



OPINION PAPER

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WHY GHANAIANS SHOULD VOTE NO ON 17TH DECEMBER

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Introduction

Where I stand on the 17th December Referendum

I am going to vote NO to political parties sponsoring candidates for elections at the local government level in Ghana. This is because there is an urgent need for constitutional, legislative and administrative reforms in the governance architecture of the country. Such reforms are necessary to strengthen the checks and balances that will make the three arms of government, especially the executive, and also the civil, local, and public servants transparent and accountable to the citizens. There is also the need to strengthen and enforce the Political Parties Act, 2000 (Act 574) that regulates the formation and operation of political parties so as to bring sanity and decorum to our multiparty democracy.

I am begging fellow Ghanaians that we should use this opportunity offered us by this referendum to send a clear message to our political leadership, especially the two dominant political parties, the New Patriotic Party (NPP) and the National Democratic Party (NDC), that we are not happy with how they have steered our multiparty democracy at the national level and we would not allow same at the local level. It should also be a message to His Excellency, the President, Nana Akufo-Addo, to follow through with the constitutional, legal and administrative reviews required to make multiparty democracy work for all Ghanaians and not only for the members and sympathisers of the political party in power.

What December 17th referendum is about

The December 17th referendum is **about whether we accept electing Metropolitan/ Municipal/ District Chief Executives (MMDCEs), district assembly members and unit committee members on party lines or not.**

It is NOT about whether to continue to let the President appoint MMDCE or the electorate should vote them into the position. There is already a bill before Parliament for that. This means that if Parliament passes the bill and it is assented to by the President, then the question is whether the MMDCEs, and the assembly and unit committee members, should be voted for on political party lines in subsequent Metropolitan/ Municipal/ District Assembly (MMDA) elections.

Political Parties are active at the local level but unobtrusively in local government elections

Don't let us be deceived. Political parties have been active in all our communities and districts since the coming into force of the 1992 Constitution. They have polling station, constituency and regional executives who organise their members for national-level elections and engagements. Though the election of MMDA and Unit Committee members are supposed to be on non-party lines, it is an open secret that the political parties violate this and sponsor candidates to contest, especially the assembly members. Let's not forget that the MMDCEs are members of the ruling political party, appointed by the President. This is by far the strongest argument of proponents of the Referendum, the YES-ers: They argue that a YES vote will only bring to the surface what currently pertains – a legitimisation of practical realities. In their logic, a YES will remove an important impediment in the constitution that restrains political parties from executing their mobilising mandates during local government elections entrenched in Article 55(3), which this Referendum hopes to achieve, is very disingenuous. Among other things, it will give the political parties unrestrained power to operate openly in the local governance space and, in the current socio-political climate, the two dominant political parties NDC and NPP – will push others out, as they have done at the national level.

The Constitution must be reviewed holistically rather than the current knee jerk approach

The involvement of political parties in local governance is a common practice in most multiparty democracies. When Ghana embraced multiparty democracy, this should have been extended to governance at the local level. However, the framers of the Constitution had good reasons for such exclusion, going the extra mile to entrench it. In Ghana, the chiefs and queen mothers are integral to local governance. Article 276(1) bars chiefs and queen mothers from active party politics ‘and any chief wishing to do so and seeking election to Parliament shall abdicate his stool or skin’. However, ‘a chief can be appointed to any public office for which he is otherwise qualified’ (Article 276(2)). How will political parties co-exist with the chieftaincy institution in local governance if Ghanaians vote YES? Has this been thought through? Some of us were old enough to see the power struggle that went on between the chiefs and the Peoples Defence Committees (PDCs) later renamed the Committees for the Defence of the Revolution (CDR). This tension will return if we vote a blanket YES, without the necessary constitutional, legislative and administrative reforms to define how the two institutions will co-exist with the local governance space. Over the 27 years of the Fourth Republic, the appointments of any person to public office by the President has taken a political dimension. Whether you belong to the President’s party or not, you are tagged as a member or sympathiser. How would a chief or queen mother be viewed by the opposition political party if they accept an appointment they duly qualify for from the President? These are just a couple of examples why the Constitution must be reviewed holistically before we introduce the involvement of political parties in local governance.

