

Democracy Watch

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IN THE ANNALS OF DEMOCRACY

The import of the December 2004 polls

The December 2004 polls marked a key milestone in Ghana's democratic process. It passed peacefully and smoothly for the most part. The outcome of the polls, which has been broadly accepted by the public, holds great prospect for Ghanaian democratization. With just a little over half (52 %) of the popular vote, John Agyekum Kufuor, the President of the 4th administration of the 4th Republic has secured a firm mandate to govern. But that mandate has to be tempered by the large minority (over 44%) that voted for the National Democratic Congress (NDC) candidate, John Evans Atta Mills.

NDC's performance

The NDC's harvest of over 44 percent of the presidential votes and 94 of 230 parliamentary seats ensures that Ghana will continue to have a strong opposition, a necessity in a working democracy. Parliament will not simply be a rubber stamp for the wishes of the Executive.

The fact that 14 ministers and deputy ministers lost parliamentary elections makes the NDC's parliamentary wins even more remarkable. This is because, given the perceptions of power that the populace have about ministers, given the Ghanaian voter's

tendency to go with the perceived winner, and given the massive benefits – both legal and questionable – that incumbency gives to ministers, the defeat of such a high number of presidential appointees shatters the myth of the ruling party's invincibility. Indeed, it highlights the vibrancy of the opposition. Despite their claims of being relatively cash strapped, the opposition was able to mobilize other resources – organization, zeal, and effective propaganda machinery – to counteract the advantage of the New Patriotic Party (NPP) in other areas.

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The NDC's performance at the polls is also a clear indication that a large minority of Ghanaians preferred a change of Government. This should indicate to the administration that though it has a clear mandate to govern, it must be tampered with consultation, accommodation and sensitivity to the concerns of the minority.

Parliamentary Turnover

About 88 of the parliamentarians from the previous elections, some 44 percent, will not be returning. Not all of these were involuntary absences; nonetheless

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the electoral casualties of incumbent MPs have struck some as high. The turnover, however, even given some of the great lawmakers who are not returning, is not a bad thing. The 88 who are not returning have been replaced by 118 new ones (adding the 30 new constituencies), which balances quite well with the returning 113, this latter number being enough to retain institutional memory and experience. This infusion of new blood into Parliament regenerates the institution. In any event, all of the departing MPs were at one time freshmen.

**“ ... infusion of new blood into
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institution ”**

The defeat of some MPs on account of non-performance raises the question of what constituents deem “performance”, and what the general role of an MP is. For most voters, what they see as performance would be constituency-level economic development – be it construction of amenities, the provision of jobs, etc. But MPs are peculiarly under-resourced to perform that role, more so if they belong to the opposition. Most development at the grassroots comes from the District Assembly, and so where the MP is from the same party as say, the District Chief Executive (DCE), then he/she can piggyride on district level developments. Aside from this, there appears to be precious little an MP can do directly, where money is involved, to develop his constituency. Being voted out of office for reasons beyond an MP’s control is a sad reflection of the persistence of a civic education deficit in Ghana’s 4th Republic.

The dust has more or less settled-in on the new-look Parliament, the NPP now has a working majority, while the opposition remains quite strong. This could be the perfect recipe for Parliament to work well. The working majority avoids unnecessary interparty squabbles over minor issues, and allows Parliament to get on with its everyday work. The NPP’s failure to gain an overriding majority, however, guarantees that Parliament is forced to arrive at consensual inter-party choices because important opposition votes will be needed when major decisions need to be taken. This can only be good for the nation.

Gender representation in Ghana’s Parliament remains abysmal. Despite efforts by gender advocacy and civil society groups to increase the representation of women in Parliament, the eventual outcome was disappointing. Only 25 women representing 11 percent made it to the Fourth Parliament, a marginal improvement over the number of women in the last Parliament (19 in a 200 member chamber).

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The success of women candidates in relatively safe seats is indicative of what political parties, who are committed to the improvement of female representation in public life, ought to do. Fielding women candidates in safe seats by both ruling and opposition parties would have guaranteed a stronger presence of women in Parliament.

High Voter Turnout

The more than 80 percent turnout for the election was impressive given that in 2000 voter turnout for the December 7 elections was 61.7%. Two interpretations can be adduced. First, the credit for this phenomenon goes to all the political parties because they were able to galvanize their supporters to vote. The parties’ abilities to get voters excited – and in some cases simply terrified - and their vim in mobilizing voters, resulted in a lot of people feeling it was very important to exercise their franchise. This is good for democracy. It confirms that open, vigorous, even fractious debate is an essential part of a democracy.

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An alternative explanation could be that the high turnout resulted from a cleaner voters register. With a bloated register, one does not know how many actual eligible votes there are and so therefore cannot come to any accurate assessment of the percentage of eligible voters who actually voted. Thus, it could be that if the previous elections in 1992 and 1996 had all been contested with a clean voters register, the total number of eligible voters would have been lower than the figures given to us, and therefore the percentage of those who actually voted would have been high, even as high as in the December, 2004 elections. It is a sobering thought that it has taken Ghana over a decade to finally create a modicum of an accurate voters register.

Peaceful Elections

Generally, the elections were conducted in a peaceful and orderly manner. This could be attributed to many reasons, including extensive preparatory educational work by the Electoral Commission (EC) and National Commission on Civic Education (NCCE), the vigilance of the security agencies as well as the watchdog role played by civil society bodies such as the Coalition of Domestic Election Observers (CODEO) and the media, and the apparent desire of Ghanaians to perform this exercise peacefully.

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It is something Ghanaians can and should be proud of. Nonetheless, the weak management of the sporadic incidents of post-election violence, especially in the northernmost regions, threatens to mar the country's peaceful reputation. It is imperative that we stop basking in the glow of the post-election euphoria and tackle these issues before they begin to snowball.

