

20

D

A Quarterly Newsletter of the Ghana Center for Democratic Development

# Democracy Watch

Volume 6, No. 2

June 2005

ISSN: 0855-417X

## In this issue

☛ Decentralization, stalled by short-term policies ..... Page 1

☛ The "Hotel Kufuor" affair: the high cost of disregarding appearances ..... Page 4

☛ Parliament: is it a victim of constitutional design or self-sabotage? ..... Page 5

☛ Facilitating the passage of the Representation of People Amendment Bill ..... Page 6

## EDITORIAL TEAM

- Baffour Agyeman-Duah
- Audrey Gadzekpo
- E. Gyimah-Boadi
- H. Kwasi Prempeh
- Edem Selormey
- Kwesi Yankah

Democracy Watch is published with funding from the Ghana Research and Advocacy Program (G-RAP)

## IN THE ANNALS OF DECENTRALIZED GOVERNANCE

### Decentralization, stalled by short-term policies

Ghana has made significant progress in the area of decentralization since the late 1980s, when Government reformed the structure of local government with the enactment of the Local Government Law, 1988 (PNDC Law 207). The broad features of the resulting local government system have since been institutionalized in chapter 20 of the 1992 Constitution and are now operational, pursuant to the Local Government Act, 1993 (Act 462). The Constitution further implores the State to "take appropriate measures to make democracy a reality by decentralizing the administrative and financial machinery of government to the regions and districts." (Article 35(6)(d).)

*"...increase in the number of districts is significant more for the additional patronage opportunities it represents for presidential appointment power than for any substantive or qualitative change in the distribution of power between the central government and the districts"*

Despite the Constitution's declared commitment to a progressive decentralization of governmental power, Ghana's program of decentralization appears to have stalled. Advocates of a system of

*Continued on next column* ☛

strong local government had anticipated that the election in 2000 of an NPP government would, in the light of the party's 2000 election manifesto and its ideological heritage, lead to further and more substantive democratization and strengthening of local government. However, since first coming into office in 2001, the Kufuor administration has not advanced decentralization in any meaningful sense. Notably, the NPP administration has retreated from its platform promise to push for popular election of mayors and district chief executives. Moreover, while the Kufuor government has created twenty eight new districts in the country, the increase in the number of districts is significant more for the additional patronage opportunities it represents (via presidential appointment power) than for any substantive or qualitative change in the distribution of power between the central government and the districts. Recent developments in the government's management of its relationship with local government units indeed indicate that the government remains wedded to the centralized-state model and is not sufficiently committed to a meaningful devolution of power to local authorities.

### Selecting Metropolitan and District Chief Executives: "Order from Above"

The President's second-term nominations for District/Metropolitan Chief Executives (M/DCEs) were finally

*Continued on page 2* ☛

announced in the second quarter of the year, over five months after the start of the President's current term. As was widely anticipated, reaction at the districts to many of the nominations, including reactions among local party activists, was sharply divided. In some important districts, grassroots opposition to the M/DCE nominations received the open support of members of the district assembly appointed by the President pursuant to article 242(c) of the Constitution. The Government responded to threats by some of these assembly members that would vote against the President's M/DCE nominee, with a stern warning that it would summarily revoke the appointment of any of its appointees to a district assembly who refused to support a particular M/DCE nomination. This threat was not empty, as certain presidentially-appointed assembly members were indeed replaced. There were also veiled threats of a withholding or delay of government-funded development in the affected district should a particular M/DCE nominee be rejected by the district assembly.

***“The Assembly's role in the structure of accountability at the district would be severely compromised if the votes of the appointed members of the Assembly were deemed pre-committed to the President and, for that matter, to his local agent, the M/DCE”***

The government's stance toward local opposition to its M/DCE nominations may have caused a further heightening of tension and division in the various districts. Local partisans threatened to riotously disrupt the M/DCE approval proceedings at certain district assemblies, causing the Police to maintain a strong show of force at the precincts of the district assemblies during the approval and voting proceedings. The very tense atmosphere thus created, with organized supporters and opponents of M/DCE nominees trading insults and threats of reprisal in the immediate vicinity of the assembly halls, marred the integrity of the assembly's approval process in the affected districts.

The Government's decision to revoke the appointments of the President's appointees to the district assemblies who would not vote to approve a particular M/DCE nominee raises questions about the role that Presidential district-assembly appointees are expected to play in the affairs of the assembly. Do these appointed members sit in the assemblies as *delegates* of the President with an implied obligation to vote in the assembly in accordance with the President's wishes and preferences? Or are presidentially-appointed members of the assembly expected to vote

*Continued on next column* ☛

according to their own best judgment as to what is in the best interest of the district?

The issue here is not whether the President can lawfully revoke the appointments of these assembly members. Article 249 is clear that, as to the appointed members of the assembly, the President, as the appointing authority, may revoke their appointments. What is at issue here, however, is whether the fact of certain assembly members having been appointed by the President makes them subject to the continuing instructions of the President as to how they must cast their vote in matters committed to decision by the Assembly.

The constitutional reservation of one-third of the assembly's membership for persons appointed rather than elected by popular ballot has generally been justified as necessary to enable the President to bring onto the assembly professionals and other individuals whose expertise, experience, and influence would benefit the district but who are not otherwise inclined to contest election to the assembly. Such a “meritocratic” rationale for granting the President power to appoint one-third of the members of a district assembly (“in consultation with the traditional authorities and other interest groups in the district”) is inconsistent with the view that such appointees must vote in accordance with the President's preferences or instructions.

As “chief representative of the Central Government in the district” (article 243(2)(c)), the M/DCE is indisputably the President's agent at the local government level who must do the President's bidding or else. But the Assembly, being a district-level legislature of sorts, is supposed to play a “check and balance” function vis-à-vis the M/DCE. In fact, the assembly can by a two-thirds vote of its membership remove the M/DCE from office. The Assembly's role in the structure of accountability at the district would be severely compromised if the votes of the appointed members of the Assembly were deemed pre-committed to the President and, for that matter, to his local agent, the M/DCE.

***“If appointed members of the Assembly are to add value to the quality of decision-making and oversight at the district, as expected of them, then their votes and opinions must be informed by their independent judgment, not by ‘orders from above’”***

*Continued on page 3* ☛

It is, of course, not unreasonable to expect a President to have a significant measure of *influence* over his appointees to the district assembly. But that is an entirely different matter from saying that such appointees must be duty bound to vote in accordance with the President's preferences. If appointed members of the Assembly are to add value to the quality of decision-making and oversight at the district, as expected of them, then their votes and opinions must be informed by their independent judgment, not by "orders from above." Additionally, the caliber of persons willing to serve as presidential appointees on district assemblies is likely to be mediocre if such appointees cannot exercise independent judgment in how they vote.

***“A formal and transparent process for the Assembly to “vet” and then approve (or reject) a nominee for M/M/DCE would help to “localize” (and thus democratize) M/DCE accountability even before the nominee assumes office”***

The recent politics of M/DCE selection also reveals shortcomings in the M/DCE approval process at the district assembly level. Order 16 of the Model Standing Orders for Municipal and District Assemblies lays down a standard procedure for approving the President's nominee. It states, in relevant part:

- “(2) For the purpose of considering the person nominated by the President, the Assembly may establish an ad hoc Committee to vet and report on the nominee.
- (3) The ad hoc Committee where constituted shall present its report to the Presiding Member who shall lay it before the assembly at the sitting convened for the purpose of the nominee for discussion.
- (4) Sub-paragraphs 2 and 3 of this paragraph of the Standing Orders notwithstanding, the Assembly may resolve itself into a Committee of the whole Assembly in accordance with paragraph 43 of these Standing Orders for further examination of the nominee in person; if it is so decided by a majority of the members of the Assembly.”

Similar to Parliament's process for considering ministerial nominees, Model Order 16 provides the Assembly an opportunity to “vet” a nominee for M/DCE before voting on the nomination. A formal and transparent process for

the Assembly to “vet” and then approve (or reject) a nominee for M/M/DCE would help to “localize” (and thus democratize) M/DCE accountability even before the nominee assumes office. Especially if the nominee is a holdover M/DCE, pre-approval vetting is important for holding the M/DCE to account for his or her past performance.

