

Ghana's 2012 Election Petition and Its Outcome: A Giant Leap towards Democratic Consolidation

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Abstract

Though not a perfect way of electing leaders, elections tend to be primary and indispensable in a democracy. The importance and recognition attached to elections even put pressure on authoritarian regimes to conduct elections of a sort. Despite its acceptance worldwide, most elections have turned out to be the root cause of the relapse of the advances some emerging societies have made at democratization. This is often the case because the excesses from this voting activity were not managed professionally and with the utmost care needed. Ghana's 2012 election was faced with similar post-election disagreements between the major contending parties. The atmosphere revealed that tensions were high and supporters from both sides were on the verge of explosion, just waiting for the slight provocation. However, the remarkable issue in Ghana's case was that, the conflicting parties decided to subject themselves to laid down procedures by abiding by the Constitutional Provisions with regards to election petitions in the country. As a matter of fact, all eyes were on Ghana to come out clean from this post-election quagmire. Using documentary sources, observations and elite interviews, the primary question this paper seeks to address is why Ghana's 2012 presidential election petition and its aftermath can be regarded as a giant leap in the Country's march towards democratic consolidation.

Keywords: Ghana; Election petition; Multiparty democracy; Democratic consolidation

Introduction

Ghana attained its political independence in 1957 with a resolution to develop in all spheres of its economy. Most especially, it resolved to assist and be a shining example for other African countries who were struggling to attain independence from colonial rule. Hence, the popular statement from its first president- "the independence of Ghana is meaningless unless it is linked with the total liberation of the African continent." Little did it dawn on Ghanaians that they would experience series of military takeovers that would affect the general development of their country.

As a country, Ghana has experienced five successful military takeovers. The first being the 24th February 1966 coup to oust the first president, Dr Kwame Nkrumah. The second and third ones were the 13th January 1972 coup and the palace coup of July 1978 respectively. The fourth one was the 4th June 1979 coup and the fifth was the 31st December 1981 coup d'état. More importantly, the country has experienced 22 years of military rule after its independence, where constitutions were non-existent and the instructions for governance were by military decrees. Scholars agree that these intermittent takeovers by the military have been a major contributor to Ghana's developmental challenges.

The country therefore adopted the Fourth Republican Constitution through a referendum on 28th April 1992 to depart from this trend. This saw the Constitution as the only means of governance and change of political power from one leader to another. It further established the Electoral Commission (EC) as the sole body to take charge of organizing every public election in the country [Article 45(c)]. The EC

to some extent has managed to live up to expectation right from its earlier stage as the Interim National Electoral Commission (INEC) to its present state. More importantly, the 2012 elections and its outcome despite the position of most Observer Groups as being free and fair had to be contested in court by the opposition New Patriotic Party (NPP) since according to them many alleged anomalies were evident. Though the Chairman of the EC as usual came out to declare the winner of the said elections, the entire country was not convinced that John Mahama who was declared winner was actually the winner in the 2012 elections. The entire country was in an expectant mood waiting for the court to either confirm or reject the declaration made by the Chairman of the EC concerning the outcome of the elections. This paper discusses why the entire election petition process and its aftermath can be seen as a giant leap in Ghana's journey toward democratic consolidation. This discussion is done within the framework of the three essential dimensions of democratic consolidation postulated by Linz and Stepan [1] in their erudite work 'Problems of Democratic Transition and Consolidation: Southern Europe, South America and Post-Communist Europe'. It also explores the major contending issues in the petition by the conflicting parties. More importantly, the paper begins with an introduction which is then followed by an attempt to theorize democratic consolidation, then a synopsis which entails a cursory look at Ghana's journey towards democratic consolidation, especially with regard to the changing of power through the ballot box follows, then the major contending issues in the election petition, the verdict and its aftermath are also looked at, and then finally, a conclusion is drawn with a discussion on what we term 'the giant leaps'.

