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An Evaluation of the Quality of Democracy of Ghana

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ABSTRACT

This paper assessed the quality of Ghana's democracy along eight dimensions of democratic quality. The empirical basis of the study is information from 80 interviews and secondary sources. The evidence showed that there are intra-dimension and inter-dimension differences, in Ghana's democratic quality performance and the dimensions do not co-vary. It also found that there is a gap between the demand for democracy and the supply of it. It further established that the causes of the democratic quality deficits are both internal and external. These findings speak of democratic backsliding and democratic careening in the literature – where the political involvement of citizens is limited to voting which is declining in quality, while they are ignored between elections, and they have little possibility of controlling corruption, or abuse of citizens' rights or misgovernment; and where democracy is such that it lurches, swerves, sways, and threatens to tip over. Suggestions for resolving the democratic deficits are proffered, failing to implement which, Ghana's fledgling democracy, which has shown signs of deterioration, will worsen.

KEYWORDS

Ghana; demand; supply; democracy; democratic quality; democratic backsliding

Introduction

The process of democratizing Africa occurred at the end of 1989. Occurring simultaneously with the East European revolutions and liberalization in South Africa, a wave of political opposition and regime change stampeded Africa.¹ At the end of the democratic wave, an array of outcomes was witnessed, ranging from democratic strengthening in Ghana and Botswana to democratic transition in Zambia and Benin to civil catastrophe in Rwanda and Burundi and state collapse in Somalia.²

A little over three decades later in 2022, a mixed picture of bright democratic spots and imperiled democratic blots is discernible in Africa. In terms of bright spots, in April 2021, Niger witnessed its first democratic transfer of power. The Seychelles saw its first electoral turnover in late 2020, and in 2019 Sudan weaned itself off the long ruling despot, Omar al-Bashir. In February 2020, Malawi's Constitutional Court invalidated the results of the country's flawed 2019 presidential election because of pervasive transgressions

and illegalities that involved the use of correction fluid to alter tally sheets. A new election was held in June 2020.³

As regards the black spots, Guinea's 82-year-old Alpha Condé disobeyed two-term constitutional limit to have a third term through a violently disputed October 2020 election in which 20 people were killed. Similarly, President Alassane Ouattara of Côte d'Ivoire defied a two-term limit and won a third term in October 2020 via an election that was not only boycotted by the opposition but also marred by serious irregularities and violence that claimed 85 lives.⁴ Earlier in February 2020, the Eyadema family continued its dynastic reign in Togo following another flawed election. In January 2021, Yoweri Museveni prolonged his 34-year reign in Uganda through an election that was characterized by widespread irregularities and brute repression. In March 2021, a botched coup in Mali preceded the swearing in of a new president. In August 2020, the military overthrew President Ibrahim Boubacar Keïta, dissolved the National Assembly and Constitutional Court, and replaced them with a junta.⁵ These events suggest that across Africa democracy is increasingly coming under siege or is in retreat.

Nevertheless, Ghana's democracy appears to be consolidating. The country has made tremendous gains in its democratic forward march since 1992.⁶ Despite transition difficulties: packing of transition bodies with regime partisans; late lifting of 11-year-old ban on political party activities; prevalence of residual culture of silence; and government near monopoly over the print and electronic media, Ghana's democracy has steadily improved since the inauguration of the new Republic on January 7, 1993.⁷ Consecutive multi-party elections, particularly since the second transition elections in 1996, have been highly competitive, and their outcomes generally trustworthy. This was especially true of the 2000, 2008, and 2016 elections, which culminated in power transfers from incumbents to opposition parties. This made Ghana somewhat inimitable among African democracies.⁸ Giving that John Evans Atta Mills, by a hair's breadth won the run-off presidential election against the candidate of the incumbent NPP party in 2008 with less than half a percentage point, and for the fact that power was actually handed over on schedule in January 2009, it is a testimony to the great strides Ghana has made in achieving electoral democracy.⁹

So as Ghana has witnessed significant progress in her democratic forward march, the questions that arise for investigation are as follows: 1) how does Ghana's democracy fare in quality? 2) What challenges bedevil the attainment of quality democracy in Ghana? 3) How can the challenges bedeviling the attainment of democratic quality be resolved?

This article is so organized such that after the introduction the literature on democracy and democratization is reviewed in section two. Section 3 devotes to exposition on the democratic trajectory of Ghana, whereas section four explicates the methodology used to gather data for the study. The fifth section

examines the quality of democracy in Ghana, whereas the sixth section allots to the discussion of the findings of the study, with the final section concluding the study.

Literature review

Extant works on democracy and democratization comprise at least three key strands: (a) scholarly work on democratization, including consolidation and crisis, which stresses the need to look behind the smokescreen of institutions (i.e., that examines the substance and real performance of newly established democratic institutions); (b) research by academics in established democracies, particularly those in the tradition of common law countries (the UK, Canada, and Australia), who devote to examination of supposed democratic auditing to evaluate their democracies; and (c) data banks, such as those of Polity IV, Freedom House, the Economist Intelligence Unit, the World Bank, and the Bertelsmann Index, which make assessment of categories connected to democratic performance, governance, and the quality of democracy.¹⁰

These three categories of researchers and organizations have contributed, and some are still continuing to contribute significantly, to the study of democracy. The first category comprises O'Donnell with his idea of “delegative democracy”¹¹ and, Lijphart¹² with his proposition on the preeminence of consensual democracy versus majoritarian democracy in regard to the implementation of democratic quality, and Altman and Pérez-Liñán,¹³ who articulate three dimensions that are informed by Dahl’s notion of polyarchy (civil rights, participation, and competition).¹⁴ In this category Ringen,¹⁵ Roberts¹⁶ Levine and Molina,¹⁷ and Sáez¹⁸ should also be accorded considerable attention. Ringen suggests strength, capacity, security, and trust as the four key yardsticks for gauging democratic quality in 25 countries and craftily stresses – that democracies have to be assessed in regard to what they successfully provide to citizens. Roberts describes an idea of quality as associations and examines a set of East European countries quantitatively and qualitatively from three angles: electoral accountability, mandate responsiveness, and policy responsiveness. The research by Levine and Molina also merits special attention for their procedural definition of democracy, emphasizing five qualities: electoral decision, participation, accountability, responsiveness, and sovereignty. Sáez offered a unique way of analysis, which Juan Linz had cited but which no one had examined until then, that sees the quality of politicians as a possible apposite and autonomous variable accounting for the quality of a democracy and as a way of examining democracy.¹⁹

In the second category, Weir and Beetham²⁰ advanced a qualitative analysis that they describe as “democratic auditing”: “a systematic assessment of institutional performance against agreed criteria and standards, so as to provide a reasonable authoritative judgment as to how satisfactory the

procedures and arrangements of the given institutions are.” Their auditing approach contains four stages: identify suitable criteria for assessment; determine standards of good or best practices that provide a benchmark for the assessment; gather the relevant evidence from both formal rules and informal practices; and appraise the evidence against the audit criteria and defined standards to attain a systematic assessment. A number of researchers adopted Beetham’s approach by carrying out the proposal for auditing in the United Kingdom and other countries.²¹

The third group comprises numerous international institutions, such as the World Bank, the Bertelsmann Foundation, the Economist Intelligence Unit, and others that have developed dissimilar databases. Great works abound that furnish scores and rankings for a large number of countries or in some cases (for example, Freedom House) for key facets such as freedom and rule of law in all independent countries. From a strategic angle, these data sets are also tremendously significant for those who are intending to concentrate in a specific jurisdiction or are selecting where to begin an industrial initiative.²² Rothstein, Holmberg, and others²³ at the University of Gothenburg’s Quality of Government Institute integrated and polished almost all existing databases to create a meta database. PoliLat’s index on democratic development among these institutions stands out. Since 2002, with requisite financial support from the Konrad Adenauer Foundation, PoliLat proposed an index of democratic development for 18 Latin American countries (IDD-Lat). The index is a product measuring a series of fields (primarily civil and political rights, corruption, party participation in the legislatures, accountability, governmental stability, implementation of welfare policies and economic efficiency). Most of the data are sourced from other institutions, such as the World Bank, Inter-American Development Bank, the Economic Commission for Latin America and the Caribbean, and the Inter-Parliamentary Union.

In a nutshell, upon reviewing this literature, it is discernible that quantitative analysis follows a path in which what sits at the back of numbers and rankings is not available to the reader. On the other hand, in adopting a qualitative approach one faces the insurmountable challenge of dealing with comprehensive qualitative analysis often missing in adequate theoretical substantiation. Moreover, in both types of analysis, the explanation – the main thrust of every scientific endeavor – is overlooked.²⁴ The approach in this paper avoids these limitations by attempting to integrate quantitative and qualitative analysis, empirical descriptions, and explanations of all the principal aspects of democracy.

In the developing context of Africa generally and Ghana in particular, scholars and think tanks have researched and continue to research diverse aspects of democracy. Some of the scholars have conducted research on: democratic transition, democratic consolidation and democratic deterioration or backsliding²⁵; democracy and stability²⁶; demand and supply of

democracy²⁷; democracy and conflict resolution²⁸ rule of law and democracy²⁹ electoral reforms³⁰ activism and democratic quality³¹ democratic ruptures³² electoral democracy³³ electoral violence³⁴ civil society organization and democratic consolidation³⁵; quality of democracy and governance³⁶; election management and democracy³⁷ biometric technology and voter identification³⁸; and biometric technology and elections and democratic quality³⁹

In terms of democratic transition, consolidation, and backsliding, Gyimah-Boadi and Rothchild (1982) and Gyimah-Boadi⁴⁰ particularly, among others, have expounded on Ghana's slippery transition from authoritarianism to democracy and the efforts made and the challenges faced in consolidating the country's democracy. They argue that the efforts paid off because the country's strengthening democracy is epitomized by the eight successive elections she has had, which culminated in three alternations of power in 2001, 2009, and 2017. However, as Gyimah-Boadi⁴¹ and Ayelazuno⁴² note, the recent backsliding of democratic norms and values is real and worrying.

