

Full Length Research Paper

The 2008 political parties' code of conduct in Ghana: A toothless Bulldog?

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Accepted 28, November 2008

The idea of drafting a Code of Conduct for political parties in the run up to the December 2008 General Elections by the Institute of Economic Affairs (IEA-Ghana) under the auspices of the Ghana Political Parties' Programme (GPPP) was hailed by many Ghanaians and political analysts as a step in the right direction. Indeed, the establishment and inauguration of enforcement bodies under the Code was seen as a useful initiative by The IEA to give the Code "teeth to bite". This study however reveals that the establishment and inauguration of the enforcement bodies under the Code did not make it unique after all. In more practical terms, the study revealed that the 2008 Political Parties' Code of Conduct is not in anyway different from the ones drafted in 2000 and 2004. It is just as ineffective as a toothless bull dog that can only bark but cannot bite. The whole process of drafting the Code can therefore be described as one of the numerous Ghanaian efforts at looking for solutions to problems through workshops, retreats and symposia whose outcomes and resolutions are never implemented but left on shelves to gather dust.

Key words: Political parties, code of conduct, enforcement bodies.

INTRODUCTION AND PROBLEM STATEMENT

The roots of a thriving democracy are to be found in peace, stability, rule of law, multi-partyism, vibrant civil society as well as compliance by all stakeholders with well-defined electoral laws and codes. In 2004, recognizing that tolerance and pluralism are necessary for an effective democracy, and determined to realize the objective of a model democracy and to consolidate democratic governance in Ghana, the Political Parties Code of Conduct 2004 was adopted and signed by all the registered Political Parties. It was used as a guide in ensuring free, fair and credible elections during the December 2004 General Elections.

The 2008 general elections are expected to be unique in terms of its competitiveness and the possibility of such intense competition degenerating into violence was highlighted by many Civil Society Organizations including the IEA-Ghana. It was on the strength of this that the IEA-Ghana, under the auspices of the Ghana Political Parties' Programme (GPPP) comprising all the political parties with representation in parliament and other non-parliamentary parties in Ghana organized a workshop to review the 2004 Code of Conduct to make it relevant to the demands of the 2008 general elections. The 2008

Code of conduct was mainly to regulate the activities of political actors in the period before, during and after the 2008 general elections in a manner to safeguard the relative peace and tranquility of the country.

Indeed, the 2008 Code with the enforcement mechanisms created under it was to ensure that violence would be eliminated or reduced to the barest minimum and all other actions that could spark violence curtailed. This is an achievable task and the Indian experience where the Election Commission appoints observers to monitor compliance with their Code (I am grateful to the anonymous reviewer of the paper for this view) should provide reference guidance to the Ghanaian situation.

In spite of the drafting and signing of the 2008 Political Parties' Code of Conduct by the registered political parties and the establishment of Enforcement Bodies at the national and in all the ten administrative regions of the country, a preliminary issue like the Voter Registration Exercise meant to register those who had attained the voting age of 18 years and to ensure that those who for some reasons could not register as voters do so, was marred by violence and other acts that were in complete violation of the provisions of the 2008 Code.

There were reported cases of minors being sent by political party officials in buses to register, acts of intimidation, gunshots, people taking the laws into their own hands and preventing people suspected to be political opponents from registering, and so on. Section 4, page 10 of the 2008 Code states that “political parties and their members and agents shall desist from the carrying of arms and offensive weapons...” Section 4, page 8 of the Code also states “...political parties renounce violence and pledge not to indulge in violence and intimidation of any kind”. These provisions were however not respected.

There have been several cases of violence particularly between the supporters of the National Democratic Congress (NDC) and New Patriotic Party (NPP) leading to several deaths and destruction of property especially in the northern part of the country. Other parts of the country have had their share of conflicts. For example in Joy FM, an Accra based radio station reported on Thursday October 23, 2008 a violent clash between the supporters of the NDC and NPP in Ho, the Volta regional capital of Ghana. The violence was blamed on the alleged defacing of NPP posters by NDC supporters in violation of section 3 page 10 of the Code which states that “political parties, their members and agents must not destroy, remove, deface or in any way tamper with paraphernalia, logos, symbols, handbills and publicity materials of other parties”. Supporters of the NPP accused the Member of Parliament for Ho Central, Captain George Nfordjor of instigating the defacing of the posters of the NPP parliamentary candidate. According to the report, some NDC supporters attempted to place Captain Nfordjor’s campaign posters on that of NPP counterpart. Supporters of the NPP however resisted the attempt resulting in violent clash between the two groups. Another clash between the supporters of the two parties was reported by Joy News (a local radio station in Accra) the same day at old Fadama, a suburb of Accra. According to the report, the NDC supporters pelted stones at the supporters of the NPP during a campaign tour and rally of the flag bearer of the NPP of the area. The NPP supporters retaliated and a violent clash ensued leading to the firing of tear gas by the police to disperse the crowd. Section 2, page 10 of the Code however, clearly states that “political parties, candidates, agents and party workers shall not obstruct, disrupt, break up or cause to be broken up, meetings or rallies organized by other political parties”.

Other breaches of the Code include the president of the Republic, His Excellency J. A. Kufuor politicizing the health of the flag bearer of the National Democratic Congress (NDC), Professor J. E. A. Mills and describing him as not fit to lead the country because of his health condition. This took place at a rally in Madina, a suburb of Accra on October 11, 2008. In direct response to the attack on Professor Mills’ health status, Elvis Afriyie- Ankrah also described the flag bearer of the New Patriotic Party (NPP), Nana Akufo Addo as unhealthy to lead the coun-

try because of his allegedly addiction to drugs. This allegation was also made on Adom FM, a Tema based radio station on Monday 13th October 2008. Jerry Rawlings, the former president of Ghana also repeated his allegation that president Kufuor and the NPP were the murderers behind the serial killings of women in Ghana a couple of years ago. This was at a rally in Nsuta Kwamang in the Ashanti region and was reported on Joy News on 20th October 2008. These verbal attacks were in serious contravention of section 6, page 9 of the 2008 Code which stipulates that “political parties shall at all times avoid defamatory, inflammatory and foul language in all forms. Provocative, derogatory and insulting attacks on other parties and personalities by way of communication, verbal or non-verbal, shall be avoided at all times.”

There have been calls from several quarters on political actors to respect the Code they signed. However, the role of the enforcement bodies established under the Code is crucial in ensuring compliance with the provisions of the Code. The 2004 Code of Conduct was described by some commentators as “toothless bulldog” because though it made provisions for enforcement bodies to be established, these bodies were not established. The setting up of a National Enforcement Body and the replication of this body in all the regions of the country under the 2008 Code made the Code unique (Interview with Mrs. Jean Mensa, Administrator of the IEA-Ghana on 25th July 2008).

