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EDITORIAL TEAM

Editors-in-chief

- E. Gyimah-Boadi
- H. Kwasi Prempeh

Members

- Nana Ama Agyeman
- Kojo Pumpuni Asante
- Victor Brobbey
- Theodore Dzeble
- Audrey Gadzekpo

www.cddghana.org

Media irresponsibility and the return of Criminal Speech

Ghana has made impressive strides in expanding press freedom—and freedom of expression generally—since the transition to constitutional democracy in 1993. Notable among the developments in this area are the state's relinquishment of its decades-old monopoly over the broadcast media in the 1990s and the 2001 repeal of the criminal libel laws. Indeed, a number of international rankings of media and journalistic freedom rank Ghana's press as the freest on the African continent. In 2009, for example, Ghana's media was adjudged Africa's freest by Freedom House, with press freedom in Ghana rated higher than in France, Spain and Italy.

It is for this reason that *Democracy Watch* finds the events surrounding the arrests and (in some cases) attempted prosecution of some media figures in recent times troubling. In April this year, during a live newspaper review program at Top Radio, (an Accra-based private radio station) one Nana Darkwa Baafi, a radio commentator sympathetic to the New Patriotic Party (NPP) suggested that former President Rawlings was personally responsible for fire that gutted the Rawlings' state-provided house, and

that Rawlings had done this in order to pressurize the Mills government to provide him with a new residence. When challenged by the program host and other participants for evidence supporting his allegation, Baafi, unsurprisingly, could provide none. In time, an enraged, partisan mob gathered outside the radio station, ostensibly to protest his statements. It was later reported that Mr. Kofi Adams, an aide to former President Rawlings, had caused police personnel to arrest Baafi for his wild allegations. Baafi was interrogated at the Greater Accra Police Regional Headquarters, and then arraigned on a charge of "Publication of false news with intent to cause fear and alarm to the public" (under section 208 of Ghana's Criminal Code, Act 29 1960). Despite the fact that the offence itself is a misdemeanour and bailable, the trial judge, acceding to the prosecutor's request, remanded Baafi in custody for 2 weeks.

The entire drama, especially the denial of bail for the accused, provoked strong reactions from segments of the public, media and politicians, especially the parliamentary caucus of the NPP. Even President Mills, in a cautiously worded statement, was unhappy with the decision to detain Baafi in prison custody on remand. Upon appeal, Baafi was released on bail by the High Court the following day.

The Baafi arrest and prosecution was followed in July by the arrest of Mr. Ato Kwamena Dadzie, the Acting News Editor of Joy FM. Joy FM News had

reported that members of the Ghana Real Estate Developers Association had received death threats for their public statements opposing the government's proposed multi-billion dollar contract with a South Korean company for the construction of residential houses in Ghana, which was then under consideration by Parliament. Mr. Dadzie was invited by the police and asked to reveal his sources. When he refused to do so, he was arrested and charged with "publishing false news" under Section 208 of the Criminal Code.

The third incident of the application of Section 208 was even more bizarre and inexplicable. A reporter from the Ghanaian Times published a story in the Wednesday, July 21 edition of the paper, with the banner headline – "Robbers Occupy 5 Police Buildings". The story innocuously pointed out that uncompleted lands and buildings meant to house police personnel in Agona Swedru had been abandoned and were now occupied by squatters and possibly criminal elements. The story also bemoaned the persistent failure of the government to allocate funds for the completion of the buildings. The reporter who filed this story was also invited by the Criminal Investigations Department of the Ghana Police Service and charged under section 208.

Media Irresponsibility and Party Responsibility

The Baafi and Ato Kwamena Dadzie incidents attracted widespread attention, and reignited debate about the character and quality of journalism and public discourse on radio talk shows and the media in general. It is true that the electronic media have greatly expanded the space for public discourse in Ghana. However, what passes for commentary, debate or opinion journalism on some of these media platforms leaves much to be desired. It has become distressingly routine for some partisan commentators and journalists from all sides of the political divide to use media platforms to make scurrilous or wild allegations which they are incapable of substantiating. Unfortunately, because rivalry between the two main political parties (the National Democratic Congress and the New Patriotic Party) often takes the form of trading wild allegations, the common retort of those who use their air-time presence to hurl gratuitous insults or make such wild allegations is that their political rivals have said worse things in the past. For instance, in the Baafi case, the NPP parliamentary minority argued, in part, that the allegations made by Baafi, even if unsubstantiated, were not unusual, given that various NDC personalities, including former President Rawlings, too had repeatedly made wild unsubstantiated allegations about former President Kufuor, both during and after his tenure of office.