With regard to demand for and supply of democracy, Mattes⁴³ argues that Ghanaians, like many Africans across the continent, want to be ruled democratically, but the picture varies greatly across individuals, across regions, and across time. Pertaining to the supply of democracy, Mattes,⁴⁴ found that while seven in 10 Ghanaians (70%) both think they live in a democracy and are satisfied with the way democracy works, fewer than one-third of the public think they are being supplied with democracy fully in half of all countries surveyed, including fewer than two in 10 people in Cabo Verde (19%), Sudan (15%), São Tomé and Príncipe (13%), Togo (12%), Madagascar (7%), and Gabon (6%).

On Ghana's democratic stability, Boafo-Arthur⁴⁵ contends that it is a function of three factors: 1) a strong adherence to the rule of law by political actors; 2) the independence and integrity of the legal system; and 3) a highly effective electoral management system. Nevertheless, he identified a number of threats to democratic projects, including poverty, ethnocentrism, corruption, and overdependence on donors.⁴⁶

On the issue of electoral reforms, Gyampo⁴⁷ investigates election petitions at the Supreme Court, especially those relating to the 2012 presidential election and the electoral reforms that were recommended by the court alongside its verdict. He investigates the formidability of implementing electoral reforms in Ghana, the causes for lack of implementation progress and ways of dealing with them.

Pertaining to rule of law and democracy, Frimpong and Agyeman-Budu⁴⁸ analyzed how Ghana has performed in terms of adhering to the rule of law during each of the four periods of democratic rule in the political history of the country, which are namely, the immediate post-independence period (1957–1966); the Second Republican period (1969–1971); the Third Republican period (1979–1981); and the present Fourth Republican constitutional period

(1993–date). They conclude that most of the post-independence successive governments have not lived up to the expectation of the people to deliver good governance and the rule of law. This, they argue, has undermined efforts at entrenching the rule of law as the basis of democracy in Ghana.

Relating to electoral violence, Bob-Milliar⁴⁹ elucidates how competitive politics are contributing to electoral violence in Africa in general and Ghana in particular. He argues that scholarly works have over-concentrated on large-scale organized political violence or high-intensity electoral violence and, in the process, have overlooked low-intensity electoral violence, which considerably also affects electoral quality.

From the above exposition, the works on Ghana's democracy have covered diverse dimensions of the subject ranging from the challenges of transiting from authoritarianism to democracy to growing and consolidating the democracy to democracy's impacts on the country's socio-economic development and then to the threats of the democratic project backsliding. Most of these dimensions of the Ghanaian democratic literature align with the international literature, the exceptions being the violence that has characterized the democratic processes, as well as the disrespect of the tenets of the rule of law and probity and accountability.

Conceptualizing democracy and democratic quality

The narrow definition of democracy suggests that such a political system has at least universal adult suffrage; periodic free, competitive, and fair elections; more than one political party, and more than one source of information.⁵⁰ A much broader form of democracy is liberal or full democracy that refers to a political system in which most of the country's leading government officials are elected; there is nearly universal suffrage; elections are largely free of fraud and outside manipulation; opposition party candidates have a real chance of being elected to important national offices; and minority rights as well as general civil liberties are respected, including free speech and a free press.⁵¹

A quality democracy is a good democracy, that is, “a stable institutional structure that realizes the liberty and equality of citizens through the legitimate and correct functioning of its institutions and mechanisms.”⁵²

This implies that a good democracy is:

a broadly legitimated regime that completely satisfies citizens (quality in terms of result); in which the citizens, associations and communities of which it is composed enjoy liberty and equality, even in different forms and degrees (quality in terms of content); and in which the citizens themselves have the power to check and evaluate whether the government pursues the objectives of liberty and equality according to the rule of law (quality in terms of procedure).⁵³

Framework for assessing the quality of democracy

This study adopts the theoretical framework offered by Morlino,⁵⁴ who identified eight different dimensions on which democracies vary in quality. The first five of these dimensions are procedural in nature. They include the rule of law, electoral accountability, inter-institutional accountability, participation, and competition. The next two, freedom and equality, are more substantive, emphasizing fundamental values that any democracy should endeavor to promote and protect. The last dimension, the desire of citizens, represented by responsiveness, pertains to the degree to which the policy outcomes of the democratic process are in accord with citizens' demands and preferences.⁵⁵

Tracing the democratic journey of Ghana

The political culture that was developed in the colonial retro in Ghana was one which construed the government's power as imposed, total, and ruthless, as well as unaccountable. The alien regime established a stranglehold on the Gold Coast through the creation of a highly centralized administrative and bureaucratic structure headquartered in the colonial capital and controlled by the colonizers. The policy process began and ended with the governor.⁵⁶

This imposed political culture was a legacy that post-colonial administrations inherited. Dr Kwame Nkrumah fought for independence for the then Gold Coast in 1957, placing it as the first country in sub-Saharan Africa to do so under a fresh name of Ghana. Dr Nkrumah regarded the independence of Ghana as a springboard for the complete emancipation of the Africa continent. His most famous refrain was that Africans should "seek ye the political kingdom and all other things shall come" (perhaps foretelling the inclination of using political authority for economic gain). Dr Nkrumah bequeathed with Ghana a good start in her developmental drive. Many prestigious projects and programs like the construction of the Akosombo Hydro Electricity Dam and construction of the industrial township of Tema were introduced. Yet, his government quickly worsened into totalitarianism with the decree of a one-party state in 1964 and a growing personality cult.⁵⁷

Predictably, Dr Nkrumah was overthrown by a military putsch by the National Liberation Council on February 24, 1966. From then onwards until the end of 1992 Ghana had been governed by a string of military dictatorships (1966–1969, 1972–1979, 1981–1992) interspersed by two brief periods of democratic rule (1969–1972 and 1979–1981).⁵⁸

Protuberant happenings that led to the birth of the Fourth Republic in Ghana were as follows: the military rulers' decision to return the country to democracy; the lifting of the ban on political parties; the conduct of multi-party elections in 1992; and the start of the Fourth Republic on January 7, 1993.⁵⁹ Multi-party democratic rule has thrived in Ghana's Fourth Republic,

notwithstanding its fairly gloomy early development.⁶⁰ Formidable difficulties and deficits have continued, but the country has made tremendous improvements in democratic development since 1992. Whereas other freshly democratizing African states have suffered reversals or stagnated since the third wave of democracy swept Africa, Ghana's democracy has gained in strength.⁶¹ The remit of this article is therefore to assess the extent to which Ghana's democracy has progressed, that is, the quality of democracy the country has achieved.

Methodology

The study employed a qualitative approach in data collection and analysis. One important motivation for the use of the qualitative approach in this paper is that the author desired to be endlessly creative and interpretive. Unlike the quantitative approach, the author did not just leave the field with piles of empirical information and then easily compiled this report. This qualitative approach enabled the author construct interpretations using various techniques such as content analysis, grounded theory⁶² thematic analysis,⁶³ and discourse analysis to make sense of the data. Due to qualitative approach's close researcher involvement, the author gained an insider view of the field. This permitted him to find issues that are often missed (such as subtleties and complexities) by the scientific, more positivistic inquiries. For example, the scores of Ghana on certain international indices for measuring democratic qualities such as election quality, freedoms, and responsiveness did not tally with respondents' experiences and evaluations of the said indices.

This paper is based on primary information from elite (20) and non-elite (60) respondents and secondary information. The elite respondents were purposively drawn from parliament, the media, and think tanks including the Center for Democratic Governance (CDD), the Institute of Economic Affairs (IEA), and the Institute for Democratic Governance (IDEG), as well as IMANI-Ghana and academia. Respondents were drawn from middle and senior management of the selected organizations because they have roles and expertise connected to the development, implementation, and evaluation of policies on Ghana's democracy. Respondents were identified and selected in three main ways. First, contact details of those in senior and middle management positions in the respective organizations were obtained from the entities' websites or through friends who are acquaintances of those officials. Second, phone calls were placed to those officials inviting them to participate in the study. Upon accepting to participate, the author then scheduled a face-to-face interview meeting with each one of them. Third, negotiating access and participation of respondents from academia was the easiest as those enlisted were senior colleagues and peers with whom the author has

a good working relationship. They therefore readily accepted to be interviewed. Thus, in addition to answering the general questions, the author went back to the elite respondents from November 30 to December 29, 2022, and persuaded them to answer additional questions, which the author thought were technical in nature

The non-elite respondents were randomly selected from three parts of Ghana: southern, middle, and northern. In each part, 20 respondents made up of 10 interviewees each were selected from the regional capital and a rural settlement. Accordingly, Accra and Abokobi were selected in the southern part, Kumasi and Kuntanse were picked from the middle part, and Tamale and Zabzugu were chosen from the northern part. The choice of the settlements was to ensure regional balance and obtain the perspectives of both rural and urban dwellers. The use of elite and non-elite interviews enabled the extraction of salient and diverse information pertaining to key domains of the quality of democracy in Ghana.

The interviews provided a means for exploring the complexity and detail of processes that could not be examined by alternate, more structured instruments, such as questionnaires, or analyzed using quantitative methods.⁶⁴ The questions in the interviews centered on perceptions about democratic quality, as well as the participants' experiences with the practice of democracy including the challenges in Ghana. Each interview lasted about 45 minutes.

The secondary information was sourced via Desktop reviews collated from published documents on the democratization process in Ghana including reports from parliament, democracy aid agencies, and scholarly works on democratization, as well as databanks such as those of Polity IV, Freedom House, the Economist Intelligence Unit, the World Bank, and the Bertelsmann Index, which provide measurements of categories related to democratic performance, governance, and the quality of democracy. The secondary information enabled a better understanding of the historical context of the democratization process and performance of Ghana. This information was distilled from data collected at different times across similar democratic quality dimensions, and this afforded the opportunity to describe, compare, and explain change. Such comparison enlarged the scope of generalizations, provided additional insights, and allowed for triangulation, increasing the validity of the research findings obtained from the primary data.

Data analysis: assessment of democratic quality of Ghana

The democratic quality of Ghana is assessed on all the eight dimensions of Morlino's⁶⁵ framework. Primary data were thematically analyzed, and themes were extracted along the lines of Morlino.⁶⁶ Secondary data, including documents on democratic processes, practices, and performance were examined together with primary data from the interviews. The findings therefore mirror

the key themes of the interviews as well as diverse information from secondary sources.

Results and discussion

Rule of law

Aspects of the rule of law dimension that are discussed here include: an organized society on the basis of clearly defined laws; independent and politically neutral judiciaries; respect of the law; effective fight against corruption; and respect of citizens' rights by security forces.