In 2005, a milestone was reached at a conference organized by the International Republican Institute with the signing of the first ever Political Parties’ Code of Conduct in Liberia. The Code stipulated rules of engagement, acceptable behaviour and sought to promote peaceful and legitimate electoral process (The signing of the first ever Political Parties Code of Conduct in Liberia available at www.iri.org/africa/liberia/2005-04-12-liberia.asap). Similarly, in 2006, political parties in Sierra Leone, under the joint auspices of the United Nations Integrated Office in Sierra Leone (UNIOSIL) and United Nations Development Programme (UNDP) appended their signatures to a Code of Conduct to guide their 2007 elections. The event was described as the most distinctive in the history of political parties in Sierra Leone (I am grateful to Ms. Christiana Thorpe, Chairperson of the Sierra Leonean Electoral Commission for this view on 15th December 2006). In Nigeria too, a Code of Conduct was drafted in 2007 as a culmination of series of roundtable discussions hosted by the International (Drafting of the 2007 Political Parties’ Code of Conduct in Nigeria available at www.iri.org/africa/nigeria/2007-02-12-nigeria.asap). The Electoral Commission in Pakistan in 2007 also released a Code of Conduct to guide political parties who contested the 2008 elections. The Code explicitly prohibited violence of any kind and debarred political parties from preventing women from participating in the elections (Draft 2008 Pakistani Code of Conduct for Political Parties available at www.jang.net/important_

events/election2008/pages/coc_e.asp).

The examples above are indicative of the fact that Ghana is not the only country that has had a Code of Conduct to guide her political actors. Indeed, Ghana has had several of them as would be discussed later in this paper since the inception of the Fourth Republic. As noted earlier, one unique feature of the 2008 Code of Conduct is its explicit provision on the establishment of National and Regional Enforcement Bodies. These Bodies set up under the Code is lacking in many Codes of Conduct (Interview with Ms. Abena Offe, Programmes Co-ordinator of the IEA-Ghana on 25th July 2008).

However, a pertinent question to ask is "will the enforcement bodies make any difference in ensuring compliance with the Code?" Given the violence that characterized the voter registration exercise, one becomes doubtful of the relevance of the 2008 Code. This paper analyses the evolution of the 2008 Political Parties' Code of Conduct and examines the enforcement mechanisms provided under it.

To achieve the objective stated above this work would largely depend on qualitative data. In this regard, first, the Chairman of the Electoral Commission or his representative would be interviewed on the rationale for establishing the 2000 Code of Conduct, the first ever Code to have been drafted in Ghana and whether it achieved its purpose. The Chairman of the national enforcement body of the 2008 Code of Conduct for political parties in Ghana would also be interviewed to have a first hand view about the operations of the body and its counterparts in the ten administrative regions of the country.

In addition, efforts would be made to interview all the National Chairmen of the four main political parties with representation in parliament or their representatives, namely the New Patriotic Party (NPP), National Democratic Congress (NDC), People's National Convention (PNC), and Convention Peoples' Party (CPP) would be interviewed. The chairmen of the four political parties are selected because they form the nucleus of the Ghana Political Parties' Programme which initiated the drafting of the 2008 Code of Conduct. Since the Ghana Political Parties Programme is hosted by the IEA-Ghana, the Administrator and the Programmes Director of the Institute who facilitated the workshops and other symposia that led to the drafting of the 2004 and 2008 Code would also be interviewed. Last but not the least, the mandate of the National Enforcement Body as well as Regional Enforcement Bodies as provided by the 2008 Code would be critically reviewed.

State of current thinking on codes of conduct

Several works have been done on Codes of Conduct; however for the purposes of this paper, a few of them would be reviewed. Writing generally on Codes of

Conduct, Tulder and Kolk (2001) argued that codes designed by social interest groups including political parties are called meso-codes. In their view, such codes may not always have strict legal authority and direct influence on actors. They therefore argued that, effective codes must have explicit and specific provisions and must be monitored to ensure compliance with its provisions (ibid).

Harrington (1996) however holds a pessimistic view about Codes of Conduct. She argued that though there is a widespread belief that Codes can help deter or deal with ethical misconduct as well as regulate the activities of people in a manner acceptable to the society as a whole, the actual effectiveness of Codes in achieving their objectives is controversial. She argued forcefully that the drafting of Codes of Conduct to regulate the activities of people would not necessarily deter unethical behaviour (ibid).

Atkinson and Mancuso (1985) had a different dimension to the current thinking on Codes of Conduct. In their view, comprehensive codes of conduct provides a much needed clarification of expectations, at least some guidance on definitional questions and at the same time the opportunity to assess allegations of misconduct on their merits. Codes of conduct must however capture the spirit of existing guidelines, yet without provisions so formidable that prospective public officials would be deterred from seeking office (ibid: 462). Apart from written Codes, they also made a strong case for the need for societies to be regulated by 'unwritten codes' comprising customary practices and conventions which are easily imbibed and respected (ibid: 474). In their view, codes of conduct, regardless of how well drafted and well administered cannot possibly substitute for a culture where corruption for instance, is treated as abhorrent. They noted that unwritten Codes encapsulated in customs and conventions are necessary to deal with "grey zone" issues that are questionable, but not illegal and so may not have been captured by formal Codes of Conduct (ibid: 479).

In a paper delivered at seminar held at the Institute of Economic Affairs (IEA-Ghana) on the theme "Deepening Inter-Party Relations on November 20th 2004 in Accra, Kwesi Jonah (2004) discussed several initiatives put in place by the IEA-Ghana to erase suspicion among political parties and to ensure a united front in tackling issues of national concerns. He noted that the biggest achievement made under inter-party dialogue in Ghana was the decision by political parties to formulate the 2004 Code of Conduct 2004 to regulate their own conduct in the political arena. Though there was already in existence a Code of Conduct for Political Parties in 2000, he argued that that Code was too election-focused and lacked an implementation mechanism.

Writing specifically on the justification of the 2008 Political Parties' Code of Conduct in Ghana, Ahwoi (2008) noted that the 2008 Presidential and Parliamen-

mentary elections, unlike the 2004 elections, hold unique prospects in terms of their competitiveness. The successful conduct of the elections and the general acceptance of the results will be another big plus in Ghana's ratings on the scorecards of watcher of the African electoral scene (ibid). One reason is the fact that the two main Political Parties in the Fourth Republic -the ruling New Patriotic Party (NPP) and the opposition National Democratic Congress (NDC), have been in power and in opposition for two terms (NDC, 1993 - 2001 and NPP, 2001 - 2009). In other words, the 2008 elections will seek to break the deadlock as to which is the dominant political force in Ghana today (ibid). In his view, the election landscape in Africa has changed for the worse since Ghana's elections of 2004. Very flawed and highly controversial elections in Togo, Nigeria and Kenya have raised alarm bells in Ghana and there is great fear and consternation that if care is not taken, Ghana could follow suit (ibid). He noted that the drafting of the 2008 Code of Conduct is justifiable on the grounds that it would ensure total peace in the run up to the 2008 general elections and aftermath (ibid).

Acquaye (2008) to a large extent agrees with Ahwoi on the need to have a Code of Conduct for political actors in Ghana in the run up to the general elections. The idea of political actors being regulated by Codes is not new to Ghana. He mentioned countries such as Nigeria, Liberia, Sierra Leone, etc have all had Codes of Conduct at one time or the other. He noted that the 2004 and 2008 Codes unlike the 2000 Code were designed to regulate the activities of political actors not only during Election Day but the periods before and after elections are held are also covered. He also argued that the post election events in Kenya especially have raised the spectre of unacceptable election results in Ghana very high and the posturing of the Political Parties in response to those events have raised the pre-election political temperature in Ghana to alarming levels, even before formal campaigning begins. He therefore argued for the need for political actors respect the provisions of the 2008 Code and to educate their followers and supporters about the contents of the Code and the need to abide by the Code.