Clearly, irresponsibility by a few who have access to media platforms is inconsistent with the national media policy

principle that regards the media (and the airwaves) as a public trust serving the public interest.

"It would be extremely unfortunate and a gross disservice to Ghanaian democratization if the right to freedom of expression becomes associated with making gratuitous, unsupported remarks in the minds of the public."

Baafi's statement and subsequent developments underscored the rise of a culture of ruling and opposition party politicians and their supporters making outrageous, irresponsible, and often unsubstantiated or "unsubstantiable" allegations and utterances while fully counting on their partisans to believe, defend and act on them as if they were true. This type of deliberate incivility is a threat to democratic politics and good governance. The partisan recriminations that have arisen from these events certainly detract from Ghana's democratic and developmental progress. It was particularly unfortunate that the NPP minority in Parliament declared an "indefinite" boycott of parliamentary proceedings as a result of Baafi's arrest. This reaction was extreme. While it could be understood as a reflection of their desire to protect the principle of freedom of speech, it seemed premature in view of the fact that the charges against Mr. Baafi had only just been announced. It would have made better sense to allow the legal system to run its course, particularly since the Baafi case was extra-parliamentary in nature.

Recriminalizing Speech

It should however be emphasized that the response by the Ghana Police Service to Mr. Baafi's allegations as well as the treatment of Joy FM's Ato Kwamena Dadzie and Enimil Ashon of the Ghanaian Times, were outrageously heavy-handed. The response underscores the persistence of a law enforcement culture in Ghana, where law enforcement agencies and personnel act according to what they perceive to be the preferences of the "powers that be" (specifically executive branch and ruling party actors) or upon direct instructions from politicians, even if the action is ultra vires, excessive, or abusive of certain protected rights. It confirms huge gaps in the institutionalization of the rule of law and the persistence of residual authoritarianism in Ghana's 4th Republic, in spite of the gains made in our electoral democracy.

Official response to the perceived media offenders confirms, indeed, that Ghana still has some work to do in the protection of some of our basic rights and freedoms,

particularly Ghanaian's constitutionally guaranteed right to free speech. Section 208 of the Criminal Code, under which the three gentlemen were charged, is worded as follows:

Any person who publishes or reproduces any statement, rumour or report which is likely to cause fear and alarm to the public or to disturb the public peace, knowing or having reason to believe that the statement, rumour or report is false is guilty of a misdemeanour.

This section has its origins in old, now repealed, English criminal law statutes and is consequently repeated almost verbatim in the criminal statutes of a number of former British colonies, such as Uganda, Zambia, Zimbabwe and Kenya. However, the so-called false news statutes like Section 208 have been struck down as unconstitutional impediments to free speech in a number of commonwealth countries. They are also routinely criticized by the UN Human Rights Committee as violating international protections of free speech such as the International Covenant on Civil and Political Rights (of which Ghana is a signatory). In Zimbabwe, for example, a false news provision has been used to suppress journalists whose publications incur the displeasure of the executive.

It is clear that the statute has been improperly applied by the Ghana Police Force. The purpose of this particular provision of the Criminal Code is to criminalize acts such as, intentionally and falsely shouting "fire" in a crowded cinema when there was in fact no fire, or intentionally (and falsely) broadcasting that there had been a coup d'état, thus causing undue public panic. Outside these limited contexts, the use of "false news" statutes becomes a threat to press and private speech rights.

Regulating the Media in a Democratic Society

Regulating the media in an emerging democracy such as Ghana requires a delicate balance of interests. Ghana has some existing codes and institutions that govern the media and the practice of journalism. The Constitution itself compels the media to carry rejoinders submitted by persons aggrieved by a previously published story. The National Media Commission (NMC) rightly released a statement on the Baafi matter, expressing concern not only about the making and airing of "unsubstantiated statements" but also about the criminalization and repression of free speech and media freedoms in Ghana. Another institution, the Ghana Journalists' Association (GJA), came to the defence of both Ato Kwamena Dadzie and Enimil Ashon, as did the Media Foundation for West Africa and some civil society organizations.

