

**Examining the Role of Customary Institutions and Shared Norms in the Resolution of  
Electoral Conflict in Ghana**

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## **Paper long abstract**

Since the democratization of various African states in the 1990s, the reality has often failed to match the promise of democracy. This has occasionally manifested in disputes, sometimes violent, over electoral outcomes. The losing parties have refused to accept the outcomes alleging manipulation of the electoral laws, processes, and results by the incumbent party. Such disputes point to possible limitations in the performance of formal institutions such as the electoral commissions, the electoral laws and the judiciary in ensuring their peaceful resolution even where there may be no actual large-scale electoral violence. This paper argues that in addition to these institutional mechanisms there is an important role played by the informal traditional conflict resolution strategies and the positive values in the (political) culture. It does this by examining the case in Ghana in 2012 when the losing party vehemently disputed the results. The paper draws on the empirical reports of election observers and journalists, politicians, and judicial records. It is argued that traditional methods for conflict resolution were effectively deployed to complement the weakness of the formal adjudication role of the electoral commission and the judiciary. It also demonstrates how these traditional peacebuilding strategies can help to infuse innovation, sustainability, and creativity in delivering free and fair electoral outcomes as well as peace, justice, and security.

**Keywords:** Democratization, Cultural Values, Electoral Commission, Electoral Conflict, Judiciary, Traditional Leaders

## Introduction

Since the democratization of various African states in the 1990s, the reality has often failed to match the promise of democracy. This has occasionally manifested in disputes, sometimes violent, over electoral outcomes. The losing parties have refused to accept the outcomes alleging manipulation of the electoral laws, processes, and results by the incumbent party. In Ghana, apart from the disputed 1992 transitional election, there appeared to be a progressive improvement in delivering peaceful, free and fair elections. The election results gained broad public acceptance, even from the losing parties (Gyimah-Boadi, 2003). This was mainly due to the continuous innovative reforms in the electoral institutions and processes in 1996, 2000, 2004 and 2008, which have all enhanced electoral “transparency, reduced suspicions and associated tensions, facilitated the resolution of election conflicts, and engendered public acceptance” (Gyimah-Boadi, 2003, pp. 135-136). In a comparative perspective, it is also true that most of the transitional elections in the early 1990s in Africa were characterised by some degree of electoral violence and disputation (Gyimah-Boadi, 1998, p. 101; See also Straus and Taylor, 2012, p. 25). Despite sharing many characteristics with other African countries (e.g. Nigeria, Ivory Coast, Kenya) such as being a multi-ethnic state, having a similar colonial and political history, pro-longed one-party dictatorship, comparable economic problems, and varying levels of corruption, Ghana has managed to escape the kind of large-scale violence associated with election-related conflicts. Only twice since it adopted a multi-party system in 1992 has Ghana experienced seriously disputed elections; the first in 1992 and the second in 2012.

The formal conceptual and empirical formulations underpinning most research agendas on electoral dispute resolution (EDR) (or electoral justice) and the prevention and mitigation of election-related conflict and violence in Africa tends to be greatly limited in scope and nature. Most of the “legal-electoral and political science” conceptualisations of electoral justice are mostly defined and operationalised as formal institutional complaints “through which electoral processes and outcomes can be legally challenged (Staino, 2011, p. 177). There is a need for scholars to look beyond these formal institutional mechanisms to explore the informal conflict resolution strategies pertaining to these political and electoral processes. This is the approach taken in this paper. The aim is to provide a deeper understanding and explanation of the complex dynamics of the 2012 Ghanaian presidential election. We aim to demonstrate how these important customary institutions (such as Chieftaincy) and intangible shared cultural

values (such as religious symbols, proverbs and myths) played a key role in dampening potentially violent responses to the outcome of the elections. In this way, the paper makes an important contribution to understanding the limits and prospects for the role of formal electoral institutions and the courts in grappling with the complexities of dispute electoral outcomes and by extension democratisation and peacebuilding. It is important to note here that, even though disputes may arise at any stage of the electoral process, this study focuses more on the post-electoral (adjudication) stage, with some reference to the pre-election period and the actual election day. The post-electoral stage includes disputes arising from the dynamics of the actual voting and its aftermath whereby “counting and tallying may be complete or ongoing, results may or may not have been declared, or declared winners may have assumed positions, as the case may be and the court is invoked to challenge the election outcome” (Nkansah, 2017, p. 257).

