056 634	47.92

Source: Compiled by the author with data from the Electoral Commission of Ghana

Table 4
Regional distribution of votes between NPP/Akufo-Addo and NDC/Atta Mills (2008 run-off presidential elections)

Region	NPP/Akufo-Addo		NDC/Atta Mills	
	Raw numbers	Percentage	Raw numbers	Percentage
Western	384 028	48.11	414 114	51.89
Central	325 454	46.20	378 975	53.80
Greater Accra	798 556	45.59	953 086	54.41
Volta	102 173	13.94	630 899	86.06
Eastern	536 366	57.51	396 277	42.49
Ashanti	1 438 820	74.99	479 749	25.01
Brong Ahafo	384 237	48.50	408 029	51.50
Northern	311 774	38.36	500 953	61.64
Upper East	117 477	34.40	223 994	65.60
Upper West	81 561	37.67	134 926	62.33
National/Total	4 480 446	49.77	4 521 032	50.23

Source: Compiled by the author with data from the Electoral Commission of Ghana