Theorizing Democratic Consolidation

To begin with, attempting a definition of democratic consolidation may seem easier if a critical look is taken at the concept of "democracy" or probably the two concepts thus "democracy and consolidation" separately. Democracy as scholars have agreed emerged from two Greek words "demos" and "kratos" meaning "people" and "rule" respectively. In essence, democracy has to do with "people rule" or "rule by the people". It is against this backdrop that Abraham Lincoln, a former president of the United States of America saw democracy as government of the people, by the people and for the people. Additionally, Brodie and Rein [2] are of the view that it is a form of government in which the rules of society are decided by the people who would be bound by them. Concurring with this viewpoint, Johari [3] continues that it implies a democratic government that acts according to the will of the people. It could be deduced that people are therefore the fulcrum around which the apparatus of democracy revolves. On the side of consolidation, according to the online etymology dictionary, the term has its root in the Latin word "consolidare" literally meaning to "make firm". In essence, democratic consolidation may be said to be making people-centered rule or rule by the people firm.

Despite the above exposition on democratic consolidation, this paper is not oblivious of the fact that the term is a nebulous concept as has also been identified by Schedler [4] that the conceptual fog that veils the term has only become thicker and thicker the more it has spread through the academic as well as the political world- this makes efforts at theory building a difficult venture. Schedler [4] continues that democratic consolidation emerges as an omnibus concept, a garbage-can concept, a catch-all concept, lacking a core meaning that would unite all modes of usage. He then advised that a return to the term's original or classical meaning would suffice. That is to say, its meaning should be restricted to the whole idea of avoiding democratic breakdown and avoiding democratic erosion or better still a democratic regime that relevant observers expect to last well into the future [4].

Further, Huntington [5] observes that with third wave democracies, the challenge is not overthrow but erosion, with erosion here meaning the gradual weakening of democracy by those elected to lead it. Huntington [5] goes on to state that five (5) key elements have been significant to sustain the third wave of democracy and these include first; the increasing legitimacy problems of authoritarian regimes in a world where democratic values have been widely accepted; second, the unprecedented global economic growth of the 1960s, which raised living standards, increased education, and greatly expanded the urban middle class in many countries; third, a striking shift in the doctrine and activities of the Catholic Church, manifested in the Second Vatican Council of 1963-65 and the transformation of national Catholic Churches from defenders of the status quo to opponents of authoritarianism; fourth, changes in the policies of external actors, most notably the European Community, the United States, and the Soviet Union; and finally, "Snowballing," or the demonstration effect of transitions earlier in the third wave in stimulating and providing models for subsequent efforts at democratization.

Subsequently, Valenzuela also discusses five broad conditions that in his view may either facilitate or hinder the consolidation of democracies. These have to do with the modalities through which the transitions to democratic governments took place, the influence of historical memories of alternative regimes, the moderation of political conflict, the management of social conflict, and the subordination of

the military to the democratic government. In the opinion of Valenzuela, getting rid of "tutelary powers," "reserved domains," and "major discriminations" in the electoral law appeared as necessary ingredients of democratic consolidation.

Rakner et al. [6], touching on the broad idea of democratisation, posit that it can be understood as a process subdivided into three phases- first, the liberalisation phase, when the previous authoritarian regime opens up or crumbles; second, a transition phase, often culminating when the first competitive elections are held; and finally the consolidation phase, when democratic practices are expected to become more firmly established and accepted by most relevant actors. Of much importance here is the final phase that is the consolidation phase, which according to Beetham [7] occurs when a democracy passes the 'two-election' test, better still the 'transfer of power' test. Beetham [7] stressed that democracy is consolidated when a government that has itself been elected in a free and fair contest is defeated at a subsequent election and accepts the result. The crux of the matter here is that it is not winning office that matters, but losing it and accepting the verdict. This is because it goes to show that powerful players, and their social backers, are prepared to put respect for the rules of the game above the continuation of their power [7].