### **Customary Institutions as Alternative Dispute Resolution Mechanisms (ADRM)**

The resolution of electoral disputes without resorting to the Courts of Law but through various informal methods is termed ‘Alternative Electoral Dispute Resolution Mechanism’ (Nkansah, 2017, p. 264). The main policy objective of the Alternative Dispute Resolution Mechanism (ADRM) is the need to address the gaps and deficiencies in the operation of the judicial system such as congestion of the courts and to assist in “the creation of access to justice, promotion of peaceful out of court settlements, conflict prevention or de-escalation, and timely resolution of conflicts” (Uwazie, 2014, pp. 2-3). Specifically, ADRMs involve the deployment of conflict resolution strategies such as mediation, negotiation, and reconciliation in the resolution of contentious electoral disputes (Karim, 2014). Importantly, they also reflect customary or traditional conflict resolution approaches and goals (Uwazie, 2014, p. 2). An important ADRM is that of customary institutions, norms and laws which have been incorporated into the Constitution and Statutes. They have been codified as an ADRM by the judiciary, legislature and executive arms of government (The Judicial Service of Ghana, 2012). This underscores the legitimacy and strategic role of customary institutions and norms in negotiating conflicts and preventing potentially violent situations.

The adherence to the practice of negotiation as an avenue for consensus building in conflict resolution is firmly underpinned by the traditional Akan (Ashanti) political philosophy and belief that there is “no problem of human relations that cannot be resolved by dialogue” (Wiredu, 1997, p. 307). This is expressed in a Ghanaian proverb as “*conflicts are resolved best with the tongue and not with an axe*” (Opoku, 2005: 13-14). Cultural elements such as proverbs

and symbols enable traditional authorities (such as Chiefs) to mediate in local and national intractable conflicts. Chiefs are accepted as the authoritative interpreters and enforcers of indigenous conflict resolution strategies in African societies. These traditional religious and cultural elements manifest in popular religious sayings, proverbs and symbols which forms a salient part of the (Ghanaian) socio-political culture. For instance, the Akan popular non-violent expression *fa ma Nyame* (meaning leave it to God) invokes a religious *mythos* that motivates people to seek divine justice and peace during critical or intractable situations in their life. As a result, Ghanaians are encouraged to “see themselves as ‘peace-loving’ and ‘God-fearing’” (Atiemo, 2013, p. 5).

These Ghanaian religious norms, values, symbols of unity, tolerance and the need for peaceful co-existence irrespective of existing differences constitute the canons of the traditional and peace is an important cultural norm and religious value in the Ghanaian society. This is symbolised by the human “teeth and the tongue” (*ese ne tekyerema*) as depicted in Figure 1 below (Appiah-Thompson, 2020, p. 181). Religious scholar, Kofi Asare Opoku, interprets this symbol to mean that “if the teeth, which are sharp, are able to live peacefully with the tongue, which is very soft (how often does a person bite his/her tongue?)” (Opoku, 1997, p. 117 cited in Opoku, 2011, p. 423), then all of us must learn to be tolerant of one another and live peacefully together regardless of our differences (Appiah-Thompson, 2020, p. 181).

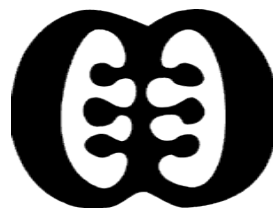


Figure 1: Ese ne Tekyerema (The symbol of cooperation, tolerance and peace)

The central pillar in the resolution of disputes in the traditional setting was the attainment of *reconciliation* rather than the absence further “recriminations or collusions” where reconciliation can also be considered as a form of consensus (Wiredu, 1997, p. 304). The key element here involves the “restoration of goodwill through a reappraisal of the significance of the initial bones of contention”, which does not presuppose complete cognitive or moral agreement on the disputed issues, but rather signifies that “all the parties are able to feel that adequate account has been taken of their points of view in any proposed scheme of future action or coexistence” (Wiredu, 1997, p. 304). The effectiveness and the persistence of the traditional authorities in the resolution of disputes stems from the basic fact that “traditional

authorities have dealt with legal and political issues that cannot be dealt with by (adopted) British common law” (Stoeltje, 2006 as cited in Muller, 2013, p. 31). This is mainly due to their emphasis on achieving reconciliation and harmony in the society rather than the determination of “guilt or innocence, perpetrator and victim, or plaintiff and defendant” (Lundy and Adjei, 2015, pp. 3-4). Legal processes, derived from British law, are perceived as “abstract and unconnected to Ghanaian community life”, whereas customary law addresses more concrete, everyday matters affecting the daily-life of Ghanaians and so Ghanaians “feel a sense of belonging to their community, being a member of the *jural corpus*, by the application of those laws (Stoeltje, 2006 as cited by Muller, 2013, p. 31). The parallel manifestation of this kind of legal pluralism in the Ghanaian state mitigates against the occurrence of a “judicial vacuum” in intractable conflictual situations where the state institutions might appear ineffective or weak (Grenfell, 2009, p. 158).

