

AFRICA RISK CONSULTING

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President Nana Addo Dankwa Akufo-Addo (2017-present) is sworn in for a second term, although the Supreme Court is set to hear the legal challenge of former president John Dramani Mahama (2012-2017) to the election result on 26 January. The Supreme Court has dismissed 12 information requests in the petition. Akufo-Addo's second term gets underway, including the first appointment of ministers. Alban Bagbin becomes the first opposition politician to be elected Speaker of Ghana's parliament. Ghana is expected to spearhead the implementation of trading rules under the African Continental Free Trade Area (AfCFTA) as Accra becomes the seat of the AfCFTA secretariat. Covid-19 cases are increasing significantly, prompting warnings of a return to a partial lockdown as all schools in Ghana concurrently reopen for the first time in 10 months.

Legal challenge to election outcome renews political uncertainty...

Despite the relatively smooth election in **Ghana** that saw the re-election of incumbent president **Nana Addo Dankwa Akufo-Addo** (2017-present) on 7 December, former president **John Dramani Mahama** (2012-2017) has disputed the election result. Mahama's party, the opposition **National Democratic Congress (NDC)**, petitioned Ghana's **Supreme Court** to annul Akufo-Addo's election victory on 30 December.¹ This was the last day of the 21-day window to submit an election challenge. The petition claims that the election result is illegal, as no candidate met the required number of votes to win, and calls for clarity on the transmission of the results by the **Electoral Commission**.² For a president to be elected, he or she requires 50% of the vote, with the Mahama camp questioning the validity of the outcome given Akufo-Addo's 51.6% winning margin.³

The Supreme Court unanimously dismissed the 12 requests for information in the petition on 19 January, citing their irrelevance to the case.⁴ Much of the language of the petition accuses the Electoral Commission of errors rather than calling into question the validity of the polling data on the outcome.⁵ Akufo-Addo and his supporters maintain that the petition at no point calls into question the validity of the result.⁶ The Supreme Court is to begin hearing the case on 26 January.⁷ Under the 42-day rule, a final judgment on the challenge to the election result should be due by 10 February, but this could be extended.⁸

Although Ghana is generally one of **Africa's** more stable democracies, it has had a disputed presidential result before. In 2012, Akufo-Addo and his party, the **New Patriotic Party (NPP)**, rejected the election result, refusing to concede to Mahama and challenging the result in Ghana's Supreme Court (see *ARC Briefing Ghana December 2016*).⁹ Mahama had secured 50.7% of votes in the first round, thereby avoiding a run-off election.¹⁰ After eight months, the Supreme Court narrowly

¹ My Joy Online, 30 Dec 2020

² Pulse Ghana, 19 Jan 2021

³ Pulse Ghana, 20 Jan 2021

⁴ Peace FM, 19 Jan 2021

⁵ Pulse Ghana, 11 Jan 2021

⁶ Ghana News Agency, 10 Jan 2021

⁷ Pulse Ghana, 20 Jan 2021

⁸ Ghana Web, 20 Jan 2021

⁹ Premium Times, 27 Dec 2020

¹⁰ BBC, 8 Dec 2012.

ruled Mahama the victor.¹¹ Many commentators commended Akufo-Addo for peacefully accepting Mahama's victory, despite a marginal loss by 300,000 votes.¹² Given the historical context, the Supreme Court's decision is likely to be swifter this time in order to mitigate the potential for a long period of uncertainty, unless it needs more information.

Despite the precedent of supreme courts in Africa annulling election results, such as in **Kenya** in 2017 and **Malawi** in 2020, this outcome is highly unlikely in this case. Not only has the opposition failed to present clear evidence in its challenge, the Supreme Court is also stacked with judges who are likely to be pro-Akufo-Addo. Seven judges will hear the case; Akufo-Addo has appointed 11 of the 17 Supreme Court judges.¹³ Although there has also been little or no external scrutiny of Ghana's election, the public nature of the court proceedings is expected to promote transparency. The opposition had attempted to lobby foreign governments to decry foul play failed before pursuing the Supreme Court route.¹⁴

