

# **PRESIDENTIAL TRANSITION BILL, 2008**

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# Preface

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## Draft Presidential Transition Bill

**I**n May 2007, The IEA Ghana Political Parties Programme, an inter-party consultative group comprising the four political parties with representation in Parliament (New Patriotic Party, National Democratic Congress, Peoples National Convention, and Convention Peoples Party) embarked on a series of events to ensure that the nation is de-polarized.

Consequently, The IEA recruited a resource person, Mr. Kwamena Ahwoi, Senior Lecturer at the Ghana Institute for Management and Public Administration (GIMPA) to prepare an issues paper on the "Polarization of Ghana's Politics". The paper was to indicate whether indeed the country is polarized or getting polarized in the negative sense. It was also to identify the factors responsible for the polarization if such was found to be the case and suggest what the Platform could do to help the situation.

The paper indicated that the country was indeed polarized in the negative sense and that the polarization resolves itself into a number of categories including:

- Polarization at the national level;
- Inter-party polarization; and
- Intra-party polarization;

The paper identified the "Problems of the 2001 Transition" as one of the main causes of the inter-party polarization, especially between the ruling New Patriotic Party and the opposition National Democratic Congress. The findings and recommendations include the following:

"The political transition from the National Democratic Congress Government to the New Patriotic Party Government represented a political and constitutional first in the country. It was the first time in the history of post-independence Ghana that political power had been constitutionally transferred from one Political Party to a different Political Party. For that reason, there was no precedent to guide the two parties that were involved in the transition and therefore many mistakes were made. Those mistakes have left in their wake acrimony, tension and ill-feeling. The one mechanism that could have helped ease the tension and defuse the situation, the Joint Transitional Team, did not work or was not made to work".

"The lesson from that transition of 2001 is that we must prepare for future transitions of that nature by agreeing on a multi-partisan framework and ground rules and regulations to govern and guide the transitions of the future. Underlying that framework must be an appreciation of the difference between "y'atu aban" (we have overthrown the Government) and "y'asesa aban" (we have changed the Government). Because the only precedent available in 2001 was one of "y'atu aban", that transition was guided more by features dealing with an overthrown Government than with a changed Government. For the future, and in order to avoid a repetition of the events and activities that have contributed to the polarization of today, the following are some of the considerations that must inform the transition framework:

- A multi-party sponsored legislation regarding which political and public office holders lose their jobs on the assumption of office of a new President;

- Guidelines for the treatment of appointees of the former Government in terms of their accommodation (period of stay before eviction); vehicles (whether or not they can purchase their vehicles and if so, which ones, at what prices and the procedure for purchasing them); diplomatic passports (how long they can continue to hold them and what happens to valid visas contained in them upon their surrender); the use of the Airport VVIP Lounge (whether they can continue to use the facility, for how long and under what conditions); as well as other facilities and privileges;
- The conduct of investigations into the activities of the previous Government and its appointees especially where these border on policy positions of the previous Government;
- End-of-service benefits of departing office holders;
- An undertaking by all Presidential candidates to take the Presidency on an "as is---what is---where is" basis, necessitating the need for a "Presidential Estates Unit" separate from the present PWD Prestige Unit to be responsible for all the assets of the Presidency, including official and residential accommodation, country homes, Presidential aircraft, Presidential vehicles and including also maintenance, renewals and repairs of those assets;
- Guaranteed identified privileges and facilities of former Presidents that may not be varied by incumbent Governments in accordance with Article 68 (9) of the Constitution which states as follows: "The pension payable to the President and the facilities available to him shall not be varied to his disadvantage during his lifetime";