The efforts and actions traditional authorities constitute a means of reinforcing the moral, social and political principles that govern their society to promote peace, harmony, unity and order (Appiah, 2007, pp. xii). Indeed, the traditional authorities as the custodians of the intangible cultural heritage in the polity, continue to deploy expressive visual and verbal arts such as proverbs, symbols and myths as effective conflict resolution tools of mediation and negotiation to prevent and mitigate violent behaviour and disorder in their communities (Appiah-Thompson, 2019). These unwritten aspects of the customary institutions and practices form an important part of Ghana’s constitution where the role of the Chiefs in the resolution of disputes has been formally acknowledged. Article 270 (1) of the 1992 Constitution stipulates that “the institution of chieftaincy, together with its traditional councils as established by customary law and usage, is hereby guaranteed” (1992 Republican Constitution). This provision empowers the Chiefs to exercise their traditional judicial functions related to “disputes between commoners and about matters of chieftaincy” (Muller, 2013, p. 28). The settlement of disputes between commoners also includes political and electoral disputes of which the people in his/her jurisdiction constitutes the electorates or voters. Their traditional roles in the settlement of national electoral disputes have been strengthened by their representation on the National Peace Council of Ghana (NPC), which was established in 2005 “as an independent state mechanism to facilitate the prevention of conflicts” (Awinador-Kanyirige, 2014, p. 1). Traditional authorities such as the Chiefs have considerable standing and influence within the political machinery of Ghanaian society. In the next section we

examine how this influence played out during the contention over the disputed 2012 electoral outcome.

### **The Role of Customary Institutions (and Shared Values) in the 2012 Electoral Dispute**

At the height of the electioneering process, the Asantehene, Otumfuo Osei-Tutu (the King of the Ashantis) intervened in the political process to try and diffuse the high political tensions and to deescalate the violence triggered by ethnocentric hate speeches of the political actors at the heat of the campaign activities. With the diplomatic, technical and financial support from organisations such as the National Peace Council (NPC), the Institute for Democratic Governance (IDEG) and UNESCO, the Chiefs convened a “peace pact” known as the “Kumasi Declaration: Taking a Stand against Electoral Violence, Impunity and Injustice in Ghana” on 27 November 2012. The objective was to identify both indigenous and formal conflict management strategies to ensure more peaceful and acceptable conduct during and after the 2012 election and hence mitigate the possibility of psychological, physical and violent actions of the political actors and their supporters.

The declaration by the presidential candidates to abide by the terms of the peace pact was signified by their signatures which were also witnessed by the Chief Justice of Ghana, the Chairman of the NPC, the President of the National House of Chiefs and His Majesty Otumfuo Osei Tutu II, Asantehene (Aning and Aubyn, 2018: 33). As the UNESCO representative in Accra, Abdul Rahman Lamin reported:

The event illustrated the convening power of culture and traditional authority in national (political) development. The fact that the Asantehene was co-convenor of such a high-profile event – that brought together the country’s entire traditional leadership, namely the National House of Chiefs (and religious leaders), along with the leadership of almost all democratic institutions of the state, including the Chief Justice and the security forces – demonstrates yet again how traditional authority can indeed contribute constructively to the democratic development of the modern state (UNESCO 2012).

The assessment of the impact of the “peace pact” is “difficult to measure” considering the pockets of violence reported after the elections. However, it was acknowledged as helping to suppress the high political tensions in the (pre-electoral) period and helped to mitigate any “potential violence that could have plunged the (country) into conflict” (Aning and Aubyn, 2018, p. 33; Kotia and Aubyn, 2013, p. 27).

The Chairman of the NPC, the Most Reverend Professor Emmanuel Asante, also intervened to calm the anxieties of the public immediately after the General Secretary of the NPP prematurely declared their candidate the winner. It is also worth noting here that the NPC embraces a hybrid of formal and indigenous conflict resolution mechanisms and canons (Brewoo and Abdallah, 2014, p. 37). Sensing an inevitable escalation of electoral violence, Asante moved swiftly by organising a press conference in Accra at about midnight on Saturday, 8 December at which he described the declaration as “inconsistent with the laws of the country” (Frimpong 2012). He cautioned all the parties and their supporters “to exercise restraint in the face of the unfortunate press conference by the NPP” and advised the leadership incumbent party (NDC) and its supporters “not to react negatively to the earlier press conference” (Frimpong 2012). He also cautioned that the “stakeholders must not undermine the mandate of the Electoral Commission which has the vested power to declare results” (Frimpong 2012). He further advised “the media not to provide its platforms for such premature press conferences,” explaining that “we are living in a sensitive time that called for more restraint” (Frimpong 2012). This peacemaking effort by the NPC helped to mitigate the political impasse and any potentially violent actions that would have taken place due to the tense situation at the time.

