

GHANA CENTER FOR DEMOCRATIC DEVELOPMENT (CDD-GHANA)

ABUSE OF INCUMBENCY, STATE ADMINISTRATIVE RESOURCES, AND POLITICAL CORRUPTION IN ELECTION 2004

REPORT FOR THE PERIOD: *18 September 2004 through 30 September 2004*

Introduction

The Ghana Center for Democratic Development (CDD-Ghana) is pleased to present the first in the series of planned public releases on monitoring abuse of incumbency/administrative resources and political corruption during the upcoming 2004 election. This report covers the first two weeks of monitoring, September 18-30 2004.

Background

Official corruption and the closely related abuse of incumbency are two of the major challenges plaguing Ghana's democratic system. Persistent and often credible allegations of corruption among public officials and the abuse of public office for partisan electoral purposes represent a major threat to the sustenance of multi-party democracy in Ghana. Perceived abuse of incumbency has been a major source of conflict in Ghana's electoral process since 1992. Opposition parties complained vehemently about over-exploitation of the various advantages enjoyed by the incumbent National Democratic Congress (NDC) government and alleged electoral fraud in the 1992, 1996 and 2000 elections. The New Patriotic Party (NPP), which emerged victorious in the 2000 polls, is widely assumed to have inherited all the advantages the NDC used to enjoy. Indeed, when the ruling NPP won all the seven by-elections held since it came to power, opposition parties, including the NDC, accused the government of over-exploitation of incumbency advantages. Not surprisingly, abuse of incumbency has become a popular topic of discussion in the 2004 elections.

It is against this backdrop that the Center embarked on this pilot project to highlight and stimulate public awareness as well as discussion of the problem of incumbency abuse, misuse of state administrative resources, and political corruption in the 2004 elections. The project is therefore designed to help deter abuse of incumbency and corruption on the part of public office holders and aspirants to elected public position and to stimulate public interest in institutional reforms that will address the problem of incumbency abuse in the medium to long term.

The project is funded by the Westminster Foundation for Democracy (WFD) of the United Kingdom.

Methodology

To systematically capture the problem of incumbency abuse in Ghana, CDD trained 48 monitors to record their observations of potential instances of abuse occurring between 18 September and the 7 December national elections. Monitors were trained to identify abuse of incumbency under the following three categories:

- *Administrative Resource Abuse* - use of institutional resources, both human and financial, for campaign, as opposed to governance purposes.
- *Budgetary Allocation Abuse* - hidden allocations of public funds for projects not budgeted for.
- *State Media Resource Abuse* - biased information and advertising for the purpose of influencing the electorate to support one candidate over another.

Monitors were given a format for recording their observations of abuses. Upon identifying one of the above described events, monitors were instructed to note the date of the event, describe the event in detail, provide up to three sources for their information, identify the candidate/party that perpetrated the alleged abuse of incumbency, and undertake additional fact checking, verification and follow-up.

Constituencies and media outlets covered

The diversity of the Ghanaian polity is reflected by including at least two constituencies in each of the country's ten regions and rural as well as urban constituencies. The sample also includes hotly contested and safe constituencies as well as newly created constituencies. Constituencies covered in the study include:

- *Greater Accra* - Odododiodio, Krowor, Ada Sege, Ayawaso West Wuogon, Adenta, Ablekuma Central, Okaikwei South, Tema East, and Abokobi Madina;
- *Ashanti* - Atwima Kwanwoma, Bantama, Nhyiaeso, Manhyia, Old Tafo, Fomena, Adansi Asokwa, Offinso South, Asante Akim North, Subin, and Bekwai;
- *Brong Ahafo* - Sunyani East, Kintampo South, and Sunyani West;
- *Central* - Cape Coast, and Mfantiman West;
- *Eastern* - Akim Abuakwa South, and New Juaben North;
- *Volta* - Ho Central, Ho West, and Krachi East;
- *Western* - Sekondi, Takoradi, Bia, and Amenfi East;
- *Northern* - Tamale North, Tamale South, Yendi, and Mion;
- *Upper East* - Bolgatanga, Bawku Central, Nabdam, and Talensi;
- *Upper West* - Wa Central, and Sissala East.

Media outlets monitored include:

- Ghana Television;
- *Ghanaian Times*;
- GBC Radio,
- *Daily Graphic*.

