

2026 GOODLUCK JONATHAN FOUNDATION DEMOCRACY DIALOGUE

SPEAKING NOTES FOR HON. JOHNSON ASIEDU NKETIAH

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Theme: *Beyond Elections: Can Political Parties and the Judiciary Save African Democracy?*

Panel: *Political Parties and the Judiciary: Rebuilding Trust and Strengthening Democratic Institutions in Africa*

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Opening Remarks

Your Excellencies, distinguished political leaders, members of the judiciary, representatives of civil society, development partners, ladies and gentlemen, I thank His Excellency Dr Goodluck Ebele Jonathan and the Goodluck Jonathan Foundation for convening this important dialogue. The question before us is whether political parties and the judiciary can save African democracy. My answer is that they can make an indispensable contribution, but neither institution can do so merely by existing. Political parties cannot save democracy when they function only as electoral machines, instruments of patronage or vehicles for individual ambition. Courts cannot save democracy when they are inaccessible, slow, inconsistent or perceived to be subject to political influence. Both institutions can defend democracy only when they are themselves credible, accountable, competent and trusted.

Elections determine who receives the authority to govern. They do not, by themselves, determine whether that authority will be exercised lawfully, whether constitutional limits will be respected, whether the opposition will remain legitimate or whether government will improve the lives of the people. Democracy is therefore tested not only on election day, but in every decision taken between one election and the next.

Ghana's Experience

Ghana offers a useful, although imperfect, example of democratic institutionalisation. Since the beginning of the Fourth Republic, the country has held nine consecutive general elections from 1992 to 2024. Four of those elections—in 2000, 2008, 2016 and 2024—produced transfers of governing power from one political party to another. This demonstrates that an African governing party can lose power, transfer authority peacefully and return to government through the ballot box rather than through force.

The 2008 presidential election remains instructive. Professor John Evans Atta Mills prevailed with 50.23 per cent of the vote against 49.77 per cent for Nana Addo Dankwa Akufo-Addo. In a contest separated by less than half of one percentage point, the central achievement was that political leaders, institutions and citizens prevented a close result from becoming a national crisis. In 2016, President John Dramani Mahama conceded defeat as an incumbent and supervised a peaceful transition. In 2024, the Electoral Commission's updated declaration recorded 6,591,790 votes, representing 56.42 per cent, for President Mahama, with a turnout of 63.97 per cent. Vice-President Mahamudu Bawumia conceded before the formal declaration once his party's collation showed that the result could not be reversed. These concessions were not ceremonial courtesies; they were constitutional contributions.

Nevertheless, Ghana's democratic reputation must not become a basis for complacency. The 2020 election produced a Parliament of 137 members for each of the two major parties and one independent member, but eight lives were reportedly lost through election-related violence. This reminds us that democratic progress is never irreversible.

Political Parties Must Reform Themselves

Political parties are not the private property of founders, financiers, office holders or temporary leaders. They perform public and constitutional functions by recruiting leaders, developing policy alternatives, organising political participation and connecting citizens to the state. A party that demands credible national elections must conduct credible internal elections. A party that condemns authoritarianism in government must tolerate

legitimate disagreement within its own structures. A party that promises national inclusion cannot deny meaningful opportunities to women, young people, persons with disabilities and citizens without wealthy patrons.

The influence of money is one of the greatest threats to internal party democracy. Research by the Westminster Foundation for Democracy and CDD-Ghana found that the cost of contesting parliamentary office increased by 59 per cent between the 2012 and 2016 electoral cycles, reaching an average of GH¢389,803. A later CDD-Ghana study estimated that a viable parliamentary campaign by 2020, including the long process of maintaining a constituency presence, could cost approximately GH¢4 million. When entry into political leadership becomes this expensive, parties risk selecting the wealthiest rather than the most capable, while elected officials may enter office burdened by financiers and expectations of repayment.