The NPC intervened again on Sunday evening (9 December) by organising a meeting at the Electoral Commission between the leaders of the NPP, NDC, and the EC, perhaps “anticipating the possible violence that might erupt after EC’s declarations if these accusations were not resolved,” (Kotia and Aubyn, 2013: 28; Ephson 2013). During this meeting, NPC Chairman Asante advised participants that the meeting was needed because of “concerns raised by the NPP alleging fraud and malpractices in the 2012 presidential elections held on December 7 and 8.” He explained that the purpose of the meeting “was not to tell the EC what to do” but rather “to seek amicable ways of addressing the NPP’s allegations” (Ephson 2013). Each party explained their position and the EC agreed to “analyse the evidence and take a decision whether to declare the results or not. If the evidence was not compelling, the EC would declare the results” (Ephson 2013). After about an hour of closed-door deliberations by the EC, it reported to the those attending the NPC’s meeting that , “they were unable to come to any decision because the NPP had failed to tender all the pink sheets from all the constituencies where they were alleging electoral fraud” And consequently it would announce the results without further delay. The EC also advised the meeting that the NPP should “seek proper redress in court after it announces the winner of the elections” (Kotia and Aubyn, 2013, p. 28). The meeting was



dismissed about 9:00 pm with the “advice from the NPC that any aggrieved political party should seek redress in the court of law” (Ephson 2013), which is what the NPP did.

The counterfactual question of interest here is what would have happened without the NPC 10-member mediation team led by the Most. Rev. Prof Asante? As some observers reasoned, “it would certainly have led to open dissatisfaction of the results and possible violence” (Kotia and Aubyn, 2013, p. 28). However, after some few days of public protests, the leadership of the NPP (including its presidential candidate, Nana Akufo-Addo, his running mate, Mahamudu Bawumia, and the Chairman of the Party, Obetsebi Lamptey) filed their petition at the Supreme Court on December 28, 2012, in line with the provision of Article 64 (1) of the Constitution to challenge the validity of presidential results. Nana Akufo Addo explained further that:

The NPP went to court to ensure that the managers of the electoral process, the EC, was made accountable to the people of Ghana and to deepen democracy by strengthening the institutions mandated by law to administer the electoral process and also use peaceful and legitimate means to ensure that the proper thing was done by allowing the Supreme Court to exercise its ultimate power as the arbiter of the electoral process (“NPP Goes to Court: To Challenge 2012 Presidential Results,” *Daily Graphic*, 29 December, 2012, p. 3).

The traditional political and religious leaders also continued their public engagement and mediation activities with the political actors and public throughout the legal proceedings of the election petition by encouraging them to desist from resorting to violent actions, but peacefully accept the verdict of the Supreme Court when it was delivered.

The promotion of peace and reconciliation in support of the adjudication of the electoral dispute by the traditional political actors was undertaken directly or indirectly by cooperating with independent state bodies such as the National Commission for Civic Education (NCCE), the National Peace Council (NPC) and other civil society bodies. For instance, in a forum organised by the NCCE to “prepare Ghanaians for peace after THE verdict” the Chief of Osubonpanyin, Neenyi Tagoe in the Central Region (the Effutu municipality) “cautioned the political party that would win the case to desist from elaborate celebration and teasing of their opponents” for the sake of peace and stability (“NCCE Prepares Ghanaians for Peace After Verdict,” *Daily Graphic*, 7 August 2013, p. 17). In his efforts to promote peace and tolerance at this critical period, he questioned all Ghanaians that “if followers of football teams or

religious groups can co-exist peacefully, why can't followers of political parties live together peacefully" ("NCCE Prepares Ghanaians for Peace After Verdict," *Daily Graphic*, 7 August 2013, p. 17).

