

Political Context Study– Ghana

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1.0 Introduction

Ghana's post-independence history has been characterized by long periods of military rule, marked by gross human rights abuses.¹ With the exception of the First Republic under Nkrumah (1960-1966), the interludes of civilian governments under the Second (1969-72) and Third (1979-81) Republics have been short-lived, unable to survive for up to three years without being overthrown in a coup d'état.² In the late 1980s, after nearly one decade of quasi-military rule under the Provisional National Defence Council (PNDC), strong internal and external pressures on the government led to the promulgation of a liberal constitution in 1992 and the inauguration of a multiparty party democracy in 1993, ushering in Ghana into its Fourth Republic.

Since 1992, Ghana has held four successful multiparty elections, with the fifth set of Presidential and Parliamentary elections scheduled for December 7, 2008. The peaceful transfer of power from the government of the National Democratic Congress (NDC) to the New Patriotic Party (NPP) following national elections in December 2000 clearly demonstrates how far Ghana has travelled along the path towards democratic consolidation over the past decade. Beyond successful elections, Ghana has made appreciable progress in institutionalising multiparty democratic governance within the framework of the 1992 Constitution. To date, there is considerable evidence of political liberalization which allows Ghanaians to enjoy a much wider range of rights and liberties, as well as the emergence of a vibrant civil society and a free and independent media that increasingly hold government accountable on behalf of citizens. Indeed, with these significant developments, Ghana's democratization has been touted as one of the political success stories in Africa (Gyimah-Boadi 2008; Whitfield and Jones 2008:1; Ninsin 1998).

The above gains notwithstanding, few will disagree that "the democratic development of Ghana is still very much work in progress" (Mensah 2007:6), as a number of democratic deficits still persist at all levels of governance – national, regional and local. This paper sets out to examine trends in Ghana's democratization processes, with particular emphasis on: a) identifying power structures in Ghanaian politics, both national and international; and b) analysing the power dynamics and structural inequalities among various state and non-state institutions with the view to understanding how such power relations impact on democratic consolidation in general and the enjoyment of fundamental human rights in particular.

The rest of the paper is organized as follows. Section two provides a historical framework, outlining some of the structural factors and actors behind Ghana's democratic transition in the early 1990s. Section three highlights the constitutional and legal reforms that took place following the democratic transition, with particular emphasis on human rights protection. Section four identifies and examines a number of structures and institutions of political power in Ghana, and highlights shortcomings for claiming rights. Section 5 attempts to locate the power base of economic policy making in Ghana, while section 6 draws a conclusion by highlighting the state of Ghana's democracy and the overall structures of political and economic power in the country.

¹ For a detailed analysis of past military regimes in Ghana and their human rights records, see Gyimah-Boadi, 2004a

² See Appendix A for various Ghanaian governments from independence in 1957 to the current Fourth Republic

2.0 Ghana's Democratic Transition

Upon assuming office in 1982, the Rawlings-led PNDC demonstrated its unwillingness to return the country to multiparty democracy, as epitomized in the regime's long ban on political parties. But by the early 1990s, the regime was under substantial pressure from a variety of pro-democracy groups to open up political space and allow democratic participation, as well as protection of human rights (Ninsin 1998). Ghana's transition processes at this time were characterized by two related struggles: the struggle for economic recovery from decades of economic decline and for better living standards for the average Ghanaian; and the struggle for "true democracy".³

The PNDC assumed power against the background of devastating and unenviable economic and social indicators. Gyimah-Boadi (2008:1) writes that:

"[B]y the late 1970s and early 1980s Ghana had become a veritable symbol of the "failing" and/or collapsing African state, improvident government and decaying society. Its economy was stagnant, the fiscal situation could be best described as bankrupt; it faced acute shortage of foreign exchange, broken down public infrastructure... shops literally empty of essential consumer items and spare parts, trained manpower was in an accelerated flight out of the country, especially in the crucial areas of education and health..."