Waiting to Exhale – the long Wait for Certified Results

After the voting, there was a long wait for the certified results from the Electoral Commission. In the period between voting and vote certification, the airwaves and print media were filled with various postulations, hypotheses, projections and prognoses on the supposed outcome of the vote. As the results began to trickle in, slowly from the EC and more voluminously from the various radio stations, the two main parties began to engage in acts that were not altogether wholesome to behold.

The NDC made strong allegations of irregularities, although it did not explicitly disclaim the results coming in from the Electoral Commission - where all the parties had representatives to cross-check figures coming in via fax. It engaged in tremendous amount of tendentious nitpicking about faxes not bearing recognizable numbers and other verifying information when all that it needed to verify the figures coming in was a phone call to the party's agents at the various constituencies. NDC's actions around the results coming in at the Electoral Commission therefore created unnecessary alarm about a "bad" election.

Worse yet were NDC claims earlier in the process about certain constituencies where the total votes tallied allegedly were more than the number of registered voters. If these were true, it would be one of the clearest, crudest forms of vote rigging which would certainly invalidate the results, at least as far as those specific constituencies were concerned. The expectation was that prior to making such a sensational claim, the party had checked and double-checked the figures and also talked to their agents on the ground. As it turned out, the NDC had made a mistake and wrongly tallied the votes. The party reportedly apologized privately to the EC for this mistake but given the alarm such a claim caused in various parts of the country, they should have publicly apologized to the nation at large for unnecessarily causing trepidation and casting aspersions on the validity of the elections. In fact, the correction in the mistake made in tally of the Pru Constituency votes by the EC vindicates the EC's assurance that it had procedures for detecting and correcting mistakes and anomalies.

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Ultimately, the EC firmly dealt with the situation and we applaud it. But requesting a total recount of the ballots because of the seemingly high percentage of rejected ballots was uncalled for. In the first instance, the percentage of rejected ballots for Election 2004 was less than for 2000, and so there was nothing untoward in that. Asking for a total recount of all ballots was also unreasonable when no substantive claims about the validity of accepted ballots was raised.

“What was troubling was the setting of the press conference... The setting evoked chilling images of post-coup press statements where military officers addressed the nation outside symbolic government buildings”

While the NDC was going on with its pre-result shenanigans, the NPP also committed its own faux pas by holding a press conference to announce their version of the results. There is nothing intrinsically wrong in holding a press conference to announce a party's opinion about its projections concerning the outcome of the elections. What was troubling was the setting of the press conference. It was held within the compound of the Castle, and the members of the party present included the Minister of Finance, the Attorney General and the Presidential bodyguard. The setting evoked chilling images of post-coup press statements where military officers addressed the nation outside symbolic government buildings. The party's headquarters would have been a more logical and less threatening place to hold such a press conference. Was the choice of venue meant to convey a subliminal message or it was just meant to be evocative. ■■

In defence of “coffin posters”

Subsequent to the elections, a number of satirical posters sprang up depicting the demise of the NDC. Some posters are crude mock-ups of NPP and NDC heavyweights posing as football teams or NPP people carrying the NDC in a coffin to its final resting place. These posters follow a long tradition of popular “art” that surfaces after every major sport, social or political event. Some have been issued after most Hearts-Kotoko encounters, or even after funerals of popular artists. They also surface after the burial or entoolment of major chiefs in the country. In short, they are nothing new. This time, however, the appearance of these “NDC Coffin” posters has generated an overreaction from various religious leaders and sections of the media.

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One pastor on a radio talk show soon after the first appearance of the posters on the streets roundly condemned them, citing three main reasons: that someone was making money “out of politics”; that the posters were disrespectful of our leaders; and the posters could incite political violence. The host/presenter on that particular show agreed wholeheartedly with the pastor and gravely announced that the authorities needed to do something about the posters. Surprisingly, a number of other radio stations discussed the posters with other religious leaders and social commentators and they all uniformly condemned them, calling for the posters to be withdrawn, banned or burnt.

The specific complaints made by the pastor and others of his school of thought are worth examining. The appropriate response to the first argument, that someone was making money out of politics, is best set as a question: Why not? So many people have made money out of politics and it is sheer hypocrisy for the pastor and the radio presenters to berate the publisher/printer for doing what others did so spectacularly during the political season. At the top of this “politics money tree” are politicians themselves, journalists and preachers, not in any particular order. One does not need an overly vivid imagination to see how politicians and journalists could garner pecuniary benefits from elections.

“We have to accept that making fun of our politicians, but not insulting them, is part of the political process. Cartoons, satires and other lampooning types are all legitimate mediums for comment and mobilizing public opinion”

As for pastors, prophets, overseers and the like, is it possible to find a single one of them who can claim that their takings did not increase several-fold during the anxious moments before the elections when even unbelievers flocked to the churches to add their voices to the peace prayers? In any case, the transformation of church leaders into very rich and influential people in Ghana is the real late 20th Century miracle. Thus, complaints about the posters’ generation of money for their publisher smack of hypocrisy and camouflaged elitism. What they are saying is that it is okay for themselves to make money out of politics but not for someone else not in their circles to do same. It is obvious that these posters were targeted at a very mass-based clientele, much of the same clientele that all the newspapers, radio and television companies made money from in the run-up to elections. It is therefore difficult to understand why they think it is perhaps illegal or immoral for the “informal media” to do the same.