Other conditions that must prevail before the involvement of political parties in local governance

They are many and not all can be stated in this statement, but they point to an urgent overhaul of our constitutional, legislative and administrative architecture. Let's examine a few critical ones:

Financing of political parties: This is what one of the champions of the YES vote, Dr. Emmanuel Akwetey, the Executive Director of the Institute for Democratic Governance (IDEG) said on TV3 Hot Issues dated November 9, 2019;

"Those who are financing parties today see election as business and the kind of profits they make, they will not make it in any business.....the financiers control our leaders and through our leaders they capture the state. In fact, you have party people who have been in positions like managing campaign telling you that the financiers are the bane of this democracy; they are really, really putting our democracy at risk....the only country, probably in Africa where there is no regulation of campaign financing¹."

Need I say more? Our political leadership is aware of this problem but have ignored it. Is this what we want to bring to the local government level, where the financiers of the MMDCEs and assembly and unit committee members will control them, over-invoice for projects and determine our priorities?

Long term development plan: The need for this has long been talked about, written about and sang about, in our usual way of solving problems in this country. The Constitutional Review Commission (CRC) sought to address this long-standing issue which has held back our development as a country and recommended a re-written Chapter 8 of the Constitution. This included a non-partisan composition of the membership of the National Development Planning Commission (NDPC); committing 'every Government to ensure the implementation and continuous implementation of the approved Plan...'; approval of the Plan by two-thirds majority in Parliament; etc. Surprisingly, most of the recommendations of the CRC for the NDPC was rejected by the NDC Government in its White Paper.

¹ Party financiers making profits than they'll make in any business -Dr Akwetey. https://virdgedigital.com/zip_it/party-financiers-making-profits-than-theyll-make-in-any-business-dr-akwetey/. 9th November 2019

In the absence of a binding long-term development plan, the President and the Party in power only seek to implement the promises made in the party's manifesto, no matter how unrealistic or poorly thought through. This has resulted in many abandoned programmes and projects scattered across the country. Without a collective and binding development plan, each political party and its MMDCEs will do what they think will give them a political edge and help them retain power.

Appointment of staff of public institutions, and public corporations: We have all witnessed how a change of government in the Fourth Republic results in a frenzy takeover of key positions in public institutions and public corporations. It started as the takeover of public toilets, markets and lorry parks. It then extended to institutions like NADMO, NYEP, GYEEDA, SADA, MASLOC, etc. and locking out officials of some of these institutions. Gradually, over the years, it has become more alarming, with each of the two political parties that have governed in the Fourth Republic accusing each other of recruiting their 'foot soldiers' and party militias into the security agencies and public institutions like Ghana Revenue Authority, SSNIT, ECG, and COCOBOD. This on-going trend is as a result of the 1992 Constitution. The CRC report states, in paragraphs 38, 39, 47 and 48 as follows:

*"38. In terms of their appointment to office, public officers may be broadly categorised into three, namely: (a) Those appointed under Article 70 of the Constitution; (b) Those appointed under Article 195 of the Constitution; and (c) Those who do not fall under either of the two categories above, and are appointed under other provisions of the Constitution. 39. With a few exceptions, all three categories of public officers have a common feature; **the President is their appointing authority** (emphasis mine). In its findings, the CRC states: 47. The Commission finds that one of the greatest manifestations of Executive dominance under the current constitutional dispensation is in the area of appointments to public office. 48. The Commission finds that the discontent expressed about the appointment powers of the President stems from previous experiences where appointments to public office were not always determined by objective criteria but made on the basis of political support. There have been instances where appointments have been made based on party loyalty at the expense of competence and the*

ability to deliver. Such situations have led to quite a number of public institutions becoming appendages of the ruling party, executing policies not necessarily in the interest of the nation but in the interest of the party in power. These public servants who are appointed as appendages to the ruling party also tend to be far less professional, neutral and independent-minded than apolitical public servants. The appointment of officers of dubious competence detracts from the professional ethos of the public service."

