Party unity and presidential dominance: parliamentary development in the fourth republic of Ghana

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Political power in contemporary sub-Saharan Africa is often portrayed as being highly informal and heavily personalised. The assumption that personalised politics is how 'Africa works' has led to the neglect of the study of Africa's formal institutions, including parliaments. This article assesses the position of the Parliament of Ghana under the Fourth Republic. It displays evidence suggesting that over successive parliamentary terms parliamentary committees became increasingly adept at handling legislation, and inputting into the policy process. It also shows that the parliament was increasingly able to oversee the implementation of legislation. Although the findings of hitherto undocumented progress represent a valuable nuance, the argument that the parliament became increasingly *able* to input into the legislative process says exactly that; while the parliament became increasingly capable of amending legislation rarely was this witnessed. The article argues that parliamentary development in Ghana has been a function of three interacting structural factors: the constitution; unified government since 1992; and political party unity. The strong partisan identities of legislators from the two major political parties – the New Patriotic Party (NPP) and National Democratic Congress (NDC) – provide the executive with extra leverage to control the parliament. Throughout the Ghanaian parliament is juxtaposed with the Kenyan National Assembly. More substantially, the article seeks to force a revision of the dominant narrative that generalises African party systems as fluid and fragmented, and African political parties as lacking any recognisable internal cohesion or ideology.

Keywords: Africa; Ghana; democracy; parliament; political parties; party systems; executive–legislature relations

Introduction

Political power in contemporary sub-Saharan Africa is often portrayed as being highly informal and heavily personalised (Chabal and Daloz 1999). The assumption that personalised politics is how 'Africa works' has led to the neglect of the study of Africa's formal institutions, including parliaments. While it is true that the rise of military dictatorships and one-party states in the immediate post-independence period did curtail the available operating space of African parliaments, Africa's democratisation – which began in earnest in the early 1990s – presents a critical window of opportunity to analyse the rebirth of African legislatures. The importance of independent parliaments and increasingly multilateral policy making in Africa is asserted in light of this history of highly centralised politics and in recognition that stronger parliaments have the ability to promote more accountable and transparent

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governance. Furthermore, survey evidence suggests that the majority (64%) of Africans desire more powerful parliaments, with citizens agreeing that parliamentarians should make laws even if the president does not agree (Afrobarometer 2009).

In this article I assess the position of the Parliament of Ghana under the Fourth Republic during the first four parliamentary terms (1992–1996, 1996–2000, 2000–2004, 2004–2008). I focus on the parliamentary functions of law making and oversight. I show that over successive parliamentary terms parliamentary committees became increasingly adept at handling legislation, such that during the third and fourth parliaments 24 bills were significantly amended. This can be compared to five in the first two parliaments. In the area of oversight the introduction of committee budgets also began to enable members of parliament (MPs) to physically oversee the implementation of legislation, and MPs scheduled an increasing number of questions for ministers to hold them to account over policy promises. I use this evidence to challenge Lindberg and Zhou's (2009) assertion that the Parliament of Ghana declined, and that parliamentary committees have become increasingly 'muted' since Ghana's first democratic alternation in 2000.

Although my findings of hitherto undocumented progress represent a valuable nuance, the argument that the parliament is increasingly *able* to input into the legislative process says exactly that; while the parliament became increasingly capable of amending legislation, this was rarely witnessed, and on the majority of occasions legislation continued to be hastily approved. Furthermore, in comparison to other African parliaments, and here I focus primarily on the Kenyan National Assembly (KNA), a 'coalition for change' (Barkan 2009, 17) is yet to emerge to push for structural reforms despite recognition amongst MPs that the constitution in its current form has effectively 'clipped the wings of the parliament'. The discovery of enhanced capacity within parliament highlights the need to understand why Ghanaian MPs have not been more active in trying to further advance the parliament's position and improve its access to resources to aid law making and oversight. I argue that parliamentary development in Ghana has been a function of three interacting structural factors: the constitution; unified government since 1992; and political party unity. I display new survey evidence from the African Legislatures Project (ALP) that highlights the extraordinary level of legislative party unity in Ghana; I find that the majority of MPs claim *never* to have voted against their party. Comparing Ghana to Kenya I argue that party unity has been a key variable to explain limited parliamentary development in Ghana, and conversely that weak party identities has helped legislators to transform the KNA into one of the strongest legislatures in Africa (Barkan and Matiangi 2009). Strong party identities in Ghana have provided the executive extra leverage to control the parliament.

To analyse law making I constructed an original database of all bills introduced to the parliament in its first four parliamentary terms.[1] An analysis of daily parliamentary debates presented in *Hansard* was conducted to determine how often bills were amended. To analyse oversight I consider the number of questions scheduled for ministers, as well as MPs' perceptions on the parliament's ability to oversee the executive. MPs' perceptions of the parliament's capacity and reported individual voting pattern was obtained through a survey of 50 randomly selected MPs as part of the ALP.[2] In addition, I conducted semi-structured interviews with the longest-serving MPs, and parliamentary clerks and research personnel between March and December of 2009. In particular, I interviewed parliamentary clerks to

cross-check that the bills I identified as having received a significant number of amendments were altered in substantively significant ways.

With this study, I seek to force a revision of the dominant narrative that generalises African party systems as fluid and fragmented, and African political parties as lacking any recognisable internal cohesion or ideology (van de Walle and Butler 1999; Carothers 2006; Mozaffer and Scarrit 2005). I structure the paper as follows: in the next section I review literature on parliamentary development in sub-Saharan Africa, and provide an overview of the history of the Ghanaian parliament. In the following section I present and discuss my main findings. I then examine Ghana's constitutional structure and party system which are proposed as key variables in explaining parliamentary development. Finally I conclude and point to areas for future research.

African legislatures and the historic position of the Parliament of Ghana

African parliaments in the immediate post-independence period

During the post-independence period, African legislatures suffered at the hands of newly elected heads of African states. In order to quell the voice of internal opposition groups, post-independence leaders began to adopt constitutions that empowered executives at the expense of legislatures. Constitutions that replicated a Westminster-style parliamentary system were replaced by centralised presidential ones that often gave the president unfettered powers of control (for instance, in Ghana in 1960, Kenya in 1964 and Zambia in 1964). Subsequently, leaders established *de jure* one-party states beginning with Guinea in 1958 and established in more than 39 African countries by 1990, this worked to further curtail diversity in parliamentary debate.[3] The governance role of legislatures in the post-independence period has been described by parliamentary scholar Salih (2005, 12) as 'muted at best and oppressive at worst'. The case of Ghana is offered as an example to demonstrate the trend towards executive-dominant post-independence politics on the continent.