On the same subject of consolidation, Linz and Stepan [8] are of the view that there are still many tasks that need to be accomplished, conditions that must be established and attitudes and habits that must be cultivated before democracy could be considered consolidated. In identifying the characteristics of a consolidated democracy, Linz and Stepan [8] instead chose a narrower definition that nonetheless combines behavioral, attitudinal and constitutional dimensions. In expanding this definition, Linz and Stepan [8] are of the view that democracy is consolidated when the following is in place. Thus first, the behavioral dimension, this occurs when no significant national, social, economic, political, or institutional actors spend significant resources attempting to achieve their objectives by creating a nondemocratic regime or by seceding from the state. The second is the attitudinal dimension which suggests that a democratic regime is consolidated when a strong majority of public opinion, even in the midst of major economic problems and deep dissatisfaction with incumbents, holds the belief that democratic procedures and institutions are the most appropriate way to govern collective life, and when support for antisystem alternatives is quite small or more-or-less isolated from prodemocratic forces. The final and third dimension is the constitutional which occurs when governmental and nongovernmental forces alike become subject to, and habituated to, the resolution of conflict within the bounds of the specific laws, procedures, and institutions sanctioned by the new democratic process [1].

Aside the above, five other interconnected and mutually reinforcing conditions must be present, or be crafted, in order for a democracy to be consolidated. First, the conditions must exist for the development of a free and lively civil society; second, there must be a relatively autonomous political society; third, throughout the territory of the state all major political actors, especially the government and the state apparatus, must be effectively subjected to a rule of law that protects individual freedoms and associational life; fourth, there must be a state bureaucracy that is usable by the new democratic government; and finally, there must be an institutionalized economic society [8]. Essentially, a democracy is consolidated when it has become "the only game in town" [8].

From the ensuing review, it is seen that while we have tons of literature as well as a great deal of consensus about liberal democracy's minimum standards, discussion about the standards of democratic consolidation is still very preliminary. Therefore, the confusion in terms of the literature on democratic consolidation creates a burning desire for more empirical data to bring structure in the concept towards effective theory building. It is this gaping hole that this paper seeks to fill by adopting Linz and Stepan's [8] three dimensions of a democratic consolidation as a framework of analysis to point out elements of consolidation in Ghana's 2012 election petition and its immediate aftermath.

Ghana's Journey towards Consolidation

Generally, democracy can be seen as a system of government in which the will of the people determines the authority to exercise power [9]. Additionally, it is also a government system in which institutions constrain the behaviour of political elites [10]. With this at the background, Ghana's fourth democratic attempt started with seeking the consent of the populace through the work of the National Commission for Democracy (NCD) and subsequently setting the stage for the relevant institutions of democracy to thrive.

Further, the NCD was also charged with the responsibility of carrying out the functions of the Electoral Commission under the suspended 1979 Constitution, before the coming into being of the INEC in 1992 [11]. After all said and done, Ghana's fourth attempt at Constitutional rule began with the 1992 elections, of which the National Democratic Congress (NDC), an offshoot of the PNDC won. According to Ayee [12], this election witnessed many controversies from the opposition political parties concerning its conduct and outcome. Most of the populace and the opposition political parties did not have confidence in the INEC because they believed the sitting PNDC government had manipulated and influenced its activities. This led to the boycott of the parliamentary elections by the opposition to register their displeasure and the subsequent publication of the "stolen verdict" by the major opposition political party, the NPP.

Also, it could be seen that the 1996 elections was an improvement of the previous one. This is because the Electoral Commission solved most of the defects that characterized the 1992 elections. A significant achievement of the EC is that it consistently improves the pre-elections, elections and post-elections organisations of the electoral process as the years go by, that is, from 1992 to 2012. However, throughout these electioneering periods, there have been some election petitions, most especially with regards to the parliamentary elections. For instance, after the 2008 elections, it was reported that eight (8) petitions were filed by aggrieved parliamentary candidates at the High Court by the end of January 2009 [13]. The most serious were those involving the Asutifi South and Akwatia constituencies, where no winner was immediately declared due to serious disagreements over the results [14].