Similarly, the deterioration in food supply was so severe that "the average Ghanaian family consumed at least 30% less food in 1982 than the same family did in 1970" (Donkor 1997:95, quoted in Armstrong 2008:14). Indeed, the PNDC's adoption of the World Bank/IMF's Economic Recovery Programme in 1983, and subsequently the Programme of Action to Mitigate the Social Costs of Adjustment (PAMSCAD) in 1987, not only demonstrate the growing socio-economic hardships of the time, it also underlines the failure of the Ghanaian political elite to secure the most basic socio-economic rights for the citizenry. This in turn undermined the legitimacy of those in power, and by extension, culminated in mass mobilization for political reform that would potentially lead to better living standards for the citizenry.

The growing popular dissatisfaction with the economic performance of past military governments was joined with demands for greater political freedom. Ninsin (1998) describes the 'transition to democracy' as a struggle between 'pro-democracy civil society' and 'alternative civil society'⁴, where the pro-democracy group struggled for the liberalization of power and the alternative forces mobilized for the consolidation of the existing power structure. The PNDC attempted to justify its aversion to multiparty democracy on grounds that party politics was not only alien to the ethos of Ghanaian society, but also had the tendency of reinforcing ethnic cleavages that could undermine national unity (Aidoo 2006:7). In 1990, however, a number of pro-democracy organizations mounted enormous pressure on the government to take immediate steps to return the country to civilian rule. A new phase of the political struggle opened in August 1990 when various social and political groupings formed the Movement for Freedom and Justice (MFJ) with the overarching objectives of:

- i. Working for the restoration of multi-party democracy and civilian rule in Ghana;

³ See "Ghana: The Transition from Military Rule to Democratic Government", Available online at: http://www.photius.com/countries/ghana/government/ghana_government_the_transition_from_~123.html [Accessed: 15/10/08]

⁴ While 'pro-democracy civil society' comprised the GBA, NUGS, TUC and those other movements that formed and/or supported the MFJ, the 'alternative civil society' comprised a number of politically and economically weak movements that the PNDC mobilized to build a support base for the revolution. These movements or organizations included the 31st December Women's Movement, the Ghana Private Road Transport Unions, the District Assemblies, the June 4th Movement, the Committees for the Defence of the Revolution etc. (See Whitfield 2002:36).

- ii. Fighting for the recognition and realization of the fundamental human and democratic rights of the people of Ghana to decide how they shall be governed; and
- iii. Upholding and defending the democratic and human rights of the people, including the freedom of expression, especially of the press, freedom of association, freedom of worship, universal adult suffrage and the rule of law (Aidoo 2006:4).

The MFJ provided a common platform for pro-democracy organizations such as the Ghana Bar Association (GBA), the National Union of Ghana Students (NUGS), the Catholic Bishops' Conference, the Christian Council of Ghana, and the Trade Union Congress (TUC), who together demanded immediate democratic reforms from the PNDC government. In July 1990, Rawlings initiated national 'consultations' on the future of Ghana's political system, though attempts were made to limit the consultative processes to Rawlings' supporters who advocated his version of no-party democracy (Sandbrook and Oelbaum 1999). In January 1991, although the PNDC had not openly declared its intentions to return the country to multiparty democracy, Rawlings, in a nation-wide broadcast, announced his intention to: **a)** set up a 258-member Committee of constitutional experts to prepare a draft constitution for Ghana which was to be submitted to a national referendum for approval; and **b)** establish a Law Reform Commission to review all existing laws with the view to "harmonizing these laws with the dictates of fundamental human rights which will be embodied in the future constitution" (Aidoo 2006:12). In March 1991, the findings of the national consultative processes revealed massive support for multipartyism among a broad spectrum of the Ghanaian society (Sandbrook and Oelbaum 1999), and in May the same year, the PNDC acceded to the democratic demands of the population by officially announcing its intention to return the country to multiparty democratic governance (Aidoo 2006:8).