These four outlets which cover print, radio, and television are all widely consumed sources of information and, more importantly for the study at hand, state-owned and particularly vulnerable to incumbent abuse.

Collation and analysis of reports

Reports submitted by monitors were collated, analyzed, and reviewed by CDD in-house experts as well as external experts. A draft summary and analysis of the reports was also subjected to review by the Abuse of Incumbency Project Advisory Committee.

Limitations of study

The findings of the study are subject to the following biases and limitations:

Inadequate coverage: Only 44 constituencies, representing roughly 20 percent of the total number of constituencies in the country, and 4 state-owned media are being monitored. No data is collected from the remaining 186 constituencies. Therefore the report does not capture abuse of incumbency that may have occurred in most parts of Ghana. Also, the assignment of monitors to cover incumbency abuse in 44 constituencies and the four state-run media outlets does not absolutely guarantee that all instances of abuse of incumbency would have been captured in those territories and media – in spite of extensive training. It is simply impossible for monitors to have captured every potential indiscretion committed on behalf of incumbents.

Observer bias: Observer/monitor bias could have occurred as a result of observer/monitor blind spots such as frequenting some areas of the constituency more than others, relying on some sources of information but not others, self-selection of questions asked of informants, and/or erroneous interpretation of facts – notwithstanding efforts made to carefully screen for blatant biases.

Legal grey areas and regulatory lacuna: Incumbents seeking re-election enjoy obvious advantages over their challengers. Often incumbents are better known, possess a resume of public achievements, and have ready access to the “bully pulpit” by virtue of their official positions. Ambiguities in the laws governing the use of state administrative and other resources, however, make it extremely difficult to filter out legitimate advantages of incumbency from potential abuse.

Main Findings

Observed instances of abuse of incumbency in the period between 18 September and 30 September 2004 are divided into three sub-categories, representing each of the aforementioned types of abuse.

1. Abuse of administrative resource

Abuse of administrative resources was far and away the most oft-reported category of incumbency abuse over this period. The events reported in this category can be placed into the following four sub-categories of abuse:

DCE Partisanship: Three monitors noted DCEs either campaigning for incumbent members of parliament or lending public resources under their control to representatives of the governing party's reelection campaign. In Kumbungu constituency the DCE for Tolon-Kumbungu is reported to have used one of his official Toyota pickup trucks to join a campaign rally for an NPP MP aspirant. In Sunyani West another DCE is reported to have supplied NPP Youth with metro buses to attend an official Kufuor visit to the area. (We have not yet been able to verify whether and how these buses were paid for, and it is unclear whether the use of the vehicle was recorded in a logbook. Nor is it clear whether or not other candidates or parties could have rented the same vehicle for their use and on the same terms).

An NPP Executive Body Meeting was held at the official residence of the DCE for Asante Akim North. The law does not explicitly forbid DCEs from partaking in political campaigns and engaging in other political activities where such activities do not involve public resources or taxpayer funds; but the law defines the position of the DCE as non-partisan.

The non-partisan status of the DCE is rightfully called into question when he/she joins the campaign of one party or another. There are a number of ways to reduce this disjuncture between the ideal of a DCE and the practice of a DCE. CDD recommends that the DCE be explicitly recognized as a politically partisan figure as one possible solution. It would help to clarify the role DCEs (who are appointees of the President and incumbent government) play in the government of the country and remove the pretence and unrealistic expectation of DCE non-partisanship.

Politicization of access to public facilities: A monitor reports that the NPP erected party signboards inside two main roundabouts at Asafo in Kumasi (Ashanti Region). Further investigations by the monitor revealed that this practice is both illegal and not tolerated by the Kumasi Metropolitan Assembly (KMA) of opposition parties. Thus, it represents a clear abuse of incumbency because the KMA allowed the incumbent party to use a public facility not available to others.

Turning official events into campaign rallies: Three instances of official events turned into partisan functions were reported. In Nabdam a monitor reports that a Skills Training and Employment Workshop turned into a pro-NPP event. (A more thorough description of the incident is awaited). Two well-documented instances of official events turned into campaign rallies occurred in Okaikoi South and Mion. In Okaikoi South, a sitting MP commissioned publicly-funded streetlights and launched an NPP branch office in Kpehe at the same event. In Mion, an officer in the Information Services Department screened a film showing telephone booths, water wells under construction, and road improvement projects. The film was in English but the officer provided commentary in Dagbani to the effect that it was the incumbent government which made all this development possible. He also suggested that future plans of the government include bringing such goods to the area.

