

# Democracy Watch

Volume 2, No. 4

December 2001

ISSN: 0855-417X

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## ONE YEAR OF THE KUFUOR ADMINISTRATION

*Four main promises define the one-year old Kufuor Administration: the golden age of business, zero tolerance for corruption, respect for the rule of law and all-inclusive government. We undertake a broad assessment of the performance of the administration in the four policy areas, keeping in mind that the Kufuor Administration has been in office for only one year.*

### Golden Age of Business

The macro economic and fiscal environment has been relatively stable. Prudent fiscal policies have helped to bring inflation and interest rates down; and the rate of depreciation of the cedi has continued.

..... *bureaucratic corruption and graft continue to bedevil private sector development in the country.*

Government-business relations have improved appreciably. Representatives of the private sector, including Ghanaian

entrepreneurs (as opposed to local representatives of foreign capital) are featured in state delegations and overseas investment tours. It is also significant that no new state enterprises have been established. businessmen/women report a drop in official extortion.

However, not much has been done to improve the institutional environment for private sector development. The economic and social infrastructure remains weak and unreliable, the tax regime is chaotic and inequitable, the courts are clogged, and the public sector is plagued by red tape. Measures and standards as well as regulations are inadequate. And bureaucratic corruption and graft continue to bedevil private sector development in the country. □□

### Respect for Rule of Law

The NPP government has shown respect for public opinion and has attempted to be responsive and accountable in a manner that was lacking in the past. On the surface, the government has operated strictly under the letter of the law and Constitution. There has been

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no overt display of impunity and no extra-judicial actions. But the Kufuor approach to constitutionalism can best be described as minimalist. Firing people on the air or announcing their replacements before incumbents are officially informed of changes in their employment status are reminiscent of the arbitrariness of the past administration. So while the administration's actions appear to satisfy the legal and constitutional minimum, it has failed to raise the bar. □□

***There has been no overt display of impunity and extra-judicial actions***

## **Zero Tolerance for Corruption**

The Kufuor Administration has helped to raise public awareness of the problem of corruption and made it less acceptable. The prosecution of the administration's first Minister for Youth and Sports Mallam Isa and a number of former public officials for corruption through the criminal justice system has helped to signal to Ghanaians the administration's determination to fight corruption according to law and due process. However, there has been very little institutional and legal reform in the area of anti-corruption.

***Corporate governance rules and practices remain highly inadequate and unlikely to deter corruption and ensure probity.***

Plans to elaborate a Code of Conduct for Executive Employees have yet to be completed, the draft code has yet to be subjected to independent review, and a promulgation date is not in sight. Plans to set up an in-house Office of Accountability have also yet to take off. And though officials in the Administration have complied with assets declaration regulations, the existing regulation is

riddled with loopholes and far below contemporary best practice. It is also noteworthy that the President is yet to fulfill his voluntary campaign promise to declare his assets publicly. Additionally corporate governance rules and practices remain highly inadequate and unlikely to deter corruption and ensure probity. □□

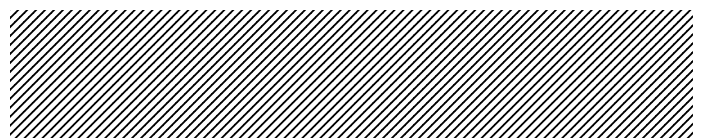
## **All-Inclusive Government**

The Kufuor administration has achieved mixed results in establishing an "all inclusive government." All regions and main ethnic groups in Ghana are represented at the ministerial level. Kufuor appears to have broken the pattern of exclusivist political tradition by appointing ministers and public functionaries from the ranks of other parties – CPP, PNC, NDC and Reform. Even more impressively the Kufuor Government has sponsored Dr. Mohammad Ibn Chambas, a long-serving NDC politician, as executive secretary of ECOWAS.

***.....there also appears to be an over-concentration of presidential appointees from the Kumasi district .***

However, even though the administration has created a new Ministry of Women and Children's Affairs and appointed a Minister for Girl Child Education, gender representation among the pool of ministers is modest at best. Generational representation skews heavily towards the elderly, especially on the Council of State and among Kufuor's most senior ministers. There also appears to be an over-concentration of presidential appointees from the Kumasi district.

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# ANNALS OF POST-REGIME ACCOUNTABILITY

## An Emerging NDC Culture of Complaints?

The first year of the National Democratic Congress (NDC) as a minority party (*party in opposition*) were characterized by complaints of official persecution. The protestations culminated in a press statement by Alhaji Mahama Iddrisu, Acting Chairman of the Political Committee of the party on 25 September 2001 during which he dilated “on the continued campaign of harassment, intimidation, persecution and prosecution of ex-NDC ministers, officials, members and public officials.”

The NDC accused the ruling National Patriotic Party government of an avowed intent to “destroy” it, an apparent reference to earlier remarks by Senior Minister J. H. Mensah at a party congress. Instances of intimidation and harassment cited by the NDC included the alleged imposition of “intrusive” questionnaires, court prosecutions, searches, arrests of the former bodyguards of former President Rawlings, termination of appointments and forced resignations. The party also accused the NPP of leaking to the media ongoing proceedings of the various investigative bodies. Professor John Evans Atta-Mills, former Vice-President and NDC flag bearer at Election 2000 had raised these issues in a press conference six months earlier in March.