Despite the above, the presidential election petition of the 2012 elections, is the first of its kind in a country hailed as a 'beacon of Africa's emerging democracy'. As a matter of fact, its outcome and aftermath was going to have a significant toll on the course of the country in the subsequent years. The petition was a crucial test for Ghana's Judiciary and its outcome also a test of how resilient Ghanaians could be even in the face of disappointment. In fact, the stakes were high in this legal battle. Subsequently, Ghana would have passed the test of democratic consolidation if the yardstick is the

consistent improvement in the conduct of its elections. However, to avoid the 'fallacy of electoralism' that is privileging elections over other dimensions of democracy, democratic consolidation should entail all the characteristics that would improve the overall quality of democracy [15-17]. This justifies why this paper adopts Linz and Stepan's [8] three essential characteristics of a consolidated democracy, as it is strongly believed that effective application of these would unravel the elements of democratic consolidation in the election petition and its immediate aftermath.

Further, it is important to point out again that Linz and Stepan [8] interconnect their dimensions of a consolidated democracy with five mutually reinforcing conditions. These conditions could be argued to be in place in Ghana. For instance, a free and lively civil society, which is the first of these conditions could be said to be firmly in place. This is because prior to and during the elections, civil society organisations such as The Ghana Center for Democratic Development (CDD), the Institute of Economic Affairs (IEA), Institute for Democratic Governance (IDEG), etc. played various roles to help in the conduct of a successful elections, especially the popular presidential debates organized by IEA was key. Others also came together to form observer groups to monitor the elections. Another condition is a relatively autonomous political society, which was reflected in the elections itself -it was contested by eight presidential candidates from seven political parties and over 1300 parliamentary candidates illustrating the freedom of association and competition for public offices [18]. Following this is the rule of law to ensure legal guarantees for citizens' freedoms and associational life. Countless instances illustrated this, for instance people challenged the ECs position of creating additional 45 constituencies in the Supreme Court [18]. It could be seen that conscious efforts are being made to have a usable state bureaucracy with the capacity to "command, regulate and extract" [8]. And institutionalized economic societies where the states no longer have complete autonomy over the market. The forces of demand and supply are allowed to determine the prices of commodities. The above clearly shows that Ghana has made steady progress in all the five interconnecting conditions for a consolidated democracy; however the pendulum for this paper shifts more towards the three essential dimensions that is behavioural, attitudinal and constitutional in discussing the election petition and its aftermath.

The Election Petition – Major Contending Issues

Available literature demonstrates that limited government can be implemented if there are institutional arrangements or devices such as the rule of law, separation of powers, entrenched provisions in a constitution, upholding the fundamental human rights of citizens, among others. This line of analysis corroborates Obama's statement that Africa needs strong institutions since it is a primary means of clamping down on arbitrary use of power. As has been reflected in the argument of most political pundits and social commentators, the election petition was a means of testing the strength and tenacity of Ghana's judicial institution within the broad framework of Ghana's fourth attempt at democracy.

Based on Article 64 (1) of the 1992 Constitution which stipulates that "the validity of the election of the president may be challenged only by a citizen of Ghana who may present a petition for the purpose to the Supreme Court within twenty-one days after the declaration of the result of the election in respect of which the petition is presented" and supported by other Constitutional Instruments (C I) such as C. I. 72, 74, 75 (CI is Constitutional Instrument), among others. The

presidential candidate of the major opposition party (the NPP) in the 2012 election, Nana Akufo-Addo, his running mate Dr Mahamadu Bawumia and the Party's Chairman Mr Jake Obetsebi Lamptey petitioned the Supreme Court to look into the 2012 elections in light of some electoral anomalies. These issues included first, that the EC permitted voting to take place in many polling stations across the country without prior biometric verification by the EC staff which is contrary to Regulation 30 (2) of CI 75.