Respondents were asked: Do you think there is rule of law in Ghana? In response, 51% answered in the affirmative, 43% replied in the negative, whereas 6% said they did not know. Those who answered in the affirmative were further asked: Which aspects of the rule of law do you think are being upheld? The responses in descending order of popularity were: society structured by clearly formulated laws (68%); independent and politically neutral judiciary (45%); public obedience of the law (41%); Government obedience of the law (40%); fight against corruption (21%); and security forces respect of citizens' rights (17%). These responses suggest that Ghana is good at designing laws but is poor at implementing them. It also showed that the gap between guarantees of the rule of law and reality is wide especially in the area of fighting corruption and security forces' respect of citizens' rights.

In terms of an independent and politically neutral judiciary, the secondary evidence seems to support the primary finding noted above. In regard to the positives for the judiciary, the first prominent case occurred in 1993, when the court ruled in the case of *New Patriotic Party (NPP) v. Inspector General of Police (IGP)* that the provision under the Public Order Decree, 1972 for authorization to mount demonstrations suffered inadequacies in guidelines and effective control and was in violation of Article 21(1) (d) of the Constitution. It also ruled that the African Charter on Human and Peoples' Rights (ACHPR) could be besought without formal integration into local laws. The *NPP v. IGP* case caused the revocation of the Public Order Decree and its substitution with the Public Order Act, 1994 (Act 491).

This ruling bolstered the freedom of assembly, association, and organization and freedom of thought and expression elements of the freedom dimension of democratic quality. They also speak of the participation dimension of democratic quality. The importance of protests and demonstrations in promoting democracy is summed up by Douglass as follows: "power concedes nothing without a demand."⁶⁷ He made this statement on the occasion of the "Black Lives Matter" protest marches in the US. Public protests are

manifestations of dissent and an expression of the urgent need to change policy. By driving media coverage, accelerating legislative action, and shifting public opinion, nonviolent protests have been a force behind positive social change. For example, the massive protests against the introduction of the value added tax (VAT) in Ghana in 1996 led to its withdrawal.⁶⁸ Thus, protests and demonstrations can force governments to undertake or refrain from undertaking some action including removing issues vehemently opposed by the public from the agenda.

Second, in *NPP v. Ghana Broadcasting Corporation (GBC)*, the court ruled solidly that the GBC was in contravention of the requirements to give equal access to state media (Article 163) and the right to information granted under Article 21(1) (f) by not affording equal opportunity to the opposition to discuss its views on that year's budget.

The ruling actualized the freedom of thought and expression elements of the freedom dimension of democratic quality. This is because it is currently generally acknowledged that news coverage is one of the most significant political agenda-setters,⁶⁹ influencing not only symbolic parliamentary agendas⁷⁰ but also more substantive agendas such as government decisions.⁷¹ The implications of the ruling for democracy are at least three. First, the opposition was able to use GBC to report the exchanges between parliament and the executive as they influenced each other through responding to external events. Second, the GBC played a role as a moderator of effects, since the potential of parliamentarians to push issues in the budget onto the government agenda or remove them from it, depended on the extent to which they generated media attention for those issues. Indeed, politicians often respond to issues simply because of their media attention.⁷² Third, the opposition sought the public broadcaster's coverage of their views on the budget as a means of expanding the scope of conflict and enticing other stakeholders to participate in the appropriation deliberations, which hitherto had been the exclusive preserve of the legislature.

In addition, in the case of *JH Mensah v. Attorney-General*, the court served the rule of law when it mandated that all government ministers occupying such offices prior to the 1996 elections to submit to legislative screening in accordance with the constitution. This ruling endorsed the plaintiff's challenge to the effect that it was unconstitutional for the government to ostensibly permit such ministers to remain in their positions after the 1996 general elections and the later swearing in and commencement of the second term of office of President Rawlings.⁷³ This decision reaffirmed the court's resolve to be independent of political control – a posture that was emboldened by the country's return to constitutional rule.

The decision also speaks of the inter-institutional accountability dimension of democratic quality. This is because it mandates public officeholders, especially elected officials, to be vetted for suitability for their positions by the

people's representatives, parliament. This is in line with the democratic model of accountability, which espouses that a contemporary representative democracy can be described as a principal-agent relationship.⁷⁴ The citizens represent the principals in a democracy, whereas the elected representatives are the agents who use the transferred sovereignty of the people to transact on their behalf. The latter, in turn, transfer the drafting and enforcement of laws and policy to the government.⁷⁵

In the case of *Amidu v. President Kufuor*, the Supreme Court echoed its ruling first determined in the *NPP v. Rawlings* case, to the effect that, an action can be brought against the President in the execution of his responsibilities, in tune with the diktats of the rule of law. Yet, such action must be preferred against the Attorney-General in line with Article 88 of the Constitution as the symbolic defendant.⁷⁶ The ruling affirmed that no one from ordinary citizens to the highest officeholder in the land is above the law – which addresses the equality dimension of democratic quality. The implications of equality before the law for democratic quality are as follows: it ensures that all citizens have their interests and perspectives expressed with equal force and effectiveness⁷⁷ and it guarantees that perceived inequalities, which challenge the legitimacy of the government, reduce consent, and require perhaps, a more coercive government,⁷⁸ are checked. If the law favors any citizen on any unreasonable grounds such as class, status, and gender, the law is unfair and fails to perform its purpose, which is to uphold justice. Equality before the law is to fulfill the concept of the rule of law – principles of legality – which implies a government that is run by the principles of law and not by the arbitrariness of men who rule, which are the cornerstones of democracy.

The ruling also implied that structures ensuring separation of powers are essential but not sufficient to provide checks and balances. So, citizens' action from below, as demonstrated in *Amidu v. Attorney General*, is needed to complement it. In Ghana, what are lacking are constitutionalism and supportive institutional conventions, political will, and commitment. As Mohidden⁷⁹ argues, "In many African countries constitutions contain eloquent proclamation of intention, but the political will for action and adjudication is lacking."

In the matter pertaining to *Asare v. Attorney-General* (citizenship case), the court ruled as null and void provisions of the Citizenship Act, 2000 (Act 591), which empowered the Minister of Interior with unconstrained discretion to prescribe offices that dual citizens are not eligible to occupy in Ghana, besides the offices that they are statutorily barred from holding.⁸⁰ The ruling was a real check on executive power, which has a tendency of encroaching beyond its limits,⁸¹ which speaks of the rule of law dimension of democratic quality.

These progressive verdicts, however, were to be accompanied by a chain of rulings that overturned the encouraging pattern that was being shaped. In the notorious libel cases of *Republic v. Tommy Thompson Books Ltd (No 2) & Ors*; and *The Republic v. Mensa-Bonsu & Ors, ex-parte A-G*, the Supreme Court

validated laws that circumscribed the exercise of press freedom on the basis that they were “reasonably justified in a democratic society” under Article 164 of the Constitution. These decisions were severely condemned, eventually culminating in the repeal of the laws.

The negative trend in the decisions of the Supreme Court continued in cases such as *Abel Edusei v. Attorney-General*. In *Edusei*, the plaintiff’s request for a pronouncement that certain sections of the Passports and Travel Certificates Decree of 1967 were conflicting with, and in contravention of, the letter and spirit of article 21(1) (g) of the 1992 Constitution – on freedom of movement – was dismissed on grounds that the proper forum for the case was the High Court. Remarkably, this decision contradicted the court’s previous ruling in *NPP v. A-G* (The 31st December Case), regarding the jurisdiction of the court to entertain political questions. The general perception of such decisions generated at the time was that judicial independence and integrity of the Supreme Court had been compromised. However, the court bounced back to salvage its reputation in the case of *J.H. Mensah v. Attorney-General*, in which it held that it had jurisdiction to determine a political question.⁸²

The above perceptions about the erosion of judicial independence were further given a blow following recent unanimous court rulings in cases involving the ruling NPP and the opposition NDC (e.g., the 2020 election petition case, the disenfranchising of the people of Santrofi, Akpafu, Likpe, and Lolobi [SALL] in the 2020 election). In connection with the unanimous court rulings, therefore, elite respondents were asked: Do you think the recent several unanimous court rulings in cases involving the incumbent NPP government and the opposition NDC have had consequences for the rule of law? In response, 64% answered positively, 28% responded negatively, whereas the remaining 8% said they did not know. Those who answered positively were further asked: In which ways have the unanimous rulings impacted the rule of law? In reply, a parliamentarian said that: “a lot of allegations have been leveled publicly against the judiciary” and that “known NPP activist have been nominated to our courts, which has led to a phenomenon known as executive-minded judiciary who do the bidding of their masters.” However, an academic disagreed, positing that: “There is a perception that the trend is suggestive of judicial abuses, but it is difficult to prove by any evidence that the losing party had a good case and it was ignored.” Re-echoing the parliamentarian’s stand, a CCD-Ghana respondent said that: “it is unrealistic that on more than four or five occasions the court ruled unanimously against the opposition NDC with not even one of them dissenting.”

In regard to respect of the law by government, since the reintroduction of democracy in 1993, the government in Ghana has, overall, obeyed the rule of law. The executive adheres to prescribed parliamentary procedures to bring policy into law, and it has complied with court judgments and decisions of constitutional oversight bodies given against it, including some made in

difficult political situations. Government compliance with judicial decisions is attested in the following cases: *NPP v. GBC and NPP v. IGP*, as explained earlier, as well as *NPP v. Electoral Commission*, concerning the approval of government-appointed district chief executives in advance of elections, and *National Media Commission v. Attorney General*, on the appointment of the governing bodies of state-owned media.⁸³

Nevertheless, there have been some concerns in specific cases where the government has refused to obey court rulings. For example, in one important policy matter that is, the “poultry farmers’ case,” the government introduced a law in Parliament to overrule the effect of a High Court decision that it must implement its earlier law imposing a tariff to protect domestically produced chicken.⁸⁴ The action of the government not only offended the separation of powers doctrine but also undermined constitutionalism in Ghana – both of which undercut the rule of law dimension of democratic quality. Although the constitution of Ghana has vested in the legislature considerable powers, it has advertently or inadvertently given the executive leeway to undermine the influence of parliament. There are known facts about the causes of the legislature’s acquiescence or submissiveness to the executive in Ghana: candidates vying for legislative office promising even things they cannot deliver; fusion of legislature and executive; government’s majority in parliament; power of the President in appointing parliamentarians as ministers; and the increasing stakes in elections due to keen political competition.⁸⁵ It is therefore not surprising that legislators “remain vulnerable to cajoleries by the executive who can provide patronage goods and services – which has led to legislative capture thus stifling efforts at reforms”.⁸⁶

Another case involved Mr Kojo Hodare Okae, former deputy director, Ghana Immigration Service (GIS) against the Minister of Interior and the A-G. His case of unlawful dismissal was upheld by the High Court, which ordered his reinstatement. However, this was not done. He subsequently instituted an action for contempt against the Minister for Interior and the A-G,⁸⁷ which yielded nothing.