Moreover, the Asantehene, Otumfuo Osei Tutu also delivered a lecture under the theme: "Advancing Together" under the auspices of the NCCE as part of its annual conference on Democracy in Accra. He also took the opportunity to appeal to the defeated NPP presidential candidate, Nana Akuffo-Addo, to accept the outcome of the petition before the Court in a meeting with him at his private residence ("Accept Verdict: Otumfuo Urges Akuffo-Addo," *The Ghanaian Times*, 19 May 2013, p. 10). The Asantehene also praised Akuffo-Addo "for not resorting to violence to contest the election results but the law court" (*The Ghanaian Times*, 19 May 2013, p. 10). Further, he also appealed to him "to prevail upon his supporters and followers to accept the result-whether in his favour or not-in the interest of the nation" (ibid). For his part, "Nana Akuffo- Addo maintained that the track record of the NPP is there to show they are a peace-loving party, and always accepted the outcome of elections organised by the electoral commission" (*The Ghanaian Times*, 19 May 2013, p. 10). Nevertheless, he pointed out that this time around "the party decided to go to court because of the widespread irregularities which characterised the election" (*The Ghanaian Times*, 19 May 2013, p. 10).

A one-day peacemaking forum was also organised by the NPC in collaboration with the *Asantehene* ("King of the Ashanti people," the most powerful traditional leader in the country); the National House of Chiefs and civil society organisations such as IDEG and the Civic Forum Initiative (CFI) to take place on July 19, 2013 in Accra (Forum, 2013). The theme for the peace forum was "Justice, Peace, and Reform will Strengthen Ghana" and had been convened in anticipation of the Supreme court's findings that were due to be handed down on 29 August. The forum aimed to discuss ways in which to mitigate potentially violent reactions from the supporters of the political parties arising from the findings of the court. The meeting also aimed to sensitise the leaders of political parties to the need to educate and urge their supporters to peacefully accept the decision of the court for the sake of peace, stability and development of the country.

The promotion of peace and reconciliation and mediation activities by the traditional leaders and the National Peace Council with the support of the other civil society organisations contributed immensely to the peaceful acceptance of the final verdict of the Court. Responding to the unfavourable electoral verdict from the court, Nana Akuffo Addo made it clear that

while I disagree with the Court's decision, I accept it. I accept that what the Court says brings a finality to the election dispute ... I am saddened by the verdict and I know that many of our supporters are saddened too. However, for the sake and love of our country, we must embark on a path that builds, rather than destroys, to deal with our disappointment (reprinted in the *Daily Graphic*, 31 August, 2013, p. 19).

This speech shows a conciliatory attitude and acceptance of the outcomes of the electoral process and its appeal mechanisms. But more importantly, it is doubtful that such a speech could have been made without the influence of the traditional authorities and the values that they represented. In that respect, the speech embodies the complementary roles of the norms and values of tolerance, peace, as well as strategies of the traditional political and religious actors in the broader socio-political culture of Ghana, which effectively helped to restrain the actions of the political actors concerning the peaceful acceptance of the verdict from the Court rather than resort to violence to achieve their political objectives.

Indeed, even before the post-electoral dispute by the political elites, the values exhibited in Akuffo-Addo's speech were also manifested during the conduct of the 2012 civic elections. When the polls were postponed by a day due to the malfunctioning of the biometric verification machines at some of the polling stations across the lengths and breadth of the country citizens responded with understanding acceptance rather than violence. In many respects this was a reflection of the dominant values of Ghanaian culture, as a number of commentators have noted. For example,

We must thank God for the peaceful nature of the Ghanaian people. If this had been some other country, people would have said, "the ballot boxes will be tampered with at the police stations, therefore we won't let them be taken away!" or "count the votes that have been cast already now. Then we shall continue tomorrow!" These situations can cause tension and could have resulted in clashes with the forces of law and order (Duodu 2012, p. 8)

In Duodu's view, majority of the populace were not happy about the behaviour of the NPP to further contest the results in the highest Court of the land, While Ghanaians still accepted that this was part of electoral process, they still "wanted to see the tension created by the election campaign to end quickly. So, anything that threatens to prolong tension is naturally frowned upon" (Duodu 2012, p. 8).

Duodu's interpretation was confirmed in a published survey conducted by a Ghanaian pollster, Ben Ephson (2014) on "The impact of the Election Petition on Ghanaians." The survey was conducted from early October to mid-November 2013, after the verdict of the Supreme Court on August 29, 2013. A representative sample of 1400 voters from six regions of the country was asked "why would you not like an election petition after every election". Analyses of the responses revealed that 71% of the respondents indicated opined that "it creates tension"; with 22% responding that it "will cost the country, productive hours; whilst 7% mentioned "various reasons" for disliking election petition after an election (Ephson, 2014, p. 301). The high percentage of Ghanaians expressing dislike for a prolonged contestation of election results also attests to their commitment for peaceful co-existence as they believed it constituted a "threat to the general peace and stability of the state" (Date-Bah, 2015, p. 113).

