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The Contest, the Collation and then the Controversy: an analysis of Ghana's 2020 Elections

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Abstract. This paper evaluates the impact of a substandard parliamentary and presidential election. Using Ghana as a case study, it analyses the 2020 election and thereafter. The paper is of the view that elections are contested and won at the polling stations when conducted in a free and fair manner. But where a country holds regular multiparty elections at the national level, yet violate liberal-democratic minimum standards in systematic and profound ways, the exercise amounts to a decoy behind institutional facades of representative democracy. For Ghana to consolidate its democratic credentials, its future elections must give legality to the state reflected in Principle II (1) of the African Union's Principles of Governing Democratic Elections (AU Democratic Principles: AHG/Dec.1 (XXXVIII)), which underscores that democratic elections are the basis of the authority of any representative Government.

Keywords. contest, collation, controversy, Ghana, 2020, elections

1. Introduction

Ghana's political history has been largely shaped by military 'coups de tats' and single-party rule (Nkrumah's era); before Jerry Rawlings led the transition to multi-party democracy in 1992. President Rawlings died in November of 2020, but leaves a complex legacy as the second most popular president after Dr. Kwame Nkrumah of blessed memory. Today, Ghana's democratic progress is often referenced as a model, if not for West Africa, but for the entire African continent. Presidential and parliamentary elections in the 2020 general elections was chaotic; as the election ended up in the Supreme Court orchestrated by the country's highest court – the Supreme Court – and the manner justice was meted out to parties in the controversy. Overall, the African continent still struggles with smooth succession of governments or the 'smooth transfer of power.' Even though most African countries still hold regular, multiparty elections; peaceful transitions of power between one party or political leader to another is still not common place. In recent years, a spate of African leaders (Alhasane Qattara of Cote D'Ivoire, and the late president Derby of Niger, President Moseveni of Uganda), to mention a few, have extended their tenure past constitutional limits and political space, thereby narrowing in many countries, what should have been a smooth affair (Seigle and Cook, 2021). These politically motivated and illegitimate attitudes are causing a series of election-related crises in

several parts of Africa today; signaling to ‘democratic ‘faithful’ that Africa is still in the doldrums (Ibid). Compounding what is already becoming an “albatross” in Africa, Ghana’s election 2020 was tailor-measured; in other words, it was manipulated in its ‘extreme form’ with the interplay of ‘political skirmishes and malfeasance,’ by President Nana Akufo-Addo and his cohorts. Indeed, the president introduce into the elections, actions and inactions targeted at the Electoral Commission of Ghana (EC) and the Supreme Court of Ghana (SC) to rig election 2020 by ‘hook’ or by ‘crook’. To reverse this decline will require a decade of ‘soul-searching’, by Ghanaians in order to bolster, once again the country’s democratic credentials. Ghana’s good track-record of organizing ‘peaceful elections’ over the past years is under siege and backsliding. That ‘serene democratic environment’ characterize by peaceful elections every four years has been replaced by a ‘culture of silence’ caused by the use of government bandits to terrorize institutions, individuals and particularly, the media, who write or speak against the ‘wrongs’ of government (Ibid). The ‘culture of silence’ needs to be broken for legitimate entities to gather the courage and challenge the anti-democratic stance of the government’s authoritarianism posture. Ghana has never witnessed since 1992 the scandals, corruption, disrespect for the ‘rule of law’ and the ‘abuse of power’ of any sitting government in Ghana’s democratic history until now. Indeed, Ghana may have received enormous praises for its stability, peace and democratic development over the years. But what has eluded the National Patriotic Party (NPP) government of Nana Akufo-Addo is that, democracy is a continuous battle that is fought every four years. Even though, previous elections may have passed with a few skirmishes - with the 2012 elections ending up in the Supreme Court for nine months - on a few technical violations, there is always room for improvement if a country wants to improve on its democratic track-record. But under President Akufo-Addo’s government, life has become unbearable for people as the 2020 elections drew sharp divisions over the credibility of the elections supervised by the Electoral Commission of Ghana. More so, majority of Ghanaians are of the belief that the Justices of the Supreme Court gave a one-sided ruling to the election dispute of election 2020; without fairness and justice; thereby drawing back Ghana’s democratic credentials. Besides all these, Ghana’s track record in organizational and procedural management of elections going forward has been thrown asunder by the arrogance of the supreme court, and the posture of the party-in-government and a corrupted media; leaving no room for the settlement of controversies in the future, but a clash of political ‘titans’.