More recently, the ruling of the Supreme Court in the case of *Abdulai v. Attorney General*, to the effect that deputy speakers of parliament can preside over sessions and at the same time can count for quorum and also vote to make decisions, has thrown to the rocks the long standing stipulation to the contrary in the Standing Orders of parliament. The ruling was declared as unconstitutional under Order 109 (3) of the Standing Orders of Parliament, which barred a Deputy Speaker, who is presiding over proceedings, from voting on any issue for determination. Consequently, it ruled as valid the passage of the 2022 Budget by Parliament on November 30, 2021, during which the First Deputy Speaker, Joseph Osei-Owusu, who was presiding, had counted himself as part of the quorum that made that decision.⁸⁸

The verdict overturned a 30-year-old rule (standing order) in Ghana's parliament as unconstitutional. Thus, the ruling strikes a chord with the questions: can the court intervene in the legislative process and the internal affairs of the legislature notwithstanding the principles of separation of powers, the rule of law, and supremacy of the Constitution? If it can intervene, then, on what ground(s) can such intervention take place? The recent divided decision by the Constitutional Court in South Africa in *Mazibuko v Sisulu*, Speaker of the National Assembly 2013 6 SA 249 (CC) affirmed two approaches: the traditional common-law, noninterventionist approach represented by the minority judgment, and the modern South African constitutional-interpretation approach shown by the judgment of the majority. The conclusion inevitably was that the common-law, noninterventionist approach to the internal affairs of the legislature does not apply unconditionally [if democracy has to be safeguarded].⁸⁹ This is because the courts have an obligation to ensure through the principle of legality that the other branches of government exercise their powers within the bounds of their constitutional authority. It is the duty of the court to enforce the rule of law; to ensure that the organs of state operate within the constitutional framework for the distribution of powers, while at the same time, refraining from intruding into territories mapped out for those other branches. The courts maintain this delicate balance by observing the principle of separation of powers, on the one hand, and justiciability, on the other.⁹⁰ Thus, the court's ruling in *Abdulai v. Attorney General* affirmed the democratic principles of separation of powers, rule of law and judicial review. It also underscored the fact that parliament's own rules were defective in that they barred a member from exercising his/her right under Order 109(3) of the Standing Orders of Parliament thereby violating the very essence of the principle of free speech and the debate doctrine, which is what parliamentary privilege sets out to protect. Parliamentary privilege denotes the long-standing principle of judicial nonintervention in the internal matters of the legislature or its legislative process, which is derived from English common-law.⁹¹

Concerning corruption, the canker is prevalent in all organs of government and society in general. They include: judicial corruption; political corruption; bureaucratic corruption; corruption in business; and police corruption. In terms of judicial corruption, upon a 2015 report by an investigative journalist into corruption in the judiciary, the chief justice established a five-member committee headed by a Supreme Court judge to investigate the allegations, causing the firing later that year of 12 high court judges, 22 lower court judges, and 19 judicial service employees. In May 2018, the President suspended four additional High Court judges who were implicated in the report. In December 2018, the President fired those four judges, three of whom had dockets pending before the Economic Community of West Africa Court. An

administrative process of information-gathering was proceeding for ultimate prosecution.⁹²

Political corruption appears to be endemic, covering a gamut of scandals: PDS deal, Agyapa Royalties Deal, AMERI Deal, just to mention a few. For example, the AMERI deal was withdrawn from parliament in December 2018 after the media reported that the figures were bloated. The energy minister at the time, Boakye Agyarko, was consequently sacked and the deal renegotiated.⁹³ A June 2019 report by the auditor-general revealed that widespread corruption and waste of public funds remained pervasive problems. For example, the honorary consul general and the Ghanaian consulate in Washington DC were unable to account for visa fees totaling US\$355,000. The Free Senior High School Secretariat squandered more than US\$3.16 million. A former minister of tourism kept three official vehicles for personal use after leaving office. The report gathered that corrupt practices caused US \$340 million of financial wrongdoings, comprising misapplication and misappropriation of funds, theft, and procurement irregularities.⁹⁴

Those in power and their supporters often revel in extensive impunity.⁹⁵ Top officials and politicians still get away with their misdeeds without prosecution. Since the first special prosecutor took office in 2018, no corruption case probed by that office culminated in a conviction. Not surprisingly, the first Special Prosecutor against corruption resigned in 2020, citing political interference from the regime and a dearth of cooperation in fulfilling his duties.⁹⁶

Ghana's obstinately low ranking on the Corruption Perception Index (CPI) is worrisome due to the picture it frames and the long-term implications for democratic stability. Ghana placed in the 81st position out of 180 countries in Transparency International's 2017 Corruption Perceptions Index (CPI).⁹⁷ In the 2006 rating of 163 countries, Ghana came in the 93rd position. Ghana's score of 3.3 points out of 10 was lower than the 2005 score of 3.5 points. Corruption in the country has worsened into a persistent problem, especially with regard to high-profile cases, which has eroded public confidence in the government and is on track to have long term, adverse effects on public attitudes toward the democratic system.⁹⁸

Pertaining to security forces' respect for citizens' right, police brutality, corruption, negligence, and impunity have been reported.⁹⁹ Reliable reports of police beating, raping, and abusing suspects and other citizens abound.¹⁰⁰ At the end of 2017, the Police Intelligence and Professional Standards Unit had investigated 33 reports of police brutality.¹⁰¹ Assaults on journalists have been the most ubiquitous form of violation in Ghana in the last 10 years, with the worst culprits being the security agencies steered by the military and the police. Security agencies have committed over 38% of all the atrocities against journalists (53 out of 138).¹⁰²

Participation

The elements of the participation dimension that are discussed here include: the following right to vote; right to organize; right to protest; right to demonstrate; and right to strike. To test the level of their involvement in the democratic process, respondents were asked specific questions. First, they were asked: Have you ever engaged in collective action by joining with others in the past year to raise an issue? In response, 40% said they did so either once or twice or several times, whereas 57% said they never did with the remaining 3% failing to respond. This is surprising given that the country's new democratic dispensation has endured for three decades. One would have expected that Ghanaians would take advantage of their guaranteed fundamental rights to go far beyond the formal forms of participation to venture into more assertive modes of engagement.

To guarantee the right to vote and eliminate or reduce impersonation, biometric technology was introduced into the electoral system for the first time in 2012.¹⁰³ In relation to biometric technology in elections, elite respondents were asked: Do you think the introduction of biometric technology into the electoral system in Ghana has improved election quality? In reply, 72% answered in the affirmative, 24% replied in the negative, whereas the remaining 6% said they did not know. Those who answered in the affirmative were further asked: In which ways has biometric technology improved election quality? They mentioned, among others, that: it has improved voter turnout; it has introduced powerful capacities; it has served as a single reference point for identity verification; and it has prevented crimes such as identity fraud and voter fraud. Those who responded in the negative cited its limitations: susceptibility to privacy violation; abuse by public officials; errors in data capture and verification; and lack of complete reliability. These responses suggest that the effectiveness of biometric technology in enhancing election quality, particularly in a developing context like Ghana, hinges on a number of factors including capacity, internet connectivity, biological characteristics of voters, disparity in development; and population diversity.

Respondents were further also asked: Have you ever participated in demonstrations or protest? In response, 84% answered in the negative and 10% answered in the affirmative, with the remaining 6% declining to give an answer. These findings are consistent with Armah-Attoh and Robertson's evidence that 95% of Ghanaians said they never participated in demonstrations in 2013. This figure included 84% who said they would never do such a thing. The two scholars also intimated that since 2002, the rate at which Ghanaians participate in demonstrations has been unwaveringly lower than the rate at which Ghanaians come together with others to stake claims.¹⁰⁴

Respondents were in addition asked: Have you ever worked for a political party/candidate or attended a campaign rally? In response, 83% said they had

never worked for a political party or candidate, 13% said they ever did, whereas the remaining 4% failed to express an opinion. Also, 75% never persuaded others to vote for a preferred candidate or party, whilst 25% intimated that they did campaign for a particular party or candidate. Moreover, 77% revealed that they had never attended a campaign meeting or rally of a political party or candidate with a fifth (23%) agreeing that they participated in a political rally.

Respondents were further asked: Have you ever made contact with your formally elected representatives at the national and local levels such as Members of Parliament? The answers in the negative were 87% (for members of parliament), 91% (for local councilors), and 72% (for political party officials). Those who answered in the negative were further asked: Why have you not had contact with your elected representatives? An overwhelming 95% complained that the elected representatives, especially members of parliament, never listen to what ordinary citizens have to say. This is because of their perception that constituents will make demands to meet their personal financial circumstances. This evidence suggests that there is a significant gap between civil society and government and consequently, a potentially weak accountability relationship exists between government and the citizenry.

Competition

Elements in the competition dimension that are analyzed in this section comprise the following: regular, free, and fair electoral contests; access to electoral contests by different parties; ease and decisiveness with which incumbents can be defeated; pluralism in media ownership and viewpoints; and competition within political parties.