The importance of an election petition for the consolidation of democratic institutions and culture prompted the judiciary to put in place measures to allow the public to educate themselves concerning the proceedings and its final judgment. For the first time, the Supreme Court provided absolute transparency and access for the public directly (through court attendance), and indirectly by a live screening of its proceedings on the national television channel (GBC) and daily reports by journalists in both the public and private print media (Date-Bah, 2015, p. 111). These arrangements aimed to prevent the distortion and misinterpretation of the litigations by political entrepreneurs who might exploit the situation to incite violence, mistrust and lack of confidence in the adjudicative role of the Supreme Court. In this way, Ghanaians were able to learn firsthand how the operations of the Supreme Court articulated with the electoral process. As well, Ghanaians could see and hear for themselves the responses of the petitioners, respondents and their legal counsels.

In his speech after the verdict of the Court, President Mahama stated that:

We have all been captivated by the proceedings, and it is with awe that we have watched the advancement of the jurisprudence of the Supreme Court of Ghana. We have also, in the process, managed to turn ourselves into a nation of pocket lawyers and armchair judges, and, in typical Ghanaian fashion, let the language of law enter our daily vocabulary.

It is not uncommon now to hear teachers, professors, and senior citizens referred to as "my Lord, my Lord;" for taxi drivers, contractors and seamstresses to discuss "pink sheets"; for farmers, doctors, and market women to make mention of "further and better

particulars.” Even children are now familiar with the term *amicus curiae* (reprinted in *Daily Graphic*, 31 August 2013, p. 12).

Furthermore, a newspaper article in the *Daily Graphic* described the peaceful and disciplined mood of the people on the evening before the verdict was delivered on August 29 2013, “the general atmosphere throughout the country was quiet, tense and calm, contrary to speculations” of disorder and violence, and “the much feared violence was non-existent as people kept glued to their radio and television sets to listen and observe proceedings at the court and the aftermath of the judgement” (*Daily Graphic*, 30 August 2013, p. 55). Nana Agyen Frimpong II, Tafohene (Chief of the Tafo people) in the Ashanti Region of Ghana (the epicentre of Ghanaian politics) also praised his people’s peaceful behaviour. He expressed the hope that “the spirit of togetherness would continue, so that more successes would be achieved, to ensure the development of Tafo” (*The Ghanaian Times*, 29 December 2013, p. 9). Throughout Ghana’s ten regions, its people demonstrated immense tolerance, discipline, and peaceful attitudes towards one another. This was irrespective of existing political, religious and social differences and ethnic affiliations, not to mention the tense political climate before, during and in the aftermath of the Court’s findings (*Daily Graphic*, 30 August 2013, p. 55).

### **Conclusion**

The study revealed that the mediation and negotiation skills of traditional political and religious actors played an important role in the prevention and mitigation of intense pre and post-electoral violence in 2012. They also provided complementary electoral dispute resolution roles indirectly through the National Peace Council (NPC) before and after the 2012 election. Formal democratic conflict management institutions do not act in isolation from the socio-cultural context, nor do they always induce the kind of behaviour the law prescribes. Alternative dispute resolution mechanisms in the form of customary institutions and traditional authority figures complemented the work of formal institutional electoral mechanisms. This introduced some positive elements into the broader political culture that served to restrain and moderate the behaviour of key political actors which also encouraged ordinary citizens to refrain from resorting to violence. These contributions also had the added benefit of helping to re-enforce broader Ghanaian cultural norms such as peace, tolerance and social cohesion.