There is a case to be made for more clearly defined journalistic standards and ethics in Ghana. Like nearly all rights, freedom of expression is not without limit even in a constitutional democracy. Thus, for example, "hate speech" and child pornography are proscribed in many democratic jurisdictions. Even jurisdictions like the United States and Canada, which have a tradition of robust free speech protection, still find it necessary to adopt mechanisms to regulate media. In the specific case of broadcasting in Ghana, however, it appears that the current broadcasting regulatory regime has limited leverage to ensure compliance with broadcasting standards or ethical regimes.

Currently, jurisdiction over broadcasting falls between the National Communications Authority (NCA) and the National Media Commission, (NMC). Yet none of these bodies has real regulatory impact on broadcasting content. This must change. The NMC must exercise, through the use of constitutional instruments, more effective clout as a disciplinary body. It must ensure that broadcasters follow best practices and also adopt policies, including a regime of fair and reasonable sanctions that would encourage aggrieved persons to seek redress from the NMC.

In addition, although the NMC currently has a set of broadcasting standards, given the pervasiveness of live radio talk-shows, there is an urgent need for more specific guidelines as well as in-house guidelines and codes of ethics that would ensure professionalism. This will serve as a guide to both talk show hosts, participants in radio debates, as well as assist the public generally, to understanding basic principles of journalism – such as why a news organization must protect its sources and maintain confidentiality.

The broadcasting industry can also take the initiative by adopting an industry-wide code of ethics in consultation with the NMC. Such self-regulation might even include a complaints resolution body to receive complaints against errant broadcasters. This would create another avenue for aggrieved persons and limit recourse to state-controlled mechanisms.

“Freedom of expression is essential to ensure informed public participation in a democracy and accountability of public officers. It must be jealously guarded yet sensibly used.”

The Constitutional Review Commission begins work

Earlier this year, the government of Ghana fulfilled one of its election promises by establishing a Constitutional Review Commission (CRC). A press release, dated January 12, 2010 explained that the goal of the review is to “ascertain from the people of Ghana their views on the operation of the 1992 Fourth Republican Constitution and, in particular, the strengths and weaknesses of the Constitution; to articulate the concerns of the people of Ghana as regards the amendments that may be required for a comprehensive review of the 1992 Constitution and to make recommendations to the Government for consideration and provide a draft Bill for possible amendments to the 1992 Constitution.”

The Commission was established by Constitutional Instrument 2010 (C.I. 64). The nine-member commission is chaired by Professor Albert Fiadjoe, a public law expert. Its membership includes various professionals, an industrialist, a member of the clergy, and a traditional chief. All but two are men.

Democracy Watch welcomes the establishment of the Commission. Constitutional review has long been one of the key focus areas of *Democracy Watch* and CDD-Ghana. As far back as 1999, CDD-Ghana undertook studies of some key constitutional institutions such as the Commission on Human Rights and Administrative Justice, the Legislature and the Judiciary and made a number of still relevant recommendations of constitutional import. In 2003, CDD-Ghana undertook a year-long series of events to commemorate the 1992 Constitution's tenth anniversary in the course of which a number of further recommendations were made. Indeed, some form of constitutional reform is often among the suggested prescriptions for the governance deficits highlighted by these publications.

Democracy Watch wishes to also commend the Commission for the efficiency and enthusiasm with which it has gone about its task thus far. Since its inauguration in January, the CRC has conducted District Level Consultations throughout Ghana. It has now begun regional level consultations. As of November 2010, it had received over 60,000 submissions. The Commission appears to be well on its way to meeting its target of completing the process of receiving, distilling and presenting its findings at a National Conference by January 2011.

The stated mission of the CRC is to include all Ghanaians in the process of reviewing the Constitution, whether they are middle class city residents, farmers, or citizens currently

residing abroad. The CRC has sought to ensure that all sectors of society form part of this important discussion, with fair opportunities to express opinions and contribute suggestions by consulting as broadly as possible. There can be no doubt about the enormity of the Commission's task, and the number of challenges it faces. To be successful however, there are two particular challenges the Commission must overcome.

