



INNOVATIONS FOR SUCCESSFUL SOCIETIES

MORE THAN GOOD ELECTIONS: GHANA'S PRESIDENTIAL HANDOVER, 2007–2009

SYNOPSIS

The January 2009 presidential transition in Ghana, the West African country's second democratic transfer of power between opposing parties, was a significant step in the nation's democracy. A contentious handover eight years earlier had widened political divisions and hindered policy continuity. In the aftermath, leaders in government and civil society tried to create new norms and practices that would ease transitions. Ahead of the December 2008 election, the Institute of Economic Affairs, a Ghanaian public policy think tank that promoted good governance, led major political parties in talks aimed at setting rules for the presidential transition process. At the same time, a policy unit in President John Kufuor's administration worked separately to improve the government's procedures for transferring power. Although a tight timeline and political complications prevented both groups from achieving all of their goals, their work helped ease Ghana's political tensions and improved the quality of information exchanged between the outgoing and incoming governments. The new government, led by President John Atta Mills, benefited from improved transition reports prepared by civil servants and aides who had taken part in the Institute of Economic Affairs talks. The changes helped the new administration organize, identify priorities, and maintain focus on effective projects and programs.

Robert Joyce drafted this case study based on interviews conducted in Accra, Ghana, during July and August 2015. Case published in November 2015.

INTRODUCTION

"If that was the way that outgoing governments were going to be treated in Africa, no African government would give up power," public policy lecturer and former minister Kwamena Ahwoi said in 2015, recalling Ghana's tumultuous presidential transition 14 years earlier.

In 2001, when power shifted between opposing political parties for the first time in Ghana's history, the handover itself sowed discord. Lack of information that would help the

new government prepare and manage its early weeks in office, accusations of misbehavior from both sides, and politically charged investigations into the former government marred a landmark event in the country's history.

Ghana's ruling National Democratic Congress (NDC) had lost the December 2000 election to the New Patriotic Party (NPP). At the end of that month, after the Electoral Commission announced poll results, outgoing president and former military ruler Jerry Rawlings

of the NDC formed a transition team to coordinate with NPP officials, and Rawlings met with President-elect John Kufuor of the NPP.

Despite those early signs of cooperation, the handover process heightened rather than diminished postelection tensions. Animosity and disorganization on both sides produced frustration and name-calling that complicated the implementation of practical solutions to recurring problems.

The incoming NPP accused the Rawlings team of providing insufficient information—including information on ministry budgets, staffing levels, and organization; on the status of projects; and on developing situations that would require immediate action by new ministers. Although Ghana had a tradition of outgoing governments’ providing so-called handing-over notes for their successors, no formal process ensured complete and timely briefings for new officeholders.

Rawlings chief of staff Nana Ato Dadzie said Kufuor officials demanded detailed government information and data that were impossible to produce quickly. The months leading up to the election had been dedicated to campaigning rather than gathering information from far-flung government offices or compiling information in ways useful for incoming officials.

Further, officials of the Rawlings administration argued that leaders of the incoming government were more interested in handing out patronage jobs and in investigating possible wrongdoing by their predecessors than in learning the statuses of policies and projects. Kufuor officials shot back that after 18 years and two coups, they were right to focus on staffing and on setting standards of behavior. The incoming officials also seized property—including houses and cars—they thought belonged to the state.¹

The NPP probes angered the incumbents. Ahwoi, minister of local government and rural development under Rawlings, said, “The previous government saw this as a witch hunt.”

Problems during the transition slowed government business during the early part of the Kufuor administration. It took the new government months to set clear policy directions. During that time, the government focused on plugging a sinking economy and debating what to do about past, Rawlings-era abuses.² Tensions with the NDC, stemming mainly from investigations and disputes regarding the return of government property, handicapped Kufuor’s agenda in parliament. The new administration also canceled or delayed many infrastructure projects, observers of the handover said, for reasons including suspicions of corruption, lack of information needed to continue, or the need to reduce public spending.

The difficult, 2001 transition had demonstrated the political and policy consequences of a lack of set procedures. “We managed our 2001 transition in a manner akin to a military takeover of government,” said Ransford Gyampo, professor of political science at the University of Ghana and a researcher at the Institute of Economic Affairs (IEA), a Ghanaian public policy think tank that worked on governance issues. IEA executive director Jean Mensa said about the handover, “There was no policy continuity that would help the development of this country. We thought no advanced democracy should operate like that.”

No handover of power between parties was necessary in 2004, because Kufuor had won reelection. But as the end of his second—and constitutionally mandated last—term approached in 2007, Ghana’s policy makers and civic leaders began to take steps that would prevent a repeat of the problems that had beset the 2001 transition.

In May, the IEA began to facilitate discussions with party leaders about how to improve the transition process. Since 2002, the institute, led by Mensa, had hosted the Ghana Political Parties Program, which brought together leaders from the four political parties with seats in parliament (the NPP and NDC were by far the largest) to discuss challenges to the nation’s

democracy, such as inflammatory campaign rhetoric and violence during elections.

“We tried to identify things that were not right with our democracy,” said Johnson Asiedu Nketiah, the NDC general secretary who took part in the talks. “We pictured where we wanted to be—in terms of the quality of our democracy—in the next 20 or 30 years, and we looked at our democracy at the time and asked, ‘Where are the shortcomings?’”

At about the same time, a team in President Kufuor’s office turned its attention to the transition as part of the longer-term Central Governance Project, a program supported by the Canadian International Development Agency that had started in 2003.³ According to William Frimpong-Bonsu, who served as project coordinator, the government had floated the idea of looking at issues surrounding the transition much earlier; and preparations for an efficient handover gained importance as the election approached.

“Looking at the past, we thought things had not been done in an orderly manner, maybe not because of bad intentions, but only because people were not organized,” said Kwaku Appiah-Adu, who ran a unit in Kufuor’s office that led the initiative. “We had seen the incoming government struggle to find its feet and get itself going after assuming office, and we thought that this time around we should do things differently.”

