

## Stephen Kwabena Attuh Writes: 20 Reasons Why Ghanaians Are Lucky To Have Akufo-Addo As President



**Former President John Dramani Mahama**

# MAHAMAMA

## He Says Akufo-Addo-Bawumia Govt The Biggest Political Scam In Ghana

**F**ormer president John Dramani Mahama has descended heavily on President Nana Akufo-Addo describing his government as the 'biggest political scam' of historic proportions in Ghana.

According to the ex-president he bases his conclusion on the current economic headwinds that the country is facing and wants Akufo-Addo and his Vice, Dr. Mahamudu Bawumia to take responsibility for the crisis.

Mahama was speaking on Sunday at a conference organized for National Democratic Congress (NDC) lawyers. Mahama stressed that unlike the New Patriotic Party (NPP), the NDC has proven to be better handlers of

*Cont. on page 3*

## Western Sahara: Morocco Recalls Ambassador In Tunisia Over Polisario Front Leader's Invite

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**A** couple of days ago, President Nana Akufo-Addo stated publicly that Ghanaians are lucky to have him as president. However, in a sharp response, Stephen Kwabena Attuh, in a social media response, has provided 20 reasons why Ghanaians must indeed be lucky to have Akufo-Addo as President. The 20 reasons are listed as follows:

1. We should be lucky he is the first to have a proper family and friends government

*cont. on page 3*

## CDD Report Reveals 71% Of Ghanaians Believe MPs Are Failing At Their Job

**A** survey conducted by the Ghana Centre for Democratic Development (CCD-Ghana) has revealed that about 71 per cent of Ghanaians believe their Members of Parliament (MPs) are failing at their jobs.

According to the survey, 42 per cent of Ghanaians say they are very unhappy with the performance of their MPs, with only 5 per cent of them saying

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## As They Celebrate Homowo... Armaahman Chief Calls On Govt To *page 5* Support Community With Electricity, Roads



# The INSIGHT

## EDITORIAL

### HANDS OFF OUR FORESTS!

The continued degradation of the country's lands, forests and ecosystem is very worrying.

This is in spite of warning from environmentalists about the dangers associated with continued deterioration of the country's natural reserve due to exploitation of natural resources.

A months ago, some group of professors renewed the warning to government about attempts to allow the Chinese to exploit the Atiwa forests of its bauxite.

The warning was as a result of the fact that most river bodies generate their source of water from the Atiwa Forest reserve.

That warning has not been heeded and there are clear indications that the Chinese engineers will soon enter the forest.

There are also some forests which are facing similar such threats.

The World Bank recently cautioned Ghana against the continuous wanton degradation of its land, forest and other natural resources warning that the country risked not achieving the Sustainable Development Goal (SDG) 15, which is protecting the ecosystem to promote biodiversity.

It is the hope of this paper that somebody somewhere would see wisdom in taking steps to stop the land degradation and reverse the trend by embarking on reforestation to win back degraded lands and forests.

There is clearly the need, in the face of the facts presented, for the government to hands off the Atiwa forest and other natural resource.

# CDD Report Reveals 71% Of Ghanaians Believe MPs Are Failing At Their Job



from front page

they are very satisfied with the work of their elected representatives.

The survey, which was conducted in April 2022, also indicated that 85 per cent of Ghanaians said their parliamentarians do not listen to them.

“More than two-thirds (71%) of Ghanaians give MPs a failing grade on their job performance over the past year. Most Ghanaians (85%) say their MPs “never” or only “sometimes” listen to what people have to say. Only 14% say parliamentarians “often” or “always” try their best to listen,” parts of a statement issued by the CDD on August 26 read.

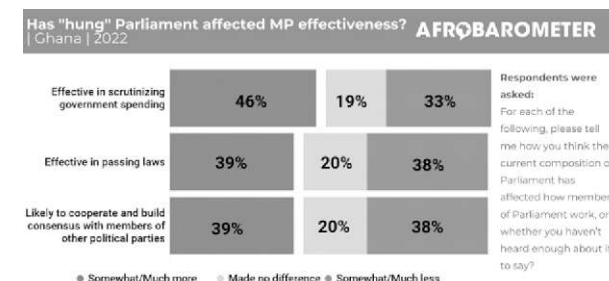
Also, the study indicated that almost half of Ghanaians say the current hung parliament is more effective in checking the executive, particularly, the expenditure of the government.