Unfortunately, Model Order 16's scheme for M/DCE vetting and approval is not mandatory. In the recent round of M/DCE selection, certain district assemblies, such as the Asante Akim North District Assembly, were reported to have decided to vet the nominee for M/DCE prior to voting on the nomination. But cases of an open pre-approval vetting of a M/DCE nominee by the full membership or a committee of the assembly are the exception. In the overwhelming majority of cases, nominees for M/DCE are not subjected to open vetting or deliberation by the assembly before being voted on. If democratic accountability at the district level matters, as it should, then the standard laid out in Model Order 16 for M/DCE nominees to be vetted prior to approval must be made mandatory for all Assemblies.

### **Micromanaging the routine business of Local Government: is city “decongestion” a matter for central government?**

Over the course of the last several years, the central business districts and other commercial locations in our nation's cities have become a traffic nightmare for shoppers, pedestrians and motorists, as streams of hawkers and other miscellaneous traders, as well as *tro-tro* and taxicab operators, sometimes even mechanics, have invaded and occupied the sidewalks intended for pedestrians and the road and street lanes otherwise dedicated to the free flow of vehicular traffic. Unlicensed stalls and other makeshift structures litter the sidewalks of principal streets in our major cities, often blocking the storefronts and entrances of offices, banks, and businesses. Navigating one's way around the business districts of our cities, whether on foot or by vehicular transport, has become a rather taxing experience, in terms of time, productivity, and safety. The illegal occupation of our commercial cities' limited sidewalks and street lanes by hawkers and traders peddling all manner of goods to passers-by has also compounded the urban sanitation and environmental problem, with litter from plastic packaging reaching crisis proportions in many places.

Thus, when in the early months of the year, the Accra Municipal Assembly (“AMA”) launched a “decongestion” exercise to rid the city's commercial streets, storefronts and



sidewalks of unlicensed traders and hawkers and their makeshift structures, the public response, overwhelmingly, was one of relief and support for the AMA. The AMA's action, which included a ban on street hawking in the central business district of Accra, met with visible success in the early weeks of its implementation. Soon, the metropolitan or municipal authorities in Kumasi, Tema, and Tamale, all announced similar "decongestion" exercises designed to accomplish the same objectives. As with the AMA exercise, there was strong public support for these other "decongestion" exercises among residents of the affected cities. At last, the local authorities with responsibility for the country's major cities appeared to be taking their mandate seriously. A subsequent directive from the Government, however, brought a premature halt to these important municipal initiatives.

***"The Government's action in causing municipal and other district assemblies to end these decongestion exercises represents an unwarranted intrusion into matters that should lie appropriately within the lawful jurisdiction of the affected local assemblies"***

The Government memorandum, dated April 27, 2005 and signed by its deputy Minister for Local Government and Rural Development, stated thus: "All Acting Metropolitan, Municipal and District Chief Executives are directed to halt all ongoing decongestion exercises within markets and other areas within their assemblies." The memo went further to advise metropolitan, municipal and district chief executives to seek "clearance" from the Ministry before embarking on any decongestion exercise within their jurisdiction. Although the memorandum carved out an exemption for those decongestion exercises already carried out by the AMA and in parts of the Kumasi metropolis, its suspension of ongoing and future exercises served to encourage displaced hawkers and other traders to reoccupy the cleaned-up areas.

The Government's move met with widespread criticism from a broad cross-section of the public. The Government, on its part, defended its "stop decongestion" order as motivated by a concern for the displaced hawkers and traders, who had been displaced without being provided with alternative places or markets to carry on their commerce. Thus, the Government sought to portray its intervention as driven by humanitarian considerations. Critics, however, saw in the Government's action a cowardly capitulation to political blackmail as the displaced

*Continued on next column* ◀

hawkers and street traders were said to represent a substantial pool of potential voters who might vote against the ruling party in future elections in retaliation for the disruption of their livelihoods.

No act of government comes without political cost. Thus, government cannot allow momentary or speculative political calculations to immobilize it from taking or supporting initiatives necessary to solve pressing public problems. Moreover, solving some of these seemingly difficult public problems typically brings with it political rewards, as the "gainers" (those pleased with the solution) may oftentimes (particularly with respect to these decongestion exercises) outnumber the "losers."

In any case, the Government's insistence that local authorities provide alternative markets before displacing hawkers and other unlicensed traders from existing ones, though seemingly sensitive to the predicament of the displaced traders, creates perverse incentives, as it encourages even more hawkers and unlicensed traders to invade and occupy commercial streets and sidewalks. In essence, Government is rewarding such acts of mass trespass, instead of assisting and encouraging local authorities to develop the capacity to enact or enforce the appropriate byelaws that regulate the use of sidewalks and street lanes. The Government's action, by effectively legitimizing street hawking in our already densely-populated cities, also encourages even more rural youth to drift to the cities, thus worsening the growing problem of rural depopulation and urban population explosion. One also wonders in what way the Government's action helps its supposed policy of "beautification of the capital city." As predicted, the initial success that attended the first AMA decongestion exercise has been reversed, as hawkers have returned to the sidewalks and street lanes. The AMA has now relaxed, if not retreated, from enforcing the ban on street hawking.

***"...the central government should play a subsidiary role, performing only those tasks that cannot be performed effectively at the immediate or local level"***

The Government's action in causing municipal and other district assemblies to end these decongestion exercises represents an unwarranted intrusion into matters that should lie appropriately within the lawful jurisdiction of the affected local assemblies. One of the essential principles of decentralization is the principle of *subsidiarity*. This

*Continued on page 5* ▶

principle requires that the initiative for solving a given problem be left to the competent authority that is closest to the problem. In other words, the central government should play a subsidiary role, performing only those tasks that cannot be performed effectively at the immediate or local level. The Constitution essentially endorses this principle when it commands the institutions of national government to “enhance the capacity of local government authorities to plan, initiate, coordinate, manage and executive policies in respect of all matters affecting the people within their areas, with a view to ultimately achieving localization of those activities.” (Article 240(2)(b)).

**“The Government’s attempt to micromanage the decongestion of the country’s cities undermines local initiative and morale at a time when more, not less, local autonomy and initiative is needed to accelerate national development”**

In an era of decentralization, traffic control and market decongestion are precisely the kind of activities that should be ceded to competent local authorities. Instead of encouraging the localization of such activities, however, the Government directive *recentralizes* authority, especially with its requirement that local executives obtain pre-clearance in order to implement decongestion exercises. The Government’s attempt to micromanage the decongestion of the country’s cities undermines local initiative and morale at a time when more, not less, local autonomy and initiative is needed to accelerate national development. ■■

### The “Hotel Kufuor” affair: the high cost of disregarding appearances

In May of this year, the *National Democrat* carried a story alleging that the President’s son, known in his intimate circles as “Chief,” was the owner or part-owner of a new upscale housing development that was nearing completion across from the President’s private residence in Accra. The paper also alleged that Chief Kufuor was one of the primary shareholders of a newly-formed company that had been approved by Government to take over the assets of the bankrupt national airline. The impression the paper sought to create was obvious: either the President’s son was using the position and influence of his father to acquire a portfolio of lucrative investments and assets or else he was merely serving as a front for the President.

*Continued on next column* ➤

Chief Kufuor reacted swiftly to the press story with an outright denial of both allegations. His press statement, however, carried an important new disclosure: he had recently acquired an ownership interest in an uncompleted hotel development sited next door to the President’s residence. The hotel construction had been started by a private entrepreneur many years before the President came into office. The US\$3.5 million financing needed for the acquisition, the statement explained, had been provided largely by a syndicate of banks, with equity contributions from Chief and certain undisclosed co-investors. Thus begun what has come to be known famously as the “Hotel Kufuor” saga.