While each event was intended to be nonpartisan, representatives of government in their official capacities took the opportunity to entreat potential voters to keep the incumbent administration in office. This behavior is not only unprofessional but blurs the line between the role of these officials as public servants on the one hand and political operatives on the other.

Distribution of public posts/resources for partisan gain: The monitors reported positions and contracts going to individuals not for reasons of professional competency but for reasons of partisanship. In one instance, an NPP MP aspirant in Ayawaso West is reported to have received a road contract to help him curry favor amongst the electorate in his constituency. Further investigations are being conducted to determine whether or not there was an open bidding process for this contract and whether or not the MP aspirant is qualified as a road contractor.

Another incident of potential incumbency abuse in this sub-category involves the transfer of a driver of the East Akyem District Assembly possibly for reasons of suspected opposition NDC sympathies. He has been placed at the Treasury Department where no car is available for him to drive.

2. Abuse of budgetary allocation

Of all three categories of potential incumbency abuse, perhaps abuse of budgetary allocations is the most difficult to identify with absolute confidence. One hundred rain coats from the Non-Formal Education Division of the Ghana Education Service were given to NPP supporters in Wa Central, with the insinuation that 100 bicycles would be forthcoming. However, it is difficult to ascertain where the funds for these raincoats came from and who they were originally intended for. Public property given only to party supporters, however, is abuse of incumbency.

3. Abuse of state media resources

Monitors saw the ruling party enjoying overwhelming advantage in state media coverage. The NPP received more press than opposition parties in all the media sources monitored. In and of itself this fact may not constitute abuse of media resources. Indeed, it is difficult to determine whether this reflects abundance of NPP-organized newsworthy events, or conversely, a paucity of newsworthy opposition party-organized events, or a predisposition on the part of the state media to cover officialdom and incumbent party activities. Democracy does not require that all contestants for an office receive equal amounts of air time or space. This would not only be impractical but quite likely undesirable.

Nonetheless, news organizations should not have a *carte blanche* to ignore opposition parties just because opposition and minor parties have not organized big and expensive events. Nor should the media consistently portray opposition parties in worse light than incumbents. To do so would greatly undermine Ghanaian democracy. Journalists can and must go beyond organized politically driven news and be proactive in seeking and covering all contending political viewpoints. It is particularly important that gate-keeping processes in state media houses do not lead to the marginalization of state media houses and over-projection of the ruling party.

Conclusions

- This is essentially a forward looking project. Accordingly, the report does not attempt to compare the nature and extent of abuses in the 2004 elections with abuses in previous elections. It rather highlights ongoing problems, deficiencies and ambiguities in the use of state administrative resources and over-exploitation of incumbency advantages that must be corrected or clarified to advance democracy in Ghana.
- We also recognize the limitations of the present report and will continue to undertake further rounds of investigation, additional fact-checking and clarification of ambiguities.

- Many of the observed abuses highlight the difficulties associated with drawing a firm line between legitimate functions and activities of an elected public official and illegitimate functions and activities of the same official in the Ghanaian context.
- Others highlight the difficulty associated with verifying and substantiating claims of incumbency abuse. Indeed, some of the reports requiring further investigation may not be substantiated before the completion of the project. Others may eventually prove incorrect. These complications notwithstanding, the present report must be seen as the beginning of a long term process of discovering the nature and extent of the problem incumbency abuse.
- The incidents reported here underscore the need for a credible code of conduct to guide elected and other public officials. They also highlight the need for substantial improvements in Ghanaian electioneering and administrative law.
- The information contained in this report makes it possible to make two types of policy recommendations:
 1. *Strengthened Enforcement*; where incumbency abuse occurs because enforcement of the laws regulating Ghanaian elections are weak;
 2. *Introduction of New Codes*; to supplement existing ones where incumbency abuse occurs because Ghanaian election law is silent on that particular form of perceived abusive behaviour.

We hope that this report and subsequent ones provide some empirical basis for the present government and future ones, together with Parliament, the Electoral Commission and other relevant public agencies as well as the political parties and civil society to take measures to correct abuse of incumbency so that the electoral playing field is further levelled. Fair elections are not only good for members of the opposition parties but for democracy in Ghana at large