The works of the scholars above are relevant for this study because they serve as a foundation for more critical discussions on the 2008 Political Parties' Code of Conduct in Ghana. One gap that could be filled by this work is to thoroughly review the mandate of the enforcement mechanisms provided for under the 2008 Political Parties Code of Conduct in Ghana. The works reviewed so far were silent on this aspect which is the key focus of the study. The scholars stressed on the need for Codes of Conduct but were silent on how such Codes can be enforced. Without proper and effective mechanisms, Codes of Conduct would be meaningless. Indeed, they could be aptly described as watch dogs in chains and sword less crusaders (Interview with Mrs. Jean Mensa, Administrator of the IEA-Ghana on 25th

July 2008).

Conceptual framework

Codes of Conduct are statements of prohibitive behaviour and injunctions to a category of people to uphold certain standards. They are probably the most widely used enforcement mechanisms, a fact that reflect their relatively low cost, at least when used alone (Huddleston and Sands: 1995).

The popularity of Codes entails considerable diversity. Codes vary tremendously, in fact along three main dimensions: systematization, generality and enforceability. Some Codes are highly systematize, drawing together all statutes and regulations. In much the same way, some Codes are framed in very general terms while others vary with respect to the nature of the sanctions that violations carry (ibid: 140).

At one extreme are Codes backed by serious civil or criminal penalties. At the other end of the spectrum are Codes that are simply exhortations to be good. Indeed, many Codes maintain an "appearance of impropriety" standard, though it is not clear that this is a legally enforceable standard (Lewis, 1993: 136)

Despite doubts about their efficacy, Codes have grown in popularity. They may sometimes be ineffective because they are often quickly drafted to deal with an emerging issue without proper and extensive stakeholder consultations and inputs (Huddleston and Sands, 1995). Consequently Dobel (1993: 160) argued that Codes of Conduct may sometimes be viewed by those they are meant for as punitive and unnecessarily restrictive.

Cynicism may flow from Codes that are clearly unenforceable, either because the standards or requirements are stated vaguely or because no enforcement mechanism other than the Code itself is in place to ensure rigid compliance or enforcement of the contents of the Code (Huddleston and Sands, 1995: 148).

Several means can be adopted to have effective Codes capable of living up to the expectations of those who drafted them. In the view of Lewis (1993), Codes of Conduct without effective enforcement mechanisms would remain mere paper prescriptions. He noted that enforcement bodies of Codes of Conduct must be strong, firm and autonomous or independent from all controls especially from those whose activities are meant to be regulated by the Code (ibid). The enforcement body must have serious investigative powers and must be able to issue punitive sanctions including initiation of civil or criminal proceedings against offenders when necessary. This would act as a deterrent to those who would want to flout the provisions of the Code (ibid).

To further strengthen Codes of Conduct and enable them achieve their objectives, Matthews (1988:135) advocated the need for what he refers to as "continual reinforcement" of the provisions of the Code by the

enforcement bodies. This, according to him can be achieved through consistent education of all the people whose activities are to be regulated by the Code. The enforcement bodies must do this intensively to ensure that written Codes are internalized in a manner to positively shape ethical decision making (ibid). Through constant and intensive education as well as dialogue, enforcement bodies are able to create a healthy atmosphere in a manner that compels individuals in a subtle manner to choose to behave in accordance with acceptable norms as a matter of course, without having to make conscious reference to Codes, laws, and so on (Huddleston and Sands, 1995: 149). The ideal is to prevent breaches of the Code rather than to punish offenders or those who violate its provisions. Education for ethical awareness must therefore be proactively embarked upon by the enforcement bodies of Codes of Conduct (ibid).

Enforcement bodies of Codes of Conduct must also make themselves known and their presence felt by those they are to deal with at all times. To be effective and be seen as such, they must deal with both major and minor breaches of the Code (West, 1988).

Moreover effective Codes must be responsive, reflexive and self regulatory. In the view of Ayres and Braithwaite (1995), responsive or reflexive codes may not necessarily contain clearly defined programmes or set of prescriptions concerning the best way to regulate. On the contrary, the best strategy according to them is shown to depend on context, regulatory culture and history. Responsiveness is therefore rather an attitude that is self regulating that enables the blossoming of wide variety of regulatory approaches. Such regulatory approaches help people to evolve rules for themselves and have no difficulty complying with those rules they themselves have made (ibid). Indeed, a significant element of current thinking about Codes and rules stresses "self-regulation" rather than market or government mechanisms for ensuring compliance (Swire, 1997).

Related to the views of Ayres and Braithwaite (1995) is the view that effective Codes must ensure that people or corporate bodies are socially responsible. The idea of social responsibility is an ethical theory that an entity, whether it is a government, corporation or an individual has a responsibility to society but this responsibility can be "negative." In that it is a responsibility to refrain from acting (resistance stance) or it can be "positive," meaning there is a responsibility to act (proactive stance). While primarily associated with business and governmental practices, activist groups, local communities and individuals can also be associated with social responsibility, not only business or governmental entities (Kaliski, 2001). There is a large inequality in the means and roles of different entities to fulfill their claimed responsibility. This would imply the different entities have different responsibilities, in so much as States should ensure the civil liberties of their citizens, that corporation

corporations should respect and encourage the human rights of their employees and that citizens should abide by written Codes and laws (Friedman, 1970). The discussions of the social responsibilities of business and corporations are however notable for their analytical looseness and lack of rigor. This is because according to Friedman (1970), only people can have responsibilities. A corporation is an artificial person and in this sense may have artificial responsibilities.

It is sometimes difficult to judge the efficacy of enforcement mechanisms. In some ways, their strengths also serve as their weakness (Huddleston and Sands, 1995). To the extent that they are strong, independent and given clear with which to operate, they may, while deterring egregious forms of breaches or unethical behaviour, create an "us-versus-them" mentality that shifts attention away from the need for building ethical climates in a society (ibid). At worse, such a mechanism can create an atmosphere of fear and anxiety counter-productive to achieving the goals of society (ibid).

How the 2008 political parties' code of conduct evolved

In 2000, realizing the fierce and intense competition in the run up to the general elections, the Electoral Commission drafted the first ever Code of Conduct for political parties in Ghana. The Code was drafted to guide political actors on the Election Day. The Code in sum enjoined political parties to safeguard the integrity of the electoral process and ensure absolute transparency in the electoral process; co-operate with electoral officers in the performance of their duties on Election Day; discourage their members from multiple voting and all forms of electoral malpractices; desist from open confrontation with electoral officers; observe the rules and regulations restricting the number of individuals with access to the polling station; recognize the rights of accredited observers and monitors for the purpose of entering a polling station and observing the conduct of elections; refrain from recruiting and deployment of thugs to terrorize voters and create an atmosphere of tension and intimidation; refrain from fraudulently procuring results and votes by invasion and forcible occupation of polling centers or any other unlawful means; and instruct their agents in attendance at polling stations to perform their duties in accordance with the electoral laws and regulations and to co-operate with election officials for the efficient, transparent and uninterrupted administration of elections (Code of Conduct, 2000). The 2000 Code was signed by all the registered political parties around that time (Interview with Mr. E. Asante Kissi, Electoral Officer, Electoral Commission 14th August 2008).