Rather than put the earlier allegations to rest, Chief Kufuor’s new disclosure triggered a fresh wave of speculation and conspiracy theories of alleged abuse of presidential influence. For many in the media and general public, the change in facts from the original newspaper story to Chief Kufuor’s disclosure did little to change the underlying charge, namely, that President’s son was setting himself up in business through an improper use of presidential influence or else was merely fronting for the President. The latter theory gained considerable notoriety with the surprise appearance in the unfolding drama of a one-time “advisor” to the government who claimed personal knowledge of the facts surrounding the hotel acquisition.

The source, a foreign national who had once been retained by the Government supposedly to advise on a sovereign transaction, disclosed to the Ghanaian media that she had been personally involved in the hotel acquisition transaction and that it was the President, not his son, who was the beneficial owner of the hotel. From then on, the “Hotel Kufuor saga” would see more dramatic twists and turns and come to detain the media and the public’s attention like no other issue, diverting our collective attention from more important matters of state. As this issue of *Democracy Watch* went to press, the “Hotel Kufuor saga” had spun off an even more scandal-filled “Gizelle Yajzi” affair, as the one-time “advisor” continues to weave and peddle to the Ghanaian media from her overseas location a tale of self-dealing and moral turpitude on the part of the President. The decision of CHRAJ to investigate the allegations of presidential involvement in the transaction has done little to keep the scandal from spiraling out of control.

It is a matter of deep disappointment and regret that at this crucial juncture in our nation’s political and economic life—when the attention and energies of our national leadership should be focused on seizing the opportunities and challenges of the moment and propelling the country to the next level

*Continued on page 6* ➤

of accomplishment—our scarce time, energies and mental resources are being dissipated discussing, investigating, and managing the fallout from a private transaction that perhaps should never have happened and certainly did not have to get this messy.

**“A president’s family must share with the president not only the superior prestige of the office, but also understand that there would be shared sacrifices to make, including a modification in behavior and preferences”**

The President’s handlers and supporters, maintaining that the transaction in question did not involve the President, have staunchly defended the position that there is absolutely nothing wrong with the President’s son acquiring an ownership interest in any business venture. To suggest otherwise, according to this view, is to deny the President’s children the same right every Ghanaian has to pursue their own private economic interests.

The sheer amount of national time and resources that this Hotel Kufuor saga has diverted from other more important matters belies the argument that the private business dealings of a member of the president’s immediate family are merely private and thus nobody’s business. Obviously too many Ghanaians think otherwise and are determined to keep the matter alive to the point of causing us to take our collective minds off other pertinent matters that demand serious national dialogue and debate. Notably, not even the G-8 African Debt Relief initiative could displace the Hotel Kufuor/Gizelle Yajzi affair from dominating the media and public conversation in recent months. The national obsession with this whole affair has shown that the private transaction of a President’s son (or daughter) can still exact a hefty public cost, in terms of the time, attention, and resources it can take from the business of governance, including the diversion of media and public attention from reporting and discussing other critical national issues. In the face of this reality, it would be disingenuous, if not reckless, to defend the propriety of such a transaction without also weighing its likely public or governance impact, including its impact on the public standing of the related public officer.

Of course the members of the President’s immediate family, not being public officers themselves, are not subject to the strictures of any public “conflict-of-interest” regime (of which there is practically none in Ghana, anyway). At the same time, however, when one’s parent or spouse becomes president (or some high public officer), one must learn to accept and live with both the “sweet” and the “bitter” consequences of the new, if temporary, status. A president’s family must share with the president not only the superior

*Continued on next column* ◀

prestige of the office, but also understand that there would be *shared* sacrifices to make, including a modification in behavior and preferences. Thus, for example, a member of the president’s family may have to forgo certain (but not all) business opportunities or lifestyle choices simply because of the likely *negative* reflection that acting upon that particular opportunity or preference might cast on the public standing or image—and thus effectiveness—of their special parent or spouse. Being a member of the First Family, like being First Lady or First Husband, is not simply a bed of roses; it also involves and demands personal sacrifices and adjustments, and sometimes that sacrifice or adjustment might mean passing up an attractive income opportunity in order to preserve the integrity of the presidency.

**“In a rule of law regime, as opposed to one where arbitrary rule is the standard, the public must be placed on notice by prior law (which could be an Act of Parliament or an executive or legislative instrument) as to what areas qualify as security zones, what that designation means for public access, and the like”**

At any rate, certain aspects of the Hotel Kufuor transaction create significant *appearance* problems that cannot easily be dispelled by an insistence on calling the transaction a private venture. First, the location of the property next to the President’s residence fueled speculation that spurious “security considerations” may have been used to force the original investor to sell the asset to a member of the president’s family. This allegation of a “forced taking” of property in the name of presidential security has been widely circulated by sections of the media. Although the President’s office has denied the charge and Chief Kufuor insists the transaction was between a “willing buyer” and a “willing seller,” the perception lingers that the sale may have been coerced. Pronouncements from the national security agencies corroborating the President’s denial of the charge, and public statements by the owner denying any coercion to sell, have similarly failed to close the case.

The dispute over whether “security” was improperly used to effect the change in ownership of the hotel points to a worrisome gap in our legal regime regarding such matters. In a *rule of law* regime, as opposed to one where arbitrary rule is the standard, the public must be placed on notice by prior law (which could be an Act of Parliament or an executive or legislative instrument) as to what areas qualify as security zones, what that designation means for public access, and the like. Legislative clarity in these matters

*Continued on page 7* ▶



would assure predictability and help to avoid situations such as in the Hotel Kufuor case, where there are claims and counter-claims as to whether security considerations were invoked and, if so, whether such an assertion was proper. Verbal or written pronouncements issued on the spur of the moment by the national security agencies do not settle these matters and, in any case, do not constitute law. Whether a particular place is a “security zone” or whether public access to a given place may be restricted for “security” reasons is a determination that must be made by a named public agency pursuant to a pre-existing law—not in the heat of public debate. Such a law would, among other things, define when or under what circumstances a place may be designated a security zone, and it might also include a schedule specifying places designated as such.

***“Especially in difficult times, trust and credibility are critical political resources that affect a government’s effectiveness and legitimacy. And it is in the court of public opinion, not the court of law, that trust and credibility are won and lost”***

The second appearance problem surrounding the Hotel Kufuor transaction stems from the involvement of “Advisor” Yajzi in the said transaction. The President’s handlers have confirmed that Ms. Yajzi was indeed retained to advise and assist the Government to execute a specific sovereign transaction during its first term in office. We assume, without knowing, that she was hired as a consultant pursuant to the *Office of the President Act*. Whatever the source of the authority for her hiring, she was hired presumably for a public purpose. How then did she come to play a role, however minimal (even if only as a witness), in a purportedly private transaction of the President’s son? On whose authority or behalf did she attend or participate in certain meetings of the parties involved in the hotel transaction?

The failure to keep Ms. Yajzi confined to the public purpose or transaction for which she was presumably hired, and allowing her, as a result, to assume a role in the private business dealings of the President’s son, has helped to give currency to the charge that she was—as she has alleged—acting for the president. Indeed, the entire media circus that this one-time “advisor” has managed to generate so far by her continuing pronouncements leads one to question what kind of background investigation or “due diligence” was undertaken before she was hired? Belated efforts by the President’s handlers and supporters to portray Ms. Yajzi as totally lacking in credibility (or even sanity) reflect

*Continued on next column* ◀

badly on the government itself and raise serious questions about the security and integrity of the process by which certain persons come to be engaged to work on behalf of government. It remains to be seen whether Ms. Yajzi is a truth-telling whistleblower, a mischief-maker with a personal axe to grind, or a delusional and troubled woman. This suspicion is not laid to rest by the line-up of banks in the syndicate that allegedly provided debt financing for the acquisition.

The named banks include National Investment Bank (NIB), Ghana Commercial Bank (GCB) and Prudential Bank. The State holds varying amounts of equity, either directly or indirectly, in each one of these banks, thus bringing their boards and management within the reach of presidential power or influence. Is it surprising then for some Ghanaians to assume or believe that presidential influence was deployed to enable the President’s son secure the US\$3.5 million financing allegedly provided by the syndicate of banks?