It must be noted that the PNDC's acceptance of multiparty democracy was partly influenced by external pressures, albeit to a lesser degree.⁵ First, with the demise of the Cold War and the emergence of the 'good governance' agenda in the early 1990s, issues of democratization became increasingly linked with development assistance in poor countries, thereby breaking the legacy of indifference to the prospects of democracy in Africa (Ake 2000, cited in Aidoo 2006). Second, the World Bank's emphasis on broader citizens' participation in political life in its 1992 Country Assistance Strategy for Ghana served as a catalyst to the democratic forces struggling in the country (Aidoo 2006:16). Influenced by the combination of these internal and external pressures, Rawlings announced a timetable for a transition to multiparty democracy in March 1992, which included organizing presidential and parliamentary elections in November and December 1992 respectively. In April 1992, the draft constitution which had been prepared by the constitutional experts was overwhelmingly approved by a 92% majority through a national referendum, and the ban on party politics was lifted in May the same year in preparation for multi-party elections (Bureau of African Affairs 2008). Between the lifting of the ban on party activity and the national elections, the struggle for power became the primary preoccupation of leading politicians and organized social forces (Whitfield 2002). Rawlings converted his PNDC into the NDC and won the presidential election in November 1992, but accusations of electoral fraud led opposition parties to boycott the December parliamentary elections, leaving Rawlings' NDC a monopoly in Parliament. The next general elections were held in December 1996, in which the NDC again won and remained in power until its electoral defeat by Kuffuor and his NPP in the December 2000 elections. The December 2000 elections therefore marked the first democratic change of power in Ghana's political history.

⁵ Gyimah-Boadi (1997) emphasizes that "[i]t was often the resourcefulness, dedication, and tenacity of...civil society that initiated and sustained the process of democratic opening and political liberalization"

3.0 Constitutional and Legal Reforms

In light of the gross human rights violations that characterized past military regimes in Ghana's political history, one key feature of the 1992 Constitution of the Fourth Republic has been a strong emphasis on human rights protection. Chapter Five of the Constitution is entitled 'Fundamental Human Rights and Freedoms' and is dedicated to the protection and promotion of a wide-range of rights including civil and political rights as well as economic, social and cultural rights (See Appendix 3). In recognition of the discrimination against vulnerable groups, the Constitution mandates the state to enact appropriate laws to ensure "protection and promotion of all other basic human rights and freedoms, including the rights of the disabled, the aged, children and other vulnerable groups in development process".⁶ The rights of women are also protected to some extent, with Article 27 of the Constitution, entitled 'Women's Rights', providing for maternity leave, pre and post-natal care for mothers, and equal rights of training and promotion for women. Beyond these constitutional provisions, government has undertaken a number of reforms aimed at giving formal legal protection to the rights of certain socially disadvantaged groups and individuals including women, children and the disabled. Among these reforms are the passage of a Human Trafficking Act of 2005 (Act 694) to combat the growing trafficking of children for forced labour; Disability Act of 2006 (Act 715) to protect and promote the rights of persons living with disability; and more recently, a Domestic Violence Act of 2007 (Act 732) to protect women and girls from all forms of violence at all places. In 1998, the then NDC government also established Women and Juvenile Units (WAJU) in the Ghana Police Service to give special attention to addressing discriminatory acts against women and children.⁷

Ghana's commitment to human rights protection is also reflected in the country's ratification of important human rights treaties at both international and regional levels. At the international level, Ghana is a party to the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights, and the Convention on the Elimination of all forms of Discrimination Against Women (CEDAW), amongst others. In January 1990, Ghana became the first country in the world to sign the Convention on the Rights of the Child (OSIWA and IDEG 2007b:18). At the regional level, Ghana has also acceded to the African Charter on Human and Peoples' Rights, including its protocol establishing a human rights court and the African Charter on the Rights of the Child (OSIWA and IDEG 2007b:19).

Finally, Ghana's commitment to human rights promotion was demonstrated by the establishment of a National Reconciliation Commission (NRC) in 2002 to investigate and address past human rights abuses during the country's periods of unconstitutional government between 1957 and 1993. In its final report submitted to the government in October 2004, the NRC recommended a comprehensive reparations package that covers a range of acts including a formal presidential apology to victims of human rights abuses by state agents, scholarship and health benefits for survivors and their families; restitution of confiscated property; monetary compensation; and the need for institutional reforms such as training on human rights for the military, police, judges and prison officials, given that these were the institutions most responsible for past human rights violations (Amnesty International 2008:2; Valji 2006).