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Mr. Issifu Ali, co-chairman of the NDC had earlier written to President Kufuor in May asking the President to give meaning to his “professed commitment to national reconciliation”. He also argued that “the NPP government as the first post-independence government to have had the baton of

governance constitutionally handed down to it, had a unique opportunity to create the needed precedents in the handling of transitions to be followed by succeeding governments.” Ali explained that “how the members of the former NDC government are being treated will determine to a large extent, how members of succeeding governments who may lose elections will be treated.”

The NDC had been peeved further by what seems to be the government’s determination to enforce the rule of law and, more important, accountability of public officials. Indeed, one senior member of the NDC has reportedly accused the government of “using the rule of law to harass” the membership of his party. Thus, the Quality Grains Case involving the trial of six former ministers and others, former deputy finance minister Victor Selormey’s trial and conviction for wilfully causing financial loss to the state and that of Sherry Ayittey for corruption have all been cited as evidence of the demolition strategy.

The emerging “culture of complaints” by the NDC may appear to some as the “whining of spoilt kids” who after decades of unchallenged supremacy find themselves at the receiving end. That those who championed accountability and probity in public life in the past should cry fowl when called upon to account for their stewardship is highly contradictory, and the notion that enforcement of the rule of law is tantamount to intimidation and harassment is plainly ludicrous. Some consider the “whining” as attempt to solicit public sympathy and pre-empt further investigations and prosecutions.

To be sure, the fears of the NDC may be well founded. The jolting rapidity with which the process of investigations and prosecutions proceeded might have created the impression that the government was determined to humiliate the new opposition party and its leading members. It is also plausible to argue that successful prosecution of the party’s leading members would decimate its ranks and spell the doom of the now leading minority party. Other incidents, such as the ejection of former ministers

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from official bungalows might have been humiliating, though they did not amount to official harassment. In this case, the NDC bigwigs appear to be manifesting the kind of discomfort usually associated with unexpected loss of power and long-held privileges as well as the sudden adjustments entailed in all of that.

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However, parochial concerns of the NDC, should not take precedence over the general good of ensuring accountability and the rule of law. Moreover, the NDC may have overstated its case. Soon after the press statement was issued a number of people on the list publicly denied the charge of harassment leveled on their behalf. By and large Ghanaians appear to accept the government's right to pursue post-regime accountability insofar as it is done within the rule of law.

Against this background, Mr. Ali's veiled caution against high-handedness and the implicit plea for moderation have dangerous implications: that successive governments ought not enforce the law against former public officials even if evidence abounded of wrongdoing. Not all NDC officials have been or are being investigated; it would be unconscionable and impractical for any successive government to do that to past officials just to even score. But not to hold accountable those against whom there is sufficient evidence of malfeasance would be equally and flagrantly unconscionable.

Indeed, the ongoing exercise teaches an important lesson: a day of reckoning awaits public officials who abuse the trust of the people. The lesson is not new; it was first taught violently in 1979 when some individuals were made to account for public misdeeds with their lives. In a democracy, however, accountability and probity are pursued through due process and the rule of law. Unless those democratic

principles are breached in the course of correcting past wrongs there should be no real cause for alarm. □□

## **How Legitimate are 31st DWM Complaints?**

After months of uncharacteristic "silence" following the electoral defeat of the National Democratic Congress (NDC) government, the 31<sup>st</sup> December Women's Movement (DWM) asserted itself in the headlines. Led by its President, former First Lady Nana Konadu Agyemang Rawlings, top officials of DWM granted interviews to journalists and appeared on radio and television programs to defend the movement, which they claimed was under siege by the ruling government. The movement also took out pages in advertiser's statements in which it accused the government of subjecting it to an "incredible torrent of official hostility, harassment and intimidation."

The DWM complained that no less than eleven government agencies, including the Office of the National Security Advisor, were investigating it or had requested information. The role of the National Security Advisor in the probe was especially vexing to the movement. The DWM considers itself a bona-fide women's non-governmental organization (NGO) working to ensure that women in Ghana were empowered socially and politically, had access to micro-financing, day-care centers, income-generating projects, health facilities, social amenities and a host of other laudable activities. To the movement, therefore, it was nothing but hatred especially for the former First Lady Agyemang Rawlings that was motivating the harassment, and that had it been any ordinary NGO it would not have been subjected to prosecution.

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***The bold claim  
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The protest was provoked directly by the commencement of criminal prosecution against DWM treasurer Sherry Ayittey and a leading member Sati Ocran. Both are being prosecuted in connection with the sale of a state enterprise by the Divestiture Implementation Board (DIC). The charge by government that the Ministry of Local Government, whose one-time minister Cecilia Johnson also doubled as the General Secretary of the movement, advanced the cause of DWM is another reason for the movement's defensiveness.

The protests by DWM in general and the advertiser's statement in particular raise several fundamental issues. The bold claim that the movement is an NGO is extremely contentious. Over the many years of PNDC/NDC rule, critics had charged that the movement was the de-facto women's wing of the government. In later years, it appeared to have usurped the work of the National Council for Women and Development (NCWD) and was widely perceived as the de-facto governmental machinery on women's affairs. The inordinate amount of power wielded by the Movement for nearly two decades and unparalleled access to state resources, including government guaranteed loans, and excessive coverage in the state media almost certainly had something to do with its identity.