The question one is prompted to ask is why these multiple *appearance* problems were not sufficient to stop this transaction from occurring in the first place? That many find “nothing absolutely wrong” with the Hotel Kufuor transaction, as long as it passes muster as a private transaction of the President’s son, points to an ethical vacuum in our public and business lives. Notably, it reflects a lack of appreciation of the importance of avoiding conflict of interests and other appearances of impropriety when business dealings veer too closely to political power.

***“The Hotel Kufuor saga has highlighted, once more, the need for CHRAJ to elaborate, in collaboration with Government, the Public Services Commission, and civil society, an ambitious Code of Ethics”***

Throughout this whole episode, defenders of the transaction have placed the “burden of proof” on critics. “Innocent until proven guilty” has become a favorite mantra marshaled in defense of the transaction and of the president and his son. But to be too lawyerly or legalistic in this matter is to miss the point entirely. In the realm of public ethics, *appearances* matter immeasurably. Because they affect the attitudes, beliefs and perceptions of the public, appearances have an important effect on the levels and depth of public trust and credibility that a government can muster. Especially in difficult times, trust and credibility are critical political resources that affect a government’s effectiveness and legitimacy—and it is in the court of *public*

*Continued on page 8* ▶

*opinion*, not the court of law, that trust and credibility are won and lost. For governments and public figures that must operate daily in the court of public opinion, a rigid adherence to “lawyerisms” like “innocent until proven guilty” is foolhardy. A government, president, or first family that conducts itself without due regard to *appearances* or public perception is likely to be reckless to the point of undermining its own effectiveness. Failure on the part of a public official (and his or her family) to subject themselves to the discipline of appearances also invites scandal, with all of its attendant costs in public embarrassment and the diversion of attention from the more important business of governance.

The Hotel Kufuor saga has highlighted, once more, the need for CHRAJ to elaborate, in collaboration with Government, the Public Services Commission, and civil society, an ambitious Code of Ethics as a first step toward educating and sensitizing our public officials to recognize and act to avoid “conflicts of interest” and appearances of impropriety. CHRAJ’s mandate in this regard stems from its designation in article 287 of the Constitution as the body charged with determining, among other things, allegations of a violation of a provision of Chapter 24 of the Constitution (dealing with “Code of Conduct for Public Officers”). CHRAJ missed an opportunity to define and elaborate a set of ground rules in this area when it was asked to determine the allegation that the President had used public resources to renovate his private residence. While CHRAJ dismissed the case for lack of prosecution by the complainant, it could have used the opportunity to begin crafting regulations, rules and standards that would help give content and guidance in interpreting and enforcing the “conflict of interest” provision of Article 284 of the Constitution. In fact, CHRAJ not only has the authority but a constitutional *duty*, under Article 296(c), to elaborate and publish such regulations in order for it to exercise properly its power under Article 287.

The last aspect of the Hotel Kufuor Affair that warrants some commentary concerns how the media, as well as the leading opposition party, have reacted and conducted themselves in this matter. It is indeed appropriate for the media to be interested in the business or private dealings of a member of the First Family, if only to ensure that the authority or power of the presidency is not used for the private benefit or gain of the President’s relatives. However, the quantum of attention that the Hotel Kufuor Affair has attracted from the media has been rather excessive, especially considering the relatively scant coverage and analyses devoted to other matters of public

import that have been in the news during the same period. To allow the Hotel Kufuor Affair to relegate virtually all other news to secondary importance, including the G-8 Africa Debt Relief initiative and what it should mean for Ghana, is a sad commentary on the media’s normative priorities and sense of proportion. Moreover, the press and electronic media have focused far too much on the sensational, and not enough on the governance, ethical or institutional pitfalls that the case raises or on how we might avoid a repetition.

**“To allow the Hotel Kufuor Affair to relegate virtually all other news to secondary importance, including the G-8 Africa Debt Relief initiative and what it should mean for Ghana, is a sad commentary on the media’s normative priorities and sense of proportion”**

On its part, the National Democratic Congress (NDC) has done with the story what any leading opposition party might be expected to do with it: try to extract as much political mileage from it as possible. The NDC, however, acted irresponsibly in trying to create the impression that CHRAJ cannot be trusted to investigate independently and competently the allegations of abuse of presidential power and influence. The NDC should be seen to be defending the independence of CHRAJ and other agencies of horizontal accountability in our constitutional system, such as the Auditor-General—not repeatedly and unjustifiably disparaging them. CHRAJ and other independent constitutional bodies indeed suffer severe resource handicaps that limit their capacity and effectiveness. The NDC, as the leading opposition party, could help highlight these problems and join in the search for a sustainable mechanism or method for resourcing CHRAJ. But the NDC acts in bad faith when it seeks to dismiss and disparage CHRAJ as *not* independent, merely because one or the other member of the institution has been appointed by the incumbent President (as others were appointed by the former President, in accordance with the Constitution). CHRAJ needs to be supported, not undermined, in its current efforts to help shed some independent light on, and possibly bring finality to, certain aspects of the Hotel Kufuor Affair. The national interest is not served by a parochial desire to keep this matter alive at all costs. ■■



## Parliament: is it a victim of constitutional design or self-sabotage?

The Parliament of the Fourth Republic is often criticized as a weak and ineffective player within our governance structure. Specifically, the criticism is that Parliament has failed to emerge as a credible and effective check on presidential or executive power generally. Many who acknowledge the general validity of this observation nonetheless defend the legislature by citing a catalogue of “external” factors for Parliament’s relative weakness vis-à-vis the Executive. Constitutional design is frequently identified as the primary reason for this state of affairs. According to this view, if Parliament is ineffective as a check on executive power it is because the 1992 Constitution designed it to be so. A lack of resources and funds, itself partly a result of Parliament’s constitutional dependence on the Executive for budgetary appropriations, is another reason that is frequently cited to explain Parliament’s relative weakness as an institution of horizontal accountability.

**“The constitutional requirement that a majority of the President’s Ministers must be selected from within Parliament guarantees the President a significant number of pre-committed votes in the House”**

Both these explanations have some validity. The constitutional requirement that a majority of the President’s Ministers must be selected from within Parliament guarantees the President a significant number of pre-committed votes in the House. Using this power, a president can effectively neutralize Parliament by appointing as Ministers or deputy Ministers most or all of the “heavyweights” amongst the parliamentary majority. The President is also able to use the enticement of ministerial appointment to “discipline” the voting behavior of even those of his party’s Members of Parliament who may not currently hold any executive branch position. In effect, a President is able to use his constitutional power and discretion in the making of ministerial appointments to neutralize perceived “opposition” or independence within the ranks of the parliamentary majority.

Another element of constitutional design that works to promote or reinforce presidential hegemony is the provision of article 108 that gives to the President the exclusive power

*Continued on next column* ◀

to introduce a bill (or amendment to a bill) that “makes provision” for the imposition of a tax or of an obligation or charge on, or payment or withdrawal of funds from, the government’s treasury. This provision gives the President the upper-hand—if not a virtual monopoly—in the making of the national budget and the allocation of public funds, including determining the size of Parliament’s operating budget.

**“For Parliament to be taken seriously by the public and the Executive, it first must show that it takes itself and its institutional prerogatives seriously”**

Parliamentary insiders, including several MPs, blame the legislature’s fiscal dependence on the executive for the perennial capacity and resource deficits that have become characteristic of Parliament in the Fourth Republic. Such fiscal dependence also undercuts parliamentary effectiveness because it reduces Parliament to a supplicant in its relationship with the President.

Yet, while the foregoing observations and complaints have merit, Parliament’s relative weakness cannot be blamed entirely on external factors. For Parliament to be taken seriously by the public and the Executive, it first must show that it takes itself and its institutional prerogatives seriously. Thus far, however, the record of Parliament in the Fourth Republic is the record of a Parliament that has failed to assert the full measure of its constitutional prerogatives. In fact, in many instances Parliament has ceded even more power to the Executive by approving certain Presidential actions that undermine Parliament’s autonomy.