In terms of regular, free and fair electoral contests, each of the eight elections (held in 1992, 1996, 2000, 2004, 2008, 2012, 2016, and 2020) has been progressively freer, fairer and more transparent than the one that preceded it.¹⁰⁵ Yet, in 2020, presidential candidates' filing fees doubled compared to the 2016 amount. Voters and candidates continue to be threatened by vigilantism and politically inspired violence despite the 2019 promulgation of the Vigilantism and Related Offences Act, which outlawed all political and other vigilante groups. NPP and NDC supporters clashed at several voter registration sites in 2020 – notwithstanding an accord between the two parties to desist from such disorderly pursuits – which resulted in one death.¹⁰⁶ The two murders by security forces, not less than two deaths from civilian violence, as many as eight killings in total, and several injuries in the Greater Accra, Bono East, and Northern Regions during the 2020 voting and tallying process are indicative of an opaque, obstructed, and unfair electoral process.¹⁰⁷ Violence has also characterized previous elections. For example, from 1992 to 2012 five categories of election-related violence were recorded in Ghana:

ballot box theft (142 cases); molestations/violent intimidation of voters and candidates (2,807 cases); seizure/public properties occupancy (1,812 cases); protests/public disorders (858 cases); and party property vandalism (88 cases).¹⁰⁸

The manipulation of electoral processes is aggravated by gerrymandering (the political manipulation of electoral district boundaries to create undue advantage for a party). In this connection, elite respondents were asked: Would you say that the habit of incumbent governments in Ghana creating new districts and new constituencies ahead of national elections amounts to gerrymandering? An overwhelmingly 87% answered in the affirmative, 11% replied in the negative, whereas 2% said they did not know. Those who supplied the positive responses were in addition asked: Do you think such gerrymandering affects the electoral/democratic quality of Ghana? Replying that it undoubtedly does, a former IEA researcher stated that: “It has become explicit that gerrymandering has influenced the creation of new districts and constituencies.” A CDD respondent concurred arguing that: “the unabated creation of new districts and new constituencies, which does not make economic sense, nevertheless makes political sense as political parties use it to garner votes.” However, an academic disagreed, arguing that: “the evidence is not there to support the claim.” The academic’s point is countered by Mohammed¹⁰⁹ who found that: “In 2004, 30 new constituencies were created, which benefited three political parties, namely the NPP, the NDC and the PNC, which won 16, 13 and one seat(s) respectively in the general election that year.”

Pertaining to internal political party democracy, the performance of parties is abysmal. The parties are controlled by a few persons; they have weak internal structures; and they generally exhibit poor organizational capacities. Strong individual personalities, usually described as “founding fathers,” who habitually regard the parties as personal fiefdoms have hijacked the political party process.¹¹⁰ A few examples illustrate the point being made here. NPP national organizer, Alhaji Inusah switched camp to the NDC when during his attempt for the Ayawaso West Wuogon constituency parliamentary seat in the 2000 election was compelled to step down for a preferable candidate, Nii Amoo Addy. Similarly, in 2001, Professor Mike Oquaye was prevailed upon to relinquish his campaign to win the NPP national chairman seat for the reason that Harona Esseku, a less trendy candidate, was preferred by most of the party leaders, including President Kufuor. Professor Oquaye was subsequently appeased as Ghana’s high commissioner to India. Prior to the 2004 elections, the NPP rank and file in Sunyani East constituency favored the young candidate Nana Obiri Boahene over the experienced incumbent JH Mensah, who was then a senior minister. In the end, party executives settled on Mensah, whereas Boahene was atoned to fill the position of regional party chairman.¹¹¹ Coined as the “Swedru Declaration,” President Rawlings in 2000 nominated

John Atta Mills as his successor without recourse to the NDC's established selection procedure. This action generated considerable anger and disillusionment within the party and led some members to break away to form the NRP.¹¹²

On the issue of pluralism in media ownership, current figures for operational media organizations in Ghana are about 426, of which 80% are radio stations.¹¹³ These are possessed by an amalgam of state, political, and business players, with private proprietorship being the most ubiquitous. Most of these private media are either allied to specific political parties or subscribe to particular ideologies.¹¹⁴ The contemporary multiplication of mobile telephony in Ghana as elsewhere across Africa has resulted in an increase in radio audiences as members of the public can now easily tune in to programs on their phones regardless of their location in the country.¹¹⁵ Via phone-ins, for example, talk radio allows audiences to contribute to public discourses, call government officials to account and receive (immediate) responses to their questions.¹¹⁶ The internet is now more accessible, and its use is more widespread that many Ghanaian radio platforms generated online platforms to take advantage of the growing popularity of the internet among citizens.¹¹⁷ Radio is the channel that transmits most in local tongues, winning it the accolade as the more incorporating in regard to being accessible not only to the literate but also the illiterate.¹¹⁸

The proliferation of the media promotes democracy in several important respects although they are sometimes criticized for sensationalism, sleaze, and partisanship: they hold state officials to account (watchdog); they furnish citizens with reliable, impartial, and factual information to facilitate effective participation in democratic processes (information); and they afford a deliberative forum where different viewpoints can be canvassed and buoyed.¹¹⁹ Thus, if media pluralism and an informed citizenry are key characteristics of democracy, then the current media landscape in Ghana can be said to be on track for the consolidation of democracy.¹²⁰

As regards funding of political parties, financing of political parties in Ghana is not public, unlike Tanzania that allocates 2% of GDP for political parties' funding.¹²¹ However, in 1992, 1996, 2000, and 2004, the electoral commission offered political parties vehicles to assist with their campaigns. In the 2004 election, it provided 35 vehicles to political parties and presidential candidates; presidential candidates were given two vehicles, whereas parties that presented parliamentary candidates received in proportion to the number of their candidates.¹²² Currently, political parties in Ghana rely on four main channels of funding. These are: (1) seed money provided by the founding members of the party; (2) membership dues; (3) donations by well-wishers; and (4) fund-raising activities.¹²³ The universal accord is that these bases of funding are meager. Undeniably, the political parties themselves, particularly those in the opposition, usually complain of inadequate finance as the central

problem confronting them. Ostensibly, the financial quandaries of the parties are partly responsible for the lack of political party dynamism and buoys up the abuse of incumbency, political patronage, and corruption that, in turn, weaken political party competitiveness. The consequence of this is the botched system of alternation in governments through democratic elections.¹²⁴

Electoral accountability

The items that are analyzed with respect to electoral accountability are as follows: fulfillment of electoral promises; voter decision to reward or sanction politicians at the poll; and abstention or voiding the ballot.

Respondents were asked: Do you use elections to hold governments accountable for their promises to provide goods and services? In reply, 41% said either they voted for a particular party because their grandparents and parents before them voted for that party or that because the party's ethnic origin aligned with their tribe. Thirty nine percent said they voted based on a party's performance in providing goods and services, 11% intimated that they voted because of the perquisites they were given, whereas the remaining 9% either declined to respond or were unable to assign reasons. This evidence speaks of the prevailing wisdom – that African elections are solely about voting – and would add weight to a growing body of work that argues that performance evaluation does not have a role in determining voters' choices in Africa.¹²⁵ However, this evidence is inconsistent with recent happenings where there have been several demonstrations and protests such as the *Arise Ghana* demonstrations and *#FixTheCountry* demonstrations across the country concerning governments' inability to provide a range of goods and services from fixing the roads and economy to curbing corruption, to halting the increasing armed robberies and crime generally and to arresting the deteriorating health care and education quality delivery.¹²⁶ Not surprisingly, voters have punished incumbents by substituting them with the opposition party. There have been three alternations in power, as indicated earlier, in 2000, 2008, and 2016.¹²⁷

Another mechanism for holding governments accountable is abstaining or voiding the ballot. Voiding the ballot comes in many guises all of which result in the rejection of the ballots. According to Herbert and Edwards,¹²⁸ the term “rejected ballot” refers to a ballot paper that cannot be counted for which reasons, among others, the voter has left the ballot paper blank or has marked or thumb-printed it in such a way that it is not clear for whom they intended to vote. Following this definition, the number of rejected ballots in the eight successive elections held in Ghana in the fourth republic (1992, 1996, 2000, 2004, 2008, 2012, 2016, and 2020) totaled 1,497,870 with a mean of 187,234. In absolute terms, the highest number of rejected ballots (313,397), which

constituted 2.33% of the valid votes cast, was recorded in 2020. Whereas the lowest of 111, 108 which represented 1.53% was registered in 1996.¹²⁹ High numbers of rejected ballots have implications for democracy because if the participation of the majority of eligible voters, including the marginalized groups in voting and decisions, represents an important precondition for democratic consolidation, then the subject of rejected ballots presents a grave impediment to democratic consolidation in Ghana.

A further mechanism for ensuring electoral accountability is abstention. Adams et al.¹³⁰ distinguish between two types of abstention: alienation-based abstention and indifference-based abstention. Alienation-based abstention occurs when parties or candidates are too distant from a voter to justify the cost of voting. In contrast, indifference-based abstention happens when parties or candidates are too similar to justify the costs of voting.¹³¹ Respondents were asked: Did you abstain from voting in any of the eight successive elections in Ghana? In response, 27% answered in the affirmative, 65% answered in the negative, 3% could not remember whether they did, whereas the remaining 5% declined to respond. Those who answered in the affirmative were further asked: Why did you abstain from voting? Thirty-three percent said their evaluations of the candidates' personal qualities such as competence and integrity were not favorable. A majority of 58% said the menu of policy alternatives offered by competing candidates and parties did not hold promise to improve their lot. Five percent said candidates and parties failed to keep their previous election promises, whereas the remaining 3% said they were either indisposed or could not make time as they were engaged in struggle for their daily bread. The highest number of abstention of 4,930,890 which represented 31.4% of registered voters, occurred in 2016, whereas the lowest number of 1,541,62 which constituted 14.9% was recorded in 2004.¹³² The mean number of abstentions for the eight successive elections is 3,255,162. Abstention and attendant low turnout in elections is a serious threat to democracy for a variety of reasons. First, politicians primarily serve the interests of those who (may) vote for them rather than those who (may not). This conflicts with the generally held normative belief that in a democracy each citizen should have equal influence.¹³³ Second, low turnout means low participation by less privileged citizens, who are already at a disadvantage in terms of other forms of political participation. Finally, unequal participation means unequal influence; who votes, and who does not, has important consequences for who gets elected for public policies.¹³⁴ In other words; abstention may result in power-hungry, corrupt, and incompetent leaders, with sub-optimal policies being elected into office.

Inter-institutional accountability

The issues that are discussed here include the following: legal or constitutional authority to control and sanction the behavior of the government; monitoring

by the opposition in parliament; decisions and checks in the court system; Auditor General Reports; and ombudsman's investigations of public officials' misconduct.