The first challenge the CRC faces is devising a methodology that is truly accessible to diverse groups of people. This encompasses such difficulties as providing the proper arrangements for their public forums, disseminating sufficient advertising and announcements in advance of meetings, scheduling reasonably convenient times and locations for the events, and using a format that is accessible to all. To be successful, the Commission should avoid rigid formalities and excessive sophistication, and needs to ensure the attendance of a cross-section of community members. The second challenge involves the process of effectively and persuasively aggregating the barrage of input they will undoubtedly receive in a comprehensive and scientifically rigorous manner.

Several months have now passed since the first of these consultations began. District level meetings have now ended, and the second stage of consultations have begun. Now is therefore the time to ask, how is the Commission doing; how has it responded to the challenges it faces, and with what degree of success? Observations of the district level consultations in particular, and of the operations of the Commission generally have revealed a process that is largely encouraging, though with a few areas that may be in need of revision and raise further questions about how successful the overall project is likely to be.

The June 10 meeting in Amasaman seems to have been a fairly typical consultation forum. On the morning of the meeting, about 150 people gathered at the Amasaman District Office of the Environmental Protection Agency to discuss select provisions of the 1992 Constitution. The meeting was chaired by the Presiding Member of the Amasaman District Assembly, and moderated by an assemblywoman. After a brief Christian prayer and short speeches from the Presiding Member, the District Chief Executive (DCE) and a Lead Researcher from the CRC, the Presiding Member and the DCE sat in the audience. Subsequent proceedings were directed by the Lead Researcher from the CRC.

The CRC has pre-identified 39 constitutional issues and possible reforms that have been the subject matter of prior public and civil society discussions. The issues formed the basis of the district level consultations. At these meetings, the text of a proposed reform was projected onto a large, easily visible board behind the Lead Researcher. For each

proposal, the Lead Researcher provided some context and background to explain the current circumstances and the suggested reforms. After each explanation, he invited members of the audience to state their opinions on the suggested reforms.

The Lead Researcher moved through the topics slowly, allowing multiple members of the audience to give input on each subject. An effort was made to make the meeting more inclusive and informal. Everyone was encouraged to participate, and there were reminders to those present that any language could be used to make suggestions. Blank papers were distributed for note taking, and part way through the meetings, the organizers handed out bottled water to all attendees. Those present appeared very engaged and interested in the deliberations, and a few had even prepared comments on specific issues in advance. Some topics elicited vigorous but cordial disagreement, while others drew less interest and discussion.

While the Commission deserves credit for the many positive aspects of the consultation meetings so far, there are, nonetheless, several areas that revealed potential deficiencies in the overall process. Disturbingly, these problems have been observed at all district level meetings by *Democracy Watch*. They include the following:

It is not quite clear how much effort is made into publicizing the public fora. The observers at the Amasaman meeting did not see any posters, for example, informing the public about the meeting in the town itself. At other locations, posters were observed and a Ministry of Information vehicle was seen announcing the event and inviting the local community to attend the public forums. However, it is not quite clear the extent to which the community heeded to the invitation. Those present appeared to be mostly assemblymen and representatives from district-based government agencies, (i.e. the district branches of the Fire Service, Environmental Protection Agency, National Commission for Civic Education, Commission on Human Rights and Administrative Justice, Town and Country Planning, Ministry of Information), as well as some students from local schools. Indeed, the pivotal role of the Metropolitan, Municipal/District Chief Executives. (M/M/DCEs) and the Presiding Members of the Assembly at these gatherings, and the fact that many of those in the audience were assemblymen and women made these events appear to be sittings of the Assembly to which other government agents had been invited. It appears somewhat problematic to describe these as “community level” fora. Members of the community – ordinary citizens who had walked

in off the street to contribute to the process – were in the minority.

In addition, the consultations, though broad, do not appear to be very deep. Although attendance tends to be high, with meetings averaging over 100 people, it is typically the same 10-15 persons that articulate opinions on almost all the issues raised by the Lead Researcher. Almost all active participants are males.