“Almost half (46%) of Ghanaians think the composition of the 8th (“hung”) Parliament has made MPs “somewhat more” or “much more” effective in scrutinising government spending. But fewer think MPs have been more effective at passing laws (39%) or more likely to cooperate and build consensus with members of other political parties (39%),” it said.

"Large majorities endorse the role of MPs in a democratic system More than eight in 10 (82%) say Parliament should

monitor how the government spends taxpayers' money, and three-fourths (75%) say MPs should make laws for the country even if the president does not agree,” the CDD-Ghana added.

This is a summary of the report:



## THE INSIGHT

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# MAHAMA; He Says Akufo-Addo-Bawumia Govt The Biggest Political Scam In Ghana

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national governance.

"Ghanaians are looking up to the NDC to restore hope and turn the fortunes of our motherland around from the pitiable state in which we currently find ourselves. At this time, Ghana our motherland is in deep crisis. Our economy is in a dire situation.

"Our economic fortunes deteriorate with every passing day. Ghana is facing an unprecedented economic tailspin of runaway inflation, which is currently measured at

above 30%; [and] a fast depreciating currency," he pointed out.

The NDC's flagbearer in the 2020 polls added, "Let me add without equivocation that [this is] the government that has proven to be the greatest political scam in the history of the 4th Republic. By current indices, the Akufo-Addo and Bawumia NPP government remains the worst ever in the history of our 4th Republic," he stressed.

Mahama has in the last few

months critiqued government over economic

mismanagement. He has through public lectures proposed measures to help deal with the crisis.

Among others, that the Finance Minister be sacked and the Economic Management Team, EMT, headed by Vice President Bawumia be disbanded and reconstituted. Government on July 1 initiated talks with the International Monetary Fund, IMF, for an economic rescue programme of about US\$3 billion in support.



Former President John Dramani Mahama

Galloping inflation, last pegged at over 31%, and a depreciating cedi have become two main pointers

of the economic crisis that has triggered general rise in cost of living.

## Stephen Kwabena Attuh Writes: 20 Reasons Why Ghanaians Are Lucky To Have Akufo-Addo As President

*from front page*

instituted

2. We should be lucky he was the first President to start bathing in the skies in the most expensive ultra luxurious re

3. We should be lucky he is the President who has superintended over the most corrupt government

4. We should be lucky he has run the largest government ever in Africa

5. We should be lucky he has borrowed the most in the history of the nation with nothing commensurate to show for such quantum leap in our loans so far

6. We should be lucky he is the President who has allowed his brother to place his commission ahead of our need for loans for which reason Ghana goes to borrow not because the country needs it, but because his

brother needs the commission from our borrowings

7. We should be lucky he is the President who blew up all the wonderful opportunities he had to turn things around including having over Ghc30 billion from the COVID-19

pandemic to keep this country in shape

8. We should be lucky he is the President who collapsed banks and laid people off

9. We should be lucky he is the President who superintended over the killing of 8 persons to make him President, a subject matter he never condemned and is not bothered to investigate

10. We should be lucky that he is the President who took us to IMF even less than two weeks after his agents and assigns continued to assure us we were not going there

11. We should be lucky that he is the President under

whose tenor Ghana is more divided along political lines

12. We should be lucky that PDS, BOST, Agyapa, PPA scandals among others broke out and has refused to do anything meaningful under them except to cover up

13. We should be lucky that he is the President at a time that we can't even honour our statutory obligations

14. We should be lucky that he is the President who chased the Special Prosecutor, Martin Amidu out of office because he was investigating his close officials

15. We should be lucky that he is the President under whose term 500 excavators grew wings and flew away

16. We should be lucky he is the President under whose term the Cedi is

exchanging for Ghc10 to \$1 after he openly criticised as bad management, the exchange of \$1 with Ghc2.