Concerns about a handover between opposing parties turned out to be prescient. In the December 2008 election, former Rawlings vice president John Atta Mills of the NDC emerged the winner, topping the NPP’s Nana Akufo-Addo, a former Kufuor minister. The campaign was deeply divisive, with multiple violent incidents in the lead-up to polls, an inconclusive first round of voting, and a very close final tally.

Mills’s victory signaled a new transition that would test the work of both the IEA and the Central Governance Project and serve as a potential turning point in the way Ghana

managed transfer of power between opposing political parties.

THE CHALLENGE

“Transition planning is crucial for stability and continuity,” said Judith Cavanagh, who worked on the Central Governance Project from the Canadian side. “It was a new concept for Ghana.”

A successful handover required clear, enforceable procedures that would facilitate continuity in the administration of core government functions while minimizing postelection political tensions. Ghana’s recent history had underscored the need for cooperation between successive governments. The country had witnessed five military coups prior to 2001, each representing a radical change of course.⁴ Citizens saw the results in half-finished buildings and other scuttled infrastructure projects and felt the impact of social programs canceled before the initiatives had had time to gain traction. Long-term education or healthcare programs were cut short as each new government implemented its own policy agenda.

Although Ghanaians were well aware of the need for smooth transitions of power, no legal requirements compelled either the incoming or the outgoing government to take steps to fulfill that goal. As one of several “directive principles of state policy,” the 1992 constitution urged new governments to continue the “projects and programs” of predecessor administrations “as far as practicable”⁵ in making and implementing “any policy decisions.”⁶ Although the provision was a point of reference for policy makers, it was not embodied in statute.

Political tensions represented another concern ahead of the 2008 elections. In 2006, participants in the Ghana Political Parties Program had agreed that polarization was one of the major challenges facing political development in Ghana, according to IEA leader Mensa. “Everything in this country was seen along party

lines,” she said. The IEA saw political polarization as a potential source of violence and sought to explore the contributing factors.

As the IEA and the Central Governance Project staff in the Kufuor administration set out to prevent a repeat of 2001, the transfer of government information was a primary concern. Meetings between incoming and outgoing officials would facilitate the exchange of that material. If the outgoing side chose to be forthcoming and the incomers behaved graciously, the encounters could go well. However, if either side failed to cooperate or made unjustified demands, tensions could worsen and jeopardize the handover.

Ahwoi, the former Rawlings minister and lecturer at the Ghana Institute of Management and Public Administration, said, “In a transition, you have losers who are very annoyed that they lost, and winners who are very enthusiastic, so when you bring them together, it’s like pouring petrol on fire.”

In the absence of any laws or administrative rules that required outgoing governments to share information with their successors, informal procedures dominated the process in 2001. Although senior civil servants often prepared the so-called handing-over notes, there was no standard format for what information the documents should include. Reports varied widely in terms of content and quality, according to Frimpong-Bonsu, who worked with Appiah-Adu on the Central Governance Project. Further, no specific individual or official was legally responsible to compile the reports and get them to new officeholders. The lack of timely and high-quality transition reports made it difficult or impossible for the incoming government to continue working on strategic long-term priorities set by the outgoing government or to sustain development programs or major infrastructure projects that often required many years to finish.

Limited public-records transparency made the effective transfer of information more important, because without easy access to data,

the incoming Mills administration could not plan its agenda. Mills had big ideas—the NDC manifesto called for an “activist state” that would extend services and expand public enterprise—but lack of reliable budget figures and other information made it difficult to decide on priorities and feasibility.

At the time, Ghana had no laws guaranteeing public access to government information. Ministries were still developing Web sites, and only limited budget figures were available. The International Budget Partnership, which ranked countries based on access to government budget information, said Ghana had “some” publicly accessible budget documents, including the initial administration’s proposal and the final passed budget. However, the organization cited shortcomings in access to end-of-year reports on revenue and final spending.⁷

The return of public assets was another challenge for incoming governments. “When the new government comes in and they don’t find their laptops, they’ll chase you for it, and that’s what creates the problems,” said Joe Issachar, head of the civil service, in a 2013 interview (Issachar died in 2014).

In Ghana, the property situation involved more than personal computers. In line with standard practice at the time, ministers and deputy ministers often received government vehicles and houses for their use as part of the terms of their service, and the rules surrounding return of the property were not always clear. Further, records of the assets were not centralized. Ministers could use vehicles owned by the ministry or by the presidency. Houses were easier to keep track of and were under the purview of the ministry responsible for public works.

When power had changed hands in 2001, the return of cars and houses triggered partisan discord. The new, NPP government accused its NDC predecessors of taking government cars and overstaying in the houses. The outgoing NDC officials accused NPP activists of

confiscating private property and said they were given too little time to turn over state goods. The government property issue was “quite messy,” Mensa said. “We saw images on TV of ministers being thrown out of their homes. Their personal belongings would be out there, and they would have nowhere to go.”

The disputes over cars and houses served to increase hostility between both sides and reduce chances for future cooperation. Referring to ministers who may have been mistreated, Gyampo said, “Naturally, if you served your nation that long period and you were treated that way, you wouldn’t be happy with the state.” Peter Manu, chairperson of Kufuor’s NPP from 2005 to 2010, said NPP members knew the NDC would view the 2009 handover as “payback time.”

Aside from collaborating with the Kufuor administration on information and asset transfers, Mills had to recruit ministers who would administer his government and carry out his agenda. In Ghana, the appointment of ministers and their deputies—usually around 80 or more—required parliamentary approval.⁸ Delays in recruitment and approval of top officials could create bottlenecks throughout the government; for instance, a ministry could not make major policy decisions without a minister. Mills had to create a selection process that would move swiftly and win wide public and political support.

A short transition time frame compounded all challenges. In most countries, all tasks involved in a transition occurred between elections and inauguration. Ghana’s constitution mandated elections one month before inauguration on January 7. In 2001, the time available to organize the transfer of information shortened even further when a close vote required a runoff election. The Electoral Commission declared Kufuor the victor on December 30, just eight days before his inauguration. The time crunch meant that some essential business had to be pushed to after the inauguration, stalling the new administration’s plans and priorities.