In 2005, the government issued a White Paper accepting some of the recommendations of the Commission, and promising to establish a reparation fund to compensate human rights victims. The NRCs' recommendations on reparations required approximately US\$1.5 million, and the government began paying reparations to some 2,000 Ghanaians in October 2007 (Amnesty International 2008). The government also issued an apology to all those who had

⁶ See Article 37(2)(b) of the Constitution

⁷ In 2005, WAJU was renamed the Domestic Violence and Victims Support Unit

been wronged by past governments. Beyond the monetary compensation and formal presidential apology, however, implementation of other recommendations has been weak. In particular, although the government White Paper accepted the recommendation of reforming the security agencies, responsibility for implementation was shifted from government to the institutions concerned, with no mention of a plan on the part of government for implementation or monitoring (Valji 2006:41).

3.1 Structural Inequalities and Legal Measures

Ghanaian society reflects deep structural inequalities, particularly with regards to the North-South dichotomy and to gender.⁸ Such inequalities are examined in turn, inclusive of legalistic measures that have been taken to address them.

Ghana is confronted with a serious socio-economic and political developmental divide between its Northern and Southern regions.⁹ In terms of political representation, the 'Southerners' have persistently controlled most of the ministerial positions in Ghana and have actually, under various post-independent regimes, been somewhat overrepresented in proportion to their relative demographic size (Langer 2007; Langer et al 2007:16). In recognition of these fundamental inequalities, the Constitution enjoins the state to promote "reasonable regional and gender balance in recruitment and appointment to public office".¹⁰ Since the December 2000 elections, in particular, political parties have increasingly strived to select their Vice Presidents from the North partly to address the North-South disparities with regards to political participation and partly to win votes from the Northern parts of the country.¹¹ Evidence of recent efforts aimed at addressing the North-South divide is reflected in the fact that not only did all the three major parties that contested the December 2008 elections choose their vice presidential candidates from the North, but also each of these parties proposed specific policy measures in their manifestos aimed at bridging the developmental gap between the North and the South.¹²

In relation to gender inequalities, government has made some efforts apparently aimed at promoting women's political participation in decision making processes. In particular, the creation of a gender ministry in 2001, the Ministry of Women and Children Affairs, headed by a female Minister, along with the establishment of gender focal points in all ministries, demonstrates a degree of commitment to addressing gender imbalances in society (OSIWA and IDEG 2007a:33). Prior to this, cabinet had passed an Affirmative Action Policy in 1998, which established a 40% quota for women's representation on all government boards, commissions, committees and other official bodies, including the cabinet and Council of State - the highest advisory body to the President.¹³ Although largely an informal 'policy',

⁸ There are ten regions in Ghana, with the Northern, Upper East and Upper West Regions comprising Northern Ghana, while the remaining seven regions comprise the Southern part of the country.

⁹ This developmental North-South divide arises from a combination of circumstances and policies: 1) the geographical concentration of most agricultural activities/resources, particularly tree crops such as cocoa, as well as natural resources, notably minerals and forest resources, in the Southern regions; 2) the British colonial policy of investing more heavily in those regions where exploitable resources, such as gold, diamonds, timber, and cocoa, were available or readily produced and cheapest to export; and 3) post-colonial development strategies and investment patterns (Langer et al 2007:15).

¹⁰ Article 35 (6b)

¹¹ Since the inception of NPP administration in January 2001, the position of Vice President has been occupied by a Northerner, Alhaji Aliu Mahama.

¹² For details, see pages 20 and 21 of the NPP and CPP [Convention Peoples Party] election 2008 manifestos respectively; and pages 13, 15, 46 and 76 of the NDCs' manifesto.

¹³ Comprised of 25 members, the council of state is only an advisory body, and the President is not obliged to heed to its advice. In accordance with Article 89 of the Constitution, the President appoints majority members of the Council in consultation with Parliament. Membership of the Council includes the sitting President of the National House of Chiefs, one person who has previously served either in the capacity of a Chief Justice, Chief of Defence Staff of the Ghana Armed Forces or Inspector General of Police; one representative from each region

specific laws have been promulgated to enhance the effective implementation of the Affirmative action policy by making it mandatory for a certain number or percentage of members of certain government agencies to be women.¹⁴ Despite these efforts, implementation of the Affirmative Action Policy remains poor (CEDAW 2006:3), and women continue to be under-represented in political and public life: while they comprise over 51% of the population, women account for only 16% of Cabinet positions, 15% Chief Directors in the Civil Service, 8% ambassadorial positions, and 12% of the Council of State (Pobee-Hayford and Awori 2008).