## Reference

- Aning, K. and Aubyn, F. (2018). Challenging Conventional Understandings of Statehood: West African Realities. In Aning, K., Boege, V., Brown, M. A., and Hunt, C. T. (eds.) *Exploring Peace Formation: Security and Justice in Post-Colonial States*. London and New York: Routledge. pp. 24-38.
- Aning, K., Annan, N., and Edu-Afful, F. (2018). Hybridity and Expressions of Power, Legitimacy, Justice and Security Provision in Ghana. In Aning, K., Boege, V., Brown, M. A., and Hunt, C. T. (eds.) *Exploring Peace Formation: Security and Justice in Post-Colonial States*. London and New York: Routledge. pp. 121-139.
- Appiah, P. (2007). Preface. In Appiah, P., Appiah, K.A. and Agyeman-Duah, I. (eds.) *Bu Me Be: Proverbs of the Akans*. Oxfordshire: Ayebia Clarke Publishing Limited. pp. xii-ix.
- Appiah-Thompson, C. (2020). The Concept of Peace, Conflict and Conflict Transformation in African Religious Philosophy. *Journal of Peace Education*, Vol. 17, No. 2, pp. 161-185.
- Atiemo, A. O. (2013). *Religion and the Inculturation of Human Rights in Ghana*. London: Bloomsbury.
- Aubyn, F.K. and Abdallah, M. (2013). Sustaining Peace and Stability in Ghana: Appraising the Role of the National Election Security Task Force in the 2012 Elections. *Journal of African Elections*, Vol. 12, No. 2, pp. 132-153.
- Aubyn, F.K. and Kotia, E. W. (2013). *Building National Infrastructures for Peace in Africa: Understanding the Role of the National Peace Council in Ghana*. Bepress: Kennesaw State University. Available at: [https://works.bepress.com/emmanuel\\_kotia/10/](https://works.bepress.com/emmanuel_kotia/10/) (accessed 26/08/2019)
- Awinador-Kanyirige, W. A. (2014). Ghana's National Peace Council. *Policy Brief of the Global Centre for the Responsibility to Protect*. <http://s156658.gridserver.com/media/files/awinador-ghana-national-peace-council.pdf> (Accessed 14/08/20)
- Bam, B. (2001). *Keynote Address at the Launch of the 2011 Municipal Elections*. Midrand: Gallagher Estate. January 10.
- Baneseh, M. A. (2015). *Pink Sheet: The Story of Ghana's Presidential Election Petition ... as Told in the Daily Graphic*. Accra: Graphic Communications Group Limited.
- Benjamin, J. J. and Adebayo, G. A. (2015). Implications of Epistemic Diversity for Conflict Management in West Africa and the World. In Adebayo, A.G., Lundy, B.D., Benjamin, J.J. and Adjei, J.K. (eds.) *Indigenous Conflict Management Strategies in West Africa: Beyond Right and Wrong*. Lanham and Boulder: Lexington Books. pp. 323-331.
- Bimpong-Buta, S. Y. (2013). *The Supreme Court of Ghana Law Reports*. (Special Edition). Accra: Advanced Legal Publications.
- Date-Bah, S. K. (2015). *Reflections on the Supreme Court of Ghana*. London: Wildy, Simmonds & Hill Publishing.

- Daily Graphic*. (2012, December 29). NPP Goes to Court: To Challenge 2012 Presidential Results. (Reporters: Stephen Sah and Donald Ato Dapatem).
- Daily Graphic*. (2013, August 7). NCCE Prepares Ghanaians for Peace After Verdict.
- Daily Graphic*, (2013, August 30). Ghana quiet, calm before and after Supreme Court Verdict.
- Daily Graphic*, (2013, August 31).
- Duodu, Cameron. (2012, December 11). The election and its aftermath. *The Ghanaian Times*, p. 8
- Duodu, Cameron. (2013a, January). Mahama wins but the Opposition is not happy. *New African*, p. 26.
- Duodu, Cameron. (2013b, February). Mahama sworn in but dust not yet settled. *New African*, p. 26.
- Ephson, B. (2014). *2012 & 2016 Elections*. Accra: Allied News Ltd.
- Ephson, Ben. (2013, May 16). Details of the meeting which threw out NPP's allegations of 2012 electoral fraud, *Daily Dispatch*, May 16 2013.
- Foley, E.B. (2016). *Ballot Battles: The History of Disputed Elections in the United States*. Oxford: Oxford University Press.
- Fombad, C.M. (2014). Appointment of Constitutional Adjudicators in Africa: Some Perspectives on How Different Systems Yield Similar Outcomes. *The Journal of Legal Pluralism and Unofficial Law*, Vol. 46, No. 2, pp. 249-275.
- Fombad, C. M. (2008). Post-1990 Constitutional Reforms in Africa: A Preliminary Assessment of the Prospects for Constitutional Governance & Constitutionalism. In Nhema, A. and Zeleza, P. T. (eds.) *Resolution of African Conflicts: The Management of Conflict Resolution and Post-Conflict Reconstruction*. Ohio University Press. pp. 179-199.
- Forum on Post-Supreme Court Verdict. (2013, July 15). *Graphic Online*. <https://www.graphic.com.gh/homepage.html?view=article&id=21215:forum-on-post-supreme-court-verdict&catid=243&amp=1>
- Frempong, A.K.D. (2017). *Elections in Ghana (1951-2016)*. Accra: Digibooks Ghana Ltd.
- Frimpong, Enoch Darfah. (2012, December 9). *NPP's Election Declaration Premature, Unlawful—Peace Council*. <https://www.graphic.com.gh/news/politics/npp-s-election-declaration-premature-unlawful-peace-council.html>
- Gyimah-Boadi, E. (2003). Ghana: The Political Economy of 'Successful' Ethno-Regional Conflict Management. In Bastian, S. and Luckham, R. (eds.) *Can Democracy Be Designed? The Politics of Institutional Choice in Conflict-Torn Societies*. London and New York: Zed Books. pp. 120-144.