FRAMING A RESPONSE

The Central Governance Project team, the IEA, and political party leaders had to make tough decisions on how to strengthen transition procedures. Although new laws would help, legislative action could be time-consuming and politically difficult. Officials of the outgoing Kufuor administration had other options—such as an executive order or a Cabinet agreement—but most measures would still need backing from high-level political leaders to be durable and enforceable. The IEA had relied on agreements among political parties in the past with some success, but many said Ghana needed a more permanent solution.

While improving the transition process had been on the Central Governance Project’s agenda since its start, Appiah-Adu and his team initially had concentrated on other issues. When the program started in 2003, the president’s chief of staff and the director of international development for the Canadian High Commission had co-led the effort, which focused on ways to improve executive decision making at the Cabinet level by creating a Cabinet manual that specified what kinds of information ministers should include in Cabinet memorandums. Sam Somuah, who held a PhD in engineering, served as project manager before handing the day to day running of the project to Appiah-Adu, who headed the Policy Coordination, Monitoring, and Evaluation Unit in President Kufuor’s office, before transition preparation started. Somuah and then Appiah-Adu worked in conjunction with the Cabinet secretary, who arranged Cabinet meetings and followed up on priorities, and the head of the civil service.

From 2001 through 2003, during the project’s planning stage, team leaders and senior civil servants had met with officials in Canada, the United States, and the United Kingdom to learn more about how executive offices worked, including how they managed transitions. Appiah-Adu and Frimpong-Bonsu said they had been

impressed by the degree of institutionalization of the transition process in those countries. In Canada, for example, the civil service had fixed procedures in place for the electoral period, including templates specifying the content of transition reports, according to Frimpong-Bonsu.

Somuah, who later advised the president on technology-related issues, recalled the US Presidential Transition Acts of 1963 and 2000, which codified meetings and information exchanges between incoming and outgoing administrations. “The difference was quite stark,” he said, compared with the lack of regulations in Ghana. In 2007, the group shifted its focus to handover procedures and again visited Canada in search of new perspectives.

After that trip, Appiah-Adu said, the Ghanaian policy makers and their Canadian advisers decided on a two-part approach. The group would draft separate documents: first, a transition guide outlining the actions required of the outgoing administration and, second, a template for transition reports in collaboration with the chief directors—the top civil servants and administrative heads—of each ministry.

The plan was designed to produce some improvement in current practices even if the effort encountered political barriers. A comprehensive transition guide would require Cabinet approval or even a vote in parliament—depending on the format of the regulations. The template for transition reports, however, could be drafted with the head of the civil service without political input. Frimpong-Bonsu said, “We thought we were doing the right thing, but whether the political leadership would buy into it was something else.”

Meanwhile, the IEA’s Ghana Political Parties Program took aim at reducing political tensions. In May 2007, the IEA commissioned Ahwoi, the public policy lecturer and former minister, to research and present a paper on political polarization. Ahwoi pointed to the 2001 transition, among other factors, as a major cause of the country’s sharp political divisions. Lack of

formal procedures, combined with the short handover time frame, had created a recipe for hostility, Ahwoi said. His findings encouraged the IEA to look more closely at improving the transition process.

Mensa, the group’s leader, said the handover process seemed like a tangible issue to work on to narrow Ghana’s political divide. “We traced causes of polarization back to 1957, the time of independence” from the United Kingdom, she said. “The presidential transition was only one cause, but the most recent contributing factor at the time was the 2001 transition; and we felt this is something we can do something about.” Mensa said political parties saw advantages in smoothing the handover process because leaders knew they could find themselves on either side of a transition debacle similar to that of 2001. “It was a sign that our democracy had come to stay,” she said.

Manu, NPP chair at the time, said his party had not experienced the outgoing side of a transition and was wary of what could happen. “Toward 2007, we recognized the need to fashion a better way of handing over than what existed in [2001],” said Manu, who took part in the talks. He said that by agreeing to work on institutionalizing transition procedures, the NPP was conceding that some of the Kufuor administration’s actions had been excessive. Although acknowledging past errors was problematic, going through a hostile transition as an outgoing government could be worse.

Leaders of the incoming NDC had their own reasons to participate. “It was because we didn’t like what happened to us that influenced our commitment to reform,” said Dadzie, Rawlings’s former chief of staff, who was involved in the talks.

“We identified acrimonious transitions as a challenge to our democracy. If we cannot successfully manage transitions, then our democracy is in danger,” said Asiedu Nketiah, NDC general secretary. Abrupt transfers of power hurt the country’s development, he added:

“Go around the country and take a census of uncompleted projects from independence time until now and look at the wasted money. You can only hurt the country by not continuing projects from the previous government.”

Asiedu Nketiah suggested his party’s participation was politically strategic. “It was an election issue,” he recalled. “We needed to assure Ghanaians that we were not going to seek payback. There are people who make their decisions thinking, ‘These people, the way they were offended, if we vote them in, are we not going to allow them to seek an eye for an eye?’” The NDC was also worried about what the incumbent president might do if he felt threatened. “We needed to assure [Kufuor] that we had no evil plans for him, so as to encourage him to not rig the election.”

In deciding how to improve the process, IEA researchers looked at examples from other countries, especially France and the United States. Participants at first thought a set of guidelines could be useful and easy to finish and could carry weight if endorsed by both sides, but party leaders worried that a future president could disregard agreements members of his or her party had signed.

Mensa, a lawyer by training, said she also saw the usefulness of a formal law. Ghana did not have 200 or more years to develop the norms that France and the United States had. “If you have a saint, the saint has to follow the law. If you have a demon, the demon has to follow the law,” she said.

GETTING DOWN TO WORK

In late 2007, with the December 2008 election looming, both groups were short on time. The Central Governance Project and political party leaders convened by the IEA worked up till and through the election to prepare for a handover. Their work flows were separate, and their timings overlapped. In the Kufuor-led government, the Central Governance Project

worked on an overarching transition guide and templates for the handing-over notes. The political parties, in discussions led by the IEA, worked on the longer-term goal of developing legislation that the specific measures of such a law should contain.