The DWM readily admits that it enjoyed the cooperation and active support of the government of the day. It acknowledges that it received support from the state in a number of ways: secondment of government-employed teachers to DWM schools; "courtesies from regional and district officials and a lot of moral support from various government agencies." It also admits to benefiting from government guarantees in respect of loans from foreign sources, most of which would not have been extended otherwise. But it also insists that there is nothing inherently wrong with such support – citing as examples, international NGOs such as the Academy for Educational Development, the African-American Institute, Technoserve, VSO (the British Development Organization), SNV (Netherlands Development Organization), Fredrich Ebert Foundation (FES), that receive support from their home governments.

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To be sure, DWM has a right to complain if it feels unduly harassed by the government. And perhaps it may be in government's interest to coordinate and streamline its investigations so as not to unduly burden persons or organizations it wishes to legitimately investigate. This will certainly improve the efficiency of the investigation process, especially in the light of DWM complaints that it is being investigated by eleven separate agencies.

But a number of fundamental questions beg to be answered about the DWM's complaints. Are the complaints valid? Is it wrong to call on the movement to account for the use of taxpayer and other official resources it freely admits to have received? Considering the political character and profile of the movement and its receipt of official and semiofficial support, including bilateral loans over its almost 20 year history, is it out of order for it to be subjected to investigation by state agencies?

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Of course the Movement fails to recognize the politically non-partisan nature of most of the foreign organizations it cites in defense of its status and operations. It also fails to note the fact that the activities of these organizations do not overtly favor any of the players in domestic politics. The DWM may not have been a political organization, but it operated a clear partisan political agenda that excluded those who did not belong to the Rawlings-NDC political camp. It did not and was not inclined to give support to women (its self-proclaimed constituency) who had political aspirations but who did not belong to the NDC. If these were mere misperceptions, the DWM did nothing to dispel them.

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The uncomfortable situation in which an organization purporting to be a bona fide NGO finds

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itself today serve to underscore the dangers of politicization of NGOs. Above all, it highlights the need for an enabling but non-predatory regulatory framework for NGOs together with a credible code of conduct that includes provisions for strict political non-partisanship. □□

## The Conviction of Former Deputy Minister of Finance

Mr. Victor Selormey, a former Deputy-Minister for Finance in the National Democratic Congress (NDC) government was convicted by the “Fast Track” court in December on six counts of conspiracy, defrauding by false pretences, and, willfully causing financial loss to the state.

Not surprisingly, the NDC has subtly suggested that Mr. Selormey is a martyr, a political prisoner, and a victim of an NPP campaign to neutralize its strongest rival, the NDC, through the criminal prosecution of its leading members. However, in the light of the fact that the offence carries a maximum sentence of 25 years imprisonment and petty criminals suffer a worse fate for less, public opinion has considered Mr. Selormey’s cumulative prison sentence of four years with hard labor for an offence that caused the nation \$1,297,500 to be too lenient

In fact, Mr. Selormey’s trial and conviction appears to be fully consistent with the Kufuor government’s policy of zero-tolerance for corruption. It confirms the government’s respect for the rule of law. It also represents a sharp departure from the normal post-regime inquisitorial ‘special courts’: Mr. Selormey was afforded all the constitutional legal facilities to defend himself in a court of competent jurisdiction. Altogether, it underlines the government’s commitment to addressing the issue of public sector corruption in a more sustainable manner. □□

## TESTING MEDIA FREEDOM

### Radio Obonu vs. NMC

Last November a group of fifty Ga traditional priests, led by Dr. Nii Josiah Aryeh, Lecturer, University of Ghana Law Faculty, reportedly filed a petition with the Commission on Human Rights and Administrative Justice (CHRAJ) charging that the National Media Commission (NMC) was attempting to intimidate Obonu-FM Radio Station, the latest kid on the FM block in the Accra area.

#### *The rejoinder questioned the constitutionality of CHRAJ to issue directives to the NMC*

Part of the Ghana Broadcasting Corporation’s regional radio initiative, Obonu started transmission on August 1, 2001. Like all the other regional FM stations, its main language of broadcast is the local vernacular – in this case Ga. What presumably raised the ire of Dr. Aryeh and the fifty *Wulomei* he led to CHRAJ was a letter from the NMC to Obonu calling attention to complaints from listeners who alleged that some of the station’s programs were “arousing Ga-Adangme passions.” While the NMC letter urged the radio station to investigate those complaints, the Commission only promised to look into specific cases at a later date. The letter appears to have been prompted by unguarded statements by Ga “nativists” using strong language during live call-in programs to voice complaints about “non-Ga taking over Ga lands.”

The petitioners however charged that the NMC letter amounted to intimidation of both Obonu FM and Ga-Adangme people and was intended to prevent people from freely expressing their views on national matters. The petition also charged that NMC had done nothing to allegedly curb anti-Ga sentiments on other stations. In addition, Dr. Aryeh claimed

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that the NMC intervention had caused Obonu to refuse to broadcast his personal views.

The petition was reported in the *Ghanaian Times*. In a rejoinder carried by the paper, the Media Commission denied that the letter to GBC was aimed at censoring or intimidating Obonu. According to the NMC, letters such as the one it sent to Obonu are one of the ways in which it prompts media organizations on issues of ethics and professionalism. In fact, radio stations such as Radio Univers and Peace-FM, for example, have received similar letters warning against intemperate use of language.