In regard to judicial authority to control and sanction the behavior of the government, the judiciary's performance include the following: the *NPP v. IGP* case mentioned earlier, relating to the outlawing of the requirement to seek police permission to demonstrate; *NPP v. GBC* – in which the court ordered the government to grant equal access to public TV; *NPP v. Electoral Commission* – in which the court nullified the move to approve government-nominated district chief executives ahead of district assembly elections; and in 2001, a minister of sports appointed by the New Patriotic Party (NPP) administration that came into office in 2000 was prosecuted and convicted for fraud.¹³⁵

In terms of monitoring exercised by the opposition in parliament, in a famous case emerging out of its first public hearing in October 2007, the Public Accounts Committee (PAC) ordered the Ministry of Tourism and two advertising agencies to refund 53 million Ghana cedis and US \$2,500 dollars to the government including interest accruing on the amounts. The PAC sitting was prompted by an Auditor General's report that revealed financial discrepancies in the accounts of the Ministry of Tourism since 2003. In a November 2008 news conference, the Chairman of the PAC reported that the committee had so far recovered \$40 million. PAC's activism in Ghana has continued into the 6th Parliament, whose mandate expired on January 6, 2017. The Chairman – Hon. Kwaku Agyeman-Manu – revealed in a press briefing that his committee retrieved over Ghc20 billion from various public institutions in the course of their work in 2014.¹³⁶

Pertaining to the Ombudsman's investigations of public officials' misconduct, the performance is creditable although there are also a few shortcomings. The ombudsman in Ghana is known as the Commission on Human Rights and Administrative Justice (CHRAJ). On the positive side, CHRAJ investigated: corruption allegations against government officials of the Provisional National Defense Council (PNDC) era; corruption allegations against President Kufuor; corruption allegations in the "Hotel Kufuor case"; and Richard Anane's (Member of Parliament) case on charges of corruption, conflict of interest, and abuse of office.

With respect to corruption, CHRAJ investigated allegation of the Minority NDC against President Kufour, for accepting ₵40 million from a farmer for the renovation of his private residence in Accra. The allegation was that part of the money for the renovation was siphoned from public funds. However, the case was discharged for the unwillingness of the complainant to continue with the case.¹³⁷

Regarding the "Hotel Kufuor case," President Kufuor was accused of fronting his son for the purchase of a hotel and for compelling the original owner of

the property to sell it. CHARAJ investigated the allegation and released its report, which vindicated the president. Reactions to the decision focused on whether CHARAJ's decision was right. More importantly, the concern was whether due process was adhered to and the rule of law was served.¹³⁸ The assertiveness of CHRAJ is underlined here because it mustered courage to investigate the case, mandated the president's lawyers to make submission, and made the findings public. This made the commission to stand out as a watchdog and a bulwark of democracy.

On the Richard Anane's (Member of Parliament and Minister of Road Transport) case, the charge was that while formerly serving as Minister of Health under the Kufour administration, he engaged in corruption, conflict of interest, and abuse of office. CHARAJ's investigation found the minister to be in contravention of the last two but vindicated him on the first. Nevertheless, it ruled that a sum of \$79,000 which was remitted to his American mistress by his "special assistant" could not have been executed on a charitable basis by the assistant without the minister's instruction. The commission therefore recommended, among others, that the president fire the minister and also demand that he apologize to Parliament and the people of Ghana for lying under oath. The minister resigned on his own accord a few weeks later and then challenged the CHARAJ's decision in the High Court. In the application for judicial review on March 13, 2007, it was determined that CHRAJ usurped its jurisdiction in the Anane's case. Accordingly, CHRAJ's decision on the case was struck down and expunged from the record. CHRAJ appealed the decision to the Court of Appeal.¹³⁹

Freedom

The elements that are analyzed in this section include the following: freedom of thought and expression; freedom of assembly, association, and organization; right to information; freedom of religion; and freedom of movement.

As regards freedom of assembly, although the government generally respects freedom of association, it circumscribed freedom of assembly especially in 2020. The Ghana Police Service regularly obstructs demonstrations. Police used tear gas, water cannons, and rubber bullets on opposition demonstrators protesting the December 2020 election results. The demonstrators had not provided police the obligatory five days' notice prior to the demonstrations. Prior notice to the police had already been outlawed in *NPP v. Ghana Police and Attorney-General*. Yet, the police secured a restraining order against the NDC, barring protests between December 20, 2020, and January 10. Authorities effectively suspended rallies and protests through May. On June 25, authorities detained 11 members of the #FixTheCountry Movement while they protested outside the Accra High Court as it considered an application to extend indefinitely

a previously approved injunction against the public assembly. The Supreme Court finally discharged the case on the grounds that the Accra High Court exceeded its jurisdiction by approving the indefinite injunction against lawful political protests and rallies.¹⁴⁰

In late June, unknown attackers killed #FixTheCountry supporter Ibrahim Muhammed in the town of Ejura. Protesters in Ejura assembled the day after Muhammed's death; police and military personnel used live ammunition in later clangs, killing two people and injuring at least four more.¹⁴¹

Pertaining to freedom of expression, at a Press Freedom Award Dinner in Accra on May 3, 2018, President Akufo Addo avowedly promised to uphold press freedom by his powerful statement: "I will say again that I much prefer the noisy, boisterous, sometimes scurrilous media of today, to the monotonous, praise-singing, sycophantic one of yesteryear."¹⁴² Unfortunately, he has not honored this promise. Just hours after the speech, a member of the president's political party, NPP, assaulted a journalist at the party's headquarters. Neither the party nor the government condemned the attack. Two years after the awards dinner, investigative journalist Ahmed Suale, a lead investigator for Tiger Eye Private Investigations, was gunned down in Accra. By 2019, the Media Foundation for West Africa had recorded over 31 attacks on 40 journalists over an 18-month period.¹⁴³ Ghana placed 52nd in the Annual Global Media Freedom Report Ranking.¹⁴⁴ Yet, within the last decade, the Media Foundation for West Africa registered 138 incidents of assaults of journalists in Ghana, representing an average of 14 attacks per year.¹⁴⁵

As regards religious freedom, it is constitutionally and legally guaranteed, and the government largely respects these protections in actuality. Yet, public schools inserted compulsory religious education courses into their curricular which are informed by Christian and Islamic teachings. Muslim students have supposedly been obligated to participate in Christian prayer sessions and church services in some publicly funded Christian schools.¹⁴⁶

Regarding freedom of movement, it is generally respected by the government. However, underdeveloped road networks and banditry can make travel outside the capital and tourist areas a risky pursuit. The police are notorious for mounting illegal checkpoints to extort bribes from travelers.¹⁴⁷

In areas without a significant or enduring presence of public security officers, civil rights are often determined and protected on the basis of traditional law, which does not necessarily conform to the letter of public law. This specifically pertains to individuals and groups whose real or perceived actions, misdeeds, or misconduct are deemed socially unacceptable or are accused of spiritual crimes that are hard to prove (e.g., "witches"). In terms of personal liberty and security, many elderly women in northern Ghana flee their homes to seek refuge in "witch camps" to escape physical harm or even death. In 2020, Akua Denteh, a 90-year-old woman, was murdered by lynching in Kafaba (northern Ghana) after she was accused of witchcraft. The protection

of civil rights is disadvantaged by the judicial system's inadequacies and the unwillingness of community members to aid investigations.¹⁴⁸

The gross violations of civil liberties, as noted above provoked a question: How would you respond to criticisms in some quarters that Ghana's democracy is backsliding? Forty-seven percent of respondents believed democracy was backsliding, 38% thought it was not, whereas the remaining 15% could either not express a view or said they did not know. Those who said it is not backsliding were further asked: Why do think Ghana's democracy is not backsliding? In reply, an academic contended that the democratic backsliding "argument is usually made in references to media freedom and judicial decisions but, the assessment depends on where one stands . . . not winning a case is not the same as denial of justice." A parliamentarian who thought otherwise argued that: "I think criticisms of our democratic process are part of our democracy. As long as those criticisms are grounded on evidences I do not have any problem with that." An IMANI-Ghana respondent could not agree with the parliamentarian more when he said that: "there is government corruption everywhere, civil liberties are being curtailed, government policies are not responsive to citizens' needs and the law appears to discriminate as people in power get away with grievous crimes."

Equality

Equality is analyzed in relation to: equal rights and legal protection for citizens; reasonable and prompt access to justice; and prohibition of discrimination on the basis of gender, race, ethnicity, and religion.

In terms of equal rights, notwithstanding equal rights under the law, women face societal discrimination, especially in the countryside, where their opportunities for education and employment are circumscribed. However, women's enrollment in universities is increasing. The 2020 parliament of 275 members comprises 40 women, up from 37 in the last parliament, the highest number achieved in the history of Ghanaian parliaments.¹⁴⁹ People with disabilities face societal discrimination.¹⁵⁰

LGBT+ people confront substantial discrimination. Same-sex sexual relationships stand outlawed, incentivizing license for violence and harassment against LGBT+ people. LGBT+ Rights Ghana, which established the country's first LGBT+ community center in January 2021, encountered stiff disapproval from political and religious leaders as well as violent threats. The center was ransacked by security officers in February and was shut by the police later that month.¹⁵¹ In May, police detained 21 people partaking in a permitted training workshop organized by *Rightify Ghana*, claiming that they sought to promote homosexuality. The participants, who were charged with unlawful assembly, were bailed in June.¹⁵²

Economic development, in general, is still unevenly distributed. Ghana lost 28% of its standing on human development as measured by the HDI in 2018, due to inequality, and scored 43.5 on the Gini Index in 2016. This high level of inequality is also mirrored in regional development. The northern part of the country is noticeably marginalized, which unfortunately draws a parallel with the truth that most Muslims reside in the north. This reflects inequalities with regard to income as well as access to education, and infrastructure is better developed in southern Ghana. Urbanization, at a rate of 56.7% in 2019, which causes rural–urban migration, is a major, continuing trend.¹⁵³

The above stated equality deficits prompted a further question to elite respondents: Do you think the use of international indices such as those of Polity IV, Freedom House, the Economist Intelligence Unit, the World Bank, and the Bertelsmann Index in the measurement of the performance of democracies around the world including Ghana is adequate? In answer, 41% of answered in the affirmative, 56% responded in the negative, whereas 4% said they did not know. Those who answered in the affirmative were further asked: Why do you think the indices are adequate? One academic responded that: “Ghana’s democracy is modeled on the Western model and therefore, the standard of measurement must be based on values of that system – that have become the acceptable standard for all liberal democracies.” Another academic disagreed, arguing that: “Democracy grows successfully within a country’s culture but the indexes fail to take into account the country’s culture and values that tend to influence their attitude toward Western democracy.” A respondent from the Institute of Democratic Governance (IDEG) corroborated, explicating that: “the indices of democratic quality are mathematical averages of scores of different variables that fail to take into account the nuances and subtleties of different contexts in a polity.” A parliamentarian agreed, arguing that: “Ghana scores on the Freedom House indices are always high yet on the ground there are increasing restrictions to freedom of assembly, freedom of expression and the right to vote.” He cited an example of these restricted freedoms as the gunning down of eight Ghanaians who protested fraudulent result tallies at Techiman in the 2020 elections. Another example he mentioned was the prevention of the “AriseGhana Movement” from protesting on the principal streets of the capital, Accra, against the harsh economic conditions Ghanaians are currently living under.