Second, that the EC engaged the services of an information technology company named Superlock Technologies Limited (STL) without prior notification of the petitioners or IPAC which goes contrary to electoral practices in the country as well as a purported strategy to tamper with the election results. Third, that the voting in polling stations where voting took place without prior biometric registration were unlawfully taken into account in the declaration of results by the EC in the presidential election held on 7th and 8th December 2012. Fourth, that by EC's established procedure, it conducted the December 2012 presidential and parliamentary elections at polling stations each of which was assigned a unique code to avoid confusing one polling station with another and to provide a mechanism for preventing possible electoral malpractices and irregularities. However, there were widespread instances where different results were strangely recorded on the declaration forms (otherwise known as the 'pink sheet' or 'blue sheet') in respect of polling stations bearing the same polling station codes. This was also claimed as illegal by the petitioners.

Fifth, that there were widespread instances where there were no signatures of the presiding officers or their assistants on the declarations forms as required under Regulation 36 (2) of CI 75. And yet the results on these forms were used in arriving at the presidential results declared on 9th December 2012 by the Chairman of the EC, thereby rendering the results so declared invalid. Sixth, that the results as declared and recorded by the EC contained widespread instances of over-voting in flagrant breach of the fundamental constitutional principle of universal adult suffrage, to wit, one man one vote.

Seventh, that there were widespread instances where there were the same serial numbers on pink sheets with different poll results, when the proper and due procedure established by the EC required that each polling station have a unique serial number in order to secure the integrity of the polls and will of the lawfully registered voters. Eighth, that while the total number of registered voters as published by the EC and provided to all political parties or candidates for the presidential and parliamentary election was 14,031,680, when the EC announced the results of the presidential election on 9th December 2012, the total number of registered voters that the EC announced mysteriously metamorphosed to a new and inexplicable figure of 14,158,890. This thereby wrongfully and unlawfully increased the total number of registered voters by the substantial number of 127,210.

In sum, the petitioners argued that there were diverse and flagrant violations of the statutory provisions and regulations governing the conduct of the December 2012 presidential election which substantially and materially affected the results of the elections. In addition, they stated that the election was also marred by gross and widespread irregularities and/or malpractices which fundamentally impugned the validity of the results in 4,709 polling stations as declared by the EC. The petitioners continued that these statutory violations and irregularities were apparent on the Declaration Forms (pink sheets) and directly introduced 1,342,845 irregular votes into the aggregate of valid votes recorded in the polling stations across the

country which had a material and substantial effect on the outcome of the election.

The respondents on the other hand dismissed all the allegations raised by the petitioners, generally stating that the election was acknowledged by all observers, domestic as well as international, that its conduct has been generally free and fair as well as transparent and that the whole petition lacks merit and should be dismissed. Additionally, in responding to some of the petitioners claims, especially the inconsistency in the total number of registered voters, the first respondents stated that the second respondent had not registered prisoners and other voters, including those in the diplomatic missions abroad and on peace-keeping missions and had also not done the mop-up exercise that it undertook subsequently. The suggestion by the petitioners that there were some veiled reasons for the difference between 13,917,366 and the final number of registered voters is without basis and smacks of utmost bad faith.

Again, the first respondents responded that the second respondents used only one register for both the presidential and parliamentary elections in response to the disparity between the total number of registered voters as claimed by the petitioners. Additionally, the first respondents further pointed out that fingerprint verification is not the only means of verification permissible under the law. In terms of Article 42 of the 1992 Constitution, failure (if at all) by eligible voters to undergo fingerprint verification as a result of the breakdown of equipment cannot be the basis of denying such voters of their constitutional rights to vote. These formed the major issues concerning the landmarked presidential election petition.

The Verdict and Aftermath

After series of legal battles by the Counsels for both petitioners and respondents from April 16 to August 29, 2013, the Supreme Court gave its final judgement. Before restating the ruling of the Court, it would be appropriate to outline the names of the Justices that sat on this all-important election petition case. They included the following Justices, thus, William Atuguba (presiding), Sophia Adinyira, Jones Victor M. Dotse, Paul Baffoe-Bonnie, N. S.Gbadegbe, Vida Akoto-Bamfo, Julius Ansa, Rose Constance Owusu, and AninYeboah.