Ghana was led to independence by Dr Kwame Nkrumah of the Convention People's Party (CPP) on 6 March 1957. Nkrumah had been leader of government business (effective prime minister) of the Gold Coast colony since 1951. From 1951 until independence Ghana developed a Westminster-style political system that operated around the principle of parliamentary sovereignty. Regrettably for internal supporters of multi-party politics, a history of parliamentary democracy did little to alter the fate of the parliament and by 1960 a de facto single-party regime had emerged, as 'leaders turned increasingly to harsh methods of control of the "totalitarian" kind' (Austin 1970, 1).

Between 1958 and 1964 Nkrumah's government attempted to crush the voice of what it deemed to be a divisive and tribalist opposition. The weakness of the parliament was exemplified with the passing of acts that effectively rendered obsolete its ability to express views that differed from those of Nkrumah. Passed in the parliament in July 1958, the Prevention Detention Act (which permitted the detention without trial of opponents of the state for five years, and extended to an indefinite period in 1962) was used to retain, force into exile and silence dissident members of the CPP, as well as leading political adversaries. In 1960, through an act of parliament, the Westminster system was replaced with a presidential republic

(Ghana's First Republic) with a constitution that further centralised powers into the executive office. The new constitution allowed Nkrumah as president 'to act in his own discretion . . . not . . . obliged to follow the advice tendered by any other person' (Constitution of Ghana 1960). In 1964, Ghana finally became a *de jure* one-party state. The passing of this bill without contention in the parliament illustrates the parliament's weakness; as Boafo-Arthur (2005, 126) notes, the parliament had become a 'one-sided circus dancing to the tunes of the executive'.

A military coup ended the First Republic in 1966. Subsequently, Ghana had two democratic attempts in the form of the Second (1969–1972) and Third (1979–1981) Republics, but in neither period was the position of the national assembly revived. Chazan (1983, 53) asserts that during the Second Republic the 'Parliament had few effective resources at its disposal. Its legislative . . . functions were downgraded, and it was transmuted rapidly into a forum for critical debate . . . only rarely did it affect policy formulation'. During the Third Republic the parliament was undeniably stronger than its predecessors, aided by the slim majority held by the governing People's National Party (PNP). However, aside from rejecting the government's proposed budget in 1981, it is argued that the 'parliament's ability to serve as a brake on government actions was not forthcoming' (Chazan 1983, 308), with debates tending to be procedural, rather than substantive (Ayensu and Darkwa 2006). A military coup on 31 December 1981 led by Flight Lieutenant J.J. Rawlings put an abrupt halt to civilian politics in Ghana. The parliament was disbanded for 11 years.

Ghana's Fourth Republican parliament (which is the focus of this study) was opened on 7 January 1993. To understand what follows it is necessary to briefly overview Ghana's electoral environment since the regime's founding elections in November and December of 1992. Since these elections, two major political parties have dominated the political landscape. In July 1992, military-lieutenant-turned-democrat President J.J. Rawlings established the National Democratic Congress (NDC), to be pitted against the newly formed New Patriotic Party (NPP). At each national election (held every four years since 1992), these two political parties have together captured over 94% of parliamentary seats (see Table 1). Since the 2008 elections Ghana has experienced two successful democratic alternations: in 2000 when President Rawlings stepped aside for President J.A. Kufuor of the NPP, and after the 2008 elections when the NPP transferred power back to the NDC with the

Table 1. Seat composition of the Parliament of Ghana: 1992–2008.

Party	First Parliament 1992–1996 (%)	Second Parliament 1996–2000 (%)	Third Parliament 2000–2004 (%)	Fourth Parliament 2004–2008 (%)
President (party)	*Rawlings (NDC)*	*Rawlings (NDC)*	*Kufuor (NPP)*	*Kufuor (NPP)*
NDC	189 (94.5)	132 (66)	92 (46)	94 (40.9)
NPP	–	62 (31)	100 (50)	128 (55.7)
Others	11 (5.5)	6 (3.0)	8 (4)	8 (3.4)
TOTAL	200 (100)	200 (100)	200 (100)	230 (100)

Note: Ghana has parliamentary elections in December, and the parliamentary term begins in January. These dates relate to the preceding election (i.e. the First Parliament, 1992–1996, was composed of MPs elected in December 1992, and opened in January 1993).
Source: Boafo-Arthur (2005). Percentages added by author.

election of President J.E. Atta-Mills (2008–present). In each term since 1992 the presidential party has operated with a majority of seats in the parliament.

The rebirth of African parliaments?

Democratisation across the African continent began with the reintroduction of multi-party elections in Benin and Zambia in 1991. Subsequently, 37 of 48 countries in Africa held multi-party elections between 1990 and 1995 (Manning 2005). The reintroduction of multi-party elections (which were implemented with varying success (see Lindberg 2006)) was intended to temper presidential domination and reinforce institutional checks and balance, with the hope to reconnect citizens with their governments. As Bratton and van de Walle (1997, 6) argue, democratisation meant that 'autocratic leaders were forced to acknowledge that they could not monopolise and direct the political process... they would have to... redistribute some of the excessive powers they accumulated'.