17. We should be lucky he is President at a time that a litre of fuel is selling at the price at which we used to buy a gallon in 2016 which he criticised as bad

18. We should be lucky he is the President under whom Ghana's currency is the next worst performing currency after Sri Lanka, a country without a President

19. We should be lucky to he is President at a time Ghana has been

downgraded by all International Rating Agencies including the recent downgrade of certain banks in Ghana after spending Ghc25 billion to clean up the

banking sector that needed Ghc9 million to resolve

20. We should be lucky to have him as President when under his term, Ghana is rated as the second country with the highest risk of default in paying its debts We must indeed by lucky Nana

Addo is President of Ghana at this time, he concluded. Many Ghanaians, aside the source of this response, have reacted separately to the comments by the President with some describing his comment as disrespectful to the Ghanaian people who are currently facing harsh economic conditions due to failed economic policies so far. nted top-



# INTERNATIONAL NEWS REPORT

## Compiled By Peoples Dispatch

### Leftist Parties In Turkey Form New Political Coalition

Left-wing organizations in Turkey have formed the Union of Socialist Forces, a new electoral alliance. The alliance comprises the Communist Party of Turkey (TKP), the Revolutionary Movement (Devrim Hareketi), the Left Party (Sol Party) and the Communist Movement of Turkey (TKH). In a press conference organized in Ankara last week, the Union of Socialist Forces launched its manifesto regarding the 2023 general elections. The press conference was attended by Ozan Yılmaz of TKP, Ercan Bölükbaşı of Devrim Hareketi, İsmail Hakkı Tombul of the Left Party and Umut Kuruç of TKH. The Union of Socialist Forces has resolved to end the conservative regime in Turkey led by Recep Tayyip Erdoğan

and his right-wing Justice and Development Party (AKP). The major points in the political program of the Union of Socialist Forces include bringing an end to the rule of the Islamists of AKP and Erdoğan. The manifesto calls for the cessation of the privatization of key sectors and the nationalization of all health, education and social services. The Union of Socialist Forces seeks to put an end to the actions of the imperialist monopolies using a planned economy. The Union called for a withdrawal of Turkey from NATO and the guarantee of Turkish independence from imperialist powers and closure of foreign bases in Turkey. The protection of secularism, women's rights and rights for ethnic, religious and gender

minorities is another point in the coalition's program. Under the rule of the AKP-run government led by Recep Tayyip Erdoğan, religious conservatism has tightened its grip on all sectors of social and private life in the country. The working class, artists, writers, secularists, women, gender and ethnic minorities are under constant attack by the ruling class and religious fanatics. The conservative government has also continued to be a part of NATO. Attacks on refugees, women and Kurds have spiked under AKP rule. Kemal Okuyan, the general secretary of TKP, told media, "the Union of Socialist Forces was established for those who adopt the goal of

a secular and independent Turkey as their flag, and defend the interests of the working people to create a united and organized movement. Here, different political structures met on common ground and decided to act with a principled, contingent framework, in contrast to the existing alliances buried in electoral negotiations." Okuyan added, "The Union of Socialist Forces is not a formation that limits itself to elections. However, we are in the election period and naturally there are those who call the Unity of Forces the 3rd alliance. As a result, we act with the aim of not condemning the society in Turkey to a political partisanship determined by so called nationalists and



The Union of Socialist Forces has resolved to end the conservative regime in Turkey led by Recep Tayyip Erdoğan and his right-wing Justice and Development Party (AKP). (Photo: Evrensel). The new alliance, the Union of Socialist Forces, has resolved to put an end to the conservative rule in Turkey led by Erdoğan and the AKP, as well as defend secularism and withdraw from NATO

republican alliances and in this sense, we represent a different side. The side has a weight far above its current voting potential. Undoubtedly, we want this to be reflected in the vote, but our main goal is to increase the organized power of the people in Turkey."

### Colombian President's Security Delegation Attacked



The government of President Gustavo Petro is willing to negotiate peace agreements with all paramilitary groups to achieve total peace in Colombia. (Photo: Colombian Presidency/Twitter) President Gustavo Petro stated that the violence must end in the country and reiterated his government's commitment to achieve total peace