2. Theorizing the Study

In theorizing this study, Bratton (1999:19), admonishes us to think about suggested democratic variables: the first is that ‘while elections and democracy are not synonymous, elections remain fundamental, not only for installing democratic governments, but as a necessary requisite for broader democratic consolidation. Secondly, being democratic is not the regularity - every four years, in Ghana, America, Brazil or every five years cycle in say Nigeria, Afghanistan, Mexico or Cote d’Ivoire of holding elections - but the *openness*, and *acceptability* of an election outcome is the key. In addition, a democracy signals the acceptance of basic constitutional, behavioral, and attitudinal foundations in a country as it reviews and builds on any corrections it might have missed in the previous elections. Since the advent of democratic elections in Ghana, (1992 elections), the Ghanaian political class has been commended for the disposition of the losing faction; to concede defeat despite a litany of grievances the losers usually compile regarding the conduct and outcome of the previous election. Besides, Ghana is an ethnically divided society and ‘ethnicity,’ as we are all reminded by Horowitz (1993, p 20),

possess obstacles at the threshold of democratization after elections. Therefore, as a country not immune to electoral conflicts even though it has successfully organized various kinds of relatively “peaceful,” “free and fair elections” in the last 20 years, it still worries and prepares for each coming election. More so, compared to the tendency toward post-election violence in most African countries - Kenya, Mali, Zimbabwe and others - the Ghanaian political class has been disposed to settling their election disputes somewhat amicably, by resorting to the judiciary for adjudication.

But the 2020 election petition before the Ghana Supreme Court was like no other in the past. Chanting ‘go to court’, ‘go to court’ by the party-in-government and the government itself; challenging the results declared by the Electoral Commission became a tussle and a classic illustration of how a sitting government can employ its political ‘influence’ and ‘pressure’ on state institutions to hijack the processes of an election. Drawing from Zaya Yeebo’s (2009) comments on the need to strengthen electoral institutions and processes in Africa, this paper lays an emphasis on the impediments to democratization processes in Ghana and the disconnect; the discontent and mistrust of citizens of their institutions. Focusing on the role of state institutions like the Electoral Commission of Ghana, the Supreme Court of Ghana and to a lesser extent, the National Communication Authority (NCA), this paper draws lessons from the US presidential election of November 2000. Like the Ghanaian situation, the result was very close; with George Bush and Al Gore obtaining 48.4% against 47.9% in the disputed election. Similarly to the US election, there were irregularities of votes disallowed because of “hanging chads” and “pregnant chads” – caused by ‘faulty voting machines.’ But the underlying fact under review here is not about the so-called ‘hanging chads’ or ‘pregnant chads’ outcome of the US’s election verdict of 2000 compared to that of Ghana’s 2020 election. The analysis here stems from the ‘fairness point’ and the ‘right to know’ of the people of Ghana, what happened before, during and after the election count. From the point of view of state institutions, what mistakes were committed and how could they have contributed to resolving the impasse between feuding political parties after a disputed election. More so, whereas the judgments in the US were based on sound legal arguments, and the Justices’ arguments tailored to their ideological leanings as “Conservatives” or “Liberals”; and rendered in line with their verdicts, their Ghanaian counterparts’ verdict was based on ‘prejudices and clear snub on transparency and accountability.’ The Ghanaian Justices’ verdict relied on unconvincing interpretations of the law to shield the Electoral Commissioner, and the government-in-power from further public scrutiny. Therefore, the ‘judicial activism’ by the Justices and the interplay of the ‘utmost corruption’ in the changing of results, by the Electoral Commission of Ghana without explanation is worrying – the reason for this paper – and as such poses a serious threat to democratization; where state institutions are boldly encouraged by the very agencies charged to check them; to choose an approach of opacity and non-accountability in their duties. These failures and anomalies aided the EC and by extension, the highest court of the land to give a ruling along partisan lines.