Scholars disagree on the extent to which the reintroduction of multi-party politics has transformed the position of Africa's national assemblies. One set of scholars point out that despite multi-party competition Africa's constitutions still entrench substantial power in the presidential office. Prempeh (2008) argues that democratisation has left 'imperial presidents' intact precisely because of the limited constitutionalism (focusing on Anglophone Africa) that accompanied the reintroduction of multi-party elections. He asserts that 'Presidents in Africa routinely pronounce "laws" and announce major policy decisions without recourse to parliamentary legislation' (2008, 110). In Anglophone Africa the continuation or adoption of 'hybrid' constitutions, which allow the executive to appoint ministers from the legislature (for instance in Ghana, Uganda, Kenya and Zambia), is offered as a primary reason for continued presidential supremacy (Prempeh 2008; Lindberg and Zhou 2009; Burnell 2003). It is argued that hybridity strongly incentivises MPs to seek ministerial office and therefore attempt to curry favour with the executive. These incentives limit opportunities for the development of horizontal accountability as the vitality of legislative debates are suppressed with MPs preferring to vote in line and not question the executive. Lindberg and Zhou (2009) argue that in recent periods in Ghana the 'hybridity' clause has been used by the executive to co-opt the parliament, with President Kufuor appointing over 40% of his MPs as ministers (including deputy and regional ministers). Similarly, under semi-presidential constitutions in operation in Francophone Africa and beyond, presidents have in some cases been able to retain significant powers by granting themselves the right to both appoint and dismiss the prime minister, for example in Senegal, Tanzania and Namibia. This is contrary to the usual practice of having the prime minister accountable only to the parliament.[4] The effect of executive-dominant constitutions is limited opportunity for the development of checks and balances. In the case of Ghana it is asserted that 'power remains overly concentrated in the hands of the executive branch, which has undermined institutional checks and balances and inter-branch accountability' (Gyimah-Boadi 2009, 147).

To counter the above thesis of limited change, Posner and Young (2007) provide evidence to suggest that African presidents are not as powerful as they once were. For example, they show that elected leaders are increasingly restrained by legislatures in their attempts to cling to power beyond their constitutionally

mandated presidential terms, for example in Nigeria, Malawi and Zambia. Barkan (2009, 231) also asserts that 'African legislatures are becoming more autonomous and more powerful ''players'' in the political process'. Barkan and Matiangi (2009, 33) use Kenya as an example of this trend and argue that the KNA since 1998 has transformed itself into 'arguably one of the two [alongside South Africa] most significant national legislatures on the continent'. They show that the parliament is an increasingly effective check on the executive, and passes only 42% of bills that the executive presents, and is furthermore proactive in introducing private member bills with over a fifth (21%) of bills emanating from inside the legislature. The Kenyan parliament has also played a key role in overseeing political appointments. For example, in 2009 it rejected President Kibaki's attempt to reappoint Aaron Ringera as head of the Kenya Anti-Corruption Commission, deemed as having failed to tackle high-level graft. In February 2011 the parliament refused to confirm Kibaki's nominations for chief justice, attorney general and director of public prosecutions, because he did not follow the procedures specified by the constitution nor did he consult with Prime Minister Odinga as required under the 'Grand Coalition Government' (Reuters Africa 2009). Similarly, during the sixth parliament (1996–2001) in Uganda committees developed to be at 'the forefront as watchdogs against corruption' (Tangri and Mwenda 2006, 114). More recently in Uganda, two ministers were forced to resign following an investigation by the Public Accounts Committee that provided evidence of their engagement in corrupt practices (BBC 2012). In Nigeria it has been argued that since the Senate rejected President Obasanjo's third-term bid in 2006, the legislature has become more vocal in presenting opposing views, with the formation of a serious group of reformers (as well as opportunists) leading the development of the parliament (Lewis 2009).

In assessing progress in countries such as Kenya, as well as South Africa, Nigeria and Uganda, Barkan (2009) proposes that the development of legislatures in democratic Africa has primarily been a product of favourable environmental conditions. A vibrant civil society and globalised economic environment are argued to be two key external factors. MPs in these circumstances, he argues, are more inclined to support the development of greater horizontal accountability, transparency and a restrained executive. In turn, favourable environmental conditions increase the likelihood of the rise of what he calls a 'coalition of change', usually an inter-party group of legislators who work to reshape the incentives of legislators, for instance through increasing legislators' pay, making MPs less susceptible to executive coercion. Institutional factors such as the electoral system and the strength of political parties, while not dismissed in being relevant to understanding the development of legislatures in Africa, currently remain understudied; Barkan (2009, 237) asserts, 'the question of how parties impact on the development of African legislatures requires further investigation.'

Competing assessments of the Parliament of Ghana

The Ghanaian parliament under the Fourth Republic has been noted by scholars and commentators to be relatively weak. This assessment of the parliament has been used to support the thesis that general democratic development is not sufficient to

promote parliamentary progress in sub-Saharan Africa (Barkan et al. 2004). More intriguingly, Lindberg and Zhou (2009) assert that a more vibrant democratic setting with increased competition appears to have actually undermined legislative development in Ghana. They propose that after Ghana's first democratic alternation in 2000, fewer ministerial nominations have been withdrawn by the parliament, more executive legislation has been passed and 'Fewer bills have been substantially altered, and debates both in the chamber and in the committees have been more muted' (Lindberg and Zhou 2009, 153). Their explanation of these events relies on the increasingly competitive electoral environment and aforementioned 'hybridity' clause which they assert, in light of the former, has been used by the executive to co-opt the parliament.

An alternative to the above view is that increased electoral competition motivated President Kufuor to use the party to control the legislature. Ninsin (2008) argues that as party politics became increasingly competitive in Ghana, with the governing party receiving smaller majorities, national and parliamentary politics became increasingly partisan. Through party whips, the creation of a minister of parliamentary affairs and yearly presidential addressees in the parliament, the president began to unambiguously spell out the party position on important issues. The result was the development of the 'politics of ultra-majoritarianism'; whenever contentious issues came up the executive 'used its majority party in parliament to shield itself from parliamentary scrutiny' (Ninsin 2008, 62).

Hitherto, little analysis has been conducted on the role of party unity in African parliaments. It must be conceded that it is difficult to measure party unity when formal roll call votes are not conducted in many African assemblies. Limited interest in party unity, however, has also been encouraged by a literature on African political parties that generalises African party systems as fluid and fragmented, and African political parties as lacking any recognisable internal cohesion or ideology (van de Walle and Butler 1999; Carothers 2006; Mozaffer and Scarrit 2005). In this paper I present findings to show that the Parliament of Ghana has the capacity to input into the policy-making processes, but appears in the majority of cases to choose not to. I support and extend Ninsin's assertion that the increased salience of party identities in Ghana is central to understanding parliamentary development. Strong party identity has provided the executive extra leverage through which to control the parliament, and inhibited the development of an inter-party coalition of change. I note, however, that party unity has hitherto always worked in favour of the president, because his party has always had a majority in the parliament. Ghana boasts a vibrant democracy-promoting civil society and liberalised media sector, but these favourable conditions have not been enough to overcome structural constraints on parliamentary development. While I agree that the hybridity clause is an important variable in explaining parliamentary weakness, I propose that parliamentary development is a function of the entrenched party system and strong partisan identities, which interacts with the constitution, and when the president has a majority in the parliament allows for the dominance of executive. The interaction of these factors has inhibited the formation of an inter-party reform coalition and suppressed parliamentary demands to increase parliamentary resources.