The NMC rejoinder also struck at CHRAJ by questioning the constitutionality of that body to issue directives to the NMC. It pointed out provisions of Article 172 of the 1992 Constitution, which states that the “National Media Commission shall not be subject to the direction or control of any person or authority in the performance of its functions”.

That there should be so much concern about radio language deemed to be pitting “them” against “us” is understandable. This is not to suggest that the callers to Obonu FM were advocating ethnic cleansing, although the infamous case of Radio Mille Colline in Rwanda deploying “chauvinistic” language on radio to whip up ethnic sentiments with disastrous and tragic results has been frequently cited. Indeed, Ga nationalism and traditional rights on one hand, and other constitutional mandates on the other appear to be in conflict as exemplified by the recurrent confrontation between Ga traditional authority and Churches over noisemaking during the annual ban on drumming by the former.

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***The NMC should elaborate guidelines on what type of speech arouse ethnic passions***

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All of these raise fundamental constitutional questions such as what can or cannot be said in the name of freedom of expression and what kinds of speech can be reasonably considered as threats to national cohesion and interests?

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It seems reasonable enough for the NMC (with a constitutional mandate to ensure high journalistic standards) to seek to caution media organizations that may be falling foul of acceptable standards. But it would be more helpful if the NMC elaborates guidelines on what type of “speech” would rouse ethnic passions without waiting for specific cases.

The question of whether CHRAJ can “interfere” in NMC activities and in effect violate human rights is also interesting. The independence of both CHRAJ and the NMC are constitutionally guaranteed and inviolable. Thus, the Obonu FM case and the NMC rejoinder bring to the fore the appropriate relationship between two key institutions of horizontal accountability. The issue presents an opportunity to test and clarify such constitutional matters. Moreover, a CHRAJ ruling on radio Obonu could help to further clarify the limits to free speech, in spite of the reservations of the NMC. □□

## The Media and Executive Interference: Jake vs. the MNC

Minister for Information Jake Obetsebi-Lamptey incurred the wrath of the National Media Commission by inviting chief executives of radio and television stations to a meeting whose agenda included the discussion of standards for media content.

The NMC issued a strongly worded statement protesting the action of the Minister. It argued that the Minister’s utterances contravened the 1992 Constitution and amounted to government interference in the media. More importantly the NMC pointed out that while the government had the right to express itself on media performance it had to do it “through other channels available to all Ghanaians such as press conferences, rejoinders, or formal complaints through the NMC, but not as a directive or instruction from government.”

Mr. Obetsebi-Lamptey had apparently intended the meeting to explore ways of discouraging obscenity, violence, witchcraft and sex on television and to draw a code of standards to ensure self-discipline and sanity in the industry.

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NMC, whose constitutional mandate includes insulating the state media from governmental control as well as ensuring high journalistic standards, had reason to be concerned about the Minister's actions. Indeed the NMC has already developed guidelines on broadcasting standards.

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***Nothing in the Constitution  
permits the Executive  
to dictate how the media should  
do their work***

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No matter how well intentioned, the Minister's summons to media executives to deliberate on content was a clear violation of the constitutional provisions of freedom of the media and freedom from governmental control. Indeed, there are statutory and voluntary bodies, including the Ethics Committee of the Ghana Journalists Association (GJA), the NMC, and even the Courts whose job it is to define standards for the media.

Nothing, of course, stops government officials from expressing their feelings about media content and making suggestions for improvement. In fact, the Executive Branch does not lack opportunities for doing so and they have often done so. But nothing in the letter or the spirit of the Constitution and the liberal democratic order we are establishing permits the Executive to dictate how the media should do its work and by what standards it ought to do it.

It may appear reasonable for the executive to want to address inappropriate and/or offensive content on our television screens, but the danger of violating the principle of insulation enshrined in the Constitution, is that it encourages executive intrusion into media regulation and content. □□

## ZERO TOLERANCE FOR CORRUPTION

### The \$25,000 "Soccer Defeat Gift"

The Media reported in November that Ghana's contingent of senior football administrators, players and accompanying journalists, received a "gift" of \$25,000 from the Governor of the Rivers State of Nigeria. The "gift" followed the unprecedented 3-0 defeat of the Ghana team by the Nigerians in a crucial World Cup qualifier in the Nigerian City of Port Harcourt. The outcome of that match determined that Nigeria would play in the 2002 World Cup instead of Liberia that would have qualified for the first time to participate in the prestigious tournament had the Ghanaian side held the Nigerians even to a draw.

Understandably, the revelations about the "gift" ticked off intense national debate about its appropriateness. Even before the match was played, it was dogged by controversy following the allegation by George Oppon Weah, the player-coach of the Liberian national team, that the Ghanaian side was "going to play the game soft" for the Nigerians to win because the Nigerians had bribed them with money.

Critics of the receipt of the Nigerian 'gift' argue that the pre-match allegation of match-fixing alone should have informed the Ghanaian delegation to be more circumspect. Others claim that given the amount involved – \$25,000 – it appeared more like a bribe than gift. Others questioned the description of the offer as a 'gift.' If that were so, why did Mr. Ben Kwofie, chairman of the Ghana Football Association (GFA) who received it on behalf of the contingent that included eight journalists, keep the information away from the public until it

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was broken some five months after the team had returned from Nigeria?

For others, the NPP government's promise of zero tolerance for corruption makes it particularly unacceptable for top public officials, including Mr. Joe Aggrey, Deputy Sports Minister, and the Ghana High Commissioner in Nigeria, who were present at the banquet to have endorsed the acceptance of the 'gift.' The deputy minister was reported to have turned down his share of \$800.