A security delegation of Colombian President Gustavo Petro was last Wednesday attacked with firearms in the Catatumbo region on the border with Venezuela, where the president planned to travel this Friday to attend a Security Council meeting. The advance security team had traveled to the Norte de Santander department to verify the route and area to avoid any

obstacles during the presidential visit. According to a statement issued by the Presidency of Colombia, the incident took place in the San Pablo sector in the municipality of El Tarra, in Norte de Santander, where some six members of a criminal armed group had set up an illegal checkpoint. When the caravan of security vehicles ignored the checkpoint and didn't stop, three of the vehicles were hit by long-range weapons. According to the statement, one of the vehicles did not make it past the checkpoint and another got a flat tire. The driver of one of the

vehicles was detained but was later released. The other cars and their crew managed to cross the checkpoint, reported the President's Office. The government later confirmed that the occupants of the vehicles are safe. It also reported that the presidential trip to Catatumbo remains unchanged and is still scheduled for Friday, August 26. The Defense Ministry and the presidential protection unit are coordinating measures in the region to guarantee security during the visit. With regard to the incident, President Petro stated that the violence must end in the country and reiterated his government's commitment to

achieve total peace. "This is what must end in the country. No more violence. Although no one was injured, the work of the government will remain committed to the fact that it is time for Peace," Petro tweeted. The Catatumbo region covers over 8,000 square kilometers, and is mostly forest area with the majority of hectares planted with coca, the raw ingredient in cocaine. There are several armed groups present in the area including various paramilitary and drug trafficking groups, as well as the National Liberation Army (ELN), the People's Liberation Army (EPL), and the dissidents of the demobilized

Revolutionary Armed Forces of Colombia (FARC). As part of his agenda for a comprehensive peace, President Petro has ratified his government's intention to negotiate peace agreements with all paramilitary groups that are willing to submit to justice. Last week, on August 20, [President Petro announced the suspension of arrest and extradition orders against the members of the ELN insurgency group in order to resume the peace talks](#), which were ended in 2018 by the former conservative president Iván Duque.



# Utility Tariff Hikes May Collapse Our Businesses – Entrepreneurs

Some entrepreneurs in the Northern Region have expressed fear that the recent tariff increase might collapse their businesses. The Public Utilities Regulatory Commission (PURC) recently announced hikes in utility tariffs with electricity going up by 27.15 percent and water by 21.55 percent to take effect from September 1.

Some of the business owners, who spoke to the Ghana News Agency in Tamale, said they were already faced with declining profit margins on their products and services and the implementation of the

tariff would worsen their plight. Mr Mohammed Yushaw Adarkwa, the owner of Moshawdarkwa Company Limited, a sachet water producing company in Tamale, said since 2020 utility bills had overwhelmed his business, making him run into losses. He noted that he paid a minimum of GHc1,000 monthly as a water bill, depending on the number of sachets water produced, adding that sales were lower compared to the amount designated to utility cost. Mr Adarkwa stated that utility tariff increment, coupled with the increased cost of production materials,

posed a threat to the survival of sachet water production businesses. He called on the authorities to reconsider their decision and reduce the percentages to make it a bit easier for businesses to keep running. Afa Imrana Haruna, the owner of a washing bay at Fuo in the Sagnarigu Municipality, said the high fuel prices had already slowed patronage at washing bays because motorists preferred washing their vehicles to save money for fuel. He said his business would be unable to thrive with the hike in utility bills and make it difficult to pay



*Utility tariffs are set to be increased effective September 1*

employees to meet the rising cost of living. Households and individuals, who do not operate businesses, also shared their reservations over the increment with the GNA. Miss Jane Andoh, a resident of Kalpohin, said a house of four tenants was

billed over GHc150.00 monthly for water, which was too much since some tenants were unable to make full payment. She said tenants who were not informed about the new utility tariffs might not comply and appealed to the government to support the citizens during these hard times.

## Western Sahara: Morocco Recalls Ambassador In Tunisia Over Polisario Front Leader's Invite



*Move comes after President Kais Saied welcomed leader of independence movement to Tunis ahead of African summit*

Morocco has recalled its ambassador to Tunisia over his country's decision to host the head of the Polisario Front, the independence movement for Western Sahara, in Tunis. The disputed former Spanish colony is classified as a "non-self-governing territory" by the United Nations, and has been the source of a decades-long conflict between Sahrawi independence campaigners and

[Rabat, which claims it as its own. Tunisian President Kais Saied received Polisario Front leader, Brahim Ghali last Friday ahead of a Japanese development summit for Africa hosted in the Tunisian capital over the weekend.](#)

Morocco described the invite as "a grave and unprecedented act that deeply hurts the feelings of

the Moroccan people". It recalled its ambassador to Tunisia on Friday as a result, and Tunis responded by recalling its envoy to Rabat for consultations. On Saturday, Tunisia's foreign affairs ministry said it maintained complete "neutrality over Western Sahara issue in compliance with international legitimacy". It said the African Union had called on all members of the intergovernmental body to participate in the Tokyo International Conference on African Development Summit in Tunisia, which included the head of the Polisario Front. The president of the African Commission directly extended an invite to Ghali, Tunis said.