4.0 Structures and Institutions of Political Power in Ghana

This section outlines some of the major structures and institutions of power that underpin Ghana's nascent democratic processes. While the institutions identified here do not constitute an exhaustive list of power structures in Ghana, they nevertheless remain major policy-levers in the country. These include the executive, legislature, judiciary, political parties, civil society, as well as local and regional government authorities.

4.1 Executive

The Constitution vests executive power in the President who is both Head of State and Head of Government as well as Commander-in-Chief of the Armed Forces. The President is directly elected together with a vice-president for a four-year term and eligible for a second four-year term only (Article 57-60; 66). The President appoints a cabinet of between 10 and 19 ministers to assist in the "determination of general policy of the government" (OSIWA and IDEG 2007a:23). Many scholars, among them Ninsin (2008), have argued that the executive arm of government, particularly the President, wields excessive powers and control over other state institutions, with detrimental consequences on democratic consolidation in general and the enjoyment of fundamental human rights in particular. Gyimah-Boadi also recently corroborated this argument by calling for the need to "establish conventions around the [1992] Constitution to place some restrictions on the exercise of ...[executive] powers" (quoted in Ghana News Agency, Monday July 28, 2008).

Executive dominance is particularly manifest in the vast appointment powers entrusted in the hands of the President by the Constitution. It is important to note that the 1992 Constitution was formulated with Ghana's commitment to continued democratization processes in mind. Accordingly, the Constitution established several independent institutions aimed at broadening democracy and safeguarding human rights. These bodies included the Commission on Human Rights and Administrative Justice (CHRAJ), established to fight corruption and protect citizens' rights; the National Media Commission to promote freedom and independence of the media and responsible journalism; the National Commission for Civic Education (NCCE) to educate citizens about their civic rights and responsibilities; and the Electoral Commission to organize free and fair elections on periodic basis. Ironically, while these bodies were established to serve as checks against the potential abuse of powers by various state institutions, executive hegemony over these commissions has significantly undermined their independence of action. Not only do these commissions depend upon the executive to meet their budgetary needs, but also the heads of these institutions are all appointed by the President, thereby creating what Gyimah-Boadi and Asamoah (2001:6) call a 'gratitude effect'.

of Ghana elected by an electoral college; and eleven other members appointed by the President (see Article 89(2) of the 1992 Constitution

¹⁴ These laws include the Fisheries Commission Act 1993, the National Council for Tertiary Education Act 1993, the Mineral Commission Act 1993, the National Population Council Act, 1994; and the Ghana Education Service Act, 1994 (M'boge and Doe 2004:76).

The relationship between the executive and national human rights and anti-corruption institutions such as the CHRAJ and the Serious Fraud Office is particularly relevant for our purpose, given its implications for democratic consolidation and the enjoyment of social and economic rights in Ghana. The linkage between corruption and human rights is strong: while human rights grant entitlements to individuals to live with dignity, endemic corruption unjustly denies citizens access to basic social services to which they have a right, as resources meant to provide these services are diverted for private gain. But what effect does executive power over national anti-corruption agencies have on the fight against corruption in Ghana? Unfortunately, while the Constitution empowers CHRAJ to investigate allegations of corruption and human rights violations¹⁵, two major factors undermine its effectiveness. First, although CHRAJ has the powers to investigate all allegations of corruption, only the Minister of Justice and Attorney General can decide whether or not to prosecute cases recommended by CHRAJ.¹⁶ History has shown that the subordination of CHRAJ to the politically-appointed Minister of Justice and Attorney General means that Ghanaian governments can comfortably ignore the findings of anticorruption agencies.¹⁷ Second, CHRAJ lacks financial independence as its annual budgets require the approval of the Ministry of Finance and Economic Planning.¹⁸ This financial dependency has seriously hampered the effectiveness of the Commission, with the Commissioner of CHRAJ recently suggesting that “the independence of the Commission can be fully realised only if its budget is submitted directly to Parliament for vetting and approval” (quoted in OSIWA and IDEG 2007b:132).