The 2000 Code was seen as deficient on the grounds that it had no enforcement mechanism and was also limited to the conduct of political parties only on Election

Day. The 2004 Code was therefore designed by the Institute of Economic Affairs (IEA-Ghana) in collaboration with the registered political parties in Ghana to correct these deficiencies.

The IEA-Ghana was able to swiftly and successfully mobilize the political parties to draw up a new Code in 2004 because it had put in place a programme christened the Ghana Political Parties' Programme (GPPP) which comprised the political parties with representation in Ghana's parliament. The GPPP also involved the other non-parliamentary parties in activities such as workshops, symposia and other skills training programmes. The GPPP brings political parties together on a common platform to brainstorm on national issues and to discuss the challenges of Ghana's democracy and how they can be dealt with in a manner that would ensure peace, unity and development of the nation as a whole. Under the GPPP political parties also receive some funding from the IEA-Ghana for their operations and activities. It was therefore easy for the IEA-Ghana to bring together political parties to draw a new Code in 2004 at a time when the Inter Party Advisory Committee (IPAC) meetings convened by the Electoral Commission of Ghana were not regularly held in spite of the call from several political actors for IPAC meetings to be institutionalized. The 2004 Code was therefore designed by the political parties themselves to cover political activities before, during and after elections (Interview with Mr. Kwasi Jonah, acting Head of Governance of the IEA-Ghana on 14th November, 2004).

The 2004 Code apart from its provisions on Election Day which were the same as those of the 2000, had provisions on pre-election activities aimed at ensuring violence-free campaigning in the run up to elections. In brief, the pre-election provisions enjoined all political actors to adhere to existing electoral and civil laws as well as provisions of the Criminal Code, Act 29 (1960); prohibited them from disrupting meetings, rallies, etc of other parties or candidates; prohibited them from removing, defacing or tempering with the paraphernalia, logos, symbols of other parties and candidates; barred them from carrying offensive weapons and enjoined them to co-operate with law enforcement agencies, particularly for the purpose of recovery of such weapons; barred them for initiating the release of persons arrested for carrying offensive weapons during campaigning and enjoined them to desist from resorting to extra legal measures for the release of such persons from lawful custody; barred them from engaging in activities constituting electoral offences such as, offering of gifts and gratifications or inducing other persons to stand or not to stand as candidates, to withdraw or not to withdraw their candidature, bribing of voters and officials and, party agents canvassing within the precincts of polling stations on polling day and holding public meetings within 48 h of the polls; enjoined them to avoid the use of abusive or inflammatory language or incitement; and prohibited them

from plagiarizing the symbols and slogans of other parties, for legal and illegal activities (Code of Conduct, 2004).

The 2004 Code of Conduct had also extensive provisions on the period after elections. The Code enjoined political actors to continue to scrupulously observe all laws and rules so long as they continue to apply outside election and campaign periods; prohibited them from the use of inflammatory language, heightening ethnic and other tensions, personal attacks and acts of violence, either directly by themselves, through leaders, assigns members, agents or by proxy; enjoined them to ensure a level playing field and equal opportunities for all political parties; and makes it mandatory for political parties to conduct their activities in a manner that minimizes tension and avoid misrepresentation (Code of Conduct, 2004: 5).

One major critique of the 2004 Code of Conduct was that though it made provisions for the establishment of enforcement mechanisms, these bodies were nevertheless, not established. Though the 2004 elections were largely peaceful, some minor violence and breaches of the Code that took place across the country, particularly the northern regions could have been reduced had the enforcement bodies been established (Discussions with Rev Dr. Fred Deedgbe, Chairman of the National Enforcement Body of the 2008 Political Parties' Code of Conduct on 25th July 2008).

The 2008 Code of Conduct was therefore put together by The IEA in collaboration with the registered political parties of Ghana, the Electoral Commission and the National Commission for Civic Education to correct the weaknesses of the 2004 Code (I am very grateful to Dr. Kwabena Adjei, National Chairman of the NDC for this view). Recognizing the intense competition likely to characterize the 2008 elections, the Code made explicit provisions on abuse of incumbency, established enforcement mechanisms at the national and regional levels and provided a proto-type reporting format for members of the regional enforcement bodies to ensure that vital information about breaches of the Code are not lost.

The provisions of the 2008 Code were the same as those of the 2004 except that the former, as indicated earlier had extensive provisions on abuse of incumbency. Some of the provisions on abuse of incumbency enjoined political parties to keep state business separate from party business, prohibiting them from the use of government vehicles and other state property for electioneering campaign; made it mandatory for public officials and political appointees to ensure that no political party monopolizes access to public facilities during electioneering campaign; and barred political parties from turning official state events into party campaign rallies, particularly to introduce candidates and solicit for votes.

As indicated earlier, one unique feature of the 2008 Code is its provision for immediate establishment of enforcement mechanisms at the national and regional

levels. These bodies are discussed in the next section of the paper.

The National Enforcement Body

The National Enforcement Body of the 2008 Political Parties' Code of Conduct was set up on 25th July 2008 under the Chairmanship of Rev. Dr. Fred Deegbe, General Secretary of the Christian Council of Ghana. It had the following nominated personalities as members:

Alhaji Musah Rahman, National Vice Chairman, New Patriotic Party (NPP);
 Prof. Kofi Awoonor, Member, Council of Elders, National Democratic Congress (NDC);
 Mr. Ekow Duncan, Leading Member, Convention Peoples' Party (CPP);
 Mr. Henry Asante, Leading Member, Peoples' National Convention (PNC);
 Mr. Eric Tetteh, Leading Member, United Love Party (ULP);
 Mr. Muhammed Salisu Sulaimana, Deputy General Secretary, Democratic Peoples' Party (DPP);
 Mr. John Amekah, Deputy General Secretary, Democratic Freedom Party (DFP);
 Alhaji Alhassan Beneh, Leading Member, EGLE Party;
 Mr. Eric Mensah Sarpong, Deputy General Secretary, Ghana National Party (GNP);
 Mr. K. Sarfo-Kantanka, Deputy Chairman, Electoral Commission (EC);
 Ms. Fanny Kumah, Head, Education and Publicity Unit, National Commission for Civic Education (NCCE);
 Mr. Emmanuel Addo Sowatey, Member, National Peace Council (NPC); and
 Brig. Gen. Francis Asiedu Agyemfra (rtd), Senior Fellow, The Institute of Economic Affairs (IEA).

Members of the National Enforcement Body were nominated by their respective organizations. The members in turn elected their own chairman. The main mandate of the National Enforcement Body is to ensure that political actors comply with the provisions of the 2008 Code. A detailed mandate and Terms of Reference of the National Enforcement Body is reproduced in the at the appendix section of the paper.

Regional Enforcement Bodies

As noted earlier, the Code made explicit provisions for the establishment of the enforcement bodies in all the ten administrative regions of Ghana. Accordingly, these bodies were established between the 30th of July and 25th of August 2008. At the regional level, the enforcement mechanisms were made up of only the representatives of political parties with representation in parliament, the regional directors of the Electoral Commission and National Commission for Civic Education. The key mandate of the Regional Enforcement Bodies is to merely investigate

breaches of the Code and report such breaches to the National Enforcement body in Accra. The National Enforcement body may then decide whether to investigate such breaches again or not. A detailed Terms of Reference of the Regional Enforcement Bodies are also reproduced at the appendix section of the paper.