Law making and oversight in the Parliament of Ghana, 1992–2008

To track the development of the Parliament of Ghana over the first four terms of the Fourth Republic I constructed an original database with information on all bills presented and acts passed between 1993 and 2008. I present descriptive statistics of key indicators (origination of bills, number of days for bills to pass from first to third reading, number of amendments per bill, number of withdrawn bills, number of scheduled parliamentary questions) to decipher trends over this period to determine how the parliament has fared over time in the areas of law making and oversight (see Table 2).

Law making

Over the first four parliamentary terms of Ghana's Fourth Republic, no private members bill was introduced in the parliament; all legislation was credited, at least formally, to have emanated from the executive branch. In addition, neither the NDC

Table 2. Parliamentary activity in Ghana 1993–2008.

Law making	First Parliament	Second Parliament	Third Parliament	Fourth Parliament	Average
Total # of acts passed	80	64	92	94	82.5
Bills initiated by private members	0	0	0	0	0
Percent of executive bills passed without withdrawal	95.2	87.7	94.8	94.9	93.15
Percent of bills partially or totally withdrawn	4.8 (4)	12.3 (9)	5.2 (5)	5.1 (5)	6.85
Average # of passed amendments per act*	6	12	12	17	11.75
Average # of negatived amendments per act	0.37	1.46	0.81	0.82	0.88
# of bills that received 33+ amendments	1	4	10	14	7.25
# of bills that received 64+ amendments	0	0	5	2	1.75
Average # of days for bills to pass	38	64	38	53	48
Oversight					
# of ministerial candidates vetted and rejected	6	7	0	0	3.25
Average # of scheduled parliamentary questions per term	30	42	–	351	

*Amendments were calculated for all available Acts. Missing editions of the daily *Hansard* prevented a complete database although in each parliament over 61% of legislation was covered and in total over 85% of legislation was included.

Source: Ghana Parliamentary Debates, 1993–2009; Parliament of Ghana, Summarised Reports (1997–2009); African Legislatures Project Ghana Parliamentary Bills Database 2004–2009.

governments before 2000 nor the NPP governments after 2000 experienced a parliamentary defeat, with President Rawlings and President Kufuor always able to retain their majorities in the parliament. Over time there has also been a reduction in the number of days each bill was considered for (the days between first and third reading) from 64 days in the second parliament to 53 days per bill by the fourth parliament. It is highly plausible that a significant proportion of this reduction is a product of the increased efficiency of the parliamentary committee system and ability of parliamentarians (aided by re-elected members) to handle legislation (this explanation was proposed by a number of MPs during interviews). However, it should be considered that in most parliaments even when bills are processed as 'urgent' they are mandated to receive 45 days (e.g. Brazil), and thus in a comparative context 53 days represents a relatively short time and points towards a highly compliant legislature. The image of a compliant legislature is further supported by considering the passage of the Civil Service (Amendment) Act (2001).

The Civil Service (Amendment) Act received parliamentary approval in March 2001 after six days of consideration. This act removed the need for the executive to seek parliamentary approval to create or collapse ministries. The fact that this bill went through both the committee and legislative stages in six days suggests MPs' willingness to capitulate to the executive, rather than protect the powers of the parliament. President Kufuor used this act to create new ministries and, as mentioned previously, over 40% of NPP MPs became ministers or deputy ministers during his time in office (Lindberg and Zhou 2009). This act had two important effects: firstly, it formally gave up a power that the parliament had; secondly, when the executive has a majority in the parliament it has been noted, and is recognised among parliamentarians, that the hybridity clause works to promote executive dominance and impedes the development of the parliament as an institution. In Accra one think tank asserted that with the passage of this act the 'Parliament has denied itself an important power with which it could check and discipline our president's seemingly boundless appetite to create more ministries' (CDD-Ghana 2005b, 9).

Although neither President Rawlings nor President Kufuor experienced a rebellion in the parliament, there were occasions when parliamentary bills were withdrawn in their preliminary stages because of parliamentary disapproval at the committee stage. The second parliament saw just over 12% of bills withdrawn. However, this figure dropped to 5% under the Kufuor presidency. Considering parliamentary amendments to bills, which for the main part are born out of the committees assigned to review each bill, without disaggregating bills the average number of amendments per bill also points to limited progress. In sum, without the disaggregation of bills it is clear that the majority of legislation received hasty parliamentary assent with limited parliamentary input. However, this conclusion of limited progress must be nuanced to give a more accurate picture of the developments that have occurred.

Following the disaggregation of bills, it is clear that after 2000 the parliament began to substantially amend bills at a level and rate not previously witnessed. I code bills as being 'substantially' amended when they received 64 or more amendments, and 'significantly' amended when they reviewed 33 or more amendments. This represents bills that respectively were one and two and a half standard deviations above the mean number of amendments per bill. Seven important acts passed

between 2003 and 2008 were substantially amended: the National Health Insurance Act (2003); Local Government Service Act (2003); Labour Act (2003); Public Procurement Act (2003); Banking Act (2004); National Petroleum Authority Act (2005); and National Pension Reform Act (2008). The last two of the above acts received 108 and 157 amendments, respectively. In addition, a total of 24 acts (13%) were significantly amended during the third and fourth parliaments. This contrasts to the five significantly amended acts (3%) passed during the first and second parliaments, none of which were substantially amended. Extensive interviews with parliamentary clerks certified that those bills I identified as being significantly and substantially amended were amended in policy-relevant, rather than merely technical ways. This evidence was triangulated with personal, informal analysis of the bills themselves as well as interviews with MPs who confirmed that many of the final acts produced during these later terms were complete transformations of what the committees originally received from the executive. The importance of this finding is that it demonstrates that the parliament post-2000 clearly had the capacity to substantially amend legislation. A long-standing opposition MP (and previous House majority leader), Honourable Minister A. Bagbin, confirmed during an interview that committees were increasingly active in amending legislation: 'We sometimes propose over one hundred amendments, in that area we are doing very well'.[5]

To support the proposition that the parliament had increased its capacity, I consider a number of factors that are likely to have promoted parliamentary input. Firstly, parliamentary committees were aided in the fourth parliament by the introduction of individual committee budgets. The introduction of budgets sent a signal to MPs that committee work was being taken seriously by the executive (which must approve the parliamentary budget) and incentivised them to spend more time in committee meetings. In addition, many MPs stated that the parliament gained from the experience of retained members who made up 57% of the third parliament (113 retained members) and 43% (98 retained members) of the fourth parliament. The presence of these members aided the technical and operational capacity of committees.