Take, for example, the *Civil Service Amendment Act, 2001*. Following longstanding practice in Ghana, this Act gives the President statutory authority to create new Ministries or departments at anytime without specific legislation authorizing the change. By approving this legislation instead of requiring that the creation of a new ministry be done only pursuant to a specific statute establishing that ministry, Parliament has denied itself an important power with which it could check and discipline our presidents’ seemingly boundless appetites to create more ministries.

Parliament has also allowed presidents to inject themselves forcefully into the internal affairs of Parliament by repeatedly approving the President’s nomination of the Majority Leader of Parliament as Minister of Parliamentary Affairs. The selection of the parliamentary leadership of the majority

*Continued on page 10* ▶

party, which is properly the prerogative of the party's MPs, has, in fact, been ceded to the President. Even the decision as to who would be Speaker of the House, a decision that the Constitution places in the hands of the MPs, is made by the President and merely communicated to the House through the Majority Leader-*cum*-Minister for Parliamentary Affairs.

Parliament has failed to appreciate the fact that its power to approve ministerial appointments, budgets, bills, and a host of other executive needs, is the same power with which it must negotiate and extract concessions from the executive. As long as Parliament rubberstamps every appointment, budget, or bill of the President, it cannot expect to be taken seriously by the executive.

One of the most glaring examples of Parliament's failure to assert the full measure of its institutional prerogatives is its failure to use its committee system for purposes of executive oversight. Pursuant to Article 103(3) of the Constitution, Parliament is empowered to use its committees to, among other things, undertake "investigation and inquiry into the activities and administration of ministries and departments, as Parliament may determine." Thus, acting through the appropriate committee, Parliament can act on its own initiative to investigate a host of public issues and problems, such as the cause of the financial collapse of Ghana Airways. Unfortunately, the precedent set in 2002 by the Judiciary Committee of Parliament, which held nationwide public hearings into corruption in the administration of justice, remains the only instance where Parliament has authorized a committee to "investigate" alleged problems within the relevant sector.

Rather than use the committee system for purposes of executive oversight, recent changes in parliamentary committee assignments send a clear message that, as in the past, the current parliamentary leadership and its majority are not interested in empowering or encouraging committees or MPs to take their oversight functions seriously. Notably, the new committee assignments have "demoted" and marginalized the one ruling party MP who has earned a reputation for being independent-minded and committed to holding the Executive accountable to Parliament.

Prior to the recent changes in committee assignments, the Honorable Paul Collins Appiah-Ofori (NPP-Asikuma Odobeng Brakwa) had a reputation as an anti-corruption crusader in Parliament. As chairman of the Committee on Government Assurances and the Ghana Poverty Reduction Strategy (GPRS) Committee in the last session of

*Continued on next column* ◀

Parliament, he was known, among other things, for demanding accountability from Ministers for the use of public funds allocated to them for "poverty reduction." MP Appiah-Ofori is, however, more widely known to the Ghanaian public as the MP who filed a petition before the Appointments Committee of Parliament asking the committee to reject the President's renomination of another fellow NPP Member of Parliament, the Hon. Isaac Edumadze, as Central Regional Minister. The petition had leveled various charges of corruption and abuse of power against the nominee who had already completed one term as Central Regional Minister. Despite strong public support for his petition, MP Appiah-Ofori failed to get Parliament's Appointments Committee to investigate or call witnesses to substantiate the allegations contained in the petition.

MP Appiah-Ofori's crusade to get Parliament to take its executive oversight responsibilities seriously has not endeared him to the Executive or the NPP parliamentary leadership. When, at the start of the current session of Parliament, the NPP parliamentary leadership announced new committee assignments, he lost his chairmanship of both Government Assurances and GPRS committees. His new committee assignment is as a member of the Finance and Transport committees. He no longer holds a chairmanship of any committee of Parliament. For showing courage and leadership in defending the constitutional prerogatives of Parliament, specifically in the area of executive oversight and accountability, the Honorable Member has been "penalized" and sidelined by his own party's parliamentary leadership. The message that sends to other MPs of the majority party is unmistakable: do the executive's bidding or risk being marginalized even as a Member of Parliament.

***"But a parliament that abandons its critical oversight role in a system of checks and balances risks becoming a mere extension of the Executive"***

The ostracism and marginalization of Hon. Appiah-Ofori does not bespeak a Parliament or parliamentary leadership that is committed to defending or asserting the institutional prerogatives of the House. It appears that as long as the Majority Leader of the House is, first and foremost, the President's Minister for Parliamentary Affairs, the parliamentary majority can be expected to remain subordinated to the wishes and preferences of the President.

Parliament continues to lament its lack of adequate funding and resources. MPs would like the Ghanaian public and

*Continued on page 11* ▶

the donor community to better appreciate the capacity constraints under which they must work. They would like to be provided with offices, staff, and other facilities. These are important needs that merit attention. Surely, good governance and democracy do not come cheap—and Parliament is a vital institution in any credible democracy, including ours. However, a parliament that abandons its critical oversight role in a system of checks and balances risks becoming a mere extension of the Executive, and once that point has been reached—once the public fails to see what real difference Parliament is making to the quality and integrity of government—a persuasive case for more resources and better conditions of service for Parliament becomes awfully difficult to make. In an environment of extreme scarcity, resource allocation decisions cannot disregard “value for money” considerations. This is a lesson the Parliament of the Fourth Republic would do well to heed. ■■

### Facilitating the passage of the Representation of People Amendment Bill

The 1992 Constitution extends the right to vote to every Ghanaian citizen. Article 42 reads: “Every citizen of Ghana of eighteen years of age or above and of sound mind has the right to vote and is entitled to be registered as a voter for the purposes of public elections and referenda.” This right is not qualified by residency requirements. Thus, it is inherently unconstitutional to deny Ghanaians abroad their right to vote simply because they cannot meet the residency requirements imposed by legislative instrument. This is the most essential argument in favor of passing the Representation of the People Amendment Bill, which aims to extend voting rights to overseas Ghanaian citizens.

*“...it is inherently unconstitutional to deny Ghanaians abroad their right to vote simply because they cannot meet the residency requirements imposed by legislative instrument”*

In Ghana, citizenship, not residency or taxpayer status, is the relevant factor in determining one’s right to vote. Accordingly, residence or taxpayer status should not be used to withhold the constitutionally protected right to vote. The current legislative instrument, the Representation of the People Law (PNDCL 284), creates a requirement that a person be resident in a polling division in order to register to vote. However, the right to vote is constitutional in nature, not statutory. PNDCL 284 should not be able to trump

*Continued on next column* ◀

the constitutional right to vote. It is clearly unconstitutional and undemocratic. The Bill would amend this law, removing the residency requirement and bringing it in line with the Constitution. Article 42 was not drafted in a vague manner, granting an abstract right that necessitates legislative qualifications. It provides that in order to vote Ghanaian citizens must be of a certain age and mental capacity. The Constitution explicitly omits any residency requirement. If it is felt that residency should be made a requirement for voting, then the Constitution must be amended to reflect this.

Opponents of the passing of the Bill have suggested that the Constitution grants Ghanaian citizens the right to vote, not necessarily the right to register to vote. Therefore, by making registration conditional upon residency, the standing law is not infringing on the constitutional right to vote. Further, it is claimed that the Constitution grants the right to vote but does not impose obligations on the government, and thus the national government does not have a duty to extend to citizens abroad the means to register and vote. However, it is clear that without providing Ghanaians with the means to register to vote, the right in itself is meaningless.