Another significant aspect of executive power which can impact negatively on citizens’ ability to claim their rights is in relation to excessive government control over relevant official information. Although the 1992 Constitution provides for all persons to have the right to “information, subject to such qualifications and laws as are necessary in a democratic society”¹⁹, there is currently no law providing detailed content to this right to information. In the absence of a detailed freedom to information law, “the supply of information from government sources to the public is dependent on the level of confidentiality the executive may attach to it, and not necessarily the public interest” (OSIWA and IDEG 2007a:45). Not surprisingly, in a recent comparative study on access to official information, the Ghanaian government scored worst of 14 countries in terms of failure to respond at all to requests for information submitted by various stakeholders (Open Society Institute 2006: 43). In only 9% of the cases was the information requested by various actors received in full (ibid: 74). The result of this executive monopoly over official information is the denial of access by citizens to critical data that is necessary to hold government to account and to keep executive abuses in check.

Over the past few years, however, there has been the emergence of a number of initiatives aimed at enhancing citizens’ access to relevant government information, albeit with persistent difficulties. One of such initiatives has been the introduction of the ‘Peoples’ Assembly’ concept by the NPP administration, aimed at providing a platform for citizens to interact with the executive President on a one-on-one basis. Held once every year, and opened to the general public since its inception in 2002, the Peoples’ Assembly is designed to allow the executive explain its policies to the people, and respond to questions from the public on issues bordering on national interest and development. Yet, the Peoples’

¹⁵ See Article 218 [a] of the 1992 Constitution

¹⁶ See Article 88(3) of the Constitution

¹⁷ In 1995, for example, CHRAJ investigated 2 serving Ministers of state and a presidential adviser, and found them guilty of corruption, illegal acquisition of wealth, conflict of interest, and abuse of office. However, the then National Democratic Congress government issued a White Paper on CHRAJ’s report which effectively cleared the affected officials of any wrongdoing.

¹⁸ These structural limitations are also applicable to the Serious Fraud Office (SFO), which is another traditional anticorruption institution in Ghana

¹⁹ See Article 21(1)(f) of the 1992 Constitution

Assembly is not without criticisms: whereas the NPP administration sees the programme as critical in deepening public access to the President, and for enabling citizens to hold government accountable for its actions (Clotney 2007), its critics generally see it as a public relations exercise for the government rather than a genuine accountability platform. The first Assembly in 2002, for instance, was organized to coincide with the NPP's first anniversary in power and displayed a photo exhibition of the party's electoral victory, a factor that significantly alienated non-NPP supporters (CDD-Ghana 2005:12). Second, in the 2007 Assembly, some people who asked questions critical of government were allegedly molested (OSIWA and IDEG 2007a:50). Third, until quite recently, the Peoples' Assembly had been largely limited to Accra, thereby denying citizens from other parts of the country direct access to the executive President.²⁰

Beyond the Peoples' Assembly concept, the weekly 'Meet-the Press' Programme introduced by the Ministry of Information and National Orientation has been seen as an important platform for government-citizen interaction and for making relevant information on government activities available to citizens. The 'Meet-the-Press' series is a programme whereby heads of various government ministries, departments and agencies are required to explain the programmes and policies of their respective sectors to journalists and other media representatives. Despite its perceived benefits, however, the Meet-the-Press Series, like many other opportunity structures for civic participation in Ghana, is not formally linked to the institutional framework of the country's public policy decision making process. This means that the question of when, how and where to organize the programme can be determined only by government, rather than making it possible for non-governmental actors to demand it as a right.

4.2 Parliament

The Parliament of Ghana (PoG) has undergone many significant changes over the past two decades. Oquaye (2000:12, quoted in Crawford 2004:7) observes that Parliament's dissolution "on every military coup (1966, 1972, 1979, 1981) has checked the systematic development of the institution". The return to constitutional rule in 1992 did not automatically result in an effective Parliament, particularly as the boycotting of parliamentary elections by opposition parties led to a virtual one-party parliament, in which the ruling NDC controlled 189 (95%) of the 200 seats. One healthy development that occurred in the third (2001-2004) and fourth (2005-2008) parliaments of the Fourth Republic has been the growing balance in their compositions. Currently, the 230 member Parliament is split almost equally between the NPP and the NDC who control 128 and 94 seats respectively.²¹