Support for the petition to the Supreme Court has not been unanimous within the NDC and the decision to challenge the result may well deepen party fissures.¹⁵ Several key NDC figures called for greater consensus and sought to move on from the defeat. These may be the preliminary signs of interest among NDC leaders such as **Ekwow Spio Garbah**, **Joshua Alai** and **Haruna Iddrisu** in being the party's presidential candidate in 2024.¹⁶ Opposition politicking for party leadership is likely to increase with the Supreme Court case a first juncture for agenda setting. If Mahama fails to concede defeat following a judgement against the NDC petition, he may well be perceived as a disruptor.

... but cabinet appointments are likely to be a barometer of government cooperation

The focus is now on the appointments Akufo-Addo makes for ministerial positions. Appointments are likely to reflect unity given that both the NPP and NDC have 137 seats in parliament with the final seat filled by independent member of parliament for **Fomena** constituency **Andrew Amoako Asiamah**.¹⁷ However, the NDC has challenged the outcome of three seats. If the Electoral Commission overturns the results, the opposition could gain control of parliament.¹⁸ Either way, some level of consensus is needed for the government to function.

The election of key NDC politician **Alban Bagbin** as Speaker on 7 January was a clear indication of the need for unity in Ghana's parliament. Bagbin is the first opposition party candidate to be elected as Speaker, beating former speaker and NPP MP **Aaron Mike Oquaye** by two votes.¹⁹ The election process began shortly after midnight and ran through the night until about 6am amidst chaos and confusion.²⁰

Other early ministerial appointments have not yet provided a clear indicator.²¹ In Akufo-Addo's first term he significantly expanded the number of ministerial positions. The creation of new roles and the division of existing ministries was largely due to patronage for support rather than efficiency.²² However, Akufo-Addo is expected to reduce the number of ministerial portfolios in his second term. Reportedly, MPs who lost their seats in the election will not be considered for ministerial positions, unlike in Akufo-Addo's first term.²³

¹¹ BBC, 30 Aug 2013.

¹² Peace FM, 7 Dec 2016.

¹³ The Africa Report, 30 Dec 2020

¹⁴ Pulse Ghana, 27 Dec 2020

¹⁵ The Africa Report, 30 Dec 2020

¹⁶ The Africa Report, 30 Dec 2020

¹⁷ Pulse Ghana, 14 Jan 2021

¹⁸ The Africa Report, 30 Dec 2020

¹⁹ PeaceFMOnline, 7 Jan 2021

²⁰ PeaceFMOnline, 7 Jan 2021

²¹ Ghana Today, 20 Jan 2021

²² Graphic Online, 24 Dec 2020

²³ Pulse Ghana, 20 Jan 2021

There is increasing pressure from civil society groups for more women to be represented at cabinet level.²⁴ However, any considerations for increasing female participation in government are likely to be secondary, with rewarding patronage and incorporating potential disrupting figures the principal motivation for creating a workable government. The remaining ministerial appointments are expected over the coming weeks.

AfCFTA impact likely to be delayed despite Ghana's efforts

Trading rules under the **African Continental Free Trade Area (AfCFTA)** began on 1 January following over five years of negotiations.²⁵ The new intra-African trading bloc aims to create a single market, facilitate greater movement of labour, and promote economic growth. AfCFTA aims to double the value of intra-Africa trade by 2035.²⁶ The implementation of AfCFTA will also create greater certainty over intra-African trade relationships, boosting domestic and foreign investment.

However, the commencement of the agreement is largely symbolic with AfCFTA's 54 members still to liberalise and harmonise trading rules in line with the agreement's requirements, including the removal of 90% of tariffs by July 2021.²⁷ Many countries do not meet the current criteria, given historic protectionism, and 13 AfCFTA members are still to submit schedules for tariff reduction.²⁸ Ghana currently imposes significant restrictions on foreign retail trade in its local market, which constitutes a breach of AfCFTA.²⁹

Ghana was one of the main countries to spearhead AfCFTA and one of the first to sign and ratify the free trade agreement. Ghana also won the bid to host the secretariat of AfCFTA, which will be headquartered in **Accra**.³⁰ This was not only symbolic of Ghana's historic push for greater Pan-Africanism but also an indication of Ghana's growing importance and ambitions to be a hub for commercial trade in the region. As a result, Ghana is likely to feel greater pressure to lead the way in introducing rules.