The current law makes a provision for officials working abroad to register to vote and participate in elections. Section 8 of PNDCL 284 provides that citizens employed in the service of the Republic or in the service of the United Nations or any other international organization, as well as their spouse, can register to vote if they meet all other requirements. The Electoral Commission has the power to appoint the Head of a Ghana mission or embassy abroad to act as the registration officer in such situations. This provision creates a special category of Ghanaian citizens and confers rights upon only them. Thus, Ghanaians abroad who do not fit into this class are being discriminated against by being denied the right to vote. This is a contravention of Article 17 of the Constitution. Opponents of the Bill have again tried to counter the discrimination provision of the Constitution by saying that it is not absolute and secondly, that diplomats working in the service of the Republic are justifiably treated differently because of their different status and occupation. However, there is no rational connection between the work a diplomat does and his/her right to vote. Nothing about being a diplomat makes a person more entitled to participate in democratic elections. Secondly, occupational discrimination is explicitly prohibited in the Constitution.

In addition to the constitutionally enshrined right to vote, the Political Parties Act (Act 574) stipulates in section 2(1) that every citizen of voting age has the right to participate

*Continued on page 12* ▶



in political activity intended to influence the composition and policies of government. This implicitly includes the basic right to participate in elections. Ghanaians living abroad are not excluded from this provision and implicitly come under its purview.

### International Comparison

In jurisdictions all over the world, the right to vote is considered a key principle of democracy. In pursuance of this representative ideal, many countries have provisions enabling overseas citizens to exercise their right to vote. In a comparative study on overseas absentee voting laws, Henry S. Rojas found that many democratic nations extended the right to vote to overseas nationals with few requirements. Australia, Canada, Germany, Indonesia, Italy, Lithuania, Moldova, Poland, New Zealand, Portugal, Russia, Spain, Thailand, the United Kingdom, the Ukraine, the Philippines, and the United States are some examples of countries where the right to vote is extended to citizens abroad. In these countries, citizenship, age and occasionally prior registration as a qualified voter were the only requirements before a person was entitled to vote. Some of these countries, namely Australia, Canada, Germany, New Zealand, the UK, and the Philippines qualify the right with loose residency requirements in order to ensure that the citizens participating in elections have maintained interest in their country. An example of one such provision might be that a person is required to have been registered in a local electoral district within the past 5 years in order to be eligible to vote. In Australia, if a citizen abroad fails to vote, he/she is stripped of the right. These qualifications are legitimate means of ensuring that the persons participating in elections maintain a stake in their country.

***“In jurisdictions all over the world, the right to vote is considered a key principle of democracy. In pursuance of this representative ideal, many countries have provisions enabling overseas citizens to exercise their right to vote.”***

Some countries have institutionalized structures and mechanisms to increase the participation of their overseas citizens in the decision-making process. These countries actively encourage the participation of their overseas constituencies through their diplomatic missions, embassies, consulates and political organizations. In some countries, the missions or embassies conduct informational campaigns. Italy is an example of a country that has created an entire bureaucratic infrastructure for its overseas citizens. The General Council of Overseas Italians was created in 1989

and four overseas electoral zones were established. Italian diplomatic missions are required to forge agreements with host governments to ensure that their citizens' rights are protected. Portugal has similarly established two overseas constituencies, granting each one a maximum of two parliamentary seats.

***“However, some countries far less equipped than Ghana to conduct elections abroad such as Senegal, Mali, and Niger—do, despite the problem of resources and administration,”***

Of the countries surveyed in Rojas' study, only Italy, Lithuania, Moldova, the Philippines, Poland, Portugal, Russia, Spain, Thailand and the Ukraine have a constitutionally enshrined right to vote similar to that of Ghana.

Opponents of the Bill have claimed that Ghana just does not have the institutional or economic capacity to deal with voters abroad. However, some countries far less equipped than Ghana to conduct elections abroad such as Senegal, Mali, and Niger—do, despite the problem of resources and administration.

### Practical Concerns and Recommendations

The main opposition argument is based on concerns over administrative and logistical issues. Opponents have constantly stated that they do not disagree with the principle behind the Bill, but even though there are administrative issues in the Bill that must be worked out, these issues should not withhold from qualified Ghanaian citizens a right as fundamental as the right to participate in democratic politics. The grant of constitutional rights should not be dependent on the ease of administration.

The first major concern is that registering voters will be difficult, inaccurate, and potentially fraudulent. Article 45 of the Constitution requires the Electoral Commission to compile a register of voters under subsection (a). Subsection (e) requires the Electoral Commission to undertake programs for the expansion of the registration of voters. These constitutional provisions, in tandem, envision that the Electoral Commission will create an effective process by which all Ghanaians, resident and abroad, will be able to register to vote. Given the many examples from all over the world, it is not infeasible for the Electoral Commission to establish an effective system of registration. One means of conducting voter registration would be to have the heads of consular missions prepare lists of overseas absentee

voters in their respective jurisdictions on the basis of data in consular records. This would present a problem for those Ghanaians living in countries where there are no diplomatic missions or embassies. However, the bill explicitly enables the Electoral Commission to appoint *any other institution or person* as a registration officer to register a person to vote in subsection (a)(2). Thus, the Electoral Commission could make special provisions for those jurisdictions without missions or embassies. In the UK, citizens can register to vote by submitting a completed electoral registration form to the electoral officer for their last local address. By combining different registration techniques, the Electoral Commission would be able to enable all Ghanaian citizens to register to vote.

The Chairman of the Electoral Commission has suggested that overseas Ghanaians should only be allowed to vote in presidential elections because of the difficulty of determining which district an overseas voter would count in for parliamentary elections. If, however, people believe that the constitutional right to vote should not be restricted, Ghana could follow the lead of countries like Italy and Portugal and allow citizens abroad to register in the same district as their last domestic residence and take part in parliamentary elections in this way or even establish a seat in parliament to represent the interests of the overseas constituency. It is also possible to argue that Ghanaians living abroad have a stake in national, but not local politics, and so should not be entitled to participate in the election of parliamentary members who would be representing particular districts. Either way, this issue does not present such a huge obstacle as to deny Ghanaians abroad any voting rights.

Another concern is over the actual electoral process. Should Ghanaians be allowed to vote in person, by mail, or by proxy? Voting in person creates an access problem. Voting by mail creates a problem of resources as well as concern over fraud. Proxy voting is likewise considered prone to fraud. Like many other countries, Ghana could use some combination of these methods. The Electoral Commission can decide on which method it finds preferable and easiest to administer. Article 45, subsection (c) of the Constitution gives the Electoral Commission the power to conduct and supervise public elections. Subsection (e) contemplates that the Electoral Commission will develop evolving means of enabling qualified Ghanaian citizens to vote. It seems obvious that this encompasses Ghanaians citizens abroad.

Opponents of the Bill have suggested that there will be no mechanism to deal with legal challenges to citizenship and voter registration in foreign jurisdictions. Ghanaian laws do

not have extra-territorial effect and there are no established judicial bodies overseas authorized to handle such cases. Opponents of the Bill have suggested that passage of the Bill will necessitate negotiating treaties with foreign governments in order to deal with legal claims. However, this is an extreme implication. It is unnecessary to presume that there will be a large number of legal challenges, and until a judicial framework can be established, domestic courts could deal with cases concerning overseas judicial issues.

The minority opposition has suggested that political parties will not have access to the electorate abroad. However, in many countries all over the world, information campaigns are conducted through embassies and consulates, in expatriate newspapers, as well as through the active campaigning of political parties in the relevant jurisdictions. There is further concern that while candidates will, not have access to the electorate abroad, the ruling party will because they choose the high commissioners and ambassadors who have easy access and influence over Ghanaians abroad. This is an issue of partisanship and is secondary to the basic issue of constitutional rights. However, assuming this is a legitimate concern, candidates have the ability to campaign in overseas jurisdictions. Political parties are capable of forming organizations abroad, which could both serve an informational role as well as represent the interests of the overseas citizens.

There are also fears that the electorate abroad is fully in support of the ruling party and that passage of the Bill is merely an attempt to hold onto power. This is unverifiable, as there is no census of the Ghanaian population abroad and no way to make an accurate determination of the number of overseas Ghanaians, let alone their political affiliations. More importantly, partisanship should not be a reason to deny a legitimate sector of the population their rights.