These findings challenge Lindberg and Zhou's (2009) blanket assertion that parliamentary committees in Ghana have become increasingly 'muted' post-2000. The fact that through the amendment process the legislature was able to totally transform bills demonstrates the need to nuance any analysis of the parliament. This evidence is used to support my argument that the limited *overall* institutional development of the parliament is an active decision of MPs, rather than being a product of insufficient institutional resources or internal capacity. Below I will argue that the parliament chooses to input into the legislative process only on the minority of occasions because of the high level of party unity in Ghana. I argue that the stable two-party system and strong partisan identities interact with the executive-empowering constitution, described below, to allow the executive to retain the upper hand in decision making.

Oversight

The constitution grants the parliament powers to conduct 'investigation and inquiry into the activities and administration of ministries and departments as parliament

may determine' (Constitution of the Republic of Ghana 1992, Article 103). Ghana's parliamentary committee system is designed to mirror the structure of the executive departments and agencies, with parliamentary committees mandated to oversee their related bureaucratic body. As in the area of law making, despite evidence of increased internal capabilities the parliament has made limited overall progress in developing itself as a powerful oversight body.

The ability of parliamentary committees to oversee the executive was bolstered during the third parliament when the parliament's budget was increased from US$3.4 million in 1999, to US$14.8 million in 2004 (Lindberg and Zhou 2009, 161). Budgetary increases supported the introduction in the fourth parliament of independent budgets for parliamentary committees of between $50 and $150,000 per committee each year. Although this was a positive development, MPs assert that individual committee budgets have not been sufficient to support thorough investigative work. They claim that for the most part these funds are spent on physically overseeing the implementation of legislation through inspection of development projects. Furthermore, despite an increased budget the parliament continued to lack financial autonomy, and was reliant on the executive to approve its annual budget (unlike the judicial branch). The dependency of the parliament on the executive for funding undermined the ability of the parliament to assert itself as an independent branch of government. One MP interviewed remarked: 'If I am begging for funds, how can I assert my authority?'[6] Despite increases in the parliamentary budget the parliament continued to be insufficiently resourced and, as Morrison and Lindberg (2008, 115) note, 'Lack of office space, shortage of telephone lines, and transportation restrictions all reduce the quality of preparatory work for parliamentary committees'. Until 2011, the parliamentary complex offered only one private room for committees, with committees forced to hold meetings in parliamentary lobbies or at workshops sponsored by the committee's corresponding ministry. One result of the lack of resources has been an overreliance on information fed to committees by the ministries and bureaucratic agencies and executive, and this again has undermined the ability of committees to enact effective oversight.

The parliament acts as the gate-keeper to state positions, with the executive needing the prior approval of parliament for the appointment of all ministers, the chief justice and Supreme Court justices, and the administrators of district funds. The vetting of ministerial nominees is done by the parliamentary Appointment Committee, a multi-party ad hoc committee formed at the beginning of each parliamentary term. The recommendations of this committee are then voted on during plenary session. Since 1992, the Appointment Committee is argued to have become technically more effective at overseeing nominations, with 'each nominee spend[ing] a longer time before the Committee', and 'the questions asked by the Committee members and the answers given by ministerial nominees are beginning to have some policy and governance substance' (CDD-Ghana 2005a, 2). Parliamentary records show that whereas in the first two parliaments a total of 13 ministerial nominees were rejected, none were rejected during Kufuor's presidencies. It is difficult to determine whether the decrease in rejected ministerial nominees resulted from the increased quality of proposed candidates or a reduction in oversight. However, it should be noted that in the third parliament four, and in the fourth parliament three ministerial candidates received parliamentary approval despite some of these candidates being unable to prove their claimed educational

achievement and others accused of being involved in corrupt transactions (GhanaWeb 2005a, 2005b). At the beginning of the fourth parliament the governing party's support of dubious ministerial candidates led to the walk-out of opposition members (NDC). Interviewed MPs from the governing party (NPP) who sat on the Appointments Committee admitted in interviews that 'intuitively you want to protect a government nominee'.[7] Thus, despite a technically more rigorous approval process, MPs appeared inclined to vote with the party and the executive. As in the area of law making, considering oversight, the parliament struggled to assert its independence despite evidence of increased internal capacity post-2000.

One improvement in oversight has been the increase in the number of official parliamentary questions scheduled by MPs to the executive, which increased from an average of 42 per year in the second parliament to 351 a year in the fourth parliament. Evidence obtained during interviews with MPs, however, highlighted that aside from scheduling questions, MPs have little political incentive to conduct more thorough oversight activities. It is asserted that MPs and committee chairs who have been proactive in investigating the work of ministries and departments have been obstructed and demoted by party and executive elites. For example, in the third parliament, an MP who chaired both the Committee of Government Assurances and the Committee of Poverty Reduction was replaced, argued to have overstepped his mandate and to be undermining the work of the executive and party (CDD-Ghana 2005b).

Interview data from the ALP survey also corroborated evidence of parliamentary weakness in the area of oversight. The data showed that the majority of MPs thought that the parliament did a *poor job* of overseeing the executive (68%) and believed the parliament was *bad* or *very bad* at fighting corruption (64%). Considering committees specifically, the vast majority of MPs (68%) thought that 'less than half' the committees in parliament did a 'good job at monitoring the work of ministries and departments'.