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The second charge was that the posters were disrespectful of our leaders. On this point, one presenter on a radio program seemed to be on the verge of tears as he recounted how we have lost our traditional respect for our leaders, etc. That same radio station had done a very good job of questioning these same leaders with ruthless disregard for “respect” because its journalists were “doing their job.” Respect is due journalists who doggedly quiz and hound politicians until they answer questions posed to them because that is the only way to get them to provide answers they would rather conceal. Thus, traditional values of respect for our leaders are absent in newspapers, radio or television when they decide to get to the bottom of a matter or castigate a politician.

In any event, there was nothing in the media or any post-election posters that could remotely rival the nastiness of the insults the politicians themselves delivered during the campaign. We have to accept that making fun of our politicians, but not insulting them, is part of the political process. Cartoons, satires and other lampooning types are all legitimate mediums for comment and mobilizing public opinion.

The pastor’s third point was that the posters could spark post-election violence. This is the only accusation really worth examining seriously. Ghanaians do not need any new lessons on what election violence can do to a country: the evidence is all around us. The consensus therefore is that anything that can incite political disturbances must be suppressed ruthlessly. However, it would take a real regressive gene in the collective biology of Ghanaians to make them go to war over a poster; especially not after the many opportunities the politicians themselves provided during the campaign. Despite the provocations, the elections for the most part passed peacefully, and where violence occurred, it was generally for reasons other than elections. During the past four years, especially in the last quarter of 2004, there were many potential flashpoints that could have sparked serious trouble, but commonsense prevailed. It is undeniable that in a tinder-dry political atmosphere any little spark could lead to huge fires, but Ghana is not in that situation. If it were, politicians from different parties could not be debating issues, mostly in good humor, on radio and TV. Of course, we know that it is possible for followers to engage in fights even when the leaders are taking tea together, but in all such cases such disagreements are localized and would have more to do with remote, often local rivalries than actual politics.

Ultimately, the poster brouhaha should be viewed for what it is: a freedom of expression issue. Whether we find the contents disagreeable or not, we have to defend the right of their publishers to air their views in public. If an individual finds the

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posters libellous, they can go to court for redress; if they are merely distasteful, they should simply be ignored. If we are not robust in our defence of the right to free expression, we can start down the slippery road of censorship and even suppression of the right to dissent. One suspects that some journalists and others in the media believe that freedom of expression is the sole preserve of the media fraternity. Thus, they find nothing wrong with radio presenters and newspaper columnists poking fun at politicians, but they call for sanctions against members of the public doing the same. Journalists on numerous occasions have made serious fun of Mr. Dan Lartey even when he was in the race to be a presidential candidate. Newspapers mercilessly derided the gentleman who went with Mr. Ward Brew to the Electoral Commission in the futile attempt to file the DPP leader's nomination papers because he was wearing "Charlie Wote". Dan Lartey, Ward Brew and his friend all took these in their stride

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because this is part of politics.

The posters are a part of normal street life, and for most people, a part of their freedom of expression. While many of us draw our perceptions from radio and TV pundits and newspaper columnists, for many people these posters represent their comment and opinion. Freedom of expression belongs as much to the patrician as it does to the plebeians in our society. ■■

Elections and incumbency abuse

As with the previous elections, the opposition made voluble accusations about the commandeering of state resources for strictly party events, that is, abuse of incumbency. *Democracy Watch* believes that the points raised by the Coalition of Domestic Election Observers (CODEO), of which CDD-Ghana is a member, in its various press releases reporting the results of its monitoring of abuse of incumbency remain important. Without going into the actual findings on abuse, some important matters arising from the pilot monitoring exercise are worth reiterating.

First, abuse of incumbency is a controversial subject because it is sometimes difficult to differentiate between abuse of incumbency and what is simply the political and legal benefit of being an incumbent. The grey areas in

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extant legislation on the matter exacerbate the problem. Much of Ghanaian election law does not explicitly discourage the abuses reported. Nonetheless they are cause for concern.

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Some of the incidents reported in the pre-election monitoring reports underscore the need for a credible code of conduct to deal with potential abuses of incumbency. They also highlight the need for substantial improvements in Ghanaian electioneering and administrative law. These abuses were flagged not to push for criminal investigations, but to encourage lawmakers, both present and future, to enact legislation and create enforcement mechanisms for existing legislation that will ensure that political competition in future elections is conducted on a more level playing field.

Insights gathered from the project allows us to make three types of policy recommendations:

Strengthened enforcement: Incumbency abuse occurred because enforcement of the laws regulating Ghanaian elections are weak;

Introduction of new codes: This would supplement existing ones where incumbency abuse occurred because Ghanaian election law is silent on that particular form of perceived abusive behavior.

Development of credible and equitable conventions: Judging from the abundance of events where the line between state and party was blurred, we recommend strongly that the nation develops credible and equitable conventions to regulate state/official visits and events to distinguish them from partisan campaigns, especially in the election “season.”

These corrective mechanisms, if undertaken and enforced, will help all parties bear in mind that in a multiparty democracy incumbency is not guaranteed from election to election, but is highly dependent on the will of the electorate. The number of incumbents who failed to hold on to their seats from the ruling party either at the primary stage or during the multi party elections go to show that many of our elected officials do not seem to appreciate this clear tenet. ■■

Manifestos and shallow promises

More so this year than in previous elections, the “outdooring”, so to speak, of the various party manifestos was much anticipated. With great pomp and pageantry, spiced up with exuberant utterances, the two dominant parties – NPP and NDC – finally released the manifestos, copies of which were promptly bought for huge sums of money by some of the party faithful.

It is heartening that the parties felt the need to have a “manifesto”, ostensibly to explain what they stood for and what they hoped to achieve if voted into office. This is good because it shows the parties harking away from personality-driven campaigns to issue-driven ones.