The GFA, the Ghana League Clubs Association of Ghana (GHALCA) and the newly elected President of the Sports Writers Association of Ghana, continued to defend the contingent's acceptance of the 'gift.' Mr. Kwofie argued that the money could not have been a bribe because if the team had won the match, each member of the team would have received a winning bonus of \$2000. What then, he pointed out, was the rationale for receiving \$25, 000 that worked out to only \$800 for each member of the team?

The GFA Chairman also argued that since the money was received in the open, in the presence of all guests at the banquet, it could not have been a bribe. Both GHALCA and SWAG who insisted that it is usual for host nations to present gifts or souvenirs to visiting teams took similar positions.

However, these arguments did not stop calls for the resignation of the GFA Chairman as well as calls by the minority in Parliament and sections of the media for a governmental probe into the matter. In the heat of the debate government spokesperson, Mr. Jake Obetsebi-Lampety, indicated government's concern, but declined to give details of what action government was likely to take. Ultimately it was FIFA (the Federation of International Football Associations) who laid the matter to rest by giving a ruling that exonerated the Ghanaian side.

The controversy may have died down but it has left a sour aftertaste. The GFA's position that it was a gift may have merit, but accepting a gift from officials of the side to whom one has lost a soccer match betrays a shocking degree of self-respect on the part of the national team and officials involved.

More importantly, the episode highlights the absence of clearly defined rules governing the acceptance of gifts and hospitality by public officials in Ghana. The 1992 Constitution and the amended Criminal Code attempt to spell out in sketchy detail how public officials should conduct themselves in office to avoid conflict of interest. Article 284 of the Constitution states that 'a public officer shall not put himself in a position where his personal interest conflicts or is likely to conflict with the performance of the functions of his office.' Sections 240 to 243 of the Criminal Code, 1960 (Act 29) and Section 2(e) of the Corrupt Practices (Prevention) Act, 1964 (Act 230) criminalize the acceptance of gifts in the conduct of public business. But the question remains what constitutes an inappropriate gift?

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'Nigeria-gate', as some commentators have dubbed the scandal, should lead to a re-examination of the ethical infrastructure and the promulgation of a credible and enforceable code of ethics that would regulate and guide not just the conduct of civil servants, but public officials, including the political executive. The call for the promulgation of a code of conduct becomes even more imperative in the light of recent public criticisms against Mr. Kwamena Bartels, former Works and Housing Minister, who accepted a 41 million cedis donation from a "philanthropist" Farmer Marfo for the provision of security at the private residence of President John Agyekum Kufuor.□□

## MATTERS ARISING

### The \$20,000 MPs Car Loan Saga

The news that Members of Parliament were to be granted loans of \$20,000 (¢140,000,000.00) each, to purchase new vehicles to facilitate their work, appeared to have infuriated large sections of the Ghanaian public. Many were bewildered at the prospect of self-serving politicians appropriating \$4 million or ¢28 billion from state coffers after having declared the country heavily indebted and poor.

Arguments that it was a loan and that the final amount would be less than the total amount given and that not all MPs were interested in contracting the loan, did little to appease public outrage. Neither did the arguments that the interest-free car loans were crucial to the effective performance of the duties of parliamentarians. Even sympathizers suggested that the MPs minimize cost by purchasing “second hand vehicles,” an argument rebutted by MPs who said the state of roads and the frequency of travel entailed by their job justified the purchase of new sound cars.

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Several commentators criticized the fact that many parliamentarians have already benefited from car loans under the first and second parliaments of the Fourth Republic, and that some were planning to contract another at the expense of the state without bothering to pay back the earlier car loans. It was also argued that with an MP’s take home pay of less than ¢2 million a month, it would be difficult to expect them to pay back a loan of ¢140 million before

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the end of his/her current term of office. Reportedly, some MPs had expressed the desire to purchase luxury vehicles such as Mercedes Benzes, Volvos and Toyota Land Cruisers and would have augmented the loan facility, raising even more questions about their ability to pay back.

The debate assumed a new twist when the media broke the news that the decision to grant these loans had been unilaterally taken by the Minister of Finance with neither consultation with the President nor “prior approval” from Parliament. Official documents signed by the Minister of Finance and the Majority Chief Whip in Parliament began to find print space and air time in the media. The documents created the impression that the decision had been arrived at by the majority side of the house in concert with the leadership of the minority. It was also suggested that Parliament could take appropriate steps to make deductions from the salaries of MPs starting from September 2001, in respect of the car loans.

In the face of mounting public outrage, the President placed an embargo on the move to grant the loans to the Parliamentarians. But most MPs did not take the President’s decision lying down. They argued that the President did not have the *locus standi* to override parliamentary decisions by presidential fiat. Was the President overriding his own decision, that of the Majority or the decision of Parliament in general? Whatever it was, a section of the public praised the President for acting in the interest of the ordinary Ghanaian.

The President may have scored political points for putting the loan program on hold, but that measure failed to address the fundamental issue raised by the episode: Are MPs and other Executive employees adequately remunerated? How should we reward individuals for good public service? How do we realistically prevent public officials from engaging in moonlighting, corruption and other abuse of office?