Review of the Terms of Reference and Discussions

The successful conduct of the 2008 elections and the general acceptance of the results will be a plus in Ghana's ratings on the scorecards of watcher of the African electoral scene. One reason is the fact that the two main Political Parties in the Fourth Republic -the ruling New Patriotic Party (NPP) and the opposition National Democratic Congress (NDC), have been in power and in opposition for two terms (NDC, 1993 – 2001; NPP, 2001 - 2009). In other words, the 2008 elections will seek to break the deadlock as to which is the dominant political force in Ghana today. The elections could also see the emergence of a different Political Party.

The 2008 elections will also mark a decade and four years of unprecedented and uninterrupted democratic rule in Ghana. Whatever happens in the elections – whether power continues to be reposed in the incumbent NPP or is given to the opposition NDC or any other Political Party for that matter, the elections will mark a watershed and Ghana will be further consolidating her democracy. Such and outcome however depends on peace before, during and after the elections.

The 2004 elections, though highly seen as successful, were nevertheless not wholly accepted by the main opposition party, the NDC. The results have been disputed by the party and an action for a detailed gazetting of the Presidential Election results is still pending in the courts.

Coincidentally, the election landscape in Africa has changed for the worse since Ghana's elections of 2004. Very flawed and highly controversial elections in Togo, Nigeria and Kenya have raised alarm bells in Ghana and there is great fear and consternation that if care is not taken, Ghana could follow suit.

The post election events in Kenya especially have raised the spectre of unacceptable election results in Ghana very high and the posturing of the Political Parties in response to those events have raised the pre-election political temperature in Ghana to alarming levels, even before formal campaigning begins.

Haven been in opposition for at least, eight years under the Fourth Republic as well as being in power for eight years, the ruling NPP has vowed to hand over power to itself. The main opposition party, the NDC has also geared up to re-capture the reins of government after wallowing in opposition for eight years. The 2008 elections therefore, would be highly competitive and the possibility of this intense competition degenerating into

violence cannot be relegated to the background. Already, reports from the parliamentary primaries indicate that a number of primaries were virtually marred by violence. The violence that erupted in the Bekwai constituency following the parliamentary primaries, leading to the destruction of life and property is a clear example. This violence and several acts of thuggery which were perpetrated by party supporters within the same Political Party, unfortunately, went unsanctioned. There is the real danger that such incidents can threaten the peace in the country during the elections, where the competition is anticipated to be keener.

With the violence that characterized some of the Parliamentary primaries conducted and that of the Kenyan elections freshly in mind, the ordinary Ghanaian has often expressed skepticisms about his or her fate in the run up to the 2008 general elections where inter-party rivalry and animosity would be rife.

It is therefore imperative that steps be taken to reduce the political temperature, calm tempers, reassure both the Political Parties and the electorate of an appropriate enabling environment for free, fair, peaceful and transparent elections. To achieve this objective, appropriate signals must be sent to the whole country, and there are no better signals than the leadership of Political Parties being seen to be working and engaging together in sober, somber, friendly but competitive interactions. This signal was witnessed when all the Political Parties under the auspices of The IEA/Ghana Political Parties' Programme (GPPP) met on Saturday 3rd May 2008 at Little Acre Hotel, Aburi to review the 2004 Code and contextualize it to suit the 2008 political conditions.

This is the background to the proposal to have Political Parties Code of Conduct with teeth. The teeth lie in the creation and activation of the Enforcement Bodies at the National and Regional Level.

However, the enforcement bodies established under the Code faces severe challenges that undermine the purpose for which they were established. First and foremost, the enforcement bodies both at the national and regional levels remain largely unknown among many Ghanaians. In an interview with Mrs. Fanny Kumah, Director of Public Education provisions of the NCCE, she noted that "our interaction with the populace indicates that only a few Ghanaians, especially political party executives are aware of the 2008 Code and the existence as well as the mandate of the enforcement bodies. There is a vast majority of the Ghanaian population who are not aware of any Code of Conduct for political parties. Even, the few politicians who are aware of the Code are not fully familiar with some of its pertinent provisions that must be strictly adhered to in order to ensure peaceful elections" (Interview with Ms. Fanny Kumah, NCCE Director of Public Education on 20th August 2008). Awareness of the existence of the Code, its provisions as well as the mandate of the enforcement bodies at all levels would go a long way to ensure some degree of

compliance on the part of political actors. The enforcement bodies must strive to create awareness through constant and intensive education as well as dialogue with political actors both at the national and regional levels in order to create a healthy atmosphere in a manner that compels individuals in a subtle manner to self regulate themselves by choosing to behave in accordance with acceptable norms as a matter of course, without necessarily having to make conscious reference to Codes. There is therefore a linkage between stakeholder awareness of the Code and its positive effect on compliance. Indeed, such awareness is likely to ensure a subtle enforcement of the provisions of the code outside the strictly legal mechanisms.

Another key challenge of the Enforcement Body is that it is not replicated at the various constituencies of the country. It is also pertinent to note that though the bulk of Ghana's populations reside in the constituencies and districts, there are no enforcement bodies in the constituencies. The 2008 Code makes provision for the enforcement bodies to be established also in all the 230 constituencies of Ghana. However, this has not been complied with (I am grateful to Mrs. Abena Offe, Programmes Co-ordinator of the IEA-Ghana for this view). It can therefore be argued that several breaches of the Code may go unrecorded or unnoticed since members of the regional enforcement bodies are not given funds to tour all the constituencies in their regions to record and report abuses or breaches of the Code. "It is at the various constituencies that you have massive breaches of the provisions of the Code. It is in these local hinterlands that you have violent conflicts when it comes to elections. It would have been an excellent idea for The IEA to have adhered fully to the provisions of the 2008 Code, regarding the establishment of the enforcement also at the various constituencies" (Interview with Mr. Kwesi Jonah of the Institute for Democratic Governance (IDEG) on 18th August 2008) Mrs. Augustina Akosua Akumanyi, Deputy Chairman of NCCE, on September 19, 2008 also called for the establishment of Political Parties' Code of Conduct Enforcement Bodies in all the constituencies. She explained that this would ensure that political party functionaries with grievances would have them resolved in the constituencies rather than allowing them to take the law into their own hands.

It is instructive to add that the enforcement bodies are unable to sanction those who flout the provisions of the Code. The bodies can only reprimand offenders. This could have marginally deterred people from violating the provisions of the Code. However nothing in the Code binds offenders to honour invitations of the enforcement bodies at all levels. In this regard, the invitations of the bodies at all levels would be treated with contempt because it has no statutory backing and power of a regular court. In an interview with Mr. John Amekah, deputy General Secretary of the Democratic Freedom Party (DFP) and a member of the National Enforcement

Body of the 2008 Code on 25th July 2008, he applauded the idea of having a Code to check the attitude of politicians so as to safeguard the peace of Ghana before, during and after the 2008 General Elections. He however expressed regret about the inability of the enforcement bodies to be assertive and issue sanctions that could be punitive enough to ensure compliance with the provisions of the Code by all political actors. In his view, this poses a major drawback to the 2008 Code rendering it ineffective in achieving its purpose (Interview with Mr. John Amekah, deputy General Secretary of DFP on 28th July 2008).