3. A Brief Review of Literature

The term *democracy* originates from the Greek word ‘*demokratia*’, which means ‘*rule of the people*’. In modern times, the definitions of democracy always have something to do with ‘elections’. For Joseph Schumpeter (1947, 269), a democracy prevails in a country where “there is an institutional arrangement for arriving at political decision where individuals acquire power to decide by means of a competitive struggle for the people’s vote.” For Przeworski and

Limong, (1997a, 179), democracy is a “regime in which some governmental offices are filled as a consequence of contested elections.” But not all scholars accept minimalist definitions of democracy that associate democracy only with elections. According to Mainwaring, Brinks, and Perez-Linan (2001, 41), “without respect for the core liberties traditionally associated with democracy, a regime is not democratic “without the protection of civil liberties; the electoral process itself is vitiated.” Therefore, democracy as a regime is one (i) that sponsors free and fair competitive elections for the legislature and executive (ii) that allows for inclusive adult citizenship; (iii) that protects civil liberties and political rights; and (iv) in which the elected governments really governs; and (v) the military establishment is under the civilian control.” (Ibid, 38).

For the past 28 years or so, Ghana has been recognized worldwide by countries who seek to conduct business with well aligned political and commercial systems within Africa. But the widely held belief that conducting a ‘free and fair’ election is tantamount to having a democratic system of government is sometimes an over-loaded statement. As Melber, 2020 avers, it has always been perceived that an election with observers gives a seal of approval and makes it a ‘successful one’ (Chitiyo, 2009:126). But organizing such elections, thought to be ‘free and fair,’ requires more than a number of election observers, whose presence, though assuring, could also be used to mask undemocratic and unfair results, as was the case in Ghana during election 2020 (Chitiyo, 2009). There is sufficient evidence of how, under the Akufo-Addo’s government, political institutions were turned into ‘political vehicles’ for unauthorized ‘activism’ in clear violation of the law during and after the 2020 elections. The government-in-power, led by President Akufo-Addo militarized the very institutions charged with the responsibility of organizing free, fair and transparent elections - in neglect of their integrative and policy articulation functions. In the utmost dereliction of duty, the media intentionally refused to perform their functions as the ‘fourth arm of government’ in reportage of crimes. For instance, the media was supposed to ‘act as the conscience of the nation’ and to hold the government-in-power accountable; ensuring transparency in the election processes, and building consensus on national issues through dispassionate and educative journalism. But the media in Ghana displayed, and continue to display attitudes unbecoming of what they have sworn to uphold within the journalism profession. Indeed, the Ghanaian media, (now) functions as an instrument for ‘peddling ethnic and partisan divisions and acrimonious politics’ in the country rather than promoting common national values towards national unity. In essence, the Ghanaian media has become complicit in bad governance for purely partisan ends – hence the ‘*culture of silence*’ prevailing in the Ghanaian political economy.

4. An Analysis of the 2020 Elections in Ghana

The 2020 parliamentary and presidential elections in Ghana exposed deep flaws in the processes leading up to the selection of leaders in Ghana. Some of the flaws are as old as the nation itself, while others, under the Nana Akufo-Addo’s government, are more modern creations that have been weaponized by the Supreme Court of Ghana, the Ghana Electoral Commission (EC), and the National Patriotic Party (NPP). Having been left to combine forces after the court verdict, they now present an existential threat to the sustainability of democracy in Ghana. Besides, Ghana’s reputation – and survival – as a model of constitutional democracy on the African continent has been ‘white-washed’ – denying the electorate a palliation of electoral flaws or failures. Ghana has deviated from that minimum procedural requirements for enhancing liberal democracy. Instead, Ghana is formulating a ‘hybrid regime’ type described