Ordinarily, there is nothing inappropriate about national level politicians and top level-public officers enjoying middle class amenities such as comfortable transportation and housing. The public

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has tended to complain about the enjoyment of these amenities by politicians and other public officials only because in the democratic context we have the right and indeed the opportunity to speak up.

Such complains are understandable against the background of the parlous state of the national economy, and the fact that most Ghanaians do not earn a living wage. The complaints are also justifiable in respect of the manner in which politicians award benefits and other reliefs to themselves. As the controllers of the national purse, it is unseemly for politicians and parliamentarians to put themselves in front of the queue for the national cake or literally help themselves to the national kitty. That smacks of self-help, which is intolerable in public officials.

However, the complaints and criticisms fail to take full cognizance of the rather low level of remuneration for public officials and their undue exposure to all kinds of moral hazards. The complaints also fail to recognize that some of our politicians and public officials have suffered a steep drop in income and living standards after giving up lucrative their private pursuits and moving into the into public sector.

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At any rate, the positions of MPs and other executive employees put them in a social and economic class where some of these amenities must be taken for granted. And moreover, the same public that complains about greedy politicians and public officials also hold unreasonable and unsustainable expectations that public officials and politicians live largely flamboyant life styles and or that they be in a position to dispense all sorts of favors and patronage.

An equitable and sustainable solution would require that we carefully and honestly review the remuneration and other conditions of service of our politicians and public officers. This exercise may

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well persuade the nation to make the supreme sacrifice of singling out politicians and other public officials who control so much of our resources for special treatment - in terms remuneration and other working conditions. This would put us in a far better position to hold our politicians and public officials to account and indict them when they display greed.☐☐

## The Politics of Accra Waste Management

**R**esidents are up in arms with the Accra Metropolitan Assembly over the dumping of garbage in their backyards. In September, the youth of Mallam blocked the access road of the Mallam Landfill forcing AMA to abandon the site. For years, residents of the area had to contend with the offensive odor emanating from the site, surface and underground water pollution, flies and mosquitoes as the city authorities continued to dump refuse there.

The resident's action came six months after the Environmental Protection Agency had ordered AMA to stop dumping garbage at the Landfill and the AMA had still not complied with the order. A week after the youth action Accra was engulfed with rubbish, as the AMA could not find alternative landfill sites to dump the city's garbage. In desperation, the city authorities acquired a piece of land at a nearby abandoned stone quarry at Djanman from the chiefs of Gbawe and started dumping refuse there. Residents of Djanman vehemently protested, complaining that the chiefs of Gbawe, together with the AMA, had failed to consult them.

Like their counterparts at Mallam the youth of Djanman-Gbawe persisted in their demonstrations and blocked the access route, forcing the AMA to the negotiation table. They demanded that the area be fenced, that the youth be employed to spray the dump, that the city authorities build a first class road from Weiija to the site as well as rehabilitate the dilapidated local authority school.

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The AMA contravened Environmental Assessment Regulations L1 1652. It seems to have failed to conduct an environmental impact assessment as required. It did not obtain permit from the Environmental Protection Agency either. In fact, the EPA technical team that visited the site recommended that AMA must stop dumping refuse there. They further recommended that the city authorities be punished to deter other government organizations whose irresponsible behavior impinged on public health and environment. The team listed some of the precautionary measures AMA failed to undertake as, lining of site with clay to prevent seepage of polluted water into under ground water and developing a drainage collection system. The team noted that the AMA's failure to do the above could create the same environmental degradation experienced at the Mallam site. The report said, "AMA's action, therefore, have serious health and environmental implications and it is, therefore, time for the EPA to take legal action and demand an explanation from the AMA".

In December, the AMA finally signed a memorandum of understanding with the residents of Djanman-Gbawe to stop dumping garbage there as from January 8, 2002, since the landfill site was already full.

The AMA's attempt to find a long-term solution to its garbage problem run into problems once again as residents of Kwabenya, where an ultra modern landfill is being constructed by TAYSEC Construction, protested and blocked the access road to the site. They cited possible health and environmental concerns, and non-payment of compensation as the reasons for opposing the project. They also pointed out that the landfill site was on a stream that joins the Densu River.

Although the AMA dispelled resident's fears as unfounded (because the EPA, Water Resources Commission and other regulatory bodies had approved the project), the residents were not appeased and refused to allow work to resume despite intervention of Vice

President Alhaji Aliyu Mahama and Mr. Kwadwo Baah-Wiredu, Minister of Local Government. Work had to be stopped for about a month for government and city authorities to negotiate with residents. During that period government had to pay the contractor about 37 million cedis a day for breach of contract. The project is expected now to be completed by the end of the year and would take care of Accra's garbage for the next 20 years.

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***The deadlock reflects the growing public awareness and assertiveness in our democratic age.***

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These incidents highlight the persistence of crisis in waste management in Accra: the mismanagement of landfill sites in the past, credible fears that new sites would suffer the same fate of mismanagement as the earlier ones, failure to assuage the well founded concerns of residents and to sell the benefits of project to them. The problem also raises questions about the independence and professionalism of the EPA. It is instructive that in the heat of the dispute over the Djanman Gbawe site, EPA distanced itself from a damning statement its own technical team had issued earlier. That statement recommended that the AMA desist from dumping refuse at the same site. It also recommended sanctions against the city authorities to deter others. It appears that the agency had buckled under pressure from above to soften its stand on the AMA.