Drafting a transition guide

Frimpong-Bonsu said the Central Governance Project team in the Kufuor government had begun working in late 2007 to improve the transition process. Appiah-Adu, Cabinet secretary Frank Mpare, and Issachar, head of the civil service, led the meetings with their Canadian counterparts. In those meetings, according to Cavanagh, a former Canadian civil servant who worked on the project, advisers brought information on how transitions worked in Canada and other countries. Ghanaian officials offered their own lessons from the 2001 transition, and the group sought to develop policies tailored to Ghana’s needs.

The document the project team drafted identified objectives, laid out a clear timeline for transition-related activities, and assigned distinct responsibilities to specific officials. It also identified and described the functions of the major staff positions across the administration in order to clarify the incoming government’s appointment process. The main aim, Appiah-Adu said, was to create a template for a well-informed incoming government. “You want them to come in knowing their way around,” he said.

The guide specified four transition phases, each with a corresponding set of actions. During the first half of an election year, called the *preelection phase*, the incumbent government was to identify major policy issues for the handing-over notes, to develop a strategy for communicating the electoral and transition processes with the public, and to take security measures that would ensure safety at polling places.

The second period, the *election phase*, took place from September through December. In those months, the chief director in each ministry

was to draft handing-over notes. The Cabinet secretary's office would compile the reports and make them available to the incoming administration.

The third phase—the one-month period between the election and the seating of the new government—was called the *preinauguration phase*. There was a lot to do in this period, because the outgoing government had to provide the handing-over notes, and officials would meet with their incoming counterparts. In addition, the incoming government had to recruit a Cabinet and other senior officials.

For the final, *postinauguration, phase*, Appiah-Adu had to foresee the needs of any new administration. Among the tasks, civil servants would have to plan for state visits by the new president to neighboring countries and develop short- and medium-term programs and projects on which the government set high priorities.

In August 2008, Appiah-Adu said the guide was ready, which was more than three months ahead of the December election. However, the document hit a stone wall because it lacked Cabinet and presidential endorsement or parliamentary approval as a law. And neither of those was forthcoming for a variety of reasons. “We needed approval from the political leadership,” Frimpong-Bonsu said. “We didn’t get it.”

“The chief of staff at the time, who was at the center of the whole thing, did not push the process,” said Issachar, head of the civil service, even though Kufuor’s Cabinet made other political decisions during this period. “He was supposed to introduce it first in the Cabinet for approval, then parliament, and make it public. . . . Unfortunately, he didn’t push it.”⁹

Kwadwo Mpiani, Kufuor’s chief of staff at the time and cohead of the Central Governance Project, said that at that time, the campaign took up most of his and the ministers’ time. “When you wait for these things until elections, attention is not focused on it,” he said. “Attention is on the elections.” He added that he had another reason

to shelve the idea: “I never thought we were going to lose.”

“The chief of staff’s duty is to the ministers,” Appiah-Adu said. “The ministers were out campaigning, and the chief of staff sympathized with them.”

Even if there had been time to pass a law, Mpiani said he would have preferred to focus on educating the political class on the importance of a cooperative transition process rather than force such a change of norms by way of legislation. “My personal view is that education of those who implement the law is more important than the law,” he said. “The political class has to accept the reality that governments will change once you have a competitive system.”

Improving and standardizing transition reports

With the transition guide stalled, Frimpong-Bonsu said the Central Governance Project team shifted its full attention to the second prong of their plan—already in process at the time: the structure and content of transition reports that would be created by each ministry. “We focused on the things we could get done within the bureaucracy,” said Frimpong-Bonsu.

To specify the information handing-over notes had to include, the project team produced a template. Cavanagh said they started by examining reports Ghanaian civil servants had produced in the past and then tried to build on existing practices rather than revamp the entire process. The Canadians brought in templates used in other transitions, and Ghanaian officials selected what information they thought necessary to meet their needs.

Frimpong-Bonsu said it was important to involve the chief directors at every stage in order to ensure cooperation with the top echelon of each ministry. “We didn’t want to impose anything they wouldn’t implement or use,” he said. Cavanagh noted that chief directors in Ghana often had strong working relationships with their ministers, and the directors could be

valuable allies for persuading ministers of the value of new procedures.

To head off resistance, groups of chief directors were invited to give their input on new templates. Ato Essuman, chief director of the ministry of education, recalled that the workshops were worthwhile and had a clear purpose.

The completed template for the handing-over notes consisted of several sections. First, chief directors had to outline their ministries' mandates or missions. Next, they listed ongoing projects or policies along with information on the projects' statuses in terms of percentage completed, budgeting, source of funding, notable accomplishments, problems, and positive outcomes. The template also contained information on each ministry's assets as well as a staff organization chart that showed functions. A final section listed and explained any critical pending issues.

The templates were ready in May 2008, according to Essuman and Frimpong-Bonsu. In September, Mpiani, Kufuor's chief of staff, ordered ministers to prepare transition reports for their ministries. "Even if our party was going to win the elections, they would still need well-prepared documents," Mpiani said. Issachar, who, as head of the civil service, managed the chief directors, issued a parallel order to them, with the template included.

The drafting of transition reports, which started three months before the elections, was more difficult for some ministries than others because of the need to reconcile the twin challenges of brevity and completeness. Each ministry was responsible for the various agencies organized under it, which greatly lengthened reports by ministries that had many divisions and responsibilities. Essuman recalled writing to the heads of agencies under the Ministry of Education and setting up a ministry committee to review reports created by each of the agencies. He said the ministry produced three volumes of reports totaling hundreds of pages. By contrast, the chief director of the Ministry of Tourism, a

smaller ministry, at the same time said her report came to 60 pages.

Essuman stressed the importance of producing reports that provided reasonable quantities of relevant information that enabled incoming ministers to understand needs and develop priorities. "If you don't manage the process well, it can be wasteful."