Ghana has already been improving its ease of doing business.³¹ Ghana's current **National Export Development Strategy** integrates AfCFTA considerations³² while the **Ministry of Trade** has established an office for managing and supporting AfCFTA implementation to which companies can apply to export under AfCFTA rules.³³ The application process was established under the **Integrated Customs Management System (ICUMS)** on 18 January.³⁴ However, despite efforts by institutions to operationalise the transition to AfCFTA rules, just how the rules apply to traders and the access provided to smaller traders remains unclear. Therefore, a move to AfCFTA, even under Ghana's rhetorical commitment to a quick transition, is likely to face delays.

As the seat of the AfCFTA secretariat, Ghana is likely to hold other countries to account over implementation. Ghana has already led the way in raising concerns over the discrepancies between the AfCFTA requirements for domestic trade legislation in the wider region. The **Ghana Union of Traders Association (GUTA)** and the **Ghana International Trade Commission (GITC)** have both raised concerns over the extent to which other African countries will harmonise their trade laws with the AfCFTA rules.³⁵ **Covid-19** and its economic impact have provided an easy excuse for delaying the transition to AfCFTA rules and there is limited obligation for countries to ensure that AfCFTA requirements are met.

²⁴ Ghana News Agency, 11 Jan 2021

²⁵ Ghana News Agency, 13 Jan 2021

²⁶ Ghana News Agency, 13 Jan 2021

²⁷ African Union, 30 May 2019

²⁸ Nairametrics, 11 Jan 2021

²⁹ Ghanaian Times, 8 Jan 2021

³⁰ Business Ghana, 7 Jan 2021

³¹ Modern Ghana, 1 Jan 2021

³² Ghana News Agency, 5 Jan 2021

³³ Modern Ghana, 5 Jan 2021

³⁴ Ghana News Agency, 13 Jan 2021

³⁵ Ghanaian Times, 8 Jan 2021

Going forward, compared to many African countries, Ghana is likely to make liberalisation changes although a comprehensive overhaul by the July deadline remains unlikely given the short timeframe. However, given Ghana's previous commitment to the ideals of AfCFTA and its leadership within the bloc, Ghana is increasingly likely to hold other countries to account and be a regional mouthpiece over implementation. The broader introduction of AfCFTA is highly likely to be slow, with schedules likely serving as rough timeframes rather than deadlines. As a result, there is likely to be a delay before the impact of AfCFTA is felt, with Ghana no exception despite its efforts.

Schools reopen despite new spike in Covid-19 cases

There has been a significant increase in the spread of Covid-19 in Ghana over the past month, concurrent with the election and festive period.³⁶ As of 21 January, Ghana has recorded over 58,000 cases and 358 Covid-19-related deaths in its population of 31 million people.³⁷ However, the rising rate of infection is a principal concern. The number of daily infections more than doubled between 1 January and 21 January, with the number of additional daily cases surpassing 200 for the first time since August.³⁸ The more transmissible strain of the virus first identified in the **United Kingdom** has been recorded in Ghana but is believed to have been contained.³⁹

Ghana reopened schools on 15 January that have been closed since March 2020.⁴⁰ Final year and tertiary education had reopened over five months ago for exams, but schools have largely remained closed over the last 10 months.⁴¹ There has been mixed reception to the reopening of schools, given the recent increase in the transmission of Covid-19 in Ghana.⁴² Despite assurances of safety measures within schools, the **Ghana National Association of Teachers (GNAT)** has demanded that the government re-close schools given the rising rate of Covid-19.⁴³ The re-opening of schools is becoming an increasingly politicised issue.