here as an ‘electoral autocracy’; (an autocratic democracy), or what Diamond (2002) refers to as ‘an electoral authoritarianism’ in his description of ‘crafted democracies’ in Africa. There is no doubt that Ghana’s democratization is stifling its citizens; whom it ought to protect from maladministration and bad governance. Not being acentric, and even categorized as an alarmist; Ghana’s 2020 elections was clearly a substandard one that lacks a theory for description. While it is entirely legitimate to mention, some qualities of Ghana’s previous elections, the 2020 election count was not only a coercive one; it was a ‘military-led, hijacked by the Ghana Police Service and manipulated in disregard of the specific social-historical context of past elections. The ‘electoral authoritarianism’ exhibited in 2020, was a carefully driven one; from the compilation of the voters’ register to the outcome of the elections - exacerbating ethnic cleavages and using the Ghana Army (for the first time) as an intimidating force. Eight lives were lost; a situation that has never occurred before in the political and military history of Ghana during an election. The killers of these people, in military and police uniforms, have not been arrested; neither are there investigations of these cases ongoing so as to apprehend the culprits. It is sad to know that, just in the recent past, and in the account of previous elections, Jockers, Kohnert & Nugent (2009, p99), praises Ghana in the eyes of the international community inside and outside Africa, as being a positive example – i.e. a model for Ghana’s African peers to emulate’. But the reality is the reverse; in that, the very factors that have made elections an ‘intoxicating brew’ of ethnic conflicts elsewhere in Africa such as Kenya, Cote d’Ivoire, and so on, are now inherent and rearing its ‘ugly-head’ in Ghana’s social structures. In fact, what occurred in the Supreme Court, after the 2020 elections in Ghana, is an affront to those who believe in democracy and at odds with the reality. The Supreme Court (SC) fundamentally goofed; by refusing to allow ‘interrogatories’ to be answered by the Chairman of the Electoral Commission on behalf of Ghanaians and particularly, the petitioners, who wanted to know, through open-ended questions, what occurred before, during and after the election processes. Why has Ghana organized somewhat peaceful, free and fair elections in the past 25 years, but confronted with this kind of judicial activism? Why did the SC refuse to grant the petitioner’s request to question the Chairperson of the EC – the rightful custodian of the electoral tabulation sheets, known as ‘pink sheets’ of the true reflection of the result? And in the light of other observations, why has the Constitutional Instruments (the CIs) for superintending over political institutions of a highly respected and democratizing country like Ghana witnessed such numerous flaws leading to political exclusion?

4.1. Transparency and Elections

A country instills democratic values into its citizens, when the government over time ensures that its Election Management Body (EMB), acts independently at all times and is free of influence and pronounces verdicts or outcomes without favor to political parties or candidates. Irrespective of the type, an EMB must be able to act without favor or bias toward any group. Once quoted by the Global Commission on Elections, the key to a free and fair election “is not formal independence, but the true independence of action,” by that Election Management body (Kofiannanfoundation.org, 2020). There is no internationally prescribed model for electoral management bodies; as a lack of transparency in particular in the handling of election results, may result in a loss of confidence from the people. For the case of Ghana, and as we have already been alluded to, it is not the country-wide presence of election observers, monitors, party agents and media, or an international presence that ensures transparency in elections. But that, credible Election Management Bodies (EMBs) must regularly communicate

to contestants on an even-handed basis; offering information on the processes and listening to concerns that can adequately be addressed involving all parties. Transparency and accountability is very important in an election and as such, involves informing voters of the electoral process and how they can participate. Delays in completing an electoral process can also create doubts; like what happened in the 2020 elections under review. As earlier mentioned, the voting during 2020 election was peaceful; but the counting, the collation and the announcement of the final result was characterized by ‘unethical deeds,’ such as (i) the indiscipline of polling officials; (ii) the implementation of mechanisms that were arbitrary to what took place in previous elections; (iii) the lack of standards in the electoral management system and processes, and (v) the lack of electoral procedures to ensure ‘fair treatment,’ particularly, on the part of the opposition party, the National Democratic Congress (NDC). In fact, so much of politics, not surprisingly turns out to be about ‘expressive behavior’ rather than ‘instrumental behavior’ – in other words, the Electoral Commission took decisions – based on momentary feelings and not on sound understanding of how decisions will improve or hurt election 2020. And not sounding like an ‘alarmist will do; disparity, dysfunction and discord have destroyed democracies in the past and has, indeed endangered Ghana’s democracy from the outcome of the 2020 elections. Besides, March 4, 2021, which was the verdict day and the announcement of the 2020 election petition by the Supreme Court, was a very sad day in the political history of Ghana’s democracy. The verdict indeed, was ‘biased; and since the election verdict, Ghanaians have been looking for ways to make sense of what was a very ‘complicated reality’ about the dismissal of a petition taken to court by the presidential candidate of the NDC, merely seeking to know how the Electoral Commissioner, Mrs. Jean Adukwei Mensa arrived at her collation result; and particularly, to understand the changes – up to six times – she made thereafter without justification to anyone.