Before the verdict was read by the presiding judge, a synopsis of the petitioners case included, over-voting, voting without biometric verification, absence of the signature of a presiding officer, duplicate serial numbers (occurrence of the same serial number on pink sheets for two different polling stations), duplicate polling station codes (occurrence of different results/pink sheets for polling stations with the same polling station codes) and unknown polling stations (polling stations which are not part of the 26002 polling stations provided by the second respondent for the election). Furthermore, with a unanimous decision the Justices dismissed the allegation of some pink sheets having duplicated serial numbers, duplicate polling station codes and voting taking place in 22 unknown locations. Next, five out of the nine Justices dismissed the claim of over-voting, absence of signatures of presiding officers on the pink sheets, and the claim relating to voting without biometric verification.

On the dissenting side, four out of the nine justices granted the claims of over-voting and absence of signatures of presiding officers on the pink sheets. Again, four out of the nine justices upheld the claims of voting without biometric verification and called for the annulment of votes involved and ordered a re-run of the affected areas. In the final analysis, the overall effect of the judgment was that John Mahama was

validly elected as president and that the petitioners' case was accordingly dismissed. After the conclusion of the judgment, the petitioners being the losing parties stuck to their word by making a very early statement. The first petitioner remarked "while author disagree with the court's decision, author accept it. Author accept that what the court says brings finality to the election dispute. We shall not be asking for a review of the verdict, so we can all move on in the interest of our nation". This statement followed an earlier call by the first petitioner to congratulate the first respondent.

The first respondent also made a very balanced statement after that of the Petitioner, with both parties agreeing that Ghana was the winner in the outcome of the landmarked presidential election petition. The very early statement from the quarters of the Petitioners was very crucial since it immediately eroded the tension that had saturated the atmosphere and calmed the nerves of the supporters of the petitioners. The general comportment of Ghanaians during this period especially after the verdict was remarkable, this may be as a result of having at the back of their minds that once again Ghana wanted to open another chapter in Africa's democracy and which it perfectly did.

Conclusion

It is undeniable that the "third wave" of global democratization has brought more countries around the world from authoritarian rule toward some kind of democratic regime, and Ghana for that matter is not an exception. This journey by Ghana and countries alike has not been smooth sailing. It could be seen that some of these challenges bedevilling such nations can be disagreements surrounding elections, which can degenerate into very destructive conflicts. This unfortunate occurrence together with others was what Ghana sought to prevent when its election results were taken to the Supreme Court for redress.

It could be deduced that it was a step in the right direction because the political atmosphere in the immediate post-election period did not look good. That is to say, tension mounted as the opposition NPP rejected the presidential results alleging that the election was purposefully rigged by the governing NDC with the help of the Electoral Commission (EC) [19]. The allegation by the NPP concerning the election results sparked incidents of violence in various parts of the country, including attacks targeting some journalists and media houses. Also, it was reported that there were incidence where the two parties, i.e. the NPP and NDC had their supporters attacking each other [19]. With these incidents forming the background, it can be argued that the general comportment characterizing the immediate aftermath of the 2012 election petition gives a strong basis to posit that Ghana had indeed opened a new chapter in its journey towards democratic consolidation.

Subsequently, various works by domain scholars on Ghana's democracy suggest a growing consensus that significant progress had been made in the country's democratic consolidation journey after the first peaceful turnover of power following the 2000 elections [20-22]. Furthermore, the giant leaps in Ghana's landmark Supreme Court case and its aftermath is identified and discussed within the ambit of the three key dimensions being the essential characteristics of a consolidated democracy as postulated by Linz and Stepan [8]. These essential dimensions of democratic consolidation which have been stated earlier consist of the following- behavioural, attitudinal and constitutional.