- Gyimah-Boadi, E. (1998). Managing Electoral Conflicts: Lessons from Ghana. In Sisk, T. D. and Reynolds, A. (eds.) *Elections and Conflict Management in Africa*. Washington, D.C.: United States Institute of Peace. pp. 101-117.
- Karim, A. A. (2014). Electoral Disputes in Africa: Causal Analysis and Proposal for ADR Mechanism for Resolution. In Uwazie, E. (ed) *Alternative Dispute Resolution and Peace-Building in Africa*. Cambridge Scholars Publisher. pp. 15- 29.
- Lundy, B. D., and Adjei, J.K. (2015). Introduction: Reconciliation and Conflict Management in West Africa through Cultural Traditions. In Adebayo, A.G., Lundy, B.D., Benjamin, J.J. and Adjei, J.K. (eds.) *Indigenous Conflict Management Strategies in West Africa: Beyond Right and Wrong*. Lanham and Boulder: Lexington Books. pp. 1-18.
- Maley, W. (2009). Democracy and Legitimation: Challenges in the Reconstitution of Political Processes in Afghanistan. In Bowden, B., Charlesworth, H., and Farrall, J. (eds.) *The Role of International Law in Rebuilding Societies After Conflict*. Cambridge: Cambridge University Press. pp. 111-133.
- Muller, L. (2013). *Religion and Chieftaincy in Ghana: An Explanation of the Persistence of a Traditional Political Institution in West Africa*. LIT Verlag
- Nkansah, L. A. (2017). Electoral Adjudication in Africa's Democratization Process: A Prerequisite for Electoral Justice. In Haque, M. S., Shyaka, A., and Mudacumura, G. M. (eds.) *Democratizing Public Governance in Developing Nations: With Special Reference to Africa*. Routledge. pp. 256-268.
- Opoku, K. A. (2011). Asomdwoe: A West African Perspective. In Dietrich, W. (ed.) *The Palgrave International Handbook of Peace Studies: A Cultural Perspective*. Palgrave Macmillan. pp. 417- 427.
- Republic of Ghana (1992). *Constitution of the Republic of Ghana, 1992*. Accra: Ghana Publishing Corporation.
- Staino, S. (2011). Preventing and Mitigating Election-Related Conflict and Violence: The Role of Electoral Justice. In Gillies, D. (ed.) *Elections in Dangerous Places: Democracy and the Paradoxes of Peacebuilding*. Montreal & Kingston: McGill-Queen's University Press. pp. 171-190.
- Straus, S. and Taylor, C. (2012). Democratization and Electoral Violence in Sub-Saharan Africa, 1990-2008. In Bekoe, D. A. (ed.) *Voting in Fear: Electoral Violence in Sub-Saharan Africa*. Washington D.C.: United States Institute of Peace Press. pp. 15-38.
- The Ghanaian Times*. (2013, May 19). Accept Verdict: Otumfuo Urges Akuffo-Addo. p. 10
- Republic of Ghana (1992). *The 1992 Constitution of the Republic of Ghana*. Accra: State Publishing Corporation.
- The Judicial Service of Ghana (2012). *Manual on Election Adjudication*. (Second Edition). Accra: Judicial Service of Ghana.



- UNESCO. (2012, December 7). *UNESCO Support Peace Pact on Violence-Free Elections in Ghana*. [http://www.unesco.org/new/en/memberstates/singleview/news/unesco\\_supports\\_peace\\_pact\\_on\\_violence\\_free\\_elections\\_in\\_gha/](http://www.unesco.org/new/en/memberstates/singleview/news/unesco_supports_peace_pact_on_violence_free_elections_in_gha/)
- Uwazie, E. (2014). Introduction: ADR and Peace-building in Africa. In Uwazie, E. (ed) *Alternative Dispute Resolution and Peace-Building in Africa*. Cambridge Scholars Publisher. pp. 1-14.
- Wiredu, K. (1997). Democracy and Consensus in African Traditional Politics: A Plea for a Non-Party Polity. In Eze, E. C. (ed.) *Postcolonial African Philosophy: A Critical Reader*. Oxford: Blackwell Publishers. pp. 303-312.