4.2 The judicialization of the elections by Ghana’s Supreme Court

Indeed, constitutional courts have played key roles in deciding election outcomes; paying attention to the means by which the provisions of the nation’s Constitution will be upheld. Even the fate of elections in the exotic island nations of Madagascar and Trinidad and Tobago have been determined in the past by judicial tribunals. But the difference between the various variants of judicialized politics goes beyond the question of political salience. What is judicially politicized becomes ‘political’ and tainted with our conceptualization of the word “political.” What courts may interpret as judicial decisions, are no more verdicts if they become clouded by “politics” and interpreted in that light by the courts. In fact, a political decision affects the lives of many people; however, many cases that are not purely political (e.g. large class-action lawsuits), also affect the lives of many people. More importantly, since there is no plain and simple answer to the question “what is political,” social science scholars and theorist believe “everything is political” – as there cannot be a plain and simple definition of the judicialization of politics either. Likewise, what may be considered a controversial (p. 258), ‘political issue’ in one polity (say, the petition by John Mahama to seek a re-run of a flawed election), may be framed as a clash between domestic law and supranational law in another country, or may be a non-issue in yet another polity. That said, there is a qualitative difference between political salience of (for example) a court ruling to refine the boundaries of the right to fair treatment of a constituency, like what occurred in the 2020 general elections in the Volta Region of Ghana, and a landmark judgment determining the legitimacy of a polity’s regime or a nation’s collective identity regarding ‘fairness and the right of its people to know.’ Therefore,

the courts (SC for that matter), cannot deny such ‘fairness’ to its people, if it fails to answer ‘why a presidential election official (chairperson of the EC), changed a presidential result *six times* and even presented wrong figures during the SC trial, but cannot be questioned to explain. In that realm then, no decision can be considered more “political” than authoritatively defining a polity’s very *raison de’etre*. That elusiveness, yet intuitive distinction is what differentiates the judicialization of mega-politics from the other variants of judicialization.

4.3 How the Ghana Supreme Court *goofed* in judgment

Indeed, the 2020 presidential petition was a huge ‘political charade;’ requiring that the Supreme Court adhere to ‘fairness and justice’ and rely on the ‘wishes of the people’. Indeed, the people of Ghana wanted to know the truth from the constitutional mandated returning officer of the 2020 presidential elections in Ghana; what had happened. More so, the establishment of a “supranational rule of law” in the 2020 election petition, drew in no small part, the Supreme Court Justices’ attempt to enhance their independence, influence, and authority vis-à-vis other courts and political actors. Conversely, credible gang-related threats orchestrated by the government-in-power on the court’s autonomy and their anticipated harsh political responses to unwelcome prior ‘judicial activism’ or interventions on the part of the courts, places on it, what Epstein et al (1998) calls, ‘the chilling effects on judicial decision-making patterns.’ In giving-in to the threats posed by the government’s militant wings; such as “Invisible Forces,” the “Kandaha boys”, the “Delta Boys” and whatnots, Ghana Supreme Court did not realize that these were ‘instances’ – such as the ‘changing fates’ or preferences’ of these influential ‘political actors,’ or gaps in the institutional context within which they were operating – and in which the (SC) would have strengthened their own positions by extending the scope of their jurisprudence to fortify their positions as credible, reliable and be recognized as crucial national policy-decision makers. But in the midst of these kinds of unsolicited ‘judicial gaps,’ the Supreme Court ‘cowed-in’; by first denying the petitioners’ counsel to submit ‘interrogatories’ to the Chairperson of the Electoral Commission (EC), Mrs. Jean Adukwei Mensa. In that laid back posture, the EC Chairperson was shielded by the Justices from testifying in the witness box through cross-examination when the Petitioner’s lawyers; including the Ghanaian public; wanted to know exactly, what happened before, during and after the December 7, 2020 elections in Ghana. Indeed, the SC placed impediments (not on the respondents’ lawyers), but on the Petitioners’ way to allow the EC chairperson to narrate to Ghanaians the “commissions” or “omissions” thereof of the 2020 elections. Glued to their televisions to watch one of Ghana’s best lawyers question the Electoral Commissioner about allegations and accusations of padding, manipulation of figures, transposition of figures and whatnots, Ghanaians, instead saw how the SC Justices, ridiculed, and intimidated Lawyer Tsatu Tsikata for the Petitioners and even, at times ‘aided’ in rephrasing questions for the defendants’ lawyers; with the intent to assist the defendants and also to frustrate the lead lawyer for the Petitioners. If Mrs. Jean Adukwei Mensa had been ordered to answer ‘the interrogatories’, according to lawyer Tsikata; the answers would have been used to either clarify or make her liable to cross-examination by the NDC’s legal team to unearth the facts pertaining to the ‘omissions’ or ‘commissions’ of the 2020 elections. Maintaining their position, the Justices aided the Chairman of the Electoral Commission and her lawyers to avoid explaining to the good people of Ghana, under oath in a properly constituted court; what had happened, before, during and after the election count. In failing to take the stand, the court judicialized the 2020 election petition, in which the NDC, on

behalf of the people of Ghana, wanted at least, a re-run of the elections to ascertain the true winner of the 2020 election.