Responsiveness

Elements of the responsiveness dimension that are examined here include: policies are at the center of public interest; services are guaranteed to the individuals and groups represented by the government; and goods (material and symbolic) are distributed to citizens.

In reference to policies being at the center of public interest, respondents were asked: Do you think government is responsive to your needs through the policies it mounts? In response, a majority of 73% answered in the negative, 22% replied in the affirmative, whereas the remaining 5% either declined to provide a response or said they did not know. Those who answered in the negative were further asked: Why do you say government is not responsive to your needs? In reply, 71% pointed to unemployment as a policy problem it has failed to address. About the same proportion of respondents (69%) believed that health care delivery was poor, whereas 67% thought that the many challenges in the agriculture sector (lack of fertilizers, seeds, pesticides, post-harvest losses, lack of ready markets for produce) are increasing food insecurity. Sixty-five percent pointed to mobility and haulage challenges arising from bad roads, whereas 62% complained that a lack of infrastructure, textbooks, and equipment have reduced the quality of education, especially at the basic level.

These findings corroborate CDD-Ghana's 2002 Afrobarometer study, which evidenced that a majority of Ghanaians (51%) emphasized the need for governments to deal with unemployment as their top priority. However, the survey showed that only 22% believed governments are responsive to the needs of the people.¹⁵⁴

Nevertheless, the policies successive Ghanaian governments introduced seemed to have yielded some desirable outcomes. The 2000s witnessed Ghana crosses into a new growth stage, posting an extraordinary increase in the size of its economy in less than a decade and becoming a lower-middle-income country.¹⁵⁵ The growth trend continued with the country recording 7% rate of growth from 2017 to 2019 only to be halted by the COVID-19 pandemic when in March 2020, a lockdown led to a shrill reduction in commodity exports with an overall GDP as low as 0.4%.¹⁵⁶ The economic meltdown had an impact on households as the poverty rate climbed from 25% in 2019 to 25.5% in 2020.¹⁵⁷ This implies that the 2020 poverty level was still better than the less than 30% reached in 2007 (from nearly 40% in 1998–1999) and the 30% in 2016, when Ghanaians lived below the poverty threshold of \$3.2 (PPP) a day.¹⁵⁸ The country is also on target to reach the UN Millennium Development Goals. As well, it has undertaken impressive human resource development initiatives (including national health insurance, capitation grants for students in basic schools, and a pilot school feeding program) and substantial investments in infrastructural development (including a new dam and hydro-electricity project).¹⁵⁹ Ghana ranked 138 out of 189 countries in the 2019 Human Development Index (HDI), moving up two ranks from the previous survey. This rank places the country in the group of countries with “medium human development” with a score of 0.611, a slight improvement from 2018.¹⁶⁰

Challenges in attaining quality democracy

Respondents were asked: What domestic factors do you think are responsible for Ghana's inability to achieve good quality democracy? The responses as recorded in descending order of popularity are: declining election quality (89%); residual one-party and military political culture of authoritarianism (87%); the "Big Man" cult (85%); lack of respect for constitutionalism and supportive constitutional conventions (81%); fusion of the executive and the legislature (77%); and vast appointment powers of the executive (73%). The respondents' views were corroborated by secondary evidence. For example, in regard to weak institutional convention, not enough time has been permitted for governance conventions to develop in Ghana, or for political commitment to thrive. Conventions are born by a long historical process, of people sharing experiences, fostering trust and nurturing national consensus. It is such conventions that avert disproportionate use of a political majority in parliament. As Mohiddin¹⁶¹ avers, it is the conventional wisdom of people that defines notions of personal responsibilities – what is wrong and right – and differentiates theft from possession. In Ghana, as elsewhere in some African countries, disdain of constitutions and constitutionalism makes leaders to want to have their way by disobeying court rulings and firing judges and capriciously extending their term limits as well as using extra-legal means to crush opposition. Together, this culminates in an excessively powerful executive that threatens the legislature, intimidates the courts and overawes civil society.¹⁶²

Respondents were also asked: What external factors do you think are responsible for Ghana's inability to achieve good-quality democracy? In descending order of popularity, the responses were as follows: the impact of COVID-19 (91%); risks from digital technology (84%); the recent decline of democracy in the West (80%); inadequate ECOWAS and AU mechanisms (71%); the absence of champions of democratic governance (63%); and less dependence on foreign (especially Western) aid. These challenges are consistent with what is found by other scholars. For example, in terms of the impact of Covid-19, it: brought about excessive coercion in the enforcement of public health measures; compelled the introduction of repressive legislation and curbed civil liberties and media freedoms; overrode institutional checks and balances (e.g., bypassed democratic processes such as legislative approval); spurred corruption (such as fraud in the procurement of sputnik V vaccines from a Dubai Sheik); and reduced election quality due to holding the 2020 elections amid the pandemic.¹⁶³

Discussion

The implications of the findings for the eight dimensions of democratic quality are analyzed in this section. In the case of the rule of law dimension, there is no doubt that Ghana is structured by clearly formulated laws under the 1992

Constitution: provided for a degree of separation of powers between the executive, judiciary, and legislature; entrenched bill of rights anchoring an independent judiciary; established human rights and anti-corruption commission, created an election management body; and imposed presidential term limit, which together show the degree of constitutionalism in the new democratic dispensation. Yet, in practice, for example, the courts oscillated in the continuum between judicial resurgence, judicial entrenchment, and judicial inconsistency. The Judiciary resurged in the democratic transition period (1993–1999) because its newfound constitutional guarantees in the democratic transition period emboldened it to rule against the government in cases brought before it. The judiciary entrenched its assertiveness in 2000–2016 when it even heard and ruled that a case can be brought against the President in the performance of his functions, a move that was unthinkable in the military regime period. The judiciary has exhibited inconsistency in its rulings from 2017 to date due largely to the direct attempts to control the Supreme Court through packing it with sympathetic judges or with active members of the governing party.¹⁶⁴ Thus, on the rule of law dimension, whereas performance on the criterion – independent and politically neutral judiciary, is mixed, performance on the criteria of – corruption, and security forces' respect for citizens' rights, are abysmal. In fact, the primary and secondary evidence showed that the former is increasing, whereas the latter is rapidly deteriorating. Corruption and the perception of corruption have had one of the most significant influences on the degree of trust that Ghanaians feel toward public institutions. This evidence showed that Ghana places different weights on the elements within dimensions of democratic quality.

In regard to the participation dimension, the right to vote is the most respected – eight competitive multi-party national elections with near universal adult suffrage (from 1992 to 2020) and nine local government elections (from 1988/89 to 2020). Nevertheless, while the ballot box has remained a key mechanism for selecting leaders, election quality is declining, as evidenced by the co-optation of the election management body by partisan hacks, numerous election irregularities, and various guises of voter intimidation.¹⁶⁵ The right to protest and the right to organize and demonstrate were the elements in the participation dimension, which were found to be the most assailed. These participation deficits harm democratic quality because: they weaken the checks on elite power; they permit the rise of civil oligarchies and the capture of democratic institutions by privileged groups; and they ensure democratic structures are reformed in ways that result in the systemic exclusion of non-elites over the longer term.¹⁶⁶ Woodford and Preston¹⁶⁷ also argue that as a democratic tool, participation is a contradictory process. On the one hand, the state encourages citizens to get engaged. On the other, it [prevents them from participation through many guises] and leaves them dependent on government officials for access, information, and action. This lack of

meaningful opportunity to participate in ways that many democratic theorists require¹⁶⁸ enticed Parvin¹⁶⁹ to reject the idea that the future of democracy lies in encouraging more widespread participation. Rather, he argues that an alternative approach is needed: “a regime which can continue to produce democratic outcomes, and which satisfies the requirements of political equality, in the absence of widespread participation by citizen.”¹⁷⁰

As regards the competition dimension, the element of regular electoral contest fared best, whereas competition within parties performed abysmally. Pluralism in media ownership and viewpoints, and the ease and decisiveness with which incumbents can be defeated, had median performance. Nevertheless, manipulation of the electoral process is common and although opposition parties persist they are intimidated. For example, the people of Santrofi, Akpafu, Likpe, and Lolobi, which are opposition NDC strongholds, were deliberately denied the opportunity by the incumbent government to vote to select a parliamentarian under the guise that the yet-to-be-created Guan Constituency where they would be re-designated in the newly created Oti Region could not be created.¹⁷¹ For the second time (first in 2012 and second in 2020) in Ghana’s Fourth Republic, the opposition rejected the presidential results. Likewise, both the ruling and the main opposition parties rejected the 2020 election results of 16 parliamentary seats (the NDC is disputing 8 and the NPP is contesting 8).¹⁷² In addition, there are ethno-regional divisions that lead to the mobilization of voters along sectarian lines. Together these democratic infractions are diluting the quality of Ghana’s democracy.