But it also underlines the crisis of governance in municipal management. The deadlock reflects the growing public awareness and assertiveness in our democratic age and the resulting vigilance on the part of communities about their rights. The deadlock between residents of the various landfill sites and officials suggest the failure of planners of important city services to properly consult and prepare communities in the implementation of development projects. □□

## The Serial Killings: What's New?

The case of 36 women murdered in or near Accra appears to have disappeared from the front pages of our newspapers even though the mystery remains unsolved. It had been a key issue in the December 2000 election campaign - with both the NDC and the NPP taking swipes at each other and accusing each other for the murders. Most significantly, the murders also galvanized women's groups into action and inspired the formation of the women's activist group - Sisters Keepers.

However, there has been little progress in resolving a problem which shook Accra to its foundation and imposed a severe nightmare on its residents in general and women in particular.

True, the exit of the IGP, Peter Nanfuri from the Police Service appears to be directly linked to the crisis. He had been a key target of activists - who accused him of incompetence and insensitivity to their plight. More importantly, under the new government and new IGP, Charles Quansah, a 30 year old driver/mechanic from Komenda in the Central Region was arrested in February 2001. Mr. Quansah, who also goes by the name Kwabena Ebo, is reported to have owned up to 8 of the 36 murders.

**.....developments still leave unanswered the question of who is/are responsible for the other murders - if the only credible suspect so far is responsible for only eight of the killings .**

However, several months have passed and the public, including the women's group that clamored for active investigation and the resignation of the IGP have gone dead silent. The government did inform the public that the American FBI was collaborating with Ghana's special investigative team to accelerate the unraveling of the mystery killings.

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But the last time the police said anything about the issue was on May 6, 2001, when the then Police Public Relations Director, Supt. Richard Baduweh said the FBI had collected physical evidence to their laboratory for further scientific analysis.

The above developments still leave unanswered the key question of who is/are responsible for the other murders - if the only credible suspect so far is responsible for only eight of the killings. It is noteworthy that other women have been found murdered after the arrest of Quansah, the most heinous one being the murder of a middle-aged woman who was tied up in a sack and weighted down with stones in the Densu River at Nsawam, near Accra.

The explanation of the leader of Sisters Keepers (Mrs. Elizabeth Akpalu) that the group has changed its tactics from confrontation to quiet cooperation with the police to find a lasting solution to the serial killings may be reassuring. Indeed, the authorities in general and the police in particular may be doing a good job on the case, albeit on the quiet.

Nonetheless, the silence of the coalition of gender welfare advocacy groups is worrisome. The coalition appears to have failed to sustain its pressure on the authorities. Even more disturbing is the failure of the wider public to join the band of intrepid women activists and embrace their just cause to end the serial killing of women. □□

**“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 LAST QUARTER OF 2001**

**September 13**

**“The Lebanese and Citizenship in West Africa”**

The Center organized a roundtable discussion for Emmanuel Akyeampong, a Ghanaian historian at the Havard University, USA to share his research findings on the subject of Lebanese and the politics of citizenship in West Africa. He traced the history of emigration, settlement, naturalization and integration of Lebanese in all the countries of West Africa dating back to pre-colonial times. Participants comprised leaders of the Lebanese community, academics, investment promotion officers, immigration officers, the Police Service and the Customs, Excise and Preventive Service.

**September 21-23**

**“The Impact of Constitutional Provisions and Administrative Reforms on Public Sector Human Resource Management: The Role of Politicians and Bureaucrats”**

With funding from the Friedrich Naumann Foundation (FNF), the Center collaborated with the Public Service Commission to organize a 3-day workshop to deliberate on the relationship between the political executive and senior public civil servants within the context of the 1992 Constitution.

Presentations were made on different aspects of human resource management in the public service. Participants included Ministers, Chief Directors and public management specialists.

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**October 8-12**

**Parliamentary Committee Public Hearing on National Reconciliation Bill**

The Center collaborated with the Parliamentary Committee on Constitutional, Legal and Parliamentary Affairs to organize a series of public forums at Bolgatanga, Kumasi and Ho. The forums provided an opportunity for the public to express their views on the National Reconciliation Bill to the Parliamentary Committee. The forums also promoted the development of open parliament and expanded the parliament–civil society interface and civil society in the legislative process. An average of 300 representatives from traditional councils, constitutional bodies, NGOs, religious groups, district assemblies, community opinion leaders women groups, political parties, advocacy groups and the general public participated in the forums.

**October 19-21  
Review Workshop**

An international conference to review the draft National Reconciliation Bill took place at Elmina under the auspices of the Parliamentary committee on Constitutional, Legal and Parliamentary Affairs. It was aimed at reviewing and refining the provisions of the Bill before submission to Parliament. Participants were drawn from Parliament, the Council of State and civil society. Technical reviews of the Bill were presented by legal experts, social scientists and civil society leaders from Ghana and the International Center for Transitional Justice in New York.

**November 6**

**Study to Monitor Progress of Good Governance in Ghana.**

The Center was commissioned by the Economic Commission for Africa (ECA) to carry out a countrywide survey on the progress of good governance in Ghana. To that effect, it organized a launching ceremony at the UNDP Conference

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Room. Prof. M. J. Balogun, Director of the Development Management Division of the ECA was the guest speaker. Six other heads of key institutions of governance gave presentations on the state of governance in Ghana from their respective vantage points.