But it is anybody’s guess as to how many of the electorate actually read these manifestos in order to determine whether or not to vote for a particular party or candidate. We suspect the manifestos mostly pander to the various parties’ already strong bases – in effect preaching to the converted. Which is not necessarily a bad thing.

“When a party makes claims in its manifesto that simply cannot be fulfilled, are they implicitly assuming that no one will read and analyze the manifestos or that nobody really cares whether or not what is actually said in the manifesto is ever fulfilled?”

A close scrutiny of the manifestos themselves raises serious doubts about the viability of some of the claims made in them. Most of them are full of grandiose ideas and proclamations without any analysis – financial or otherwise – of how the funds necessary to achieve them would be found. One billion cedis can build a modest house, or buy a very expensive foreign car, or pay for the university education of a number of students in a village. But it cannot do ALL of these things. When a party makes claims in its manifesto that simply cannot be fulfilled, are they implicitly assuming that no one will read and analyze the manifestos or that nobody really cares whether or not what is actually said in the manifesto is ever fulfilled?

Civil society groups need to work in tandem with the media to deconstruct the manifestos of the various parties and openly challenge them to justify the claims they make in them. To that end, in order to enable time to have meaningful

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discourse on the manifestos, they need to be presented a bit earlier than they were. Most party manifestos were launched a month before the elections. All in all however, this trend is a positive one that needs to be encouraged and improved. ■■

Choice of running mates

In the weeks leading up to the congresses of the various parties, there was much speculation about whether or not the NPP would retain the current Vice-President as the running mate of the incumbent, and who the NDC was going to choose as its vice presidential candidate. Convention suggested that, with regard to the NPP, the Vice President would continue to be the running mate of the incumbent in this election also. But rumors persisted that he might be dropped in favor of another candidate. The main reason for this hypothesis was that vice-presidents were usually automatic choices for flag bearer when an incumbent is constitutionally debarred from running. This being the case, a faction within the NPP felt that the current Vice President might not be the most viable to retain the presidency for the NPP and so the party’s candidate for the 2008 elections should be decided by making such a person the running mate of the incumbent.

The NDC also kept everyone second guessing as to who the running mate of their candidate was going to be until the very last moment, although the one surety, regardless of the individual, was that he (during the course of the debate within the two main parties, no woman’s name was mentioned) was going to be from the northern regions of Ghana.

“The Constitution proscribes ethnic based parties with good reason. Letting ethnic considerations be the primary factor in choosing a presidential candidate/running mate seems to run afoul of that same spirit. Competence, not ethnicity (dessert/ calculus) should be the main goal”

What seemed clear from the onset was the belief by the parties that certain ethnic permutations were necessary to win the Presidency. This certainly informed the 2000 race where the NPP felt that to counteract the perceived NDC strength in the northern regions, a choice of a running mate from those regions would balance the equation. Having done that, and with the general feeling that they would stick

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to the same formula in 2004, the NDC felt it dared not choose a running mate who was not from the North. The individual qualities of the eventual running mates notwithstanding, this whole ethnic calculation is troubling. Generally, in a democracy, to win an election a party/candidate needs to reach a broader cross section of the society than their opponent, and to a greater or lesser extent, such a cross-section might be based on ideology. People can always be won over (or lost) to an ideology by the strength of a party's arguments. When, however, the key factor is one as unchangeable as ethnicity, there is a danger of permanent polarization. A pattern that at least candidates on a presidential ticket be selected from the same ethnic group it presents the danger of freezing out smaller ethnic groups. It also induces a feeling of entitlement on the part of other ethnic groups to be featured on presidential tickets without earning it - a sentiment which politicians begin to play with can also lead to a situation where a party that has two extremely competent people on its ticket but fails to balance the ethnic calculation, loses an election to another party that was able to balance its ticket with the right ethnic mix however incompetent.

Of course, the parties do not make those ethnic considerations in a vacuum. Their decisions are based on an assumed behavior on the part of the electorate, that ethnic considerations are more important to the voters than the strength or otherwise of a party's ideology.

The Constitution proscribes ethnic based parties with good reason. Letting ethnic considerations be the primary factor in choosing a presidential candidate/running mate seems to run afoul of that same spirit. Competence, not ethnicity (dessert/calculus) should be the main goal. ■■

Attempted carpet crossing, Judases and the dearth/death policies in Ghanaian politics

A few weeks before the December 2004 elections, the print media reported a clandestine meeting between the General Secretary of the NDC, Josiah Aryeh, and a number of leading members of the NPP. The gist of the story was that Mr. Aryeh, complaining of financial neglect and being caught up between two factions within the NDC, wanted to resign and possibly defect to the NPP. We may never know the full truth behind the alleged attempted defection, but it appears uncontroverted that there was a meeting between Mr. Aryeh and some members of the NPP, talk of a defection and an exchange of money.

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This event, which exemplifies a recent spate of defections among parties – particularly from minority parties to the incumbent – is troubling for a number of reasons. Our disquiet does not stem from defections *per se*, but from the reasons – or lack thereof in many cases – for them. Most of these defections were opportunistic, stemming from the need to be with the perceived “winning side” or for other prosaic reasons such as pecuniary ones.

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None of the defections or attempted defections articulated any cogent ideological, philosophical party principles. Principled stances or party ideology seems to be on the wane and naked need/desire for money on the rise. It is a damning indictment on the kind of persons we now have running for political office. For democracy to work effectively, parties need to stand certain principles that define them. Politicians will differ on how things should be done, but they should be able to explain why things should be done the way they want them to be. Thus, if someone leaves a party because of diverging philosophies, it is understandable and even laudable. Pecuniary reasons simply make a politician a political prostitute.