## As They Celebrate Homowo... GNA Armaahman Chief Calls On Govt To Support Community With Electricity, Roads

The chiefs and people of Armaahman in the Ga South municipality have celebrated their annual Homowo festival with a call on the government to prioritize the developmental needs of the people in the area.

Nii Armaah Kwafio II, Chief of Armaahman in celebrating their Homowo festival over the weekend appealed to the government to ensure that good roads and electricity can be expanded to cover the residents throughout the community. According to him, in the past Armaahman used to be a very small community but today many people have moved to settle there and need electricity for other businesses. He assured the President, Nana Akufo-Addo of the availability of land for one district one factory



project.

"I have made land available for one district one factory, and would be happy if one project is brought here," he stated.

Nii Armaah Kwafio II and his elders prayed for blessing and good health hoping that by next year their ancestors will bring good fortune to every native of Armaahman, and Homowo will be bigger than what they witnessed in 2022. Armaahman queen mother, Naa Ayeley Dede Ota II also advised the youth to find something meaningful doing. Nii Ayi Okufoubour, Lafa Mantse graced the occasion.

# Savannah Region NDC Demands Apology From Akufo-Addo

The NDC in the Savannah region has accused President Nana Akufo-Addo of disrespecting the indigenes and chiefs of the region. Their concerns come after Akufo-Addo visited the region to commission a \$20-million Integrated Recycling and Compost Plant (IRECoP) in Damongo, the regional capital.

In a statement signed by the NDC communication officer for the region, Malik Basintale, the president came to organise the NPP's usual funfair and lied to the people. He said, "In his (Akufo-Addo's) tour to the Savannah region to commission what he termed as his major project, that is, a Jospong group of companies privately owned Refuse dump commonly known as "Borla site", the president instead of showing gross remorse for his government's failed promises and inability to meet the immediate demands of the Savannah region, he rather focused his energy on peddling blatant falsehoods, engaging in misguided mockery and blowing his own hot air from an empty trumpet."

**This is the NDC's statement;**

**For Immediate Release**

**NATIONAL DEMOCRATIC CONGRESS, SAVANNAH REGION.**

25th – 08 – 2022.

**IT IS TIME TO SHOW GROSS REMORSE FOR YOUR FAILED PROMISES AND APOLOGISE FOR NEGLECTING THE SAVANNAH REGION, MR. PRESIDENT**

The NDC Savannah region has noted with great concern the level of disrespect and dishonour President Akufo-Addo and the New Patriotic Party (NPP) continues to smear on our chiefs, elders and indigenes of the Savannah region anytime they troop in to organise their usual funfairs.

In his tour to the Savannah region to commission what he termed as his major project, that is, a Jospong group of companies privately owned Refuse dump commonly known as "Borla site", the president instead of showing gross remorse for his governments failed promises and inability to meet the immediate demands of the Savannah region, he rather focused his energy on peddling blatant falsehoods, engaging in misguided mockery and blowing his own hot air from an empty trumpet.

Below are the already known facts to the indigenes of the Savannah region President Akufo-Addo must note:

1. H.E John Mahama is on record to have the highest number of projects any government or President has ever delivered to the Savannah region boasting of 3 major factories, more than 18 primary schools, 5 senior high schools, 4 major district hospitals, water projects and boreholes, Nursing training college, markets and roads including the 147 kilometre almighty fufulso-Sawla road project among others under his tenure in office.

2. H.E John Mahama is also known to have spent the night on several occasions in the Damongo Constituency and other constituencies within the Savannah region and as such it is pure malice for Akufo-Addo to purport being the first president to spend a night in the constituency or region. We urge all to treat it with the contempt it deserves as it does not solve our bread and butter issues. We urge him to rather focus on fixing the challenges of the region other than just claiming to have slept there.

3. The president has for the 11th time repeated his empty promise of the Damongo water project. A project that brought about the "barnishing and naked walking challenge" thrown by myself, Malik Basintale is yet to see the

light of the day as not even a single water tube has been brought close to the district since 2019 when sod was cut. Today, all you say is the project will soon start this year. Mr. President, you again!!