Parties must also recover their policy, civic education and leadership-development functions. They should maintain permanent research institutions, train candidates and office holders, and create systems for evaluating governments formed in their name. Democracy suffers when public office becomes the first place at which political leaders begin to learn the responsibilities of government.

Inclusion must also be measured rather than merely promised. Women hold only 40 of Ghana's 276 parliamentary seats, representing 14.5 per cent, although they constitute slightly more than half of the population. Young people between the ages of 15 and 35 constitute 38.2 per cent of Ghana's population, yet no member of the present Parliament was aged 30 or younger at the beginning of the legislature. Political parties must create practical pathways that move women and young people beyond rallies and campaign mobilisation into policy development, party leadership, Parliament and executive responsibility.

The Judiciary and Democratic Trust

The judiciary is indispensable because political competition inevitably produces disputes over elections, rights and constitutional boundaries. Ghana's presidential election petitions following the 2012 and 2020 elections demonstrated that even the highest political disagreements can be transferred from the street to the courtroom. The 2012 petition was dismissed by a five-to-four majority after an extended hearing, while the 2020 petition was unanimously dismissed by the Supreme Court. The parties complied with both outcomes, even where they disagreed with aspects of the procedure and reasoning.

Respect for the authority of the courts does not require political actors to surrender their right to criticise judicial reasoning. Legitimate criticism is part of constitutional democracy; intimidation, threats and personal attacks are not. Judicial independence means freedom from political, financial and personal influence, but it does not mean freedom from ethical standards, transparency, consistency or public accountability.

Public confidence must nevertheless be taken seriously. Afrobarometer's Round 10 findings reported that only 35 per cent of Ghanaians trusted the courts "somewhat" or "a lot." Half of respondents were not confident that an ordinary person who had been wronged could obtain justice, only 37 per cent believed they could afford to take a legal problem to court, and only 38 per cent believed a case would be resolved in time. These are public perceptions rather than judicial findings, but institutions disregard them at their peril. Judicial authority cannot depend only on constitutional text; it must also rest on citizens' confidence that justice is accessible, impartial and timely.

Courts must therefore combine courage with restraint. Africa requires judiciaries strong enough to restrain governments, protect opposition parties, defend fundamental rights and enforce constitutional limits. At the same time, courts must avoid becoming alternative political chambers or substituting judicial preferences for decisions properly entrusted to elected institutions and citizens.

The Way Forward

Political parties should be governed by enforceable standards on internal democracy, campaign finance, audited accounts, candidate selection and leadership succession. They should publish measurable data on women and youth participation, reduce financial barriers to candidature and establish permanent policy and leadership

institutions. Electoral disputes should be governed by clear disclosure obligations, fair procedures and timelines that allow remedies to remain meaningful. Judicial appointments and promotions should be guided by transparent criteria, constitutional judgments should be published promptly, legal aid should be strengthened and reliable information on court performance should be available to the public.

Political parties, courts, electoral bodies, civil society, the media and academic institutions must also engage before crises arise. Dialogue should not begin only when an election dispute threatens national stability.

Closing

Can political parties and the judiciary save African democracy? They can help save it, but only if they first reform themselves. Political parties must cease to be seasonal electoral machines and become permanent democratic institutions. The judiciary must remain independent of political power while providing remedies that are impartial, accessible, timely and convincingly reasoned.

The future of African democracy will not be secured merely by conducting more elections. It will be secured by institutions that make elections meaningful, government accountable, constitutional limits effective and peaceful transfers of power normal. Political parties must remember that power is temporary and that the state belongs to the people. The judiciary must understand that its strongest protection is not the goodwill of political leaders, but the confidence of citizens in its independence and integrity.

When parties respect constitutional limits, courts administer justice without fear or favour, governments deliver material progress and citizens remain engaged beyond election day, democracy becomes more than a procedure. It becomes a durable system of public trust, peaceful competition, accountable authority and national development.

Thank you.