Most of the reports were ready by November. The chief directors submitted them to Cabinet secretary Mpare, who had a team to review the reports to ensure they complied with the template.

Writing the draft transition law

The IEA's Ghana Political Parties Program in 2007 began its separate deliberations on the transition process. The institute and leaders of the political parties decided on the content they would suggest at the same time they chose whether to propose a law or another measure. Ahwoi, who presented the 2007 paper that started the talks, called for codifying the procedures for handing over state assets, the benefits departing ministers and other officials would receive, and which government officials would leave with the president. He condemned the use of politically charged investigations of the policy decisions of any outgoing administration and suggested "compulsory" briefings for the new government as well as an extended time frame for the handover.¹⁰

In a March 2008 meeting, the IEA invited P. V. Obeng, a former Rawlings adviser, and Arthur Kennedy, a senior NPP official, to present papers on Ghana's and other countries' transition experiences and their own recommendations, according to the institute. In a joint statement following that meeting, the IEA and political parties called for the passage of a transition law indicating what they thought the legislation should include.¹¹

The group agreed that the new law should include three major points: first, that elections should be a month earlier, on November 7, a

move that would double the length of the formal transition period to two months; second, that the chief justice of the Supreme Court should have responsibility for collecting handing-over notes and resolving any disagreements between the transition teams; and third, that the new president must fill all Cabinet posts within 30 days of the election.

The IEA and the political parties asked Vincent Crabbe, a retired judge and elections administrator, to help write the transition legislation. Crabbe, who had been drafting laws for the Ministry of Justice, had an extensive legal background and experience with elections and had earned widespread respect. The IEA and the parties assigned Obeng and Kennedy to work with him, according to the institute.

The IEA, working through the Ghana Political Parties Program, hosted two more workshops before the election to review drafts produced by Crabbe. Aiming to build a broader base of support for the legislation, the IEA invited representatives of civil society organizations—including the Ghana Bar Association—and the media to participate and offer their ideas. “We built consensus through an open process,” Mensa said. “At the end of the day, there was ownership.”

With the election already under way, the IEA released in mid-December its draft Presidential Transition Act, along with an introduction explaining the process the institute and the political party leaders had gone through.¹² The final draft dropped the idea of moving the election date because doing so would require a constitutional amendment. In another significant change, a newly created post of administrator general, rather than the chief justice, would collect transition reports and account for government property.

In the opening of the draft, Mensa wrote, the bill’s “urgent enactment by parliament should provide an appropriate framework for the 2009 transition.” However, in an interview, Mensa acknowledged that the bill’s release came “quite

late in the day,” and the IEA did not request meetings with the government regarding the draft legislation. From the government’s side, Mpiani said that by the time he became aware of the bill’s release, it was far too close to the end of Kufuor’s term, and the administration was too busy with other issues. The bill was introduced in parliament after Kufuor left office.

Election results and transition teams

The 2008 presidential campaign and elections proved at least as tense as previous votes in Ghana. The Carter Center, a US-based nongovernmental organization that observed the electoral period, cited a number of examples of violence during the party primary season and the later general election campaign period—some resulting in deaths. “By summer’s end and into early fall, incidents of preelection violence were on the rise in what was quickly becoming a tense political environment,” a postelection report stated.¹³

After the first round of voting on December 7, NPP candidate Akufo-Addo led the field but lacked the majority he needed to avoid a runoff. Election authorities scheduled a second ballot for December 28. The Coalition of Domestic Election Observers, a monitoring group set up by the Center for Democratic Development, a Ghanaian think tank, cited 15 examples of violence during the first round of elections and 28 during the second.¹⁴

Even after the second round, the Electoral Commission still could not declare a winner because of a problem in distributing ballots in the western district of Tain.¹⁵ Finally, on January 3, four days before the January 7 inauguration, the Electoral Commission announced Mills, of the NDC, as the victor, with 50.23% of the vote. Akufo-Addo and Kufuor accepted the result, and attention turned to the imminent handover of power.

On January 4, both sides announced their transition teams. Mpiani led the Kufuor side, which included several key ministers. Mills’s

Box 1. Summary of IEA Draft Transition Bill Released in December 2008

The December 2008 draft of the IEA transition bill mandated that within 24 hours of the Electoral Commission’s announcement of poll results, the outgoing president should appoint a chief of staff and several key ministers, and the incoming president should appoint an equal number of people to a joint “transitional committee.” The bill said both sides had to agree on a chairperson for the committee, which was to “design comprehensive practical arrangements” for the transition, ensure that the incoming government’s salaries are paid, and provide the incoming president with national security briefings before inauguration.

To deal with conflicts that could arise, the bill proposed an advisory council consisting of three members: one nominated by each side and a third selected by the two nominated members. The group’s decision was to be binding on the transitional committee.

To address state assets, the IEA and the parties proposed a Presidential Estates Unit that would keep a central inventory of all government assets and ensure their transfer to the incoming administration, led by an administrator general, who was to be appointed by the president and who would have the status of a justice of the Court of Appeal. Departing officials who occupied government residences had to move out within three months.

To ensure the transfer of information, handing-over notes documenting the “accurate developments” that had taken place during the incumbent’s term were to be submitted by the president, the vice president, all ministers, and district chief executives (local leaders appointed by the president) 30 days before the election. The administrator general of the Presidential Estates Unit was charged with collecting and making copies of those reports available to the incoming president.

Finally, the act specified who was to leave office with the president. All ministers, the chief of defense staff, the top military commanders, the inspector general of the police, aides to the president, the vice president, the governor of the central bank, and all noncareer ambassadors were to step down on inauguration day.

Source: Institute of Economic Affairs, “Presidential Transition Bill, 2008,” released December 2008.

group had 12 primary members, nine of whom led subcommittees on such topics as security, energy, social policy, and nominations.¹⁶ Each subcommittee had roughly a dozen additional members. Mills selected the main transition team from former Rawlings officials as well as a younger generation of Ghanaians who had supported his campaign. The subcommittee members came from the same sources but also included scholars or others especially knowledgeable in the sector. Obeng, who had worked with the IEA on the transition bill, led the Mills team.