On the issue of electoral accountability, unfulfilled promises, characterized to different extents, the tenures of the NDC and NPP governments, which led to three alternations of power. Reward and sanction at the polls can be interpreted in two ways: the voter made an informed decision to either reward or sanction the incumbent government; or the election result was secured through vote buying, voter intimidation, or other forms of irregularities such as ballot box stuffing. The evidence showed that in Ghana, the latter usually obtains which delegitimized government and eroded democratic quality. Voter abstentions and voiding of the ballot were found to have increased at increasing rates in the eight successive national elections. Among the reasons for abstention and ballot voiding, disillusionment with the performance of government topped the list and this led to what Svulik¹⁷³ described as a “trap of pessimistic expectations” – an expectation-driven failure of accountability in which after recurrently disappointing government performances, voters reasonably conclude that “all politicians are crooks” and stop discriminating among them – a state of affairs that may precipitate the breakdown of democracy.¹⁷⁴

With respect to inter-institutional accountability, the criterion, ombudsman’s investigations of public officials’ misconduct, was the highest

performer. Auditor General Reports ranked second and decisions and checks in the court system placed third, whereas monitoring exercised by the opposition in parliament came in the fourth position. Opposition monitoring in parliament performed worst because the present fusion of the executive and the legislature has endangered the co-optation of the latter by the former with the consequence that the former can always have its way even if that way undermines the public interest.¹⁷⁵ This contradicts the classic view of the opposition's role in a democracy, that is, it should be a watchdog – and inevitably a critic – of government, checking the activities of public officials and holding them politically accountable.¹⁷⁶ However, it aligns with Afrobarometer survey, which indicates that in Ghana 61% of survey respondents and an even higher percentage in Botswana (82%) and Senegal (82%) rather prefer opposition parties to “cooperate with the government and help it develop the country.”¹⁷⁷ This speaks of Logon¹⁷⁸ who found that a non-confrontational role for opposition parties in Africa is consistent with a widespread cultural preference for consensus politics.

The freedom dimension appears to have outperformed the other seven dimensions. This is because citizens do assert their rights and freedoms such as the right to: expression; vote; stand for elected office; and organize political parties and campaigns. These freedoms have been guaranteed under the 1992 Constitution and cannot be wished away. Yet, there are growing government efforts to crush dissent and trample civil liberties: vocal journalists are increasingly being killed and brutalized; demonstrations and protests are violently being clampdown; election campaigns including primaries and other polls are monetized, manipulated and characterized by violent conflicts, and the voices of the people are negated by concentration of political and economic power in the executive and ruling party. Accordingly, in this context of corruption, elite capture, and political funding by wealthy interest groups in Ghana, the utility and quality of representative democracy is limited. Critics of purely representative models of democracy charge that “in inequitable societies representative systems will inevitably reproduce social, economic and political inequities in terms of who can [wield political and economic power] and engage with and influence decision-making.”¹⁷⁹ Consequently, the more socially and economically unequal a society is, the less politically engaged is its citizen body [and the less the quality of its democracy is].¹⁸⁰

In terms of the equality dimension, although the constitution provides that citizens have the same rights and legal protections, wide gaps exist especially in financial terms. Having implemented neoliberal economic policies for more than three decades and practiced liberal democracy for 29 years, Ghana is a miniature of the terrible inequality of our contemporary world system.¹⁸¹ The gap between the poorest 10% and the wealthiest 10% of Ghanaians has been widening between 2006 and 2013 and beyond. Whereas the “wealthiest 10% consume around one third of all national consumption . . . the poorest

10% consume just 1.72%.”¹⁸² This speaks of the contradictions in liberal democracy that have not yet resolved the dilemma between being free and equal in the political sphere and unequal and caught in poverty in the economic sphere.¹⁸³ This is not surprising since we live in a world that is dominated by democratic governments; yet equality of wealth between regions, countries, and people is widening. For example, in 2016, the 10% top income earners possessed 37% of the wealth of Europe, 41% of the wealth of China, 46% of the wealth of Russia, 47% of the wealth of the US and Canada, and around 57% of the wealth of sub-Saharan Africa, Brazil, and India.¹⁸⁴

The analysis of the responsiveness dimension showed that there is a gap between popular aspirations for material welfare and adequate fulfillment. Whereas successive government policies have enabled Ghana to graduate from a low income country to a middle income one and reduced poverty somewhat, a litany of bad policies has eroded much of the achievement. Since 2017, when the new Akufo Addo government came into power, it initiated and caused the legislature to ratify under “certificates of urgency” a number of international agreements – of dubious value for development but endemic with kickbacks.¹⁸⁵ These include the 2018 Sino-hydro bauxite-mining deal with China; an arrangement concluded notwithstanding the risk that mining could damage the Atewa Forest, where three of Ghana’s major rivers originate. Another, the Agyapa Gold Royalties deal, was approved hastily in 2020 even with an opposition boycott and vehement objections from Ghanaian and international media and anti-corruption groups.¹⁸⁶ A perverse agreement bestowed monopoly control of the port of Tema, the country’s largest, on a French billionaire. The agreement breached procurement laws, exaggerated planned investments, and defrauded Ghanaians by halving the country’s equity in the port and giving up billions of dollars in fees.¹⁸⁷ The implications of these responsiveness deficits are at least four. First, they speak of, on the one hand, leaders whose policies are at the center of public interest – one of the manifestations of responsiveness,¹⁸⁸ and on the other hand, leaders whose policies are self-serving. Second, they underscore the fact, as Morlino et al.¹⁸⁹ argue that elected leaders do not always seek to understand and respond to citizens’ perceptions and positions. Rather, they work to optimize their own independence and influence citizens’ perceptions and understanding of what constitute the most important issues. Third, whether a government can respond adequately, if at all, to the needs of its citizens is a function of the resources at its disposal. Limited resources and economic constraints on public spending affect the responsiveness of even the wealthiest countries.¹⁹⁰ Finally, the tenacious problems presented by unemployment and immigration also illustrate the formidability of finding generally satisfactory, legitimate, and responsive solutions in contemporary democracies.¹⁹¹ These four implications individually and together are conditions that contribute to a de-legitimization of democratic systems and encourage different forms of populism.

Pertaining to the gap between the demand for democracy and the supply of it, comparison between the level of satisfaction with democracy gleaned from the interviews and Ghana's score on many of the quality of democracy indices is revealing. There is a mismatch between the two sides, suggesting that all the indexes of the quality of democracy, regardless of how they are composed, have limitations and do not always tell us the whole story.¹⁹² In 2019, 76.5% of Ghanaians surveyed by Afrobarometer preferred democracy to any other kind of government.¹⁹³ This means that there are popular expectations and preferences of Ghanaians for democracy – freedom, socio-economic need for jobs, health care education, security, just to mention a few. However, these expectations are not being met. For example, the domestic political economy is perverse because whereas growth has been realized this is not matched by more jobs and its benefits are not shared evenly among citizens.¹⁹⁴ This can potentially fuel political discontent and instability, as witnessed in the #FixTheCountry demonstrations across the country and the lethal Ejura demonstration shootings.¹⁹⁵ Another point is that while objectively the government can propose policies and processes of high democratic quality, citizens may still object to these policies and approaches.¹⁹⁶ For example, the NDC government's Value Added Tax (VAT) Bill, which was touted as having the capacity to plug recurrent annual revenue shortfalls and raise money for development, was passed into law in 1995. However, they were rejected with violent street demonstrations and protests by the NPP in opposition then and a majority of Ghanaians as portending more hardships for the people.¹⁹⁷ Yet, in operation, VAT is one of the leading revenue earning sources for Ghana today.

The causes of deteriorating democratic quality are categorized into internal and external factors.

Some of the internal challenges can be resolved through constitutional amendments. For example, changing the constitution to permit for separation of powers will guarantee that any arm of government does not encroach on the powers of the others. The current hybridization of the executive and the legislature has imperiled the co-optation of the latter by the former with the consequence that the former always has its way even if that way is inimical to the interest of the generality of the population. However, structures ensuring separation of powers are essential but not sufficient to provide checks and balances. In Ghana, what are missing are constitutionalism and supportive institutional conventions, political will, and commitment. As Mohidden¹⁹⁸ notes, "In many African countries constitutions contain eloquent proclamations of intention, but the political will for action and adjudication is lacking."

The external factors can be dealt with by, among others: engendering capacity building to strengthen actors and democratic institutions; entrenchment of constitutionalism; promotion of vertical accountability; addressing pervasive inclusion deficits; and investments in the creation

and sustenance of democratic citizenship. For example, constitutionalism can be entrenched in the constitution by promoting reforms to particularly strengthen the independence of the judiciary, election management body, human-rights and anti-corruption bodies, and supreme audit bodies. Special emphasis should be placed on the mode of appointment and removal of the leadership of these bodies, as well as their funding.

Conclusion

This paper sets out to evaluate the quality of Ghana's democracy using Morlino's eight-dimensional framework for assessing democratic quality. The evidence showed that there are both intra-dimension and inter-dimension differences in the performance of democracy. This indicates that Ghana places different weights on the dimensions and elements within the dimensions. The rule of law dimension, which provides the basis for the realization of the other seven dimensions, was expected to outperform the others. However, this was not the case as the slippages in the dimension allowed for the infraction of elements in other dimensions. For example, the oscillation of the courts in the continuum between judicial resurgence, judicial entrenchment, and judicial inconsistency has not only allowed corruption to fester but also for security forces to violate citizens' rights with impunity. Consequently, elements in other dimensions such as free, fair, and transparent elections in the competition dimension, and the right to organize and to protest in the participation dimension are harmed. And since participation and competition represent the heart of a democracy, it is not surprising that there is now talk about Ghana's democratic backsliding and democratic careening – while the ballot box remains the main mechanism for choosing leaders, election quality is declining, and although political competition in Ghana is real, it nevertheless remains flawed and unfair; and Ghana's democracy is such that it lurches, swerves, sways, and threatens to tip over. The causes of deteriorating democratic quality are both internal and external. Some of the internal challenges can be resolved through constitutional amendments. However, some other internal factors together with external ones may not be resolved by simply amending the constitution or legislation. Measures to deal with these factors include, among others: capacity building to strengthen actors and democratic institutions; entrenchment of constitutionalism; promotion of vertical accountability; addressing pervasive inclusion deficits; and investments in the creation and sustenance of democratic citizenship. Without instituting these reforms, Ghana's democracy will remain a poor-quality democracy, where the political involvement of citizens will be limited to voting, while they are ignored between elections, and they will have little possibility of controlling corruption or misgovernment.

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