A rough estimate puts the number of appointments the President, upon winning the elections, can dole out to be around 6,000. This is gradually leading to 'state capture' by political parties, who put party interest and loyalty before that of the state and citizens. A similar situation will be visited on the local government service when we introduce this unbridled partisan politics into local governance.

National security, law enforcement and justice: The national security and the law enforcement agencies are many but for the purpose of this paper I will focus on the police because it is the most visible in our communities and the one that citizens interact with daily. The police are also the face of national security, the prime enforcer of the law, and the door to freedom and justice. Currently, the Police Service, as it is constituted, is firmly under the control and authority of the President and the executive arm of Government. The Police Council is chaired by the Vice President. Of the nine remaining members, seven are appointed by the President. The Inspector-General of Police (IGP) is appointed by the President.

The Security and Intelligence Agency Act, 1996 (Act 526), Section 5(1) established the District Security Council (DISEC), with the MMDCE as the chair. Now, when the MMDCEs are elected on party lines, the dynamics between them (especially those in a party different from the President) and the police and the other members of the DISEC belonging to the various security agencies are bound to change. This is because they operate along a chain of command headed by an appointee (IGP, Director of Prisons Service, Director of Immigration Service, Director of Fire Service) of the President. Similarly, what is going to be the relationship between an elected MMDCE and an appointed Regional Minister from different political parties?

We must demand all these be resolved before we vote YES to allow political parties sponsor MMDCEs, assembly members and unit committee members for district-level elections.

Conclusion

Ghana is not the only country in the world practising multiparty democracy but ours has been chaotic, characterised by party militia groups, party foot soldiers and party-sponsored pressure groups like the pro-NPP Alliance for Accountable Government (AFAG) and the pro-NDC Committee for Joint Action.. All these groups behave like they are entitled to employment in public institutions. As noted earlier, there are allegations that the two main parties have actually recruited their members into public and security services. What accounts for this is the concentration of power in the hands of the President, who appoints majority of his ministers (MPs from his party) from Parliament, appoints the head of the judiciary (Chief Justice), appoints the head of the Police (IGP) and Prison Services, appoints the heads of the independent constitutional bodies like CHRAG and NCCE, and appoints the Auditor-General among others. This is the reason for the weak checks and controls on the executive arm of Government. In all, it is estimated that the President appoints approximately 6,000 people, who inevitably are party members, sympathisers, or financiers. Before political parties are involved in local governance there is a need for constitutional, legislative and administrative reviews and enforcing the law regulating political parties. We are being told by IDEG and the Government that when we vote YES, it will trigger 'consequential amendments' that will address the concerns expressed by the proponents of the NO vote. If this is so, can these consequential ammendments be clearly spelt out and signed on by all the registered political parties and made public.Until this is done, I will vote NO.

However, I do agree with some of the reasons put forward by the proponents of the YES vote, as I believe that in a multiparty democracy, political parties should participate in local governance (which in Ghana are the elections of MMDCEs, assembly members and unit committee members). I can understand why some people would vote YES. But I will strongly recommend such people to review their options in the face of the above submissions.

This referendum offers us the citizens/voters (irrespective of party membership or sympathies or neutrality), the opportunity to tell our political leadership to put our interests before theirs, the interest of the future generation before theirs, the interest of Ghana before theirs. The only way we can send that message across to them is a resounding NO vote. A massive NO vote would be an indictment on our two political parties that have governed in the Fourth Republic and how we the citizens think they have poorly managed our multiparty democracy. But stopping partisan politics in local governance would not be enough. We have to mobilise after December 17th as a third force that will seek constitutional, legislative and administrative reforms that will bring prosperity and tangible development to all Ghanaians, and not only those politically connected. We can be the check and balance on unbridled partisan politics.

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