OVERCOMING OBSTACLES

Members of the Mills and Kufuor transition teams met on January 4, the same day they were

announced, at the Accra International Conference Center, a government facility.¹⁷ Although no law or formal procedures required them to meet, leaders of both teams saw the necessity of working together. Still, both groups were vulnerable to pressures from their grassroots supporters and powerful figures in their respective parties, who could derail cooperation.

High on the agenda at the first meeting were the logistical details surrounding the inauguration, which was only three days away. The groups also agreed on the need to continue meeting after the official swearing-in. After about three meetings, according to participants, political tensions—still elevated from the campaign—got the better of both sides, and the talks fell apart. Accounts differ on whether the transition reports from each

ministry had already been given to the main Mills transition team or whether the documents were transferred later on. Frimpong-Bonsu described the breakdown as “purely political.” Appiah-Adu and his policy unit were largely left out of transition talks, which were instead led by the political leaders. Frimpong-Bonsu said, “It became too chaotic. We felt the work we did could simplify things, but mistrust complicated matters. I wasn’t happy.”

As in 2001, the outgoing government described its incoming counterparts as difficult to work with. One source of acrimony was pressure from NDC loyalists for positions in the new Mills government. “The people coming in were too eager to take over their positions,” Mpiani said. “They were not interested in transition.” The new president, according to Asiedu Nketiah and Ahwoi, favored gradual replacement of sitting officials, but pressure from his party sometimes got the better of him. For example, after about three months in office, he ordered district chief executives appointed by Kufuor to step down. NDC members craved the jobs, and Rawlings, still publicly active, had called for their removal. Ahwoi said Mills had no choice but to remove the local leaders. “The groundswell of pressure was very intense.”

Discord also arose from attempts by incoming officials to identify and redress perceived wrongs. Mpiani and other NPP officials said the NDC side had used the transition to collect evidence for future accusations of corruption or general misbehavior. “They were trying to make it an inquisition,” Mpiani said. “Eventually, they tied political things to these meetings, and it was a hell of a time to explain things to them. At some point, I said, ‘Look, if you believe I did something, charge me or something; otherwise, I may not come to these meetings if I’m being treated as a criminal.’”

Asiedu Nketiah and Ahwoi, who advised Mills during the handover, countered that many NDC members deemed it their duty to investigate and expose examples of poor governance during

Kufuor’s tenure. Rawlings often led calls for investigations, and he criticized Mills for a “poverty of inaction” during his first week of office, saying that he and Obeng were too soft on the Kufuor administration.¹⁸

The return of state assets was another flashpoint, as it had been in 2000–2001. Stories of ministers’ stealing cars and trying to sell their government-issued residences filled the media. Mpiani viewed many of the reports as unimportant, but Aseidu Nketiah insisted there were documented examples of theft, or at least the inappropriate, continued use of state vehicles. Conversely, there were reported excesses or mistakes by the authorities. Manu, the NPP chairperson, said some NDC activists had tried to take his private car, even though he had never held a government position and had never used a state-owned car. Even defeated NPP presidential candidate Akufo-Addo had a car seized and later returned.¹⁹ Both sides blamed overzealous NDC activists for the turmoil, much as they had blamed NPP supporters in 2001.

After meetings between senior party leaders crumbled, civil servants met with the Mills transition team subcommittees. The subcommittees, filled with people who had expertise in specific sectors, had greater capacity to research their areas of government, which meant they relied less on a centralized handover of information and could bypass some of the politics. (The IEA draft legislation allowed for subcommittees of the transition team to be created during the handover process.)

Participants on the Mills side said Obeng’s involvement in the IEA talks had already pushed him to think of ways to deescalate political tensions during the transition. “It was natural that once [Obeng] took charge of the transition, he was going to work according to the bill,” Asiedu Nketiah said.

The subcommittees met with senior civil servants—most importantly, the chief directors—for guidance and answers to their questions. Senior ministry staff often accompanied the chief

directors, who would come prepared with the standardized and more detailed handing-over notes they had drafted as a result of the Central Governance Project. The preparation improved the quality of the meetings with the Mills team.

Kwabena Duffuor, Mills's minister of finance and economic planning, said the economy subcommittee had productive discussions with the chief director of the finance ministry and his team. "There was no resistance from anybody," he said. The meetings, as well as the briefing reports the civil servants provided, were helpful, he said. The subcommittee also worked with the World Bank and the International Monetary Fund in collecting data and making recommendations for the new administration. Duffuor said the outgoing minister of finance met with his subcommittee, a rare occurrence after the earlier breakdown in transition talks. Finance officials, he said, tended to sidestep political tension: "We went to the same schools; we're not strangers, so you see lots of collaboration between us."

Betty Mould-Iddrisu, Mills's attorney general and minister of justice, said the legal subcommittee, which she chaired, met mostly with ministry's chief director and chief state attorneys, who—like civil servants—tended to be nonpolitical and stayed on through a handover. She, too, received handing-over notes, she said, which contained the basic layout of the ministry and its resources. But even though the briefing reports and meetings were useful, Mould-Iddrisu said she lacked a sense of the previous government's overall strategy on cases and pending legislation because the minister and his aides did not participate. After she took office, however, Mould-Iddrisu said, she met with the former minister and had a productive exchange.

In other ministries, the experience varied. Essuman, the chief director at the Ministry of Education, recalled meeting with the social policy subcommittee three times. He said some committee members were genuinely interested in details, and others were more interested in questioning past policies. "They were looking for

evidence," he said. Not all chief directors felt that way. Bridget Katsriku, chief director at the Ministry of Tourism, said her encounter with the Mills team was productive.