With specific reference to the Josiah Aryeh incident, the NDC's handling of the matter was weak and unconvincing. They did not deny that a high-ranking party official had taken money from their opponents. They chose instead to blame the NPP for attacking democracy by trying to poach their members and then turned around and paraded Mr. Aryeh at subsequent rallies. All in all, this sorry escapade raises serious “character” questions about both the party and its General Secretary. ■■

Rawlings' complaint to worldleaders

On Monday, November 8, 2004, it came to light that former President, Jerry John Rawlings had written to a number of world leaders claiming that various developments in Ghana threatened to derail the political process. The letter had been sent to the Nigerian President, and Chairman of the African Union General Olusegun Obasanjo, copied to the US President, George Bush, his father Mr. George Bush Sr., former South African President Nelson Mandela and the UN Secretary-General, Kofi Annan. This peculiar action of Mr. Rawlings raises a number of questions.

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On the surface of it, a former president writing to his colleagues about ongoing events in his country is not wrong per se. But such an action should only be taken after all internal mechanisms to resolve the concerns raised in such a correspondence have been exhausted or at least attempted. The question then is whether or not in this particular instance such a letter was necessary or useful.

The thrust of former President Rawlings's letter was that President Kufuor's administration was attempting to derail the free, fair and transparent upcoming general elections through various illegal acts and that he (Rawlings) had evidence that implicated the government.

Firstly, Mr. Rawlings alleged that the Electoral Commission was biased towards the ruling party because the government was manipulating the EC and intimidating its officers. In respect to this allegation, President Rawlings alleged that 700,000 names had been erroneously or deliberately removed from the electoral roll and that the voters affected were persons living in the Volta and Northern regions of Ghana, traditional strongholds of the NDC. In addition, he alleged that people were being allowed to re-register without certifying their identities.

The claim that 700,000 names had been removed from the electoral roll was alarming. It was a serious allegation that could not be made lightly because it represented serious violations of the Constitution by the President, and grounds for his removal from office. Therefore a mere reference to a press statement by the NDC Presidential Candidate and a memorandum to foreign observers by the NDC as evidence in support of this allegation were woefully inadequate to support the claim.

Indeed, in response to this allegation the EC Commissioner categorically denied it as "untrue and unfortunate." He explained that after this allegation had been made, the EC conducted its investigation and found out that the names submitted were registered and issued with identity cards. To support the EC's view on the matter, it is baffling that the alleged disenfranchised citizens remained silent throughout all this. The sheer numbers of persons affected suggests that it would have been extremely difficult for the incumbent government to deny these people the right to vote if they had come forward to complain.

In relation to the allegation of manipulation of the EC, the basis of Mr. Rawlings claim was the retirement of four officers of the EC by the government. It has since come to light that these officers had reached their retiring age of 60 and were therefore retired in accordance with Article 199 of the Constitution. This hardly establishes a prima facie case for manipulation.

Secondly, the former President accused the ruling government of selective justice because political opponents accused of electoral offences were being prosecuted while similar allegations and evidence of illegal acts by NPP functionaries were not. He specifically mentioned an instance where the Northern Regional Minister ordered prison officers to release from custody an NPP functionary who was facing trial for unlawful possession and firing of guns during the recent voter registration exercise. Without reference to any concrete proof, merely asserting something does not make it true, and so this allegation also was unsubstantiated.

President Rawlings also mentioned the unsolved murders of a 14 year boy, which he alleged was committed by an 'NPP thug', and of Ya Na Andani, Paramount Chief of Dagbon Traditional area together with 40 members of his household, which occurred in 2002. Interestingly enough, on November 29, 2004, the Editor of the *National Democrat*, a newspaper closely associated with the NDC party, retracted publications made against President Kufuor by his paper stating that the Special Assistant to the former President had forced the stories on the editorial board. The Editor confessed that he had no proof of the allegations concerning the involvement of the President in the murder of the Ya Na. As long as these tragic murders remain unsolved, they are indeed worrisome, but are hardly evidence of electioneering shenanigans or complicity in them by the incumbent.

It would have been consistent with international convention and strengthened Mr. Rawlings' case to be able to say that he had exhausted all national mechanisms to address his concerns and was therefore reaching out to other African leaders and the international community to bring pressure to bear on the sitting government to address his concerns. It has been reported several times that Mr. Rawlings had said at rallies that the NPP government was planning to rig the elections. The EC Chairman, Dr. Kwadwo Afari Djan, has revealed that these matters were also raised by the former President's party at the Inter Party Advisory Council (IPAC) and had been dealt with. Since, however, Mr. Rawlings already doubted the independence of the EC and its officers (ironically, the same EC officers that had conducted free, fair and transparent elections under his presidency), he seemed to be setting the stage not to accept the outcome of the EC's investigations. Be that as it may, there were a number of possible steps that Mr. Rawlings could have taken without having to seek recourse from other world leaders. The Constitution itself is the starting point for remedying any allegations pertaining to violations of the Constitution.

Under Article 1(3) one can bring an action to the Supreme Court of Ghana for a declaration to the effect that an act or

omission is inconsistent or in contravention of the Constitution. The Supreme Court is mandated to make appropriate orders to this effect and can restrain the EC from holding elections until any such anomalies are remedied. Thus a court action, assuming the evidentiary threshold could be reached, would have been advisable.

The officers of the EC who were allegedly being intimidated and manipulated, as well as the victims of selective justice, with the support of the NDC, could have petitioned the Commissioner for Human Rights and Administrative (CHRAJ) who is charged to investigate all human rights violations. Government sanctioned extra legal disenfranchisement certainly fits the bill for CHRAJ action. The former President could, through his party, have also tabled a motion in Parliament to draw the EC's attention to these concerns and request an investigation.