4. The vice president on the 23rd September, 2020 cut sod for the Regional house of chiefs at the Damongo school park, what is the state of that project now and why are you mute on it?

5. The Daboya bridge has been promised on several occasions by you and your vice president Bawumia not to talk of the completion of abandoned projects such as the Daboya road, salaga road, salaga north SHS (E-block), Bole teacher training college etc. Why is the president "dead" silent on them now? We urge you to apologise to the wasipe-wura for your failure as you trip to daboya today in the name of supervising another deception of a project, agenda 111.

6. Where are the factories, schools, roads, dams, hospitals, warehouses, jobs you promised? Where is the fuel price reduction, affordable building materials, affordable food stuff, dollar Stabilization, economic salvation, and sustainable inflation you promised? Those are our pressing needs and we wish to



remind you that, on the backs of those promises were the reasons you became president.

We call on all well-meaning indigenes of the Savannah region to rise up against this government's constant deception, falsehoods and unwarranted visits by Akufo-Addo and demand accountability for our taxes paid as citizens yet without a fair share of the national cake.

We further challenge the NPP and President Akufo-Addo to provide a detailed list of achievements, road networks etc they claim to have delivered in the Savannah region for a fair debate on anyday, anytime and at any venue of their choice as they are nothing but pure lies and comic expressions from loud talkers with less action.

Signed:  
Malik Basintale  
Regional Communication Officer  
NDC- Savannah Region

## From The Mouth Of Babes: Is This Freedom?

Asks Faustina Yeboah

I am not a huge fan of quotes, but there is this particular quote by Thomas Jefferson that interest me a lot. "No experiment can be more interesting than that we are now trying, and which we trust will end in establishing the fact that man may be governed by decision and truth. Our first object should therefore be to leave open to him all the avenues to truth. The most effectual hitherto found, is the freedom of the press. It is, therefore, the first shut up to those who fear the investigation of their actions". Think about losing a husband or a wife to assault in their line of work as a Journalist. How will that make you feel? Will you be angry at that particular media house for not protecting him or her? What about the National Media Commission (NMC), the Ghana Journalist Association (GJA), the Committee to

Protect Journalists (CPJ), Police, and Government. Will you despise them? Practicing Journalism in Ghana is becoming scarier as days go by. Why is this so? The assaults on Journalists keeps on increasing. To my young readers who have no idea what assault means, let me help you understand it. To assault means to physically inflict harm or attack a person. This act is often intentional. A journalist is also someone who professionally investigates, collects and present information as a news story through magazines, television, radio, newspaper and the internet. The rate at which Journalists in Ghana are attacked is gradually becoming unbearable. Journalists are beaten, equipment taken from them and

sadly enough some Journalists like Ahmed Hussein of Tiger Eye Private Investigation (2019), George Abanga of Success FM (2015), Samuel Enin of Ash FM in the Ashanti Region (2007) have lost their lives. Why is this so? Are Journalists not finding answers for the same society attacking them? Or is it a crime to serve and uphold the name of Ghana? These and many more are questions I ask myself anytime I am enter my Journalism Class. Sometimes my heart beats faster when I think about graduating and working as a Journalist in Ghana. The recent attack on the Director of News for Angel Broadcasting Network (ABN) Kofi Adoma Nwanwani on Saturday 6<sup>th</sup> August 2022 at the Ashongman Village in Accra

according to a report by Citinewsroom.com breaks my heart.

Chapter 12, Article 162 clause 1 and 4 of the 1992 constitution of Ghana reads:

1. Freedom and Independence of the Media are hereby guaranteed.
4. Editors and Publishers of Newspaper and other institution of mass media shall not be subject to control or interference by Government nor shall they be penalized harassed for their editorial opinions and views, or the content of their publications. If this Freedom and Independence is given by the constitution of the country, why then are Journalists

attacked? Why are they murdered? Why are their equipments taken away and destroyed? These and many more are questions that will forever live on. Freedom and Independence of the media must be strengthened and punishment for perpetrators should go beyond regular fines and short prison sentence. The NMC, GJA, CPJ and Police are doing their best to curb the attacks by urging Journalists not to keep quiet but report assaults. Walter Cronkite once said: "Freedom of the Press is not just important to democracy, it is democracy".  
**Faustina Yeboah is a student of the Ghana Institute of Journalism (GIJ). Email [yeboah777fausty@gamil.com](mailto:yeboah777fausty@gamil.com)**



# DISPUTE OVER ELECTION RESULTS: KENYA'S OPPOSITION LEADER RAILA ODINGA PETITIONS KENYAN SUPREME COURT

*from previous issue*

by and of themselves, to vitiate an election...Where an election is conducted in such a manner as demonstrably violates the principles of **The Constitution** and the law, such an election stands to be invalidated.”