During President Nana Akufo-Addo's Covid-19 address on 17 January, he warned that a partial lockdown would be imposed if Ghanaians fail to adhere to current social distancing rules.⁴⁴ The government has attempted to increase personal responsibility for following the rules, but has also tightened regulations. Enforcement of the legal requirement to wear facemasks in public areas has notably increased amid rising cases. Accra police have arrested hundreds of members of the public for refusing to comply with rules to wear facemasks in public.⁴⁵ Institutional responsibility is also increasing, with some universities threatening expulsion where students fail to comply with Covid-19 guidance.⁴⁶

President Akufo-Addo confirmed on 19 January that the government had begun consultations with pharmaceutical companies over importing Covid-19 vaccines.⁴⁷ The announcement followed submissions from a specialist committee to the government but the health ministry has yet to confirm further details on vaccination plans. The **Ghana Health Service** clarified in December that it hoped to receive Covid-19 vaccines by the end of March, but has given no updates since:

*"We're not going to get all at once. It will come and continue coming. But hopefully, let's say... by the end of the first quarter of 2021 we will start getting the vaccines."*⁴⁸

³⁶ Ghana Health Service, 21 Jan 2021

³⁷ Ghana Health Service, 21 Jan 2021

³⁸ Ghana Health Service, 21 Jan 2021

³⁹ BBC, 18 Jan 2021

⁴⁰ Ghana Today, 5 Jan 2021

⁴¹ CGTN, 18 Jan 2021

⁴² Africa News, 19 Jan 2021

⁴³ Ghana Web, 18 Jan 2021

⁴⁴ Pulse Ghana, 17 Jan 2021.

⁴⁵ Pulse Ghana, 19 Jan 2021

⁴⁶ CGTN, 13 Jan 2021

⁴⁷ My Joy Online, 19 Jan 2021

⁴⁸ Pulse Ghana, 21 Dec 2020

Looking ahead, Ghana's government may be forced to increase lockdown measures such as school closures if cases continue to spread or if there is significant political pressure to do so. A growing concern within the continent remains the spread of a more transmissible variant of the virus first identified in **South Africa**.⁴⁹

Planner

25 Jan 2021 **(Ghana)** Announcement of **Bank of Ghana** Monetary Policy Committee decision.

26 Jan 2021 **(Ghana)** Supreme Court trial of election result begins.

10 Feb 2021 **(Ghana)** Preliminary deadline for final judgement on Supreme Court election challenge.

Chronology

21 Jan 2021 **Accra (Ghana)** *Ghana Web*. The **Ghana Statistical Service (GSS)** publishes inflation report indicating a 7% increase in the **Producer Price Inflation (PPI)** rate for the year ending 31 December;

20 Jan 2021 **Accra (Ghana)** *Pulse Ghana*. President **Nana Akufo-Addo** names the first 13 ministers in Ghana's new cabinet, with **Akosua Frema Osei-Opare** remaining as Chief of Staff;

20 Jan 2021 **Accra (Ghana)** *Pulse Ghana*. President **Nana Akufo-Addo** scraps seven of Ghana's 36 specialised ministries, citing the completion of several mandates and the need for restructuring;

19 Jan 2021 **Accra (Ghana)** *Fitch Ratings*. Ratings agency **Fitch Ratings** upgrades its rating of Ghana's **United Bank for Africa's Long-Term Default Rating (IDR)** from B- to B following the perceived strengthening of the bank's capitalisation, creating a stable outlook for the IDR;

18 Jan 2021 **Accra (Ghana)** *Ghana Web*. The **Supreme Court** unanimously dismisses the 12 interrogatories to former president **John Mahama's** petition to annul December's election result, with the trial to be heard on 26 January;

18 Jan 2021 **Accra (Ghana)** *Ghana Web*. The **Ghana National Association of Teachers (GNAT)** requests that the government re-close schools given the rising rate of transmission for **Covid-19**;

17 Jan 2021 **Accra (Ghana)** *CNN*. President **Nana Akufo-Addo** warns of significant increases in the spread of **Covid-19**, with several treatment centres now overwhelmed with patients;