Legal challenges aside, there were other mechanisms available to the former President to address these concerns. One is the Inter-Party Advisory Committee (IPAC), of which his party is an important member and which was a good platform on which to have tabled his concerns and get the support of other members.

The media could also have been invited to investigate the basis of these concerns, interview the disenfranchised citizens and campaign through print, radio and television to ensure that any violation was remedied.

Furthermore, the former President could also have engaged various civil society organizations such as Institute of Democratic Governance (IDEG), Institute of Economic Affairs (IEA), CDD, and others to launch an independent investigation into these allegations if a prima facie case could be established. The NDC party itself could also have empowered and supported its members who allegedly were disenfranchised to assert their rights at the courts either as a class action or individually. None of these remedies were pursued.

The fact that former President Rawlings wrote an open letter is not in itself the issue. Rather, the issue lies with his unsubstantiated claims and failure to use national mechanisms to address his concern. The role of a former President should never be taken lightly. As Ghana continues to build its democracy, respect for the office of the Ex-President must be cultivated and developed to allow that office to play the vital role needed in consolidating democracy. It cannot be the case that because an Ex-President commands attention, he can say anything he wants when he wants. Mr. Rawlings has done himself and the country a disservice by failing to appreciate the seriousness

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with which he, as an Ex-President, should exercise the rights and responsibilities of his office. He must acknowledge his pioneering role in the development of this office for future former Presidents and approach it with care.

As Mr. Rawlings has indicated that he intends to send a more detailed letter, it is suggested that he accesses national remedies before resorting to this cause of action. If, however, he insists on taking that route, then he should do well to provide Ghanaians with good solid evidence to enable all stakeholders help him to ensure that the aftermath of the elections, hailed as a positive for our nascent democracy, remains peaceful. ■■

“Democracy is never a finished task; it is always a work-in-progress that can progress, stagnate or regress depending on the actions and omissions of the governed and the government”

E. Gyimah-Boadi

OTHER MATTERS ARISING

Of coup plots and capital flight - crying wolf too often?

Ghanaian newspapers of Monday, November 8, 2004 carried various headlines proclaiming a foiled “coup plot” or “coup attempt.” Notwithstanding the fact that a “plot” is different from an “attempt” and that the ramifications of each are quite different, what seemed clear was that a number of people had been arrested over the previous weekend for “plotting to destabilize” the country. Notwithstanding the media frenzy on the story, only one person was charged. He was charged with the offence of “possessing firearms without lawful authority,” and “unauthorized buying of military accoutrements.” Subsequent to the media frenzy on the story. In August of this year, a Liberian newspaper “story” claiming that a number of Ghanaians were imminently about to destabilize the country through military intervention also surfaced in Ghana.

In any country with a reasonably free press, one of the negative effects of such press freedom is the trend for sensationalism and overt politicization of events and stories as myriad newspapers compete with each other. In a young democracy where a lot of the media is still intoxicated with the heady fumes of “press freedom,” without any of the sobering demands of accountability, it is very important when stories that threaten the country’s democratic dispensation come out, that the government’s statement on the matter quell all fears, real or imagined. The effects of such stories, whether true or not, lead to uneasiness both inside and outside the country.

The “stories” in the Liberian newspaper were later shown to be spurious, but, maybe ostensibly hoping to benefit from negative light it might shed on the opposition, the Government did not categorically rubbish them. No official comment disparaged it or gave much credence to it either, and so it stayed in the press for a while. With regard to the November “coup plot” story, the head of the police criminal investigations department, told Reuters of the seven men initially arrested: “They were planning to commit acts of sabotage and subvert the state. They’d been holding meetings. We’ve evidence of what they’d been plotting.” Nonetheless, only one of these men was prosecuted, and for relatively minor offences.

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With 2004 being an election year, the repercussions of government action or inaction on security was critical. Given our country’s history of coups, and our still very young democracy, any story that evokes that spectre will evoke a certain level of anxiety among the populace. National security is simply an extension of personal security, and with most of the population still old enough to remember times when coups and countercoups were rife in the country, with a concomitant lack of personal security, especially for those living in Accra, any threat of a coup is a frightful thing. Unfortunately, many politicians appeared to believe that playing on people’s fears was a good way to consolidate support for themselves and against their opponents. They seemed to feel that arresting a number of people for an alleged coup plot would show that the authorities had their fingers firmly on the pulse of the nation’s security.

Such a view is, however, myopic. It fails to see beyond the supposed immediate partisan political gains derived from these scare-stories to their long-term economic ramifications. Scare mongering in an election period may bring partisan political benefits; but such a climate of fear and insecurity has a chilling effect on foreign investment. It reinforces the popular image of West Africa as a “zone of insecurity;” Ghana begins to look like the Ivory Coast or some of the countries in West Africa racked by violent civil conflicts. By failing to give short shrift to obviously false stories such as the one appearing in the Liberian newspaper, and by using words such as “coup” to describe the arrest of the seven people when only one was prosecuted, was short-term, narrow-minded parochial thinking, and inimical to the long-term interests of the nation. If indeed there were a serious coup plot, the prosecution of all seven, or a majority of them, would show it to be credible and might mitigate the inevitable damage any genuine coup plot would create. If there was not a “coup plot” per se and the people were simply rounded up for other security-related offences, the story could have been couched better – after all rounding up a group of armed robbers has less of a negative financial impact than coup plotters. We might never know the real reason for the arrest of the seven, but it is important that authorities are more cautious in their reaction to security threats to the nation, and in their official comments on them, for the effects go much further than can be quantified.

