

STOP PARTISAN ATTACKS ON THE INTEGRITY OF EC STEERING COMMITTEE MEMBERS - BY MARTIN A. B. K. AMIDU

I am shocked and personally disappointed at the fact that the Let My Vote Count Alliance which I perceived to be a non-partisan civil society organization stooped so low in making unsubstantiated charges of political bias against named constitutionally protected public officers simply because they had been nominated to represent their respective public institutions on the now well-known Electoral Commission's Steering Committee for Election 2016. The Let My Vote Count Alliance was later joined by the Alliance for Accountable Governance (AFAG) and later still by Mustapha Hamid, described as "Spokesperson of the flagbearer of New Patriotic Party (NPP)" and later still by Samuel Abu Jinapor whose full blooded brother is a Deputy Minister of the Republic of Ghana and confidant of the President of Ghana. My shock and disappointment is compounded by the fact that there are more objective credible and cogent reasons for kicking against the imposition on the people of Ghana by the Electoral Commission of a Steering Committee that includes representatives from independent constitutional and statutory bodies whose independent functions might be compromised by such inclusion.

I am not aware that the Constitution prohibits any citizen of Ghana from holding any public office merely because he had previously exercised his constitutional right to freedom of association and associated with a political party whose existence the very Constitution guarantees. The base qualification for the most important public offices including the presidency is that a citizen of Ghana should first and foremost be qualified to be a member of parliament. One's inability to exercise his civic responsibility including voting at elections and referenda is in my view a disqualification for holding the most important public offices under the Constitution of Ghana. Joining a political party of one's choice and exercising the civic responsibility of assisting it to contest for political power is not only a guaranteed political right to every citizen but the very foundation of multiparty democracy guaranteed by the Constitution.

The only safeguards I know is that the Constitution prohibits named public office holders from participating in politics or political party activities while holding those offices. One may be removed from such public office for breach of these constitutional prohibitions of not engaging in political party activities or allowing overt political party considerations to influence the discharge of one's duties under the Constitution. Unfortunately, the Let My Vote Count Alliance, the Alliance for Accountable Governance and the young NPP office holders have not adduced any credible evidence to show that while holding their present public offices the named public officers have breached their oath of office or exhibited any unlawful or unconstitutional conduct as a basis of disqualifying them from being nominated to the Electoral Commission's Steering Committee, assuming that the composition of that Committee is constitutionally justifiable. They could not even provide such proof of present political bias in the case of the representative of the National Service Scheme who was later withdrawn.

The conduct of using subjective criteria to tag public office holders for purposes of destroying their reputation and hounding them out of public office reminds me of the case of *Sallah v Attorney General* arising from the removal of hundreds of public officers from the public service on purely subjective political party considerations leading to the then Supreme Court declaring their dismissals as unconstitutional. Public officers were similarly removed and others transferred across departments after the change of Government in 2001. I bear witness to the fact that Professor Mills consciously tried to prevent any such vindictive conduct upon his assumption of office after the 2008 elections. The signal that is being sent out - that some public officers may suffer in the future for unproven allegations of the past exercise of their civic responsibilities under the Constitution - does not do any of the Presidential candidates any good so far as canvassing the votes of floating voters are concerned. The earlier it is stopped the better.

There are several examples globally including a number of them in Ghana to demonstrate that the mere appointment of persons to hold independent public office is no guarantee that they will do the bidding of the appointing authority. The most notorious and frequently cited examples are two appointments to the Supreme Court of the United States of America by President Eisenhower. Republican President Dwight D. Eisenhower is famously quoted to have said that his two biggest mistakes in his presidency were the appointment of Justice William Brennan and Chief Justice Earl Warren the leading forces behind the aggressive liberal court of the 1960s. We ought to learn that good and strong institutions with institutional cultures dictate what persons appointed to those offices do and not where they are coming from and stop subjectively attacking personalities unless we have credible supporting evidence.

In my opinion there were and are very objective reasons why each of the institutions to which objection was raised should not be on a Steering Committee of the Electoral Commission. The Commission for Human Rights and Administrative Justice, the National Media Commission, the National Commission for Civic Education and the National Peace Council as independent constitutional and statutory bodies will be compromised should their members or Executive Secretaries serve on the Committee of another independent constitutional body specifically charged with the conduct of the elections. Would the framers of the Constitution not have added the mandate of “collaboration with the Electoral Commission in the conduct of elections” to their respective functions if it was intended that they should partner the Commission in supervising elections in Ghana? I believe this is why others have pointed out that the Electoral Commission has no constitutional mandate to set up such a Steering Committee to share its electoral functions with it.

The Electoral Commission has held several elections without inviting representatives of other independent constitutional and statutory bodies to partake in the constitutional functions entrusted to it. The Inter-Party Advisory Committee (IPAC) has maturely and unanimously questioned the basis of the formation of the Steering Committee and disagreed with its formation. It is my hope that the independent constitutional and statutory bodies will do the proper thing in withdrawing their representation from the Steering Committee on constitutional

objective grounds and not on the grounds of the subjective, dangerous, speculative and unproven allegations being peddled around.

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