Explaining parliamentary development in Ghana

The Parliament of Ghana is an institution that, although capable, held back in pressing for reforms necessary for it to be a more effective check on the executive and input more frequently into the legislative agenda. Evidence presented above demonstrates that by the third and fourth parliaments, aided by the presence of retained members, the parliament on the minority of occasions was able to substantially amend legislation, with six important acts being substantially amended. In addition a total of 24 acts (13%) were 'significantly' amended (33 or more amendments). This contrasts to only five acts significantly amended during the first and second parliaments. Parliamentary leaders highlight that the parliament has made substantial progress in this area. Similarly, in the field of oversight, committees, again aided by the introduction of committee budgets, developed in their ability to oversee the physical implementation of legislation and MPs began to schedule more questions for ministers, promoting horizontal accountability. However, while this evidence points to an increasingly capable parliament, parliamentarians decided not to pursue more significant structural reforms. By the fourth parliament the majority of legislation continued to be rushed through the house with limited chance for parliamentary input. Committee chairmen who attempted to oversee government

activities were demoted and dubious ministerial nominees were approved in the absence of members of the opposition, who walked out in protest. More than two-thirds of MPs surveyed think the parliament is ineffective at overseeing the executive.

While the above has highlighted that the parliament faced significant resource constraints in terms of office space and infrastructure, for the most part I argue that MPs lacked the political will to push through reforms to facilitate the development of a stronger parliament. I contend that parliamentary development in Ghana has been a function of three interacting structural factors: firstly, the constitution promotes a strong executive with substantial agenda-setting powers; however and secondly, the fact that the president has had a majority since 1992 has been central to presidential dominance; lastly and related, strong party unity in the house has ensured that the president is able to rely on his electoral majority to push through executive demands and limit the oversight resources available to the parliament. In summary, the stable party system and strong partisan identities interact with the executive majority in the House to give the executive extra leverage to control the parliament.

Interaction between the constitution and unified government promoting presidential dominance

The Constitution of Ghana grants the executive (whether directly or indirectly) an array of formal agenda-setting powers that in practice helps to ensure its near monopoly over the legislative process. Most significantly, the constitution prohibits MPs from introducing legislation that imposes a cost on the state (Constitution of the Republic of Ghana 1992, Article 108). This article takes its precedent from the colonial period in which the colonial constitutions gave the governor exclusive prerogative to initiate legislation that had the effect or purpose of imposing a charge on the government treasury.[8] Without being able to raise the cost of legislation MPs effectively are unable to initiate private member bills and this is a primary reason why no private members bills have been passed since 1992. Agenda control of the executive is further enhanced by the fact that committees consider legislation after, rather than before, it has been proposed to the floor of the house. This arrangement has a significant impact because it limits pressure on the executive to grant resources to the parliament to enhance its ability to gather necessary information to write legislation.

Beyond these arrangements, the position of the president in Ghana is bolstered by Article 78 of the constitution – the aforementioned 'hybridity' clause – which stipulates that the president must draw the majority of his ministers from the parliament. The consequence of the hybridity clause is the development of strong ties between the executive and legislative branch. As discussed above, this clause encourages parliamentarians to seek ministerial office and thus curry favour with the executive. Lindberg and Zhou (2009) argue that this clause promoted the decline of the Ghanaian parliament after 2000, when President Kufuor appointed over 40% of the governing parties' MPs to be ministers (including deputy and regional ministers). It should here also be noted that the Committee of Experts which in 1991 was asked to design Ghana's new constitution proposed a split executive with power divided between a ceremonial president and a prime minister. Like the constitution of the French Fifth Republic, they supported a dual executive, with the prime minister taking his ministers from the parliament. They argued that 'the experience

of African countries, including our own, clearly demonstrates the need for appropriate constraints on executive power' (Republic of Ghana 1991, 19). The consultative body rejected the recommendation for a dual executive, but kept the clause to enable the executive to take ministers from the parliament, leading to the current 'hybrid' structure with a president who is required to take over half of his ministers from the parliament.

The executive in Ghana is further empowered by needing only a simple majority in the house to curtail debate on the floor or limit the length of time committees consider bills (suspending Standing Orders 128 (1) and 138 (1)). This is regularly done in practice, and especially during the consideration of financial bills. Finally, after legislative passage the president holds a package veto that enables him to reject acts in their entirety. The veto can be overridden only when over two-thirds of the house votes against the executive (Article 106 (8) of the Constitution). Although these clauses are not especially unusual in a comparative context (many presidents hold stronger veto powers, being able to veto particular clauses of legislation rather than face the dilemma of having to veto the entire legislation or not), it is unusual for the president to hold a virtual monopoly on the legislative agenda in addition to having a veto power. In the presence of a majority (unified government) the constitution promotes presidential dominance. Both President Rawlings and President Kufuor operated with parliamentary majorities, and took the majority of their ministers from the parliament. These structural factors helped to fuse the two branches and impeded parliamentary development. However, it is worth considering the nature of executive–legislature relations were the president ever to face an opposition majority in the parliament. Under divided government, the 'hybridity clause' might oblige the president to include opposition politicians in his cabinet (since half of the ministers must be parliamentarians, and parliament must approve those appointments). This, in turn, would most likely increase parliamentary leverage over the legislative agenda, and contain presidential dominance.[9] I therefore argue that the limited parliamentary development in Ghana must be seen as a function not only of constitutional design, but also of unified government.

Increasingly salient partisan identities providing extra leverage for executive control of the parliament

In order for unified government to favour the president, party unity in the parliament must be high. I argue that Ghana's stable two-party system and increasingly salient partisan identities in the face of high electoral competition have promoted party unity and granted the executive extra leverage with which to control the parliament. The impetus to look for additional variables to explain the Ghanaian parliament's limited overall progress stems from the presence of executive-dominant, hybrid constitutions in other African countries where, in spite of such arrangements, some parliaments have been able to adopt reforms that have increased parliamentary independence and enabled parliaments to gain greater control of the legislative agenda and to oversee the executive.