Finally, the media in Ghana showed itself, yet again, to be immature and unable to rise above petty partisan leanings. The obvious glee with which certain newspapers carried the Liberian stories at best was lazy, and certainly irresponsible. Although the media frenzy surrounding the seven might have been the catalyst for an official response, the inability of various papers to differentiate between an attempt and a plot, and the clearly partisan slant of the stories indicate that our media still love to enjoy press

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freedom while disdaining the requirement of responsibility. In the absence of the latter, press freedom might well sow the seed for chaos. ■■

NRC UPDATE

NRC - Report leakage, reparations and the way forward

After more than a year of sittings in Accra and other parts of the country, the NRC completed its work and submitted its final report to the Government on the 13th of October 2004. The Commission did not see it fit to concurrently submit the report to Parliament or to the general public. The Government indicated, upon receipt of the report, that it would be made public after the Attorney General had reviewed it.

But soon after the report was given to the Government, and before it was made publicly available, various newspapers, especially the pro-NPP media, began to publish materials they claimed were sections of the Report. The leaked sections were those that indicated alleged atrocities by (P)NDC officials. Because only the Government had official copies of the Report, the leakages led to accusations that the Government, or even the NRC itself, had leaked portions of the Report to the media to gain political capital. Both the Government and the NRC disavowed being the source of the leakages. The leaked sections were so damning that some erstwhile PNDC members who had appeared before the Commission felt the need to provide their side of the stories published.

Whatever the factual situation is, the “leak”, if indeed the published reports were truly from the NRC Report presented to the government, raises a number of pertinent questions about the reconciliation process.

The initial mistake was the NRC’s decision to release the Report to only the Government, and not simultaneously to Parliament. The Commission claimed that because it was the Government that commissioned it to do its work, it could only submit the Report to the Government. Although Section 3 of the National Reconciliation Commission Act, 2002 (Act 611) states, as one of the objectives of the Commission, that it was to make recommendations to “*the President*” for redress of wrongs, and Section 20 of the same Act states that the Commission “shall within three

months of the conclusion of its work submit its Report to the President,” the NRC was not precluded from simultaneously releasing its findings to Parliament. Indeed, the same spirit of openness that directed it to hold most of its hearings in public should have guided the Commission to make the Report available to Parliament also, if not widely available to all. As it were, the submission of the Report to only the President, and more so given the Commission’s claim that it had not even kept a copy for itself, leaves scant, if any, protection against a sanitized or even doctored version being presented to the public as a “final” Report.

Parliament, as the body that enacted the law should have required the law, in the first place, to explicitly provide that the Report be submitted concurrently to it. Having abdicated its right at the first instance to be simultaneously given the Report, it could still have requested subsequently that that be the case.

As to the leak itself, assuming that what was published in the newspapers was indeed from the final Report as submitted to the President, irrespective of whoever was behind its leak, it undermined the work of the NRC. Considering the fact that the establishment of the NRC itself, together with its *modus operandi*, had been blighted by inter-party wrangling, it was imperative that the integrity of the final report be safeguarded.

The leak, in as much as only anti-(P)NDC material was leaked, fanned the flames of claims that the whole Commission had been an anti-NDC institution. Thus, sadly, the suspicions and animosity that had dogged the nascence of the NRC continued to hound it even as it completed its work. The release of an unedited version of the Report by Government will go a long way to assuage suspicions that the National Reconciliation exercise was a partisan political ploy. It will open the way for the pursuit of the next step of the process of national healing. ■■

“Reconciliation is always a process, not a picture you can hang on the wall and admire”

Alex Boraine, President, International Center for Transitional Justice, at CDD-Ghana’s International Conference on National Reconciliation in Ghana

CDD-GHANA DEMOCRACY PROGRAMS FOR THE 4th QUARTER OF 2004

October 8-10

The Center organized a three-day national 'training of trainers' workshop at Miklin Hotel in Kumasi. The workshop was the first in three phases of training programs planned for preparing the Coalition of Domestic Election Observers (CODEO) Observers nationwide. Fifty-(50) participants drawn from CODEO member organizations throughout Ghana attended the workshop. Resource persons for the workshop included Nii Osah Mills of the Ghana Bar Association, Mrs. Paulina Adobea Dadzawa, member of the Electoral Commission, Mr. Samuel Y. Aidoo, Ashanti Regional Director of the Electoral Commission and Mr. Richard A. Banibensu of CODEO. The workshop was funded by both United States Agency for International Development (USAID) and the Friedrich Nuamann Foundation (FNF).

October 14

In collaboration with the Civil Society Coalition on National Reconciliation, the Center hosted a roundtable discussion on the topic "Institutionalizing the Culture of Human Rights: the Role of Truth Commissions and Prosecutions". The discussion was led by Ian Martin, Vice President of the International Center for Transitional Justice (ICTJ) based in New York. The discussion, which took place after the presentation of the National Reconciliation Commission's final report to the President, provided a forum to share comparative perspectives on the contributions truth commissions and prosecutions make to the process of creating and deepening a culture of human rights in new democracies. Sixty(60) participants attended the discussion. Participants were drawn from constitutional and statutory human rights and rule of law promotion agencies, National Reconciliation Commission, Parliament, academia, civic advocacy groups, media, and the donor community. Professor E. Gyimah-Boadi, Executive Director of CDD, chaired the discussion.

October 20

The Center hosted a roundtable discussion on the topic "Business Associations and Policy Influence in the Political Economy: Ghana and Nigeria". The lead speaker for the discussion was Professor Jon Kraus, a visiting American political scientist. The presentation examined the government-business relations in Ghana and Nigeria, highlighting the extent to which business associations are able to influence public policy. Representatives of business associations, state agencies involved in the private sector and economic development, private sector operators, policy makers, business support units of the various donor agencies, labor unions, media and other civil society stakeholders attended the discussion, which was chaired by Dr. Osei Boeh-Ocansey, Director General of the Private Enterprise Foundation. Forty(40) participants attended.