The Mills transition team, including the subcommittees, met for roughly three months before issuing a report in March 2009. The report included recommendations for future government policies and suggested actions the new administration should take. Mould-Iddrisu and Duffuor said the Mills transition team report helped them steer their respective ministries. However, Ahwoi, who advised Mills at the time and said he was familiar with the president's thoughts, said Mills thought the report was too focused on accusations of the Kufuor administration's wrongdoing and largely ignored it.

ASSESSING RESULTS

Although Ghana's 2009 presidential transition was troubled, participants and observers said the process represented an improvement over the previous party-to-party handover in 2001. The IEA's workshops with Ghana's political parties as well the Central Governance Project's work in drafting a transition guide and report templates helped foster greater understanding of the process among politicians and civil servants.

Mould-Iddrisu, Mills's attorney general, said the transition process was useful because it helped maintain peace after a contentious election. "The Ghanaian public saw those of us who had been at the forefront of a vociferous campaign sitting with the other side," she said. "Believe me, that transition served a purpose in terms of keeping Ghana cohesive."

Policy continuity, a metric of a successful transition and a stated goal in Ghana, was more clearly evident in 2009 than in 2001, participants said. Essuman mentioned a school meals program as an example of a Kufuor program continued and expanded by Mills. Other officials cited a

national health insurance program embraced by the new administration.

Mpiani, Kufuor’s chief of staff, cited the Bui Dam as an illustration of policy continuity.²⁰ The dam, which had opened in December 2013, was first planned under the British colonial administration. Multiple coups prevented construction in the 1960s and 1970s. In 1996, Rawlings commissioned another study of the dam and later made an agreement with a contractor, but the Kufuor administration scrapped the deal.²¹ Finally, in 2006 Kufuor commissioned yet another analysis and moved the project forward. Preliminary construction started in January 2008. The NDC-led government invited Kufuor to the dam’s inauguration.

The transition report templates produced by the Canadian-funded effort improved the quality of information handed over to the new administration, which helped in continuity, according to the top civil servants. With substantive handing-over notes—Essuman, the chief director of the Ministry of Education, said—new government officials could not say they were unaware of a major project. Appiah-Adu said, “Any incoming minister would find the notes to be useful.” Frimpong-Bonsu said there was “much improvement” from previous transition reports.

Even the work that went into the transition guide, which failed to win political support, was useful in building awareness of the importance of the handover process, staff involved in the project said. “Definitely, the transition between the Kufuor and Mills administrations was better [than in 2001] because of the exposure the members of the Central Governance Project, including the head of the civil service, gave to ensuring a smooth transition from one government to another,” said Essuman, who managed donor funds for the Ministry of Education in 2001 and recalled irregularities during that transition.

“The project raised the level of discussion on transitions, on how improving the process can

benefit a government, and on how to remove politics from the process,” said Cavanagh, the former Canadian civil servant who worked on the Central Governance Project.

“In 2008, even though we didn’t finish formalizing [the transition guide], we had a better transition process compared with 2001—in the sense that some of the guidelines we put on board, even if not formally taken up, helped,” said Somuah, the technology adviser.

Whereas the IEA’s proposed transition law came too late for the 2009 handover, Gyampo and party participants said it served as an “unofficial blueprint,” citing Obeng’s leadership of the transition committee and the organization of subcommittees. Mensa said the process could not have moved more quickly and still have forged the same level of consensus.

The act of discussing the bill was helpful in itself, according to Joseph Ayee, a political scientist with the University of Ghana. “The IEA program is very important. It’s a way of sensitizing the political parties and trying to ensure that they talk. In talking, there is less animosity. There is trust. Building trust in the process is key.”

Even though political tension remained a serious issue, leaders of both parties insisted relations between them had improved—at least as far as the handover process was concerned. “The 2009 transition was far more successful and less acrimonious than 2001’s,” said the NDC’s Asiedu Nketiah.

“The suspicion, the mistrust that characterized our relationship in 2000, didn’t exist to that extent anymore,” said Manu of the NPP. He said the gap between his perception of the improved relations and the outgoing NPP government’s behavior could be explained by poor communication between the party leadership and the government. At the party leadership level, Manu said, ties had strengthened. “We built bridges. And for that, the IEA should be commended.”

In his first state of the nation address in February 2009, Mills called for passage of a presidential transition act and mentioned the IEA and the Ghana Political Parties Program. He also pledged to continue successful policies of the past administration. “We will depart from the practice of undoing the valuable contributions of our predecessors.”

Mensa cited the president’s speech as validation of the IEA’s work. Mills sent the bill to parliament, where it sat on the back burner until it was passed in March 2012 and signed into law that May.²² Party leaders said they were proud of the bill’s passage. “We crafted these proposals to respond to our critical needs,” said Dadzie, Rawlings’s chief of staff and a participant in the IEA’s discussions. “With this document, it should be possible for Ghana to go through any other transition in a more organized way.”

In July 2012, Mills died, and his vice president, John Mahama, took office.²³ Mahama won election to his own term at year-end. Although no actual handover took place at that time, the situation illuminated certain shortcomings in the law. The following year, IEA researchers suggested improvements to the law, including capping the number of people on transition teams and—in order to save money—forgoing aspects of the process when an incumbent was elected. (The 2009 transition was paid for by public funds and cost 361,924 Ghanaian cedis, or about US\$270,000 at the time).²⁴ Further, the institute suggested clarifying the enforcement power of the administrator general as well as increasing the level of formal participation by the civil service.

Other issues arose in 2009 that were not addressed by either the IEA’s bill or the Central Governance Project. For instance, excessive election year public spending and Cabinet selection by the incoming government continued to trouble Ghana after the 2009 handover.