After observing the violence and other acts that constituted breaches of the Code such as carrying and use of offensive weapons at rallies, non-cooperation with the police, the use of inflammatory and inciting language, misunderstanding arising from the clash of dates and venues of political rallies, the defacing of posters and paraphernalia, etc, during the Voter Registration Exercise, the National Enforcement Body only held a Press Conference in Accra on September 12, 2008 to admit that the National Enforcement Body of the 2008 Code did not have the legal authority to punish politicians who breached the Code. He therefore called on political parties and the media to educate their members and the general populace on the Code and also recommended that the National Media Commission should be more forceful and pro-active in calling errant media houses who would allow them selves to be used as staging posts for political battles to order. To be able to have an effective Enforcement Body, the necessary legal backing must be given to it so it can issue punitive sanctions to those who violate the Code. Without the ability to sanction those who breach the Code, the Enforcement Bodies at all levels would not be able to carry out their mandate satisfactorily.

Another factor that militate against the effectiveness of the 2008 Code and the enforcement bodies established under it has to do with poor, irregular and discrepancy in sitting allowances of members. In the first place, by the provisions of the Code, members are not paid salaries. Instead, they receive monthly sitting allowances paid to them by The IEA. The following is the breakdown of allowances paid to members:

Category A: Fifty Ghana Cedis per month. Members in this category include officials of the Electoral Commission, National Commission for Civic Education, National Peace Council and other Civil Society Organizations.

Category B: Forty Ghana Cedis per month. Members here are the representatives of the four main political parties with representation in parliament, namely the NPP, NDC, PNC and CPP.

Category C: Thirty Ghana Cedis. Members in this category include some of the political parties without representation in parliament. These political parties such as the GNP, DPP, EGLE Party, and ULP have their re-

presentation on the enforcement bodies limited to the national level. They are not represented at the regional levels (I am grateful to Mr. Edward Acquaye, Schedule Officer at the IEA-Ghana in-charge of the Enforcement Bodies of the 2008 Code).

In an interview with Mr. Eric Mensah Sarpong, deputy General Secretary of the GNP and also a member of the National Enforcement Body on 25th August 2008 he did not only expressed disappointment about the poor sitting allowances paid to members but also criticized The IEA for arbitrarily fixing such poor allowances and also varying such allowances to the disadvantage of the political parties with no representation in parliament. He added that it would be a waste of time to attend meetings of the body since there is no motivation to do so (Mr. Eric Mensah Sarpong, deputy General Secretary of the GNP and also a member of the National Enforcement Body on 25th August 2008 did not only expressed disappointment about the poor sitting allowances paid to members but also criticized the IEA for arbitrarily fixing such poor allowances and also varying such allowances to the disadvantage of the political parties with no representation in parliament). Indeed, Mr. Edward Acquaye, The IEA Schedule Officer in charge of the Enforcement Bodies of the 2008 Code on July 28, 2008, noted that some of the members of the regional enforcement bodies live in Accra and have to travel to areas like the Volta or the Northern regions to attend meetings (Mr. Edward Acquaye, the IEA-Ghana Schedule Officer in charge of the Enforcement Bodies of the 2008 Code on July 28, 2008, noted that some of the members of the regional enforcement bodies live in Accra and have to travel to areas like the Volta or the Northern regions to attend meetings). Given the fact that there are no special provisions for such people to travel over long distance to attend meetings, they may feel reluctant to attend meetings. For most of them, traveling would be a cost to them. The laudable idea of setting up enforcement bodies at the regional levels would be a chimera if members are not well motivated to take the whole idea seriously. The poor allowances paid to members are however not motivating enough to sustain the initiative (Bishop Andrew Okoh, member of the Western Regional Peace Council who doubles as the Chairman of the Western Regional Enforcement Body of the 2008 Code on 20th August 2008 cautioned that the laudable idea of setting up enforcement bodies at the regional levels would be a chimera if members are not well motivated to take the whole idea seriously. He also expressed disappointment about the poor allowances paid to members and wondered whether the initiative would survive). Indeed, such a laudable initiative cannot survive if members are not motivated enough to sacrifice their time to be part of meetings and deliberations of the Bodies at all levels.

Furthermore, some of the political parties are not given the chance to serve on the enforcement bodies both at

the national and regional levels. This casts some doubts about the legitimacy and a slur on the image of the enforcement bodies (I am grateful to Nana Ohene Ntow, General Secretary of the New Patriotic Party (NPP) for this view). Alienating the political parties without representation in parliament from taking part in the Ghana Political Parties' Programme (GPPP) by the IEA-Ghana has met several opposition. Some of the parties without representation in parliament like the National Reform Party (NRP), the Great Consolidated Popular Party (GCPP) have vowed to distance themselves from the activities of the GPPP. In this regard, though they were invited to be members of the enforcement body at the national level, they turned down the invitation, while others like the DPP have taken The IEA to court seeking injunction on the activities of the GPPP (According to Edward Acquaye, IEA-Ghana Schedule Officer in Charge of the Enforcement Bodies of the 2008 Code, the IEA sent several letters inviting the parties without representation in parliament to a workshop to discuss the guidelines in the 2008 Code. He added that they were also invited to submit names of persons to represent their respective parties on the Enforcement Bodies. He however regretted that the parties turned down all such invitations). For such a laudable initiative to achieve its purpose, it requires unity and consensus building among all political actors of the country. The IEA-Ghana must therefore find a way to draw a synthesis between political parties with representation in parliament who constitute the GPPP and other non-parliamentary parties in a manner that would ensure consensus and harmony between all political parties in lending their full support to programmes and activities drafted by the IEA-Ghana under the auspices of the GPPP to deepen multi party democracy in Ghana (I am grateful to Alhaji Ahmed Ramadan, National Chairman of the Peoples' National Convention (PNC) for this view).

Conclusion

The idea of drafting a Code of Conduct for political parties in the run up to the December 2008 General Elections was hailed by many Ghanaians and political analysts as a step in the right direction. Indeed, the establishment of enforcement bodies under the Code was seen as a useful initiative by the IEA-Ghana to give the Codes "teeth to bite". It is however unfortunate to note that the establishment of the enforcement bodies did not make the Code unique after all. In more practical terms, it can be argued that the 2008 Political Parties' Code of Conduct is not so much different from the ones drafted in 2000 and 2004. The 2004 Code for example had no enforcement mechanisms established under it. However these mechanisms established under the 2008 Code are also bedeviled with several challenges rendering them virtually deficient in achieving their pur-

pose.

The 2008 Code is just as ineffective as a toothless bull dog that can only bark but cannot bite. Indeed, since its establishment in July 2008, the National Enforcement Body has been heard in the media for not more than five times. In all these occasions, the Body merely called on political actors to respect the provisions of the Code and nothing else. No serious investigations of alleged breaches of the Code have been conducted and findings as well as sanctions applied on offenders made public. The whole process of drafting the Code can therefore be described as one of the numerous Ghanaian efforts at looking for solutions to problems through workshops, retreats and symposia whose outcomes and resolutions are never implemented but left on shelves to gather dust.