37. The Petitioners contend and will prove that the irregularities and errors in the 2022 presidential election were not minor or administrative or occasioned by human imperfection; the Petitioners will demonstrate that the presidential election was conducted from beginning to ‘end’ by a rogue chairperson, with the premeditated intent and objective of subverting and undermining the integrity of the electoral process in order to secure a fraudulent result.

38. The Petitioners aver that the 2<sup>nd</sup> Respondent was culpable of grave misconduct in his decision in 2017 which emboldened him to graduate the acts of misconduct to blatant criminality and subversion. At the conclusion of the Petition, the Petitioners pray that the Court should give appropriate orders.

## D. GROUNDINGS AND SUPPORTING ARGUMENTS FOR THE PETITION

(i) **Violation of and/or lack of an electoral system and process that is conducted by an independent body; transparent; and administered in an impartial, neutral, efficient, accurate and accountable manner**

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39. The declaration of the false ‘outcome’ of the presidential election contravened the cardinal principles of Article 81(e)(iii), (iv) and (v) of **The Constitution** as read together with Sections 39 of the Elections Act and the Regulations there under.

(i) Article 81(e)(iii), (iv) and (v) of **The Constitution** stipulates that the electoral system shall comply with the following principles—

- (e) “free and fair elections, which are—
- (ii) free from ... improper influence or corruption;
  - (iii) conducted by an independent body;
  - (iv) transparent; and
  - (v) administered in an impartial, neutral, efficient, accurate and accountable manner.

(ii) Section 39 of the Elections Act provides that

- (a) ...
- (b) Before determining and declaring the final results of an election

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under subsection (1), the Commission may announce the provisional results of an election.

(c) The Commission shall announce the provisional and final results in the order in which the tallying of the results is completed.

(iii) Following the holding in **Presidential Election Petition No. 1 of 2017 Raila Odinga & Another v Independent Electoral and Boundaries & 2 Others** (supra) that elections are a process and not an event, it follows that the declaration of the false final result, exposed and confirmed a simmering Tower of Babel built on a process that had been waiting to crumble together with everything built on it.

(iv) Moments before the declaration of the final ‘result’, four (4) of the seven (7) Commissioners of the 1<sup>st</sup> Respondent comprising the majority, unprecedentedly and publicly came out and disowned the final result declared by the 2<sup>nd</sup> Respondent, exposing the underlying and/or behind closed door and clandestine interference and suppression of the deliberations and conduct of the electoral process in the 1<sup>st</sup> Respondent.

(v) The declaration of the ‘outcome’ of the presidential result – the public accusations and counter-accusations emanating from the Commissioners of the 1<sup>st</sup> Respondent exposed the more critical fact that the electoral process had not been transparent, impartial, neutral, efficient, accurate and accountable; and the actions of the 1<sup>st</sup>

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Respondent had in reality often been only the actions of the 2<sup>nd</sup> Respondent, Chairperson alone, and were as such, wholly unconstitutional.

### Usurpation of the constitutional mandate of the IEBC by the 2<sup>nd</sup> Respondent

40. The Petitioners aver that the electoral process and system, and the presidential election result was marred by the following factors:

- i) The 2<sup>nd</sup> Respondent usurped the role and functions of the 1<sup>st</sup> Respondent in contravention of Article 138(3)(c) of **The Constitution** and purported to declare a result that had not been tallied and/or verified by the 1<sup>st</sup> Respondent.
- ii) The 2<sup>nd</sup> Respondent usurped the role and functions of the 1<sup>st</sup> Respondent in contravention of Article 138(3)(c) of **The Constitution** and purported to declare a result that had not been tallied and/or verified in the following 27 constituencies:
  - 1) Mvita
  - 2) Matuga
  - 3) Kilifi North
  - 4) Bura
  - 5) Fafi
  - 6) Wajir North
  - 7) Eldas