For the most part, Ghanaian governments had had histories of spending more than they took in during election years. Deficits—as

percentages of gross domestic product, or GDP—widened in 1992, 1996, and 2000 compared with each of the previous years, respectively.²⁵ When Kufuor took office in 2001, the previous year’s budget deficit was 8% of GDP.²⁶ However, the deficit narrowed in 2004 before widening again in 2008.²⁷ Kufuor saddled Mills with a budget deficit of about 15% of GDP in 2008 and an approved bill to raise public sector salaries by 16 to 34%, thereby ensuring spending headaches for years to come.²⁸ As of 2015, election year spending remained an unsolved problem. In 2012, the deficit grew to nearly 12% of GDP, up from 4% in 2011.²⁹

The transition team Mills announced on January 4, 2009, a day after he was declared winner of the election, included a nominations subcommittee tasked with vetting Cabinet nominees. The subcommittee had to screen candidates and suggest names for roughly 80 ministerial-level appointments. A majority of them had to come from among seated members of parliament, according to the constitution.³⁰ The group consisted mostly of NDC leaders—including Asiedu Nketiah—and former Rawlings officials. For about three months, the group worked on producing a list of names—about three for each position. Mills’s picks were then sent to the Bureau of National Investigation, Ghana’s internal intelligence agency, for formal background checks.

Mills made his first round of Cabinet appointments in mid-February. Ministerial appointments continued through March, and by some estimates, it was six months before the government was fully in place and up and running. Even though chief directors ran the ministries between inauguration and the appointment of a minister, they were not empowered to make major spending or policy decisions. “Things grinded to a halt,” said Ayea, the political scientist and civil service specialist. Lack of pre-election preparation, the short time frame between elections and inauguration, and intense political lobbying for positions all seemed

to cause the delay. Asiedu Nketiah, who helped Mills pick his ministers, said, “It’s one of the challenges of our democracy.”

The slow start was politically damaging for Mills.³¹ “After a while, people don’t want transition; they want action,” said Mould-Iddrisu, Mills’s first attorney general. “They want the government to work.”

REFLECTIONS

Those who took part in efforts to improve Ghana’s government transition process viewed their work as one of many steps in Ghana’s democratic political development. Progress toward clarifying the procedures for government handovers would ensure protection for both the winners and the losers of future elections.

“For many African dictators, the reason they don’t leave—and why, when they’re approaching elections, they want to mess with the constitution—is that they’re not sure what will happen to them,” said Johnson Asiedu Nketiah, general secretary of the National Democratic Congress (NDC), which took office in 2009. “They are riding tigers. When they get off, they’ll devour them.”

Leaders from the NDC and outgoing New Patriotic Party (NPP), civil society members, and policy specialists from President John Kufuor’s NPP administration all said that willingness to learn from past experience enabled progress on the transition process. “It takes a lot of democratic culture on the part of the leadership to want to pursue the transition,” said Nana Ato Dadzie, chief of staff to former NDC president Jerry Rawlings. “After 2001, we set out to look at best practices elsewhere and then come up with proposals based on homegrown challenges.”

“We are a maturing democracy, and there are mistakes,” said Peter Manu, NPP chairman. “Democracy is a journey. We will continue to journey and make mistakes and correct them.”

William Frimpong-Bonsu, who worked on the Central Governance Project with the Canadian and Ghanaian governments, also

emphasized the importance of progress—even in small doses. “Look at our democracy, from where we started in 1992. Gradually, we’ve become able to build, and we’re getting there.”

Looking at what they had done in the lead-up to the 2009 transition, some participants said there were better ways to deal with political tensions, which damaged the process. The government failed to coordinate with civil society or its own party, and neither party talked about efforts to improve the transition within their lower ranks, where hawkish pressure often came from. Improved communication among the different stakeholders could have reduced hostilities and improved the results of transition preparation, they said.

“Both administrations had a problem with dealing with hawks in the party leadership and the grassroots,” said Kwamena Ahwoi, a lecturer at the Ghana Institute of Management and Public Administration and a former Rawlings minister. In addition to the lower ranks, he said, Rawlings himself often stirred tension. “That is a major political challenge for Ghanaian political parties. How do you ensure the discipline of your followers?” Ahwoi asked.

“You always get the hawks in both parties who refuse to accept that being in different parties does not mean you are enemies,” said Kwadwo Mpiani, Kufuor’s chief of staff.

Hostile elements of both parties hurt cooperation in both of Ghana’s handovers—in 2001 and 2009. Even though party leaders said the talks led by the Institute of Economic Affairs helped relations, Mpiani and Ahwoi said stronger leadership from Kufuor and John Atta Mills, the incoming NDC-party president, could have saved the transition talks from falling apart in 2009. Still, it was difficult for political leaders to punish their most-fervent supporters. “Logic would dictate that most of the excesses in Mills’s and Kufuor’s time were actually prosecutable offenses, but it’s political suicide to prosecute your followers,” said Ahwoi.

Manu, the NPP, and Asiedu Nketiah of the NDC said that though both parties rallied their respective bases for elections, neither took the necessary steps to ensure that tensions would ease after elections, nor did they prepare their followers for handover processes that would involve cooperation with their opponents. Mpiani could have pushed through a transition law before the January 2009 handover, and Kufuor could have prevented his ministers and chief of staff from leaving talks. Ahwoi said Mills also could have stepped in and offered to take part in the transition process himself, which would have lent the meetings credibility and civility.

Both sides said the one-month time frame between the first round of elections and the inauguration heightened the administrative and political challenges of a handover. Although the political parties discussed changing the elections date, doing so would have required amending the constitution. A constitutional review process started in 2010 and was still under way in 2015.³²

The Institute of Economic Affairs (IEA) talks involved an extensive degree of

collaboration between the political parties, the media, and civil society, but the government was largely left out of the process. Jean Mensa, IEA executive director, said civil society groups in Ghana had trouble catching the government's attention.

Likewise, Kwaku Appiah-Adu, who led the policy unit in the Kufuor administration set up by the Central Governance Project, said he did not think to reach out to political parties or civil society groups while developing transition guidelines. Frimpong-Bonsu, who worked with Appiah-Adu, said they were more focused on working with civil servants and their own officials but that they should have looked outside as well. "I would have broadened our consultations to include civil society and bring everyone on board to deepen what we started," Frimpong-Bonsu said. "Because we concentrated on the bureaucracy, the political part wasn't touched. That brought difficulties. If we were to do it again, we need to look at the political aspects and mesh the two."

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