The above results have shown that the executive in Ghana has been able to rely on the parliament for support since 1992; neither President Rawlings nor President Kufuor experienced parliamentary rebellion. The executive has been able to ensure the swift approval of the majority of legislation it has presented to the parliament despite

evidence that the parliament has become highly capable in substantially amending legislation. Evidence of party unity comes from informal interviews with MPs who confirm that the governing and opposition MPs have consistently voted as single units. This view is best captured by a quotidian expression heard within the walls of the parliament: while 'the minority have their say, the majority get their way'. New data from the ALP survey is the first (to my knowledge) that systematically attempts to measure party unity in the Ghanaian parliament. The data revealed that the majority of MPs (66%) claim never to have voted against their party on a single bill. A further 22% of MPs claim to have voted against the party only once or twice during their political career. Here I overview the foundations of party unity and partisan identities in Ghana and why it is an important variable to understand limited parliamentary reform. I argue that beyond shared policy desires of the governing parties' MPs, and beyond MPs' ministerial ambitions encouraged by Ghana's hybrid constitution, party unity is a product of the entrenched and stable two-party system which has fostered strong partisan identities. Stable and strong partisan identities encourage ruling-party MPs to vote in line, and to support the president even when they may not agree. To understand party unity in the Parliament of Ghana during the Fourth Republic one must consider political party developments since the pre-independence period.

The history of Ghana's two-party system

Under the Fourth Republic Ghana has supported a stable two-party system that has revolved around the NPP and the NDC. This system is a result of political developments that date back to the pre-independence period. In 1949 Ghana's leading nationalist movement – the United Gold Coast Convention (UGCC) – splintered. The populist fraction headed by Kwame Nkrumah formed the CPP, while the UGCC continued to exist under the principal leadership of J.B. Danquah. This split can vaguely be seen as a split between liberal conservatives and rhetorically socialist radicals (Austin 1970; Morrison 2004). Hence, while the UGCC called for independence in the 'shortest possible time', the CPP demanded 'independence now'. Since the 1950s every major political party in Ghana has traced its lineage back to

Table 3. Ghana's virtual two-party system, 1956–2008.

General election	Populist party	Seats won	Liberal party	Seats won	Dominance of two parties (%)
1956*	CPP (Nkrumah)	71	UP (Busia)	27	94.2
1969	NAL (Gbedemah)	29	PP (Busia)	105	95.7
1979	PNP(Limann)	71	PFP (Owusu)	42	80.7
1992	NDC (Rawlings)	189	NPP	n/a	94.5
1996	NDC (Rawlings)	132	NPP	62	97
2000	NDC	92	NPP(Kufuor)	100	96
2004	NDC	94	NPP(Kufuor)	128	96.5
2008	NDC	114	NPP	108	96.5

*In 1956 the UP did not run as a single party, but as the NLM and Northern People's Party (NPP), they coalesced shortly after the election.
Source: Boafu-Arthur (2005) and African Elections Database (http://africanelections.tripod.com/gh.html) (http://www.ec.gov.gh/).

one of these groups and elections have revolved around a, broadly speaking, liberal versus populist party (see Table 3). Following the disbandment of the UGCC after the 1951 elections, the liberal faction continued to be represented as the National Liberation Movement (NLM), and then the United Party (UP), and the Progress Party (PP) under Busia from 1969. The PP then transformed as 'a direct continuation' (Jefferies 1980, 399) into the Popular Front Party (PFP) to fight the elections of 1979. Similarly, after the banning of the CPP in 1966 the populist faction became the National Alliance of Liberals (NAL) headed by Gbedemah, the CPP's former finance minister, and subsequently the People's National Party (PNP) in the Third Republic, described by Jefferies (1980) as a 'lineal CPP party'. In the Fourth Republic the founding elections saw the NPP founded as the heirs of Danquah-Busia's liberal tradition, and the NDC was founded under Rawlings as an evolved populist-socialist party. Since 1992 the NPP and NDC have captured over 94% of the seats in the legislature.

Contemporary political party identities

The historical foundations of Ghana's party system help us to understand partisan identities in contemporary Ghanaian politics. These two competing traditions as well as Ghana's experience of military and democratic regimes have ensured that the NPP and NDC organise around unique founding mythologies and ideological images (Whitfield 2009). Increasingly competitive elections since 2000 have further promoted the salience of distinct partisan identities and I argue have promoted the rise of 'majority' versus 'minority' politics in the parliament. In terms of ideological image, the NDC draws upon the socialist, statist rhetoric of the CPP and its successors, and this corresponds to its consultative membership with the international leftist network Socialist International. The NPP, as stated, inherited ideologically the Danquah-Busia liberal tradition, and is affiliated to the Dakar-based Democrat Union of Africa, an African network of right-of-centre parties (Salih 2009). Within the parliament NPP legislators identify themselves and are identified as 'property-owning democrats' and, conversely, legislators from the NDC are 'social democrats'. In terms of founding mythology the NDC upholds the Rawlings Revolution of 1981 (the 'People's Revolution') which brought down the Third Republic as the defining moment in post-independence Ghanaian history. The NPP, on the other hand, is usually not sympathetic to supporters of the Rawlings Revolution, seeing it as the force that brought down the liberal government. To support these distinct identities each party has regional electoral strongholds. The NDC draws its strength from the Volta region, home of the Ewe ethnic group, and the NPP from the Ashanti region, home of the Ashanti ethnic group. The party stronghold regions further support and sustain the resilience of the two-party system. In addition, and as a product of these distinct founding mythologies and ideologies, since 1992 the two political camps have developed and consolidated separate political mobilisation networks which further inhibit the possibility of defection amongst MPs. Strong partisan identities have been fostered and transmitted in both directions from the grassroots, to local political elites up to the national level. Ayee (2008, 208) notes that 'the increasingly intense polarisation of Ghana on partisan lines over certain issues is as visible in Parliament as it is in the media and among the public'. It must be stated that in practice the policies implemented by both parties when in

government appear relatively similar, however rhetorical ideological distinctiveness works to inhibit the possibility of successful defection and promotes distinct party identities. Furthermore, the historically rooted two-party system creates enormous barriers to the creation of a successful third party, Whitfield (2009, 630) notes that 'Breakaway factions cannot compete because they cannot reproduce the institutional networks and loyalties of the NDC and NPP'.