4.4 What's in-store for Ghana in the future?

There is no doubt that the SC of Ghana has engaged in an unprecedented levels of 'judicialized activism' with important political and economic consequences awaiting them someday. Often, higher courts give verdicts to counter establishment challenges that threaten to alter the political power relations in which the courts are embedded. In fact, recent history of comparative constitutional politics tells us that recurrent manifestations of unsolicited judicial intervention in the political sphere of a democratizing country like Ghana, as was the case in the 2020 elections – and the contentious rulings of the Supreme Court Justices have, definite - significant political backlashes. The backlashes are targeted at 'clipping the wings' of an over-active court such as the Supreme Court of Ghana by a new government. The ways and means in doing so include - legislative overrides of controversial rulings by the new government; 'political tinkering' with judicial appointment; "unpacking the courts;" and implementing tenure procedures to ensure the appointment of "compliant" judges. Other measures include the blocking of the appointments of "undesirable" judges; or "court-packing" by the (the new government) once they become power holders. Aside of this judicialization of politics, the six – seven SC Justices also face disciplinary sanctions, such as impeachment or removing them for being "objectionable" or "over-active" Justices. Further measures include the introduction of jurisdictional constraints, or clipping jurisdictional boundaries and judicial review powers by the new government. (p. 271). Therefore, the 'political tinkering' exhibited by the SC Justices to scale their constitutional duties; and 'to delve beyond the veil of the formal attributes of a transparent'; a call for well-organized democratic elections in the country, denies them – an opportunity they may never have to correct themselves on a wide range of substantive issues bordering democracy in Ghana. After all, the crust of the National Democratic Congress' petition points to one underlying weakness of Ghana's democracy – the fragility of governance institutions, such as the Election Management Body (EMB), the Ghana Electoral Commission, the Ghana Police, the Ghana Armed Forces and the National Communication Authority (NCA); to stay completely out of 'electoral politics.' In the performance of the security forces in Ghana during election 2020; devoid of their 'law enforcement duties' during the elections, their actions derogated from the standard practice; only to 'rape' the country of its democratic credentials. Indeed, these groups aided the Electoral Commission of Ghana, to use a 'staged and corrupt means' to manipulate the 2020 general elections by all possible means and with impunity.

5. Conclusion

In Ghana, democracy is a continuous battle that is fought every four years. Even though, previous elections may have passed with a few skirmishes, the 2020 elections ending up in the Supreme Court for three months. Rather than engaging in open fights, there is always room for improvement if a country wants to work on its democratic track-record. For some time now, the responsible, appropriate, and the final democratic means of determining election disputes in Ghana has been to go to the courts. Better still, the process of filing petitions in court, puts to bed the many insurrections and intimidation, threats and acts of violence and arson and destruction of property that characterizes disputed elections in Africa. In the aftermath of the 2020 elections, Ghanaians from the two political persuasions (the NDC and the NPP), almost engaged each other on the battle field because of the behavior of the EC. They had reason to do

so, because the EC corrected election figures of the 2020 polls six times, after its declaration and subsequent publishing on its website (www.ec.gov.gh). The opposition cried out as a manipulation of the results by way of the posture and attitude of the EC. Unlike its predecessors, the offices of the electoral commission after the declaration was ‘out of bounds’ and heavily guarded by the military and police for even the main opposition political party (the NDC), who had the right to be there for answers. The opposition’s claim of rigging the election even grew louder, when their Minority Leader in Ghana’s Parliament was prevented by a barricade of police and military personnel from entering the EC headquarters. And considering the ‘fundamental’ magnitude of a presidential election, the opposition sued the EC and the government-in-power; only to be handed a verdict deplete of ‘fairness’ transparency and independence by Ghana’s highest court – the Supreme Court of Ghana. In countries where these kinds of judicial interventions have taken place, there is an acknowledgment that such recurrent manifestations have definite significant political backlashes. The backlashes are clippings of the wings’ of over-active courts by the new government. Further measures include - legislative overrides of controversial rulings by the new government; ‘political tinkering’ with judicial appointment; “unpacking the courts;” and implementing tenure procedures to ensure the appointment of “compliant” judges.