It is important that the voting methodology be spelled out in the Bill. The Electoral Commission has proven that it does not have the incentive to make all the necessary administrative provisions in a timely fashion. Therefore, in order to see an effective bill that is implemented quickly, the Bill should be amended further to add procedural and administrative substance.

## Conclusion

The Representation of the People (Amendment) Act, if passed, would enable Ghanaians resident abroad to register to vote in public elections. Currently, under section 8 of the standing law, Ghanaians abroad who are in the service

of the Ghanaian government or an international organization can register to vote. This Bill would alter that section to enable all Ghanaian citizens resident outside the Republic to be registered as a voter if they satisfy all the requirements other than those relating to residence in a polling station. Section (a)(2) would enable the Electoral Commission to appoint the Head of a Ghana mission or embassy abroad or any other institution or person as a registration officer to register a person to vote.

The Bill is not flawed in its content. It is, however, an incomplete piece of legislation. It contains no provisions concerning practical implementation. It does not contemplate the method of voter registration or type of voting practice. It also leaves the determination of when the Bill comes into force to the Electoral Commission's discretion. If the Bill is passed in this form it will still not guarantee voting rights to overseas Ghanaian citizens because the Electoral Commission will be able to take an undisclosed amount of time to create the administrative infrastructure necessary to conduct elections. Second, Parliament, not the Electoral Commission, should set the date of commencement and stipulate that the Electoral Commission must promulgate regulations in respect thereof by that time. This is the only way to ensure that overseas Ghanaians realize their constitutional rights.

Lastly, opponents of the bill seem to think that the nation must be totally secure before rights that could be destabilizing are conferred; but this type of argument circumvents the principles of democracy upon which the Constitution was founded. It is unrealistic to suggest that the Electoral Commission should perfect the voting process inside Ghana before extending the right to persons outside the country. This attitude will keep Ghanaians abroad waiting for voting rights indefinitely. In light of these observations, the Bill should be passed, but attention should be paid to the administrative difficulties associated with the bill. ■■

**“ 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*

**CDD-GHANA DEMOCRACY PROGRAMS FOR THE 1st QUARTER OF 2005**

**April 5 -15  
 NEPAD/APRM**

Between April 5 and 15, the Center participated in a number of meetings organized by the African Peer Review Mechanism (APRM) Ghana secretariat to review and validate the findings of the Ghana Country report. CDD team participated and presented key findings on 'Democracy and Good Political Governance' at meetings with the APRM external review mission on April 5 at Coconut Grove Regency Hotel, members of Parliament at Elking Hotel on April 14, and donor agencies at Flagstaff House on April 15, all in Accra. The CDD team comprised Mrs. Mary Flanagan Oduro, Dr. Cyril Daddieh and Mr. Elvis Otoo.

**April 8  
 Consultative meeting on Bill on Persons with Disability**

The Center hosted the leadership of the Ghana Federation for the Disabled (GFD) to discuss and strategize on steps to garner support for the enactment of the Persons with Disability Bill. The meeting, which took place at the CDD Conference room, brought together leaders of the associations for the blind, deaf and physically disabled and CDD staff. The project on mobilizing public support for the passage of the Persons with Disability Bill is supported by USAID.

**April 13  
 Brainstorming session on the reform of the Serious Fraud Office Act**

The Center organized the second in the series of brainstorming sessions on "Empowering the Serious Fraud Office (SFO)" at the CDD's conference room. The session, a follow up to the first brainstorming session held in March, reviewed the draft paper prepared by the Center entitled "Empowering the SFO". The area of focus was the recommendations for amendments to the SFO Act. Participants included Hon. F.A. Agbotse, Member of Parliament, Mrs. Anita Heyman Ababio, Executive Secretary, Law Reform Commission; Ms. Estelle Appiah, Ag. Director, Legislative Drafting, Ministry of Justice and Attorney General's Department; Mr. Theophilus Cudjoe, Ag. Executive Director, SFO; Mr. B.K. Opong, Deputy Commissioner, Anti-Corruption Unit, CHRAJ; Prof. Kofi Quashigah, Lecturer, Faculty of Law, University of Ghana; Dr. Bondzi-Simpson, Legal Practitioner, Mr. K.B. Quantson; and Hon. S.K. Balado Manu, a Member of Parliament. Following the brainstorming session, a final report of Phase one made up of key findings from an earlier elite survey, output of desk review of the SFO ACT (466) and inputs from the two brainstorming sessions was presented to the Attorney General and GTZ, sponsors of the project.

**April 14  
 Round table on decentralization**

A roundtable discussion on the topic "Decentralization, Political Participation and Poverty Reduction" was held at the CDD conference room. It featured Dr. Gordon Crawford of the School of Political and International Studies, University of Leeds. His presentation touched on preliminary findings on an ongoing research on the topic in two districts in the Brong Ahafo Region. Sixty-five (65) participants attended the discussion, which was chaired by Hon. Ofofo Asamoah, Chairman of the parliamentary committee on Local Government and Rural Development.

**April 18  
 Abuse of Incumbency Project**

The last meeting of the civil society advisory group on the project "Monitoring Abuse of Incumbency in Ghana's Election 2004" took place at the CDD Conference room. The meeting reviewed the final consolidated report of the monitoring exercise carried out from September to December 2004 as part of CDD's civil society participation in election 2004.

**April 28  
 Symposium on enhancing the credibility of the Public Office Holders Asset Declaration Regime**

As part of CDD's programs to increase public debate on deepening public office holder accountability, a symposium on the theme "Enhancing the Public office holders' asset declaration regime" was held. Speakers at the symposium included: Prof. E. Gyimah-Boadi and Emmanuel Kojo Asante of CDD, Mr. Yonny Kulendi, a legal practitioner, Mr. Raymond Archer, Editor of the "Enquirer" Ms. Abena Bonsu, Deputy Director, Legal & Investigations Department of CHRAJ, Mr. Kwadwo Akowuah, Deputy Auditor-General - Central Government Audit Department. The symposium, which discussed the weaknesses of the current regime, brought together key stakeholders, among them, members of Parliament, and representatives of key anti-corruption agencies. In all, eighty-five (85) people attended the symposium. Her Excellency, Justice Theresa Striggner Scott, a former head of the Law Reform Commission and a judge of the superior court of Ghana chaired the discussion.



May 13 & 30

Ghana Research and Advocacy Organization (RAO) convention

The Center participated in a convention of the Ghana Research and Advocacy Organizations (RAO) convention on the theme "Collaborative Policy Research, Advocacy and Citizenship" on May 13 at Coconut Grove Regency Hotel and on May 30 at the Golden Tulip Hotel, respectively. The RAO convention was an initiative of G-RAP funding beneficiaries. CDD team participated actively in the planning process of the convention and also presented a paper on the topic, "The Challenges of Collaborative Policy Research/Ethics of Research". The CDD team was made up of Dr. Baffour Agyeman-Duah, Mrs. Flanagan Oduro, Messrs Daniel Armah-Attoh and Elvis Otoo. The convention was sponsored by G-RAP.

May 24

RTD on Canadian-African relationship in the 21st Century

The Center hosted the former Canadian Prime Minister, Hon. Joe Clark in a roundtable discussion to reflect on "Canadian-African Relationships in the 21st Century". Members of Parliament, representatives of the donor/diplomatic community, civil society organizations, political parties and the media attended the discussion. In all forty-nine (49) participants attended. The discussion took place at the CDD Conference room and was chaired by His Excellency, Rapulane Molekane, South African High Commissioner to Ghana.

May 26

Workshop on increasing governments' responsiveness to matters of land & forestry

A one-day workshop on the topic "Increasing governments' responsiveness to civil society in matters of land and forestry" was organized by the Center. The workshop, which was held at Coconut Grove Regency Hotel, Accra, sought to engage stakeholders in the land and forestry sector on the preliminary findings of a research project on the topic. The project forms part of Ghana Land and Forestry Policy Support Facility (GLFPSF), funded by DFID. The workshop was attended by about Sixty (60) people drawn from members of the parliamentary committee on lands, forestry and mines, representatives of relevant public sector agencies, civil society organizations, donor institutions and traditional rulers as well as members of the GLFPSF Project Steering Committee. The Deputy Minister for Lands and Forestry, Hon. Andrews Adjei Yeboah gave the opening remarks and chaired the morning session. The afternoon session was presided over by Cletus Avoka, former Minister of Lands and Forestry and a former member of the parliamentary committee on lands and forestry in the third Parliament of the 4th Republic.