Party unity and strong partisan identities inhibit defection between the parties and MPs find it hard to push for reforms when this may undermine the authority of the governing party to which they are tied. The institutionalisation of inter-party coalitions of parliamentary reformers is also impeded. The above discussion helps us understand why the parliament, despite clear signs of enhanced capacity, has been unwilling to press for further reforms. For example, it explains why despite Ghana's increasingly vibrant and competitive electoral democracy the parliament as an institution remains reliant on the executive to approve its annual budget; why, despite much lament from MPs, Article 108, which effectively bars MPs from putting forward private member bills, has not been repealed; and why the parliament has been unable more effectively to oversee the executive.

In this study, I present the Ghanaian case with the aim to shed light on developments in other countries across sub-Saharan Africa, so I turn now to a brief final comment on Kenya. Considering the above, I argue that favourable environmental factors are only part of the reason that the Kenyan National Assembly has been able to advance a reform agenda that culminated in the adoption of a new constitution in 2010. I propose that the other important component is the weak party identities held by MPs and the fluidity of the party system. Parties in Kenya lack ideological and programmatic differences; 'party manifestos ... look alike, often using the same phraseology, and even identical paragraphs' (Wanjohi 2003, 251). Politicians shift from party to party, and nearly all politicians 'have been in each other's governments and cabinets at one time or another' (Mueller 2008, 200). In this environment party leaders find it difficult to control the actions of their members. Unstable party identities mean MPs act as individuals rather than party agents and the governing parties' backbench MPs, especially when encouraged by highly active democracy-promoting civil society groups, are persuaded to ally with opposition MPs to form coalitions of change to push for the decentralisation of political power. In these circumstances, drawing MPs into the cabinet and offering them patronage is the only tool of co-option available to the executive. In Ghana, however, MPs are unwilling to form inter-party pro-reform alliances. Party unity, and an institutionalised two-party system, promoting strong partisan identities and inhibiting defection, provides the executive, when operating with a majority, extra leverage to control the parliament.

Conclusion

Democratisation in sub-Saharan Africa has stimulated the rise of legislative coalitions of change and the decentralisation of political power allowing for increasingly multilateral policy processes. Coalitions in Kenya, South Africa, Nigeria and Uganda have worked to restructure formal rules, to support the development of stronger parliaments (Barkan 2009a). While insufficient resources have impinged on the development of the Ghanaian parliament, evidence suggests that MPs have the capacity, but lack the political will to push for structural reforms. I argue that it is

the strength of Ghana's party system, which fosters party unity, coupled with the institutional structure and unified government that most adequately account for why the parliament has, despite clear signs of legislative ability, only infrequently inputted into the legislative process. Strong partisan identities encourage clear divisions between the NPP and NDC, and increasingly competitive elections have promoted intense feelings of party rivalry such that the majority of MPs claim never to have voted against their party. In addition to ministerial patronage the executive uses strong partisan identities to control the backbench as MPs have their fate tied to the success of the party. Ghana's strong two-party system, with parties organised around distinct founding mythologies and ideological images are the missing variables that hitherto left a deficit in explanations for why the parliament has been unable to move beyond neutral development despite evidence of increased internal capacity post-2000.

The case of Ghana's political party system offers a refutation of dominant depictions of African political parties. Mozaffar and Scarritt (2005, 399), for example, assert that Africa's party systems are in a state of electoral flux, seeing 'high electoral and legislative volatility in both majoritarian and proportional electoral systems'. Furthermore, despite this dominant rhetoric, the Ghanaian situation is not exceptional in Africa; other African party systems look like Ghana in terms of supporting stable parties with strong party identities. Lindberg (2007) shows that 11 third-wave sub-Saharan African democracies support institutionalised party systems. Malawi, Mozambique, South Africa and Tanzania offer 'stable party configurations with relatively deep roots in society because of civil war, societal mobilisation or ideological orientation' (Lindberg 2007, 326). In these countries party unity is likely to affect the behaviour of legislators and, by extension, the position of the legislature. Fundamentally, to understand African legislatures more research must be done on analysing the historical, sociological and ideological foundation of political parties, and political party structures and internal party life. More research is also needed on the interaction between electoral systems and party discipline in Africa. Future analysis must consider constitutions as well as party identity, and the interaction of these variables to explain parliamentary development.

Finally, the future of the parliament must be considered. Ghana has cleared many democratic hurdles, and by 2012 is touted as one of Africa's most liberal and vibrant democracies. Ghana's institutionalised party system is a crucial contributing factor in explaining the country's democratic success. Party stability has helped to promote high levels of vertical accountability and has allowed Ghanaians to effectively reward or punish politicians at the polls. Stabilised party systems promote political legitimacy and encourage governability, with party cohesion effectively enabling parties to enact the party's manifesto. In Ghana it can indeed be argued that a trade-off has occurred. To some extent strong parties and high levels of vertical accountability have been traded for a weak legislature and limited horizontal accountability. It must be considered that no political system is perfect. Liberal democracies struggle to find a balance between accountability and representation, and between presidential dominance and legislative paralysis; the same is true in Ghana. While the entrenched two-party system has helped to stabilise Ghana's democracy it has weakened the legislature's capacity to act as a check on the government. It now remains to be seen whether Ghana can increase horizontal accountability to support a stronger democracy, however this analysis supports the thesis that this is unlikely without a change in Ghana's institutional environment.

Acknowledgements

Notes

1. The Ghana bill tracker for the years 2004–2009 was constructed as part of the African Legislatures Project. The remaining years were constructed by the author solely for the purpose of this research.
2. The African Legislatures Project is a cross-national academic research into the operations of African parliaments. It seeks to understand how and why African legislatures operate in the way they do and to promote an understanding on how these institutions can be developed to support and strengthen Africa's nascent democracies. See http://www.africanlegislaturesproject.org for further details.
3. See Brown University's, *Animated Atlas of African History, 1987–2002* [online], available: http://brown.edu/Research/AAAH/ (accessed 17 May 2011).
4. For more on the operation of semi-presidential systems in Africa see Moestrup (2011).
5. Interview by the author with Hon. Alban Babgin, previous Majority Leader of the House, in the Parliament of Ghana, Accra on 2 April 2009.
6. Interview by the author with anonymous NPP MP in the Parliament of Ghana, Accra on 31 March 2009.
7. Interview by the author with anonymous NPP MP in the Parliament of Ghana, Accra on 31 March 2009.
8. I thank Kwesi Prempeh for highlighting this interesting historical point.
9. I thank Mike Thies for highlighting this point.

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