References

- [1] African Union (2002). African Union Declaration on the Principles Governing Democratic Elections, Africa: AHG/Dec.1 (XXXVIII), 2002.
- [2] Ayelazuno, J. (2015). Two Decades of Liberal Democracy in Ghana. A Critical Political Economy Perspective: in Adejumobi, s. (eds) National Democratic Reform in Africa. Palgrave Macmillan, New York. https://doi.10.1057/9781137518828_3.
- [3] Bratton, Michael and Posner, Dan (1999). A First Look at Second Election in Africa with Illustrations from Zambia in Richard Joseph (ed): State, Conflict and Democracy in Africa. Boulder: Lynne Rienner Publication P. 377-409.
- [4] Cheeseman, N. (ed) (2018) Institutions and Democracy in Africa: How the rules of the game shape political developments. New York. Cambridge University Press.
- [5] Chitiyo, K (2009). The case for Security Sector Reform in Zimbabwe, Royal United Services Institute (online) www.rusi.org (accessed: 19:06:10)
- [6] Diamond, Larry (1998). Economic Development and Democracy Reconsidered in: L. Diamond & G. Marks (eds) Re-examining Democracy. Essays in Honor of Seymour Martin Lipset. London. Sage.
- [7] ECOWAS. (2001). ECOWAS Protocol on Democracy and Good Governance. Online at Ohchr.org/EB/Issues/RuleOfLaw/ocmpilationDemocracy/pages/AHG.aspx
- [8] Emmanuel K. (2021). 10 times NPP Vigilante boys Caused Violence’ in the Country. Ulse.com. May. <https://www.ulse.com.gh/news/politics/10-times-npp-vigilante-boys-caused-violence-in-the-country>
- [9] Epstein, L and Knight, J. (1998). The Choices Justices Make. Washington, DC. CQ Press.
- [10] Freedom House. Report 2020/ <http://www.Freedomhouse.org>. Accessed on May 10, 2021.
- [11] Freedom House. Report (2010). Freedom in the World. 2010
- [12] Famunyoh, Christopher (2001). Democratization in Fits and Starts. *Journal of Democracy* 12: 3, pp. 37-50.

- [13] Global Commission on Elections, Democracy & Security. Kofi Annan Foundation. Accessed at <https://www.kofiannanfoundation.org> >global-commission-
- [14] Horowitz, D.L (1993). Democracy in Divided Societies. *Journal of Democracy* 4(4). 18-38.
- [15] Jockers, H. Kohnert, D. and Nugent P. (2009). The Successful Ghana Elections of 2008. A convenient myth? Ethnicity in Ghana's Elections Revisited (pdf). Available at <<http://mpira.ub.uni.muenchen.de/16167/1/MRA-paper-16167>. 2013.
- [16] Lynch, G (2008). Moi: The Making of an Africa 'Big-man'. *Journal of East African Studies* 2 (1) 18-34
- [17] Obasanjo, Olusegun (1989). 'Remarks to the Conference on the Democratic Revolution' Proceedings of a Conference sponsored by the National Endowment for Democracy, May 1-2 1989, Washington, DC.
- [18] Mainwaring, Scott, Daniel Brinks and Anibal Perez-Linan. 2001. Spring. *Classifying Political Regimes in Latin America*. 1945, *Studies in Comparative International Development*. 36: 1. Pp. 37-65.
- [19] Ndewa, S. The Two Faces of Civil Society. "Civil Society in Africa"
- [20] Przeworski, Adam and Fernando Limongi. (1997a). Democracy and Development. In Axel Hadenus (ed). *Democracy's Victory and Crises*. Cambridge. New York: Cambridge University Press. Pp. 163-194/
- [21] Schumpeter, Joseph. 1947. *Capitalism, Socialism and Democracy*. New York. London: Harper & Brothers.
- [22] Siegle, J and Cook, C (2021) Circumvention of Term Limits Weaken Governance in Africa. Africa Center for Strategic Studies. September 14 (updated) from 2020.
- [23] Tonah, S/. (2007). Ethnicity, Conflicts and Consensus in Ghana. Africabib.org.
- [24] Yeebo, Z. (2009). UNDP civil Society Democratic Governance Facility. Z, (2008). Election Reform Proposals (undated online post (2008) polls publication