By behavioural, Linz and Stepan [8] argue that democracy is consolidated when 'no significant political group seriously attempt to

overthrow the democratic regime or secede from the state. The events surrounding the declaration of the 2012 election results are a clear manifestation of this key position. It could be seen that after the elections, the presidential candidate of the NPP made clear his intention of not agreeing with the outcome of the elections declared by the EC. He then went a step further to petition the Supreme Court to look into the matter instead of either playing the ethnic card or on the emotions of his party supporters to cause mayhem. It could be realised that other options including the use of forceful means to attain power were available, but instead had to make use of the democratic structures. On the other side, instead of the victorious NDC boycotting the court proceedings and not attending, it also chose to submit to the democratic structures in place. It could be seen that both parties wanted to give democracy the chance to prevail and as such had to suppress their parochial interests.

Linz and Stepan [8] further posits that, by attitudinal, democracy is consolidated when 'the overwhelming majority of the people believe that any further political change must emerge from within the parameters of democratic formulas'. It could be seen that there is a growing consensus that suggests that Ghanaians, not only regard elections as significant in choosing leaders, but are also committed to safeguarding the credibility of elections. This is seen by the enthusiasm with which the entire populace followed the media just to have a feel of what the proceedings of the election petition was going to be like. This keen interest shown by the populace concerning the election petition gives a basis to conclude that Ghanaians believe that any further political change must emerge within democratic parameters. This therefore demonstrates a growing consensus among the populace "... that the power to make and unmake governments no longer resides in the barrel of the gun but with the thumb of individual voters" [22]. Subsequently, the fact that all the parties to the case were willing to participate in the proceedings attest to this position as well. That is to say, the NPP, NDC and the EC alongside all Ghanaians believed that any change at all should come from the already laid down democratic structures. The evidence that Ghanaians, from the political elites to the grassroots are developing a democratic political culture attitudinally is clear.

The final dimension holds that, by constitutional, democracy is consolidated when all actors in the polity, 'become subjected to, and habituated to, the resolution of conflict within the specific laws, procedures and institutions sanctioned by the new democratic processes [23-28]. The election results as declared by the EC was the bone of contention between the EC and NDC on one side and the NPP on the other, and instead of choosing to battle it out on the street as happened in Kenya and other places across the world, the conflicting parties subjected themselves to the full rigour of the laws of the country to resolve their differences. It could be seen that after going through a long period of legal battle, the decision time came and the verdict was given by the Court. The petitioners therefore lost the case and accepted their fate. A remarkable statement made by the first petitioner to the case demonstrates how the current crop of political elites has confidence and trust in the democratic structures of the country. Though it is believed these structures have their deficiencies and may not work to expectation. This posture coupled with the way Ghanaians in general conducted themselves on the aftermath of this landmarked court case is without doubt a giant leap by Ghana towards democratic consolidation. In the final analysis, it is important to remark that the deepening of democracy is not just a four-year ceremony as it is the case of queuing and voting for one political party or the other, but rather conscious efforts should be made to improve all

facets of the democratic apparatus. The Court has come to the fore as an essential part of the democratic process and it is therefore important that emerging economies like Ghana and those in sub-Saharan Africa invest in the Courts so that the judiciary will be attractive to highly intelligent people who will want to development judicial philosophies that will advance the cause of democratic governance. This will go a long way to enhance the quality of opinions proffered by the courts in cases of nation-wide and perhaps global importance such as Ghana's 2013 Election Petition.

As has been discussed above, this paper takes the position that democracy is an interacting system. This is because no system can function properly without some support from its constituent parts. For instance, civil society needs the support of a rule of law that guarantees to people their right of association, and needs the support of a state apparatus that will effectively impose legal sanctions on those who would illegally attempt to deny others that right. It is worth concluding with the point that democracy would be consolidated if the three essential dimensions of behavioural, attitudinal and constitutional effectively interconnect and interact with the five conditions of free and lively civil society, relatively autonomous political society, rule of law to ensure legal guarantees for citizens freedom and associational life, usable state bureaucracy and an institutionalized economic society.