Appendix 1

Guidelines for the national enforcement body of the 2008 political parties' code of conduct

Composition

The Enforcement Body of the Political Parties' Code of Conduct at the National level shall have representation from Political Parties, National Commission for Civic Education, Electoral Commission, National Peace Council, The Institute of Economic Affairs and other reputable Civil Society Organizations.

Meetings and mandate

Members of the Committee shall meet at least once every month to deliberate on issues concerning breaches of the Code.

The venue for meeting of the National Enforcement Body shall be The Conference Room of The IEA

The IEA shall serve as the facilitator of the Enforcement Body at the National level.

The National Enforcement Body shall formulate such rules as are necessary to facilitate the taking and presentation of evidence.

With assistance from The IEA Secretariat, the National Enforcement Body shall compile and review monthly reports from the regions and issue reports and press statements to that effect.

All complaints and reports shall be investigated by the National Enforcement Body.

The National Enforcement Body shall give a fair hearing to all Political Parties concerned and issue sanctions in the form of reprimands. The Body shall demand undertakings from the offending Parties not to repeat the offence committed.

The National Enforcement Body may in appropriate circumstances publish the findings of its investigations.

Sitting allowance for members

A member of the National Enforcement Body will receive.....as sitting allowance

APPENDIX 2

Guidelines for the regional enforcement bodies of the 2008 political parties' code of conduct

Composition

- 1. The Enforcement Body of the Political Parties' Code of Conduct at the Regional level shall have representation from Political Parties, National Commission on Civic Education, Electoral Commission, National Peace Council, The Institute of Economic Affairs and other reputable Civil Society Organizations.
- 2. Members of the Committee shall elect their own chairperson.

Meetings and mandate

- 3. Members of the Committee shall meet at least once every month to deliberate on issues concerning breaches of the Code.
- 4. Members of the Committee at the Regional level shall determine the venue or Secretariat where meetings would be held.
- 5. The mandate of the Enforcement Bodies at the Regional levels shall be to document and report breaches of the Code to the National Enforcement Body on monthly basis. Where necessary, reports could be submitted promptly to the National Enforcement Body.
- 6. Where possible, the Regional Enforcement Body shall resolve breaches of the Code at the regional level.

Mode of reporting

- 7. In reporting to the National Enforcement Body about breaches of the Code, specific examples with evidence where necessary shall be produced. Such breaches as spelt out in the Code include abuse of incumbency, defacing of posters, biased media reportage, campaign violence, the use of provocative and abusive language, personal attacks, openly distributing money to supporters, among others.
- 8. The Regional Enforcement Bodies shall submit written reports to The IEA Secretariat on activities within their respective regions not later than 3 days after the end of the month under review. The written reports must be sign

ed by the members of the Body at the Regional level. The monthly reports will be under the following headings:

- i. Brief Narration of the Political Terrain in the Region
 - ii. Narration of Specific cases of Breaches of the Code with names, dates, where they occurred, specific examples and evidence where available.
 - iii. Recommendations
 - iv. Conclusion
- (Find attached a Draft Prototype Reporting Format)

Quorum

A quorum for meetings at the Regional level shall consist of two representatives of Political Parties and two representatives from the other institutions on the Regional Enforcement Body.

Allowances of members

9. A member of the Regional Enforcement Body shall receiveas sitting allowance per month

10. For compiling accurate reports on breaches of the Code and ensuring their timely submission to The IEA Secretariat on monthly basis, the Secretary shall receive an extra allowance of.....upon acceptance of the report

Appendix 3

Ghana political parties code of conduct 2008

Preamble

The roots of a thriving democracy are to be found in peace, stability, law and order as well as compliance by all stakeholders with well-defined electoral laws and codes. Equally vital is equality of political opportunities for all political parties facilitated by the existence of a level playing field to promote free, fair and credible elections and the acceptance of results. Recognizing that tolerance and pluralism are necessary for an effective democracy, and determined to realise the objective of a model democracy and to consolidate democratic governance in our homeland, weary of the unacceptable conduct of some of our members in the past, we, the Political Parties of Ghana, do collectively and voluntarily adopt for ourselves, and the people of Ghana, the Code embodied in these presents to guide our activities and aid the establishment of genuine democracy in our country. We hereby pledge to one another and to the people of Ghana to promote and apply the Code set out below, directing

our members, officials and candidates of their obligations under the Code. We also undertake to acknowledge the authority of the Electoral Commission in regard to the exercise of its statutory and constitutional power and to promote and facilitate the Commission's mandate.

Democratic imperatives

1. Democracy is promoted within a legal context underpinned by fairness, rule of law, freedom to express divergent opinions and equality of opportunity. Consequently, all Political Parties shall at all times uphold rules, freedoms and rights of Citizens, as enshrined in the Constitution. All Parties shall recognize at all times that sovereignty resides in the people of Ghana.
2. Political Parties shall observe all rules and regulations relating to the conduct of elections and the maintenance of public order.
3. Political Parties shall have the right to put their views to the electorate without hindrance. Consequently, all Political Parties hereby undertake to refrain from hampering the rights of other Political Parties to put their views to the electorate and not to hinder freedom of access by other Political Parties to potential voters, but to enhance and promote genuine national debate on matters of vital interest.
4. Political Parties shall publicly and without reservation condemn all forms of intimidation and political violence irrespective of the perpetrators. Accordingly, all Political Parties renounce violence and pledge not to indulge in violence and intimidation of any kind.
5. There shall be equal access to the State media, and no Political Party shall prevent the State-owned electronic and print media from giving equal access to the other Political Parties as a way of dominating the Media to the detriment of all others.
6. Political Parties shall at all times avoid defamatory, inflammatory and foul language in all forms. Provocative, derogatory and insulting attacks on other Parties and personalities by way of communication, verbal or non-verbal, shall be avoided at all times.

Campaigning

1. During campaigning, all Political Parties and election officials shall adhere to existing electoral and civil laws as well as the provisions of the Criminal Code, 1960 (Act 29).
2. Political Parties, candidates, agents and Party workers shall not obstruct, disrupt, break up or cause to be broken up, meetings or rallies organised by other Political Parties and candidates; nor should they interrupt or prevent speeches and the distribution of handbills, leaflets, and the pasting of posters by other Parties and candidates.
3. Political Parties, their members and agents must not

destroy, remove, deface or in any way tamper with paraphernalia, logos, symbols, handbills and publicity materials of other Parties.