However, the most disturbing aspect of the public forums is the methodological issues they raise. In each session that was observed, typically only 15-20 total issues are discussed. It is unlikely that all 39 issues can be discussed at each forum. The Lead Researcher appears to have some leeway in selecting the topics for discussion. The issues are not addressed chronologically – the Lead Researcher can ask for input on Issue 3 (A review of article 108 of the Constitution, which bars anyone other than the President or someone designated by him from proposing a bill that has financial implications and to determine whether an amendment is needed to allow for the tabling and passage of private member bills in Parliament) to Issue 34 (a review of the relevant provisions in the Constitution in order to ensure real decentralization of governmental powers and functions to the district assemblies).

A wide range of opinions are expressed on most topics. There was no unanimity on any topic. The opinions range from near total support to extreme opposition on most issues.

The last two points go to the heart of the second challenge facing the Commission, perhaps an even greater hurdle than the first, which is the need to find a way to distil, meaningfully, the information collected or generated at these forums. The meetings have achieved some success in inviting an excellent array of compelling suggestions, accompanied by intelligent debate surrounding the issues. Indeed, several people have even prepared comments in advance, and offered well-considered insight on various topics. While that is an expected and welcome aspect of the process, it is not clear how these responses are being reported, or how they are being tracked and interpreted. How is all this lively debate to be digested and used? There is little point in conducting the entire exercise if it is to fail at this point. The representatives of the Commission diligently recorded each response, asking that participants introduce themselves and speak clearly into a recording device. But what happens to those recordings? How are they transcribed, aggregated, and interpreted? These are questions that casual observation cannot answer, but which the CRC must credibly address if the exercise is to succeed.

“ The goal of constitutional review must be the creation of a new and better document that advances constitutionalism at the same time as it reflects and represents the society it is meant to serve. ”

If Ghana is to reach that ideal, the hope is that this extensive citizen consultation exercise will give the public a strong feeling of engagement and ownership. Whether an individual suggestion is ultimately adopted or omitted, at least all public input is seriously considered. That is why the methodology used is so important. It is unfortunate that though the CRC has very pro-actively sought public input on suggested reforms, it has been less open about the internal processes it intends to adopt in aggregating public input. Going forward, this is going to be vital for public acceptance of the final recommendations of the CRC, particularly when these recommendations are subjected to partisan, parliamentary and public debates.

It is essential that the CRC does not simply go through the motions, mechanically holding meetings that amount to nothing. Observations conducted so far give grounds for tentative optimism. The methodology has room for improvement, but seems acceptably informal and accessible, and community meetings have resulted in respectable discussions and valid inputs. It remains to be seen whether the CRC will successfully convert those inputs into recommendations for constitutional amendment. The voices of Ghanaians are being raised around the nation; now those voices must be heeded to. ■ ■

The Black Stars' 2010 World Cup Excellence: Democracy and Governance lessons

Much has already been said and written about the excellent performance of Ghana's national football team, the Black Stars, at this year's World Cup tournament impressively organized by South Africa. The sterling performance of the Black Stars puts a positive light not only on the national soccer team but the nation as well. The Ghanaian government and Ghana's football authorities deserve commendation for improving on the team's performance in 2006 and qualifying for the quarter-finals.

Indeed, it is difficult to deny that the Ghana Football Association (GFA) has shown itself to be one of the best performing public institutions in recent years. Under the current leadership, in addition to the stellar performance of the Black Stars in the 2006 and 2010 World Cups, Ghana

has placed second in the 2010 African Nations Cup, and third in the 2008 African Nations Cup, the latter of which it also successfully hosted. Ghana was recently crowned World Champions at the Under 20 level – the first African country to achieve this feat, and narrowly lost the final of the first CHAN Championship – a continental football tournament restricted to locally-based national team players. Also under the tenure of the current leadership of this GFA, two new stadia have been constructed in Takoradi and Tamale, and the two existing stadia in Accra and Kumasi have been extensively modified. Disputes with players over bonuses are now largely a thing of the past. Less progress has however been made in addressing the perennial problems of club football in Ghana, but even here, the GFA has been successful in attracting unprecedented amounts of sponsorship to Ghana's 'premier' league.

