

PROPOSALS FOR MULTIPARTY LOCAL GOVERNANCE REFORMS

PB4 | May 2023

Mixed-Member Proportional Representation (MMPR) and the Passage of the Affirmative Action Bill

As part of the proposed Constitutional Reforms, the amendments of Articles 55(3) and 243(1) are expected to lead to multiparty local governance reforms in Ghana. Additional reforms proposed by IDEG (particularly the Mixed Member Proportional Representation System (MMPR)) are intended to end the marginalization of women at the local level.

In this system, women would be progressively given representation at local level of governance commensurate with their population size. This means political parties will offer women candidates to stand for positions in the Assemblies that have been reserved only for women.

This would ensure that Women's participation at both local and national levels could be increased with the Mixed Member Proportional Representation (MMPR) and the passage of the Affirmative Action Bill (AA Bill) into law.

Abolish Government Appointees and Introduce MMPR

Let us start by examining the proposal for Mixed Member Proportional Representation System. IDEG favors the abolition of government appointees and the election of all assembly members. The institution of government appointees has not met its original purpose of bringing different experts and expertise on to the assemblies to provide technical back stopping. Neither has it improved women representation tremendously. It is now used as a patronage instrument for rewarding political clients at the district level. It is for these reasons that IDEG proposes the abolition of the government appointees system and the replacement by the Mixed Member Proportional Representation system (MMPR)

The Mixed Member Proportional Representation (MMPR)

All over the world the two broad electoral systems are the first-past-the-post (FPTP) system also known as the majoritarian system and the proportional representation system (or PR). In the first-past-the-post system a country is divided into single-member constituencies. The candidate who wins an election by even a majority of one vote gets elected into parliament. The first past the post system is credited with producing strong and stable governments. Its major shortcomings are lack of inclusiveness and parliamentary representation that does not always reflect true popularity a party enjoys throughout the population. To circumvent the shortcomings of the FPTP many countries especially in Europe have shifted on to the proportional representation or PR system of voting. The proportional representation system is

an electoral system in which the distribution of seats in a representative assembly follows very closely the proportion of votes cast for each party in an election. This means if a party obtains 30 per cent of the votes in an election it will be allocated 30 per cent of the seats in an assembly. The PR system while it assures parties, especially the small ones, of accuracy of representation and better inclusiveness in politics suffers from several major drawbacks.

One weakness is that because it is based on a list and large multimember constituencies there is very weak connection between representatives and their constituents. The PR system also tends to produce coalition governments such that the withdrawal of even a small party from the coalition could threaten the stability of government. The system above all makes it difficult and sometimes impossible for independent candidates not affiliated to any political party to pursue parliamentary careers.

To maximize the benefits of the FPTP and the PR systems while circumventing their disadvantages a mixed member proportional representation (MMPR) system of voting is devised

MMPR: Definition and Operation

As the name suggests the mixed member proportional representation is an electoral system which combines the FPTP and the PR system in such a way that the strengths of the two systems are retained and their weaknesses avoided. This means an elective body will have members elected on FPTP as well as members elected on PR. Hence the name mixed member.

In the mixed proportional representation system, the total number of seats available are divided into two categories.

In one category the seats are contested on the basis of the FPTP system. In the other category the seats are contested on the PR basis. The seats in the PR category could be reserved exclusively for women, and/or disadvantaged minorities

How could the MMPR be applied to Ghana's parliamentary elections?

If the MMPR system were to be applied to Ghana's parliamentary election this could happen in one of two ways.

In the first we could use the existing totality of seats in parliament i.e. 275. We could then redemarcate the constituencies into the original 200 to be contested for on the FPTP basis. The remaining 75 seats would be reserved for women and any other groups that the nation may determine but on the basis of the PR system by the parties. The FPTP seats will remain open to women candidates as well and there would be no limitation on the number of women who can contest in the FPTP contest.

The other method would be to increase the number of seats to be contested on the PR system and therefore the total number of seats in the Ghana parliament to either 300 or 400, i.e. 275 or FPTP and the rest for PR. Whatever method is applied the implication is that there would be two categories of MPs, those

representing their parties only but not constituencies i.e. the PR elected members and those representing constituencies. The MMPR could redress to a large extent the huge gender imbalance that currently exists in legislative representation.

MMPR and IDEG's Proposed Devolution Reform

IDEG is aware of the President's decision to have Chief Executives elected on party ticket without in any way changing the existing policy of non-party based election of assembly members. IDEG is, at the same time, concerned about the lack of clarity on the Government position on the presence of government appointees in the various assemblies. IDEG's position on these two issues however is clear and unambiguous. IDEG fully supports the president's decision to have Chief Executives elected on the basis of party-contested elections.