15 Jan 2021 **Accra (Ghana)** *Graphic Online*. All schools in Ghana reopen for the first time since March 2020 following initial **Covid-19** measures, prompting criticism amid rising infection rates;

12 Jan 2021 **Accra (Ghana)** *The Nation*. Government announces that the burial of former president **Jerry Rawlings**, who died in November, will take place on 26 January;

11 Jan 2021 **Accra (Ghana)** *Ghanaian Times*. Ghana's 2021 growth rate forecast is revised down to 1.4% GDP growth, down from June's forecast of 3.4%, although GDP growth is expected to increase to 3.3% in 2022;

8 Jan 2021 **Accra (Ghana)** *Graphic Online*. Calls grow for an investigation into the scuffles that occurred during the swearing-in ceremony in the **Chamber of Parliament**, particularly the actions of the security forces;

7 Jan 2021 **Accra (Ghana)** *Business Ghana*. The **African Union (AU)** relocates the functions of

⁴⁹ BBC, 22 Jan 2021

the **African Continental Free Trade Area (AfCFTA)** from **Ethiopia** to **Accra**, with Ghana to act as secretariat for the agreement;

7 Jan 2021 **Accra (Ghana)** *Ghana News Agency*. President **Nana Akufo-Addo** is sworn in as Ghana's president, prompting a fracas between MPs, with **Alban Bagbin**, a member of the **National Democratic Congress (NDC)**, sworn in as Speaker;

6 Jan 2021 **Accra (Ghana)** *Premium Times*. President **Nana Akufo-Addo** announces investment plans worth \$17 billion to revitalise the Ghanaian economy;

6 Jan 2021 **Accra (Ghana)** *Pulse Ghana*. The seventh parliament of Ghana's fourth republic is dissolved at midnight ahead of the new term;

4 Jan 2021 **Accra (Ghana)** *Graphic Online*. The **Ghana National Association of Teachers (GNAT)**, as well as other educational representation groups, criticise the government's decision to reopen schools given rising **Covid-19** cases and a lack of protective equipment;

3 Jan 2021 **Accra (Ghana)** *Ghana News Agency*. President **Nana Akufo-Addo** extends the scheme for the free provision of water and electricity until March for lifeline consumers;

1 Jan 2021 **Accra (Ghana)** *Al Jazeera*. Trading under the **African Continental Free Trade Area (AfCFTA)** begins, creating the world's largest free trade area, with Ghana set to headquarter the intra-African trading bloc's secretariat;

31 Dec 2020 **Accra (Ghana)** *Ghanaian Times*. Ghana's trade and industry ministry agrees trade deal with the **United Kingdom (UK)**, creating a duty and quota free access to the UK market in exchange for tariff cuts to British exporters;

30 Dec 2020 **Accra (Ghana)** *My Joy Online*. Defeated presidential candidate **John Mahama** submits a petition to Ghana's **Supreme Court** calling for the election result to be annulled;

29 Dec 2020 **Accra (Ghana)** *Ghana News Agency*. Research conducted by the **Ghana Anti-Corruption Coalition (GACC)** finds that approximately 1.5 million of Ghana's 6 million eligible taxpayers actually pay tax, giving Ghana one of the lowest tax-to-GDP ratios in **Africa**;

27 Dec 2020 **Accra (Ghana)** *Premium Times*. The opposition party, the **National Democratic Congress (NDC)**, announces that it will submit a petition against the election outcome with Ghana's **Supreme Court**;

24 Dec 2020 **Bolgatanga (Ghana)** *Graphic Online*. Hundreds of supporters of the **National Democratic Congress (NDC)** protest in **Bolgatanga** calling for the votes from the 7 December election to be re-collated;

23 Dec 2020 **Accra (Ghana)** *Graphic Online*. Regional police forces in **Accra** issue a statement banning the **National Democratic Congress (NDC)** from protesting in the capital;

21 Dec 2020 **Accra (Ghana)** *Pulse Ghana*. The **Ghana Health Service** announces that Ghana will begin to receive batches of the **Covid-19** vaccine by the end of March, although the procurement process is still to be undertaken;

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