The success of the Ghana Football Association provides us with many lessons, not just about best and worst practices in sports administration but more broadly, good and bad governance models. Sports in Ghana, and soccer in particular, have provided us in recent times with vivid models of both good and bad governance. Political interference - resulting in patronage and a lack of continuity - is pervasive in most government institutions in Ghana. The GFA appears to have escaped this in recent years; there has been considerable stability in its leadership for the last five years. Part of the reason for this is the important place that football occupies in Ghanaian society and the perception that undue political interference has had a negative impact on the game in the past, making government's somewhat reluctant to interfere unduly in soccer. In recent times, the government has had little compunction in interfering in the administration of less popular (and less successful) sports. The Ghana Boxing Authority (GBA) and the Ghana Amateur Athletics Authority (GAAA) have both had acrimonious leadership changes since January 2009.

However, the primary reason for non-interference in the operations of the GFA is that, under current FIFA rules, such interference would attract immediate and severe sanctions from the world soccer body. Earlier this year, the government issued a blanket directive dissolving the boards of all state agencies, boards and commissions. Thanks to the threat of FIFA sanctions, the Executive Committee of the GFA was spared a similar fate, leaving it to continue its good work.

Attempts by politicians to capitalize on football's immense popularity in Ghana are almost inevitable. From very early in Ghana's post independence history – in the First Republic, the government created an official football club, the "Republicans", to compete in the national league. Several leading politicians have occupied important positions at two of Ghana's biggest football clubs, Accra

Hearts of Oak and Kumasi Asante Kotoko. Former President Kufuor was once the Chairman of Kumasi Asante Kotoko. The current president of Ghana is listed as a part owner of Accra Hearts of Oak. Thus, any attempt to completely separate football from politics is likely to be unsuccessful.

However, it appears axiomatic that whenever governments attempt to derive political capital from football, it almost invariably backfires—sometimes spectacularly. This year, for example, continental soccer suffered a tragic setback at the African Cup of Nations when a rebel group, the Front for the Liberation of the Enclave of Cabinda (FLEC) attacked the bus of the Togolese national team, killing some members of the squad. Following the example of Senegal in 1992, which had hosted CAN matches in its then breakaway Casamance Province, the Angolan government had sought to score points in their territorial dispute with FLEC over Cabinda by hosting some African Nations Cup matches there. This resulted in a tragedy that ultimately caused Togo to pull out of the tournament and brought considerable embarrassment to Angola and the Confederation of African Football. And yet, the glorious success of the Black Stars at the 2010 World Cup and other major international soccer competitions in recent years under the GFA, particularly in comparison to their better resourced Nigerian counterparts, confirms the value of effective administration as well as leaving national sports authorities relatively independent and protecting them from undue political interference. By the same token, Ghana's World Cup success confirms that government monopoly is bad not only for democratic politics but also effective sports administration.

The recent attempt by the government of Ghana to make political capital out of the successes and popularity of the Black Stars has met with setbacks and embarrassments of its own, largely as a result of the farcical and amateurish manner in which the government and its officials have handled this. In recent times, successive governments have sponsored a selected number of fans to attend the matches of the Black Stars at various international tournaments. In 2006, for example, the government of Ghana sponsored fans to attend the World Cup tournament in Germany. Similar arrangements were made for the 2010 ACN, and the 2010 World Cup. Predictably, a number of "supporter groups" have arisen to take advantage of these offers. In the last World Cup, the government of Ghana reportedly sponsored 1,500 persons to attend the tournament. The total cost of this to the public treasury, according to the current Minister for Youth and Sports, was 45 million dollars.

Various reasons have been provided to justify this practice. The primary reason proffered is that the presence of a throng of Ghanaians at Black Stars games abroad will serve as a morale-booster to the players and thus help spur

them on to superior performance. This reasoning is odd—not least because when Ghana had the benefit of almost entire stadia full of home support, the Black Stars were still unable to win the CAN 2008. Whatever the justification, one cannot help but arrive at the conclusion that sponsoring supporters to attend football matches is a total and utter waste of the country's scarce resources. Both South Africa and Germany already have large Ghanaian immigrant populations resident there. Even more disturbing is the fact that, unable to raise sufficient funds immediately to sponsor the supporters from its own budget, the Ministry of Youth and Sports financed the transportation of these supporters by contracting a loan from a private owned financial services company.