References

1. Linz JJ, Stepan A (1996) Toward Consolidated Democracies. *Journal of Democracy* 7: 14-33.
2. Brodie J, Rein S (2005) *Critical Concepts: An Introduction to Politics*. Toronto: Pearson Prentice Hall.
3. Johari JC (2009) *Principles of Modern Political Science*. New Delhi: Sterling Publishers Private Limited.
4. Schedler A (1998) What is Democratic Consolidation? *Journal of Democracy* 9: 91-107.
5. Huntington SP (1991) Democracy's Third Wave. *Journal of Democracy* 2: 12-34.
6. Rakner L, Menocal AR, Fritz V (2007) Democratisation's Third Wave and the Challenges of Democratic Deepening: Assessing International Democracy Assistance and Lessons Learned, A Research Project of the Advisory Board for Irish Aid.
7. Beetham D (1994) Conditions of Democratic Consolidation. *Review of African Political Economy* 21: 157-72.
8. Linz JJ, Stepan A (1996) *Problems of Democratic Transition and Consolidation: Southern Europe, South America and Post-Communist Europe*. Baltimore, MD: John Hopkins University Press.
9. Odukoya A (2007) Democracy, Elections, Election Monitoring and Peace-Building in West Africa, *African Journal of International Affairs* 10: 147-160.
10. Frempong, AK.D (2012) *Electoral Politics in Ghana's Fourth Republic*. Accra, Ghana: Yamens Press Limited.
11. Asante W (2008) *Election Management and Democratic Growth: The Case of the Electoral Commission of Ghana*. Unpublished Bachelor of Arts dissertation, University of Ghana, Accra, Ghana.
12. Ayee JRA (1997) Election Management and Democratic Consolidation: the case of Electoral Commission of Ghana. In JRA. Ayee (ed.).
13. European Union Election Observation Mission (EU EOM) (2009) *Ghana Final Report: Presidential and Parliamentary Elections 2008*. Accra, Ghana.
14. Daily Graphic (2009) Collins Dauda wins Asutifi South Seat.
15. Rose R, Shin DC (2001) Democratisation Backwards: The Problem of Third Wave Democracies. *British Journal of Political Science* 31: 331-54.
16. Dahl RA (1971) *Polyarchy: Participation and Opposition*. New Haven, CT: Yale University Press.
17. Dahl RA (1989) *Democracy and Its Critics*. New Haven, CT: Yale University Press.
18. Commonwealth Observer Group [COG] (2012) *Report of the Commonwealth Observer Group on Ghana Presidential and Parliamentary Elections*. Commonwealth Secretariat.
19. Ayelazuno J (2013) The 2012 Ghanaian Election: Implications for the Consolidation of Democracy.
20. Gyimah-Boadi E (2001) A Peaceful Turnover in Ghana. *Journal of Democracy* 12: 103-17.
21. Smith D (2002) Ghana's 2000 Elections: Consolidating Multiparty Democracy. *Electoral Studies* 21: 519-26.
22. Boafa-Arthur K (2008) Democracy and Stability in West Africa: The Ghanaian Experience. Claude Ake Memorial Papers No. 4, Department of Peace and Conflict Research, Uppsala University and Nordic Africa Institute, Uppsala.
23. Diamond L (1997) Consolidating Democracy in the Americas. *Annals of the American Academy of Political and Social Science* 550.
24. Ghana Republic (1992) *The 1992 Constitution of the Republic of Ghana*.
25. Gyimah-Boadi E, Mensah KAA (2003) *The Growth of Democracy in Ghana Despite Economic Dissatisfaction: A Power Alternation Bonus? Afrobarometer Paper no. 28*.
26. Ninsin KA (2006) Introduction: The Contradictions and Ironies of Elections in Africa. *Africa Development* 31: 1-10.
27. People's Daily Graphic (1991) *NCD's Report on Evolving a True Democracy* 7.
28. Schmitter P (1997) Clarifying Consolidation. *Journal of Democracy* 8: 68-174.