October 21-25

The Center held two separate focus group discussions in the Eastern and Northern regions to deepen debate, seek further opinions and validate the findings on the nationwide

research conducted by the Center on Political Party Financing in Ghana. Participants in the focus group discussions were drawn from religious bodies, labor unions, local NGOs, professional bodies, trade associations, academia, traditional leaders, electoral commission, security services, legal practitioners and political parties. An average of twenty-five (25) participants attended each of the fora, which were moderated by Mr. Kwame Gyasi, a senior lecturer at the School of Administration, University of Ghana and a member of CDD Civil Society advisory group on the political party financing project. The discussions was sponsored by the Washington-based National Democratic Institute (NDI) and DfID UK.

October 22-23

The Center, in collaboration with the Parliamentary Service, organized a one-day consultative workshop to explore ways of developing indicators to measure the performance of Parliament. The objective of the workshop was to help inform the development of a performance-monitoring plan for Parliament, and also give Parliament some tools to measure its own performance. The workshop, which took place at Volta Hotel, Akosombo, brought together forty-eight (48) participants. Participants were drawn from members of parliament, staff of the parliamentary service, civil society organizations and the donor community. Resource Persons included Keith Schulz, Governance Advisor, USAID, Ted Lawrence, Team Leader Democracy and Governance, USAID-Ghana, Mr. John G.K. Agama, Deputy Clerk, Parliament and Mr. Cyril Nsiah, also Deputy Clerk, Parliament. Mr. K.E.K. Tachie, Clerk of Parliament moderated the workshop. The workshop was funded by USAID, Ghana.

October 22-24

A workshop on "Cross Dynamics of a Society in Transition" took place at Elmina Beach Hotel in the Central Region. The workshop aimed at bringing together representatives of non-state organizations, to share experiences on NGO participation in transitional justice issues, to tap others experiences, draw lessons based on the similarities and differences in various organizations and to come out with ideas and ways on how best to coordinate activities on such issues. Thirty-five (35) representatives attended. Participants represented media associations, staff of the National Reconciliation Commission, Ghana Committee Radios Network, and Media Watch. There was participation from NGOs in Sierra Leone, Burkina Faso, Tanzania and Rwanda. Mr. Delasi Amable, Program Officer, Ibis, gave the opening remarks. The workshop was funded by Ibis, Ghana.

October 22

The Center released the second of its monthly reports of the pre-election monitoring exercise. The release, in the form of media briefing, contained analysis of weekly reports from fifty- (50) constituencies monitored in September. Dr. Baffour Agyeman-Duah, Associate Executive Director of CDD, presented the findings for the September monitoring.

October 23

CDD, under the auspices of CODEO, organized training workshops in the Eastern, Volta, Greater Accra, Western and Central regions for CODEO members. The workshops were the first in the second phase of training to mobilize civil

society members to observe the December 7 elections. Participants came from all the districts in each region. Resource persons were drawn from the regional Electoral Commission offices and CODEO national trainers. The workshops were funded by USAID and FNF.

October 26

As part of the parliamentary candidates' debate fora, an orientation workshop for health promoters and public educators took place at Cresta Royale Hotel in Accra. A total of sixty-(60) participants attended the workshop. Participants were drawn from twenty-five (25) identified constituencies for the parliamentary candidates' debate. The workshop, which was held prior to the start of the debate, was devoted to discussing health and HIV/AIDS issues in the selected constituencies. Resource persons for the workshop were drawn from Policy project, Ghana. The workshop was funded by USAID.

October 27- 30

The Center held two separate 2-day capacity building workshops in Accra and Kumasi for aspiring members of parliament as part of the Election 2004 support activities. The workshops were aimed at adequately preparing the candidates to address specific issues concerning selected topics of national importance for the parliamentary candidates' debates. Aspiring candidates in southern Ghana attended the Accra workshop, and candidates from northern and middle part of Ghana attended the Kumasi workshop. Among the topics treated were: The GPRS and Ghana's Developmental Agenda; the HIV/AIDS Pandemic; Local Government and Decentralization; Controlling Corruption and Accountability; Agriculture and Food Security; as well as How to Package Campaign Messages and Communication. Resource persons for the workshops included Dr. Regina Adutwum from the NDPC, Mr. David Logan from Policy Project, Ghana, Dr. Nicholas Amponsah of the Political Science Department, University of Ghana and Mr. Ato Conduah, a communication and management consultant. The Open Society Initiative for West Africa (OSIWA) funded the workshops.

October 30

In collaboration with CODEO, CDD organized the second of the regional training workshops in the Ashanti, Brong-Ahafo, Northern, Upper East drawn from the district offices of the Electoral Commission, National and Regional CODEO trainers and staff of CDD. USAID, FNF and the European Commission through the UNDP funded the training workshops

December 6

The Center, in collaboration with CODEO, held a press conference on the preparation and readiness of CODEO to observe the December 7 2004 elections. The press conference took place at the CDD Conference room and was jointly addressed by the Co-Chair of CODEO, Professor Miranda Greenstreet and Justice V.C.R.A.C. Crabbe. Other members of the CODEO Advisory Board members were in attendance.

December 9

In collaboration with the Advisory Board of CODEO, the Center held a press conference to release the preliminary statement of the CODEO Observation exercise after the close of polls. The statement captured reports received from CODEO

observers nationwide on the conduct of polls on election day. The press conference was addressed by the Co-Chair of CODEO, Professor Miranda Greenstreet and Justice V.C. R.A.C. Crabbe. Members of the Advisory Board were also present. ■ ■

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