“The use of state funds to sponsor a “soccer junket”, together with the manner in which the funds were raised significantly undermine Ghana’s credibility as a country that prudently manages its scarce fiscal resources. A nation that depends on the mercy of its ‘donors’ to support its annual budget is literally begging for ridicule when it thinks this passes for sound economic management.”

This waste of resource was compounded by the incompetent manner in which the trip was organized. The flight arrangements left several fans from outside Accra stranded at makeshift temporary camps near El-Wak stadium. A number of those who were at the campsite did not make the trip at all. Those fortunate enough to make the trip were confronted in South Africa with ill-planned arrangements that left the fans stranded at airports as transportation to their places of accommodation had not been concluded. Ticket arrangements to watch the games in the stadia had similarly not been completed. No preparation had been made to prepare them for the near freezing South African winter temperatures. Worse still were reports of some fans who engaged in disorderly behaviour. In one particular unfortunate incident, irate government-sponsored Black Star supporters in South Africa who had allegedly been denied tickets to attend the games reportedly registered their discontent by blocking a major South African highway.

That there is so little public outcry about the sums that are spent sending supporters on these trips is a reflection of the ingenious manner in which these trips are organized. All political parties are invited to submit names of individuals for selection to attend the tournament – thus all appear to have an equal opportunity to participate in this state sponsored largesse and patronage. Some journalists are also the beneficiaries of this state-sponsored munificence.

Thus, scrutiny – or even comment – of this expenditure from the media has been close to non-existent. It is however clear that the biggest beneficiary of this arrangement – both in 2006 and in 2010— is the ruling party. Indeed, the selection of individuals who would benefit from this use of scarce public funds has, in some instances, caused dissension within the ranks of party faithfuls or foot-soldiers.

This new addition to the patronage culture must be discontinued. Apart from its tendency to deepen partisan discrimination, this practice is simply a waste of the country’s scarce resources. Arranging or picking up the tab for fan support for the Black Stars in international matches is an enterprise that must be left for sports entrepreneurs and “socially responsible” or marketing-focused segments of the Ghanaian corporate sector. Indeed, for the last several years, the primary sponsors of supporters unions have been companies from Ghana’s lucrative mobile telephone industry.

Far more disturbing, and significantly more difficult to remedy, is the yawning accountability gap surrounding expenditure such as this. That the silence of the other political parties was achieved so easily (opposition political parties were allocated only ten seats each) is a worrying development for Ghana’s democracy, particularly as it is symptomatic of a current trend in which an absence of scrutiny is obtained under the guise of ‘inclusiveness’. It is important that public accountability agencies, notably opposition parties and the media, do not abandon their oversight responsibilities merely because they have been included, albeit inequitably, in the distribution of governmental largesse.

“ Misuse of scarce national resources does not become justifiable just because it was equitably shared or its direct beneficiaries represented multiple stakeholders (ruling and opposition party members and civil society).”

The final lesson to be drawn from the 2010 World Cup revolves around the personality of Kevin Prince Boateng. Born to a Ghanaian father and a German mother, based in Germany and not known to have much social/kin ties with his Ghanaian roots prior to the tournament, he was scarcely known to the average soccer fan and indeed, the Ghanaian public at large when he accepted the invitation to join the Black Stars for the World Cup. He quickly and firmly established himself as one of the influential players in the star studded Black Stars’ and won the fulsome admiration of the Ghanaian soccer authorities and public for the complete dedication with which he played the matches, including the one in which his adopted German side played Ghana.

“ Kevin Prince Boateng’s exploits on behalf of the Ghana Black stars in the 2010 World Cup confirms once again how much Ghana impoverishes itself when it discriminates against and adopt exclusionary attitudes to its own diaspora community. Kevin Prince Boateng proved to be of immense service to his fatherland; what legitimate excuse do we have for the ham-fisted manner in which we treat the Ghanaian diaspora at large practically denying them the franchise and excluding them from all kinds of public and political positions in Ghana?”



The Ghana Center for Democratic Development (CDD-Ghana)
95 Nortei Ababio Loop, North Airport Residential Area
P.O. Box LG 404, Legon, Accra
Telephones: 233-302 776142 / 784293 - 4
Fax: 233 302 763028/9

*** Our Tamale Office**
Telephones: 0372 027 758
Fax: 0372 027 759
P. O. Box TL 864, Tamale

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