June 14

Stakeholder Forum on Public Anti-Corruption Agencies

The Center, in collaboration with the German Technical Cooperation (GTZ), organized a forum on the theme "Key public anti-corruption agencies and the fulfillment of their mandates: achievements, gaps and the way forward" at the Labadi Beach Hotel, Accra. The forum featured presentations from the heads of the Serious Fraud Office (SFO), Commission on Human Rights and Administrative Justice (CHRAJ), Public Accounts Committee of Parliament, Auditor-General's Department, Controller and Accountant - General' Department, National Governance Program and the Office of Accountability. The forum was attended by participants from the office of the President, Ministries, Parliament, Police, donor community, civil society as well as the media. In all, eight-five (85) people attended. Professor E. Gyimah-Boadi of CDD and Nana Ama Dowouna, a private legal practitioner, moderated the forum. GTZ sponsored the forum.

June 21

Media sensitization seminar on Persons' with Disability Bill

The Center in partnership with the Center for the Development of People (CEDEP) and in collaboration with the Ghana Federation for the Disabled (GFD) organized a one-day sensitization seminar for the Ghanaian media. The seminar, held at the Center's Conference room, aimed at sensitizing the media on the plight of the disabled and the need to support the campaign for the enactment of the Bill into law. There were 64 participants drawn from both the print and electronic media houses. Speakers included Prof. E. Gyimah Boadi, CDD's Executive Director and presidents of the associations for the blind, deaf and the physically challenged. The chairperson for the occasion was Dr. Audrey Gadzekpo, CDD Board member and senior lecturer of the School of Communication Studies, University of Ghana. The seminar was sponsored by USAID.

June 28

Annual Liberal Lecture

The Center in collaboration with the Friedrich Naumann Foundation (FNF) organized the second in the series of annual liberal lectures. The lecture, on the topic "Reflections on Liberalism and Education in Ghana", took place at the Golden Tulip Hotel, Accra. Prof. E. Gyimah-Boadi, CDD's Executive Director, delivered the lecture, which had the Minister for Education, Hon. Yaw Osafo Marfo chairing. Mr. Larry Bimi, Chairman of the NCCE and Hon. Stephen Balado Manu, Chairman of the Parliamentary Select Committee on Education were discussants. In attendance were seventy-two (72) participants representing the academia, education practitioners, stakeholders in education, and the executive arm of government, including the Minister of State in charge of tertiary Education, Ms. Elizabeth Ohene, and the Media. The Director of FNF, Mr. Ernst Specht, gave the opening remarks. The annual liberal lectures are sponsored by FNF.

April-May

Afrobarometer Outreach Program

As part of Afrobarometer round two (2) dissemination programs, the Center's Afrobarometer team embarked on an outreach program to a number of student groups, and departments in the country's Universities. Outreach programs took place at the Legon Center for International Affairs (LECIA), the Political Science Students Association, the Institute of African Studies, Legon (IAS), the School of Communications Studies, all at the University of Ghana, Legon campus on April 13, 19 and 21 respectively and at the Department of Social Sciences, University of Cape Coast on May 5. A total of about 300 students and lecturers participated in the outreach program. Dr. Cyril Daddieh, visiting research associate, led the CDD team.

April - June

CDD/Civil Society Coalition on National Reconciliation

Following the release of a 'White Paper' by the Government on the National Reconciliation Commission (NRC) final report, the Center organized a series of meetings during the period for the CDD/Civil Society Coalition on National Reconciliation to strategize on ways educate the public on the report. In meetings held on April 21 and June 8, members discussed various approaches to popularizing the report for the Ghanaian public. In addition, in one of the meetings, members interacted with a two-member team from the International Center for Transitional Justice (ICTJ), on how civil society can use the report. ICTJ, the Coalition's international technical partners, were in the country to engage and discuss with stakeholders on post NRC matters.

April-June

Survey on NRC Victims

The Center in partnership with the International Center for Transitional Justice (ICTJ) conducted a survey on victims of human rights abuses who appeared before the National Reconciliation Commission. The survey sought to solicit their views on the national reconciliation process and their expectations about the exercise. A two-day training workshop for four (4) research assistants took place on April 23 and 25 at the CDD's Conference room. The survey targeted 100 respondents in the Greater Accra, Volta, Central and Western regions. Mr. Kodzovi Akpabli Honu of the Sociology Department, University of Ghana heads the research team. The survey is jointly sponsored by CDD and ICTJ.

April-June

Research on Conditions for Social Accountability in Ghana

With funding from the World Bank, Washington DC Office, the Center began a research on 'Conditions for Social Accountability in Ghana'. The research project includes desk, study, literature review, case studies, expert and civil society organization (CSOs) qualitative survey as well as community survey on CSOs. The community survey on CSOs in Ghana is being conducted by GAPVOD. The core of the research project is to articulate the political, economic, socio-cultural and legal conditions underpinning the success and failures of social accountability in Ghana. As part of the project, CDD personnel attended and participated in a series of meetings organized by the Bank on 'Social Accountability' during the period. In addition, the Center organized a focus group discussion on May 7 at Sanaa Lodge Hotel, Cape Coast in the Central region. The discussion, which drew a participation of thirty-nine people representing the district and municipal assemblies, public sector institutions, civil society organizations and the media, sought to solicit opinions on issues of social accountability to help inform the design of the research instruments. The discussion was moderated by Dr. Cyril Daddieh of CDD. Other members of the team were Kojo Asante, Daniel Armah-Attoh, CDD research officers and Carmen Melena, World Bank specialist on the project.

April-June

Rights and Voice Initiative (RAVI)

As one of the management members of 'Rights and Voice Initiative' (RAVI), CDD participated in a number of RAVI activities. CDD participated in the selection of RAVI grantees for funding as well as attended management meetings during the period. RAVI is a DFID initiative aimed at supporting civil society organizations to enhance engagement in Ghana to ensure the respect, protection and fulfillment of civil, cultural, economic, political and social rights. CDD, along side Action AID Ghana, PDA and FRR form the management consortium to manage RAVI funds.

April-June

EPIC Project

Between April and June data collected on the Electoral Process and Information (EPIC) research project were entered in the database hosted by International IDEA. Three of the researchers working on the Gambia, Sierra Leone and Ghana successfully entered their data. The EPIC project is sponsored by International IDEA.

April-June

Political Party Financing in Ghana Project

The Ghana study of the political party financing, under the pilot project on Africa Political Party Financing Initiative (APFFI), came to an end with a publication of a research report and a policy guidelines document on party financing in Ghana. The project was funded by DFID through the National Democratic Institute (NDI), based in Washington DC, USA.

Continued on next column

The Ghana Center for Democratic Development  
(CDD-Ghana)

95 Nortei Ababio Loop, North Airport Residential Area  
P.O. Box LG 404, Legon  
Accra-GHANA

Phone: 233-21 776142/ 763029/ 784293 - 4

Fax: 233 21 763028

e-mail: [cdd@ghana.com](mailto:cdd@ghana.com)

Website: [www.cddghana.org](http://www.cddghana.org)

## CDD-Ghana Publications

- Briefing Paper Vol. 1 Nos 1- 4
- Briefing Paper Vol. 2 Nos 1- 4
- Briefing Paper Vol. 3 Nos 1- 4
- Briefing Paper Vol. 4 Nos 1- 4
- Briefing Paper Vol. 5 Nos 1- 4
- Briefing Paper Vol. 6 Nos 1- 4
- Critical Perspectives Nos 1- 19
- Research Papers Nos.1- 13
- 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 a liberal economic environment in Ghana in particular and in 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.