In the same vein IDEG advocates for the kind of policy consistency that will enable the party based elected Chief Executive to transparently identify the party affiliation of the Assembly members to facilitate the forging of inter-party co-operation, consensus building and principled compromises. In the absence of party-based assembly elections the Chief Executive with a clear party identity would find it difficult to chart the inter-party consensus on tough decisions that may prove critical to district development and democracy. Therefore, IDEG proposes that assembly members should be elected on party basis through the MMPR system.

The MMPR system could easily be adapted to Ghana's district level elections nation-wide. The application would be simple and straight-forward. The 70 per cent of assembly members will continue to be elected from existing electoral areas but on the ticket of political parties and according to the FPTP system. The 30 per cent government appointees will be abolished. Instead 30 per cent of the seats will be contested for by parties through the MMPR system and only female candidates and/or other disadvantaged groups can contest. This arrangement will not stop women from contesting for electoral areas as well.

Further Issues

The MMPR system is based on the list system. In an assembly of 100 members 30 will be elected on the PR system. Each party will prepare and submit to the electoral commission a list of 30 names during the filing of nomination of candidates. If a party wins 50 per cent of the votes it will obtain 15 seats and the seats will go to the 15 names at the top of the party's list.

A candidate can contest both the FPTP and the PR election. If a candidate wins both, the seat on the PR election would be forfeited to the next person on the party's list.

The MMPR system is flexible to the extent that at any time the nation considers necessary the percentage of seats to be contested on PR can be increased to allow more places to be allocated to women. Finally, the election is held at the same time and one ballot paper can be used, half for FPTP and another half for the PR.

Advantages of MMPR

IDEG strongly advocates for the party-based election of assembly members on the basis of the MMPR system because the MMPR comes with several advantages.

The huge gap in the representation of men and women at the assembly level will be bridged to a very large extent.

Independent candidates can still contest election and project their independent views in the assemblies without being encumbered by a requirement to be tied to the apron strings of any political party.

Small parties currently unable to secure seats in the Ghana Parliament can now have their say in the running of the various MMDAs because the MMPR can give them, seats in all types of assemblies across the country.

Above all political inclusiveness in local governance which has eluded the nation for so long can now be achieved without too much effort.

Passage of the Affirmative Action Bill (AA Bill):

It is expected that the AA Bill if passed will complement the MMPR in giving women and other marginalized groups greater representation in local government. Women will be empowered by their numbers, and will be seen to play leading roles in various facets of governance. The reservation of quotas for only women will not just coopt women into active participation of in matters of deliberation and decision making but will also give them a louder voice at both the local and central levels of governance.

Research has shown that there is gender imbalance in several spheres of life in Ghana and this provision allows affirmative action to right the wrong of gender discrimination. Existing policies on affirmative action have not had the expected impact, and discrimination continues particularly in public life.

Several attempts have been made towards the enactment of the Affirmative Action (Gender Equality) Law in Ghana. The initial one was the Representation of the People's Act of 1960 which brought 10 women to Parliament. There were fluctuations in subsequent years until now with the highest being in 1965 (18.5%).

The Bill will redress areas of social, economic and educational imbalance. It is also aimed at eliminating discrimination and the need for equal opportunity for both men and women. The Bill is also to address the marginalization of women in public and economic life in Ghana. Women are 52% of the population but ratio of women in Parliament and District Assemblies is low. The last Parliament had 37 out of 275 women in Parliament making it 13.5% which placed Ghana at the 139th position on the Inter-Parliamentary Union World Classification. Currently women Parliamentarians are 40 out of 275 making it 14.45%.

The reasons for the marginalization of women included the following: gendered division of labor in the homes; patriarchal and patrimonial systems; negative socio-cultural practices and beliefs; lack of education; religious barriers; lack of adequate resources; nature of party politics in Ghana and the lack of legislation to ensure gender equality.

In the drafting of the Bill, a 21-member committee was set-up in 2011 by the Ministry of Women and Children's Affairs (now Ministry of Gender, Children and Social Protection), which was made up of representatives from the Ministries, Department and Agencies (MDAs), Political Parties, Academia and CSOs. The drafting process was participatory and was backed by research.

One of the challenges that have impeded the flow of the process of the passage of the AA Bill is the frequent change of Ministers at the sector- ministry. Between 2011 to 2021, there has been a total of seven Ministers.

Article 17 of the 1992 Constitution of Ghana prohibits discrimination on the basis of gender with an exception of 17(4) which states that – "Nothing in this article shall prevent Parliament from enacting laws that are reasonably necessary to provide for the implementation of policies and programmes aimed at redressing social, economic or educational imbalance in the Ghanaian society".

The directive principles of state policy of the 1992 Constitution states in Article 35(5) and 35(6)(b) that: "(5) The State shall actively promote the integration of the Peoples of Ghana and prohibit discrimination and prejudice on the grounds of place of origin, circumstances of birth, ethnic origin, gender or religion, creed or other beliefs. (6) Towards the achievement of the objectives stated in clause (5) of this article, the State shall take appropriate measures to achieve reasonable regional and gender balance in recruitment and appointment to public office".



IDEG Publication

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