## CDD-Ghana Publications

### Critical Perspectives

- No. 1:** The Ghanaian Judiciary and the 1992 Constitution: A Problem of Asymmetrical Jurisprudence by H. Kwasi Prempeh, January 1999  
**No. 2:** Reforming the Political Kingdom: Governance and Development in Ghana's Fourth Republic by Richard Sandbrook & Jay Oelbaum, June 1999  
**No. 3:** Business Associations in Ghana's Economic and Political Transition by Elizabeth Hart and E. Gyimah-Boadi, January 2000  
**No. 4:** Elections in Emerging Democracies: Ghana, Liberia and Nigeria by Baffour Agyeman-Duah, August 2000  
**No. 5:** Land Policy and National Development in Ghana By Kasim Kasanga  
**No. 6:** The Structural Underpinning of Ghana's December 2000 Elections by Daniel A. Smith  
**No. 7:** The United States and Africa's New Security Orders by Emmanuel Kwesi Aning

### Briefing Paper

- Vol. 1, No. 1:** The Nigerian Elections by Baffour Agyeman-Duah, April 1999  
**Vol. 1, No. 2:** The Politics of Poverty Alleviation in Ghana by Lauren Morris MacLean, July 1999  
**Vol. 1, No. 3:** Mainstreaming the Participation of Women in Public Life by Ken Attafuah, August 1999  
**Vol. 1, No. 4:** Democracy and Economic Reform in Africa by Peter Lewis, November 1999  
**Vol. 2, No. 1:** The Rule of Law and Conflict Resolution in West Africa by William Reno, March 2000  
**Vol. 2, No. 2:** Ensuring "Free and Fair" Elections in Ghana: The Crucial Role of State-owned Media by H. Kwasi Prempeh, May 2000  
**Vol. 2, No. 3:** Promoting Public Access to Information by Kofi Kumado, July 2000  
**Vol. 2, No. 4:** Election 2000: Debating the Issues? by Daniel Smith, September 2000  
**Vol. 2, No. 5:** Why Ghana Needs Freedom of Information Legislation by E. Gyimah-Boadi, October 2000  
**Vol. 3, No. 1:** The "Legalities and Illegalities" of the ESB by H. Kwasi Prempeh

### Research Paper

- No. 1:** *Public Perceptions of Corruption in the Education and Health Sector*, November 1998  
**No. 2:** *Popular Attitudes to Democracy and Market Reforms in Ghana*, November 1999  
**No. 3:** *Elite Attitudes to Democracy and Market Reforms*  
**No. 4:** *Corruption and Other Constraints on the Land Market and Land Administration in Ghana: A Preliminary Investigation*  
**No. 5:** *Foreign Political Aid, Democratization and Civil Society in Ghana in the 1990s* by Julie Hern  
**No. 6:** *Civil Society Organization and Ghanaian Democratization* by E. Gyimah-Boadi, Mike Oquaye  
**No. 7:** *Civil Society and Domestic Policy Environment in Ghana* by E. Gyimah-Boadi, Mike Oquaye and Kofi Drah  
**No. 8:** *Media Coverage of the 2000 Elections*  
**No. 9:** *Civil Military Relations in Ghana*  
**No. 10:** *National Reconciliation in Ghana*

### Conference Proceedings

- Collective Security in West Africa, July 1999  
 Balanced Political Reporting and Democratic Development in Ghana, September 1999  
 Collective Regional Security in West Africa  
 The Military in Democratic Transitions  
 Civil Military Relations in Africa  
 Civil Society and Regional Security in West Africa  
 National Reconciliation: International Perspectives  
**Democracy Watch Vol. 1 Nos 1-4**  
**Democracy Watch Vol. 2 Nos 1-4**

## December 4

### "The Selection of Candidates in Ghana's political Parties for the 2000 Elections"

Mr. Magnus Ohman, a doctoral candidate from Uppsala University (Sweden) led a roundtable to share his research findings on the subject with participants drawn from political parties, the legislature, academia and civil society. He noted that the process of selecting candidates to contest elections is an important index of internal democracy within the parties. Mr. Ohman focused his research on the selection of parliamentary candidates by the NPP and NDC for the 2000 elections. His research showed that whereas the NPP used Constituency Congresses to nominate their candidates, the NDC (for the 2000 elections) introduced a system of intra-party consultation that left the final decision on the choice of candidates in the hands of the national party leadership. ■ ■

## NOTICE BOARD

### CDD-GHANA UPCOMING PROGRAMS

- ☛ **Parliamentary Support Program.** The program covers training for Parliamentary Research Officers and capacity building for selected Committees of Parliament - sponsored by United States Aid for International Development (USAID).
- ☛ **Comparative study of State Responsiveness to Poverty: The Politics of Pro-Poor Policy Making and Implementation** in collaboration with Overseas Development Institute (ODI) support.

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- Briefing Paper Vol. 2 Nos 1- 4
- Briefing Paper Vol. 3 Nos 1- 2
- Critical Perspectives Nos. 1- 5
- Research Papers Nos. 1- 9
- Conference Proceedings

The Ghana Center for Democratic Development, CDD-Ghana is an independent, nonpartisan and nonprofit organization based in Accra, Ghana. It is dedicated to the promotion of democracy, good governance and the development of liberal economic environment in Ghana in particular and Africa in general. In so doing, CDD-Ghana seeks to foster the ideals of society and government based on the rule of law and integrity in public administration.