4. Political Parties, their members and agents shall desist from the carrying of arms and offensive weapons and the display of same, and shall extend co-operation to the law enforcement agencies, particularly for the purpose of recovery of illegal arms.
5. No Political Party shall take any initiative for the release of any person arrested for carrying offensive weapons during campaigning and elections and on no account should any Party initiate extra legal measures for the release of such persons from lawful custody.
6. Political Parties, their members, agents and supporters should adhere to the Public Order Act, 1994 (Act 491). In this regard, Party officials shall co-ordinate their campaign activities in such a way that no two Political Parties shall hold public meetings or rallies in the same locality on the same day, if such meetings or rallies are likely to be so close to each other that a possibility of creating conflict arises.
7. Where dates, venues and timing for any of the above activities clash, representatives of the Parties involved shall in collaboration with the Police meet in a cordial manner to resolve issues without resorting to violence.
8. Political Parties shall ensure that they keep State business separate from Party business. No Political Party shall use government vehicles and other State property for electioneering campaigns or other Party business. However, the use of one motor vehicle assigned to a public officer for his or her personal use shall, if used for electioneering campaign or other party business, not be regarded as misuse of a public resource.
9. Political Parties, candidates, Party members, agents and Party workers shall avoid all activities constituting electoral offences such as offering gifts and gratification or inducing other persons to stand or not to stand as candidates, to withdraw or not to withdraw their candidature as well as the bribing of voters and officials and Party agents and canvassing within the precincts of polling stations on polling day and refrain from holding public meetings within 48 hours of the polls.
10. No Political Party, members and agents or candidates shall resort to the use of abusive or inflammatory language or incitement; and specifically, all Political Parties and members shall refrain from incitement to hatred on the basis of gender, ethnicity, religion, creed, sect or any other criteria.
11. Political Parties undertake to be non-offensive and in this regard, to erect non-offensive banners, placards, advertisement and notices and to promote campaigns by lawful means only. Political Parties shall also refrain from publishing offensive literature and campaign material and may express divergent opinions in a peaceful and persuasive manner.
12. Political Parties shall in the course of campaigning avoid plagiarizing the symbols, slogans and parapher-

nalities of other Parties for legal or illegal activities and refrain from impeding the rights of access of other Political Parties for purposes of voter education, fund-raising, canvassing, campaigning, soliciting of support and dissemination of campaign messages by peaceful means.

13. In the spirit of the present Code, the Political Parties shall enjoin all political appointees to work during campaigns in a spirit that fosters equity and fairness.

14. In particular, the Political Parties shall, consonant with the spirit of this Code, see to it that public officials and political appointees ensure that no Political Party monopolizes access to public facilities during the campaign.

15. Restrictions on public facilities, where they exist, shall apply to all Political Parties equally and there shall be no monopoly on the use of public resources by any Political Party.

16. Political Parties shall ensure that official events within, are not turned into campaign rallies, particularly to introduce candidates and solicit for votes and that Party paraphernalia, logos, publicity material and insignias are kept out of State functions.

17. The Political Parties agree that subject to District Assembly bye-laws, allocations for billboards and other spaces for political publicity shall be done on an equal basis.

Out-of-campaign activities

1. Political Parties shall continue scrupulously to observe all laws and rules so long as they continue to apply outside election and campaign periods.

2. Political Parties shall desist from the use of inflammatory and abusive language, heightening of ethnic and other tensions, personal attacks and acts of violence, either directly by themselves, through leaders, assigns, members, representatives, agents and privies or by proxy.

3. The imperatives for a level playing field and equality of opportunities for all Political Parties shall continue to prevail at all times outside elections and campaigns.

4. Political Parties shall ensure that their agents and officials are sufficiently trained for registration and other exercises.

5. During registration exercises, Party agents may initiate protests and complaints only within such formats and channels as prescribed by the Electoral Commission.

6. Political Parties shall ensure fairness in their activities, moderating such activities in a manner that minimizes tension and avoids misrepresentation.

Elections

1. Political Parties shall work to safeguard the integrity of the electoral process and shall ensure absolute transpa-

rency and honesty before, during, and after polling day transactions.

2. Political Parties, candidates, members and agents participating in polls shall, on polling day, extend full cooperation to election officials in the performance of their legal duties in order to ensure peaceful and orderly polling.

3. Political Parties shall actively discourage members from engaging in multiple voting and other forms of election malpractices such as voting in the name of deceased and absent voters as well as minors and other unqualified persons.

4. No members, officials or agents of Political Parties shall engage in confrontation or open argument with election officials at the polling stations. To this end, any complaint, protest or challenge relating to processes and procedures at a polling station shall either be routed through the Party agent(s) to the Presiding Officer or the Security Officer for resolution. Thereafter an aggrieved Party or person is at liberty to seek redress in the law courts of the State.

5. Political Parties shall on polling day observe rules and regulations restricting the number of individuals with access to the polling station.

6. Political Parties shall recognize and acknowledge the rights of accredited observers and monitors and other accredited persons for the purpose of entering a polling station or area and observing the conduct of elections.

7. Political Parties recognize that the use of organized and unorganized thugs terrorizes voters and creates tension and an atmosphere of intimidation on polling day. Consequently, all Political Parties shall refrain from the recruitment and deployment of such organized and unorganized individuals on polling day and at all times.

8. Political Parties undertake to work together with the Electoral Commission to create on polling day an atmosphere that is conducive to free and fair voting and to refrain from coercion, threats, fear, intimidation and reprisals.

9. Political Parties shall refrain from fraudulently procuring results and votes by invasion and forcible occupation of polling centres, carrying away or obstruction of ballot boxes and any other unlawful means.

10. Political Parties and candidates undertake to instruct their agents in attendance at polling stations to perform their duties in accordance with the electoral laws and regulations and to co-operate with election officials for the efficient, transparent and uninterrupted administration of elections.

Enforcement

1. Political Parties shall in collaboration with the Electoral Commission, National Commission for Civic Education and the Institute of Economic Affairs (IEA) form a body analogous to the Inter Party Advisory Committee (IPAC) at the National, Regional and Constituency levels for the

purpose of investigating complaints raised under the present Code.

2. Where there is a breach of any of the provisions of this Code the Party adversely affected shall, as a first option, report the breach to the offending Party and shall seek to amicably resolve the dispute as between the Political Parties.

3. Where a dispute arising out of a breach of the provisions of this Code is not amicably resolved, it may be reported to the body established under this Code.

4. The body established under this Code shall formulate and cause to be published procedures and a time-frame for the resolution of complaints

5. Subject to the approval of the Political Parties, the body shall also formulate such rules as are necessary to facilitate the taking and presentation of evidence.

6. All complaints are to be investigated promptly.

7. The body shall give a fair hearing to all Political Parties concerned and may issue sanctions in the form of reprimands and may also take undertakings from the offending Parties.

8. The body established under this Code may publish 'declarations' of findings.

9. The above remedies are without prejudice to the rights of victims to institute criminal or civil action.

10. An Inter-Party Monitoring Committee (IPMC) shall be established to facilitate the enforcement of this Code.

11. For the avoidance of doubt the enforcement mechanism established under this Code shall apply to Political Parties and shall not apply to the State media and District Assembly officials.

Implementation

Every Political Party shall ensure that this Code is made fully known to its members and that it is fully observed. In addition, the Political Parties undertake to publicize the Code to the general public by all means available to them.

Interpretation

In this Code: 'Body' refers to the body established under this Code made up of representatives of the Electoral Commission, Political Parties, the National Commission for Civic Education (NCCE) and the Institute of Economic Affairs, including the analogous bodies at the regional and constituency levels.

'Criminal Code' means the Criminal Code, 1960 (Act 29) as amended.

'Electoral Commission' means the Electoral Commission of Ghana.

'IEA' means the Institute of Economic Affairs.

'IPAC' means the Inter Party Advisory Committee.

'Political appointee' includes Regional Ministers and Metropolitan, Municipal and District Chief Executives authorities.

'Political Party' means a registered Political Party operating under the Political Parties Act, Act 574, 2000 or any other statute for the time being in force.

'The Code' means the Political Parties Code of 2008.

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