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- 8) Mander West *from page 9*
- 9) Tigania east
- 10) Mbeere north
- 11) Ndaragua
- 12) Kapenguria
- 13) Kacheliba
- 14) Narok north
- 15) Narok South
- 16) Narok West
- 17) Kajiado East
- 18) Kandunyi
- 19) Nyakach
- 20) Rangwe
- 21) Ndhiwa
- 22) Suba North
- 23) Kuria East
- 24) Bomachoge
- 25) Borabu
- 26) Kitutu Chache North
- 27) West Mugirango

iii) Immediately before the declaration of the result of the presidential election, four (4) out of the total seven (7) Commissioners of the 1<sup>st</sup> Respondent comprising the

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majority, publicly and categorically disowned the result declared by the 2<sup>nd</sup> Respondent.

- iv) The tally and count in the aforesaid 27 constituencies would have affected the outcome of the presidential election.
- v) Before declaring the final result the 2<sup>nd</sup> Respondent did not state or claim that the result was provisional in contravention of section 39 of the **Elections Act**, if at all the results were provisional.
- vi) At the time of declaring the final result of the presidential election, the 1<sup>st</sup> Respondent had not received, uploaded and made publicly available for scrutiny on the public IEBC portal, Forms 34A in the 27 constituencies.
- vii) The final result declared by the 1<sup>st</sup> Respondent was therefore not complete, accurate, verifiable or accountable and cannot be the basis for a valid and legitimate declaration.
- viii) The 2<sup>nd</sup> Respondent without reason or justification, wilfully refused to share and circulate the final presidential results with the presidential candidates' Chief Agents, Observers, Media or even his fellow members of the Commission before declaring the decision of the 1<sup>st</sup> Respondent (IEBC), on tallying and verification

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making the final announcement and declaration of the 'result' unverifiable, unaccountable and unconstitutional.

- ix) The public declaration by the Commissioners of the 1<sup>st</sup> Respondent whose further duty was to tally and verify the result before declaration, admitted and declared that the process was opaque and they disowned the result.
- x) The final 'result' declared by the 2<sup>nd</sup> Respondent did not comply with **The Constitution** and the law and was therefore illegal, invalid, null and void ab initio.
- xi) The 2<sup>nd</sup> Respondent in isolation and by himself in contravention of Article 138(c) purported to tally and verify the results leading to the final result declared. Such tallying and verification, if any, was a nullity ab initio and did not constitute compliance with **The Constitution's** mandatory requirements.
- xii) The unilateral action by the 2<sup>nd</sup> Respondent removed all checks and balances and destroyed the "appropriate structures and mechanism to eliminate electoral malpractices" in violation of Article 86(d) as read with Articles 10(2)(a) & (c), 88(4) and (5); 138(3)(c) of **The Constitution**; together with Sections 5(1) and 8 and 2<sup>nd</sup> Schedule (Paras 5 & 7) of the **IEBC Act, 2011**.

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41. The Court of Appeal in **Independent Electoral & Boundaries Commission v Maina Kiai & 5 Others [2017] eKLR** while interpreting the role of the 1<sup>st</sup> Respondent in the tallying and verification of results of a presidential election held that:

"Article 138 deals with events at the polling stations where votes are counted, tallied, verified and declared. We hold further that reference to the appellant in Sub Article (3)(c) is not to be construed to mean the chairperson but rather, the returning officers who are mandated, after counting the votes in the polling stations, to tally and verify the count and declare the result. The appellant, as opposed to its chairperson, upon receipt of prescribed forms containing tabulated results for election of President electronically transmitted to it from the near 40,000 polling stations, is required to tally and "verify" the results received at the national tallying centre, without interfering with the figures and details of the outcome of the vote as received from the constituency tallying centre. At the very tail end of this process, in Article 138(10) the chairperson then declares the result of the presidential election, and delivers a written notification of the result to the Chief Justice and to the incumbent President."

#### Lack of transparency and accountability at the National Tallying Centre

42. The Petitioners contend that the 1<sup>st</sup> Respondent's Commissioners' collapsed Tower of Babel was the final outcome of the following preceding facts that further demonstrate the

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to be cont.