Unfortunately, while the well-balanced nature of the fourth Parliament initially raised expectations that Ghana's parliamentary democracy would move towards a more consensus-driven politics, rather than the majoritarian zero-sum practices of the past, there is growing evidence that parliament has not become an effective forum for negotiations and compromises in the interest of the citizenry. Ninsin (2008) and Linberg (2008) have shown that executive dominance over the legislature has been more evident in the Third and Fourth (2001-2008) than the First and Second (1993-2000) Parliaments, with Ninsin (2008:54) describing the Fourth Parliament as clearly witnessing "the politics of ultra majoritarianism by which the executive has aggressively employed ...its majority party in parliament to drive the legislative process to achieve policy goals regardless of contrary views in and outside parliament, and in spite of its implications for the democratic order".

²⁰ Out of the total of 7 Assemblies that have been organized since 2002, as many as 4 have been held within the capital city, Accra. Of the three that have been organized outside of Accra, one each has been held in the Central Region (2006), Brong Ahafo Region (2007) and the Western Region (2008).

²¹ The 8 remaining seats are shared among the Convention Peoples Party (4), the Peoples National Convention (3) and an independent candidate (1).

But why does the fourth parliament which is far more balanced in its composition appears to be far less effective than the almost de facto one-party first parliament? Two different, but related factors explain the effectiveness of the first and second vis-à-vis the third and fourth parliaments. First, during the period of the first parliament (1993-1996), the NDC government had a burden of building trust in the citizenry that it was capable and interested in promoting the values of multiparty democracy. The transition to democracy in 1993 was criticised, albeit with some justifications, as a “transition without change”, in view of the fact that it saw the military PNDC administration transform itself into an elected NDC administration, with J .J Rawlings continuing as an elected president in a government comprising members of the erstwhile military government as ministers (Gyimah-Boadi 2004b:2). In view of this criticism, and in an attempt to build confidence in the citizenry, the executive tried to be less hegemonic and rather demonstrated a measure of democratic disposition by allowing a key democratic institution like parliament to become institutionalized (Ninsin 2008:66). Second, with the boycott of parliamentary elections in 1992, competition for political dominance among parties was much less severe in the first parliament, thereby rendering it unnecessary for the executive to exploit its constitutional and structural powers over the legislature and to push its policies and programmes through parliament. However, from 1997 onwards political rivalry became intense after the NPP won a significant number of parliamentary seats and became the main opposition party, resulting in the executive mobilizing all available powers to dominate the legislative process. Henceforth the executive demonstrated a striking disposition to assert its dominance in and over the legislature and to effectively control and direct the affairs of parliament (ibid: 13 and 66). This ‘parliamentary capture’ raises questions about the effectiveness of the Ghanaian parliament in the performance of its constitutionally-mandated oversight functions.

On the surface, the constitutional arrangements aimed at strengthening parliamentary oversight are impressive. First, the Constitution requires Parliament to establish Standing Committees charged with the responsibilities of investigating into the activities of various government ministries, departments and agencies (MDAs). Current Parliamentary Committees in Ghana include the *Committee on Gender and Children* whose mandate is to enhance greater articulation of the interests of women and children in parliamentary affairs and in the activities of various MDAs.²² Second, the Constitution provides for several checks and balances between the executive and parliament in order to avoid the concentration of power which could threaten individual rights and freedom. Accordingly, although the president exercises executive power, including the enforcement of all the laws of Ghana [Article 58(2)], the President can neither make laws nor spend public moneys without the authorization of Parliament. According to the Constitution, the President has the power to refuse to assent to a bill passed by parliament even though parliament can override the President’s veto by a vote of not less than two-thirds of its members [Article 106 (9-10)]. Similarly, while only Parliament is empowered to impose and waiver taxes (Article 174), as well as authorizing public expenditure (Article 78), it is only the President who has the constitutional power to introduce a bill or motion to impose a tax or spend public money [Article 108]. By counter-posing the powers of the legislature and the executive, the Constitution sought to ensure mutual control by these two leading organs of state in order to avoid the arbitrary exercise of power which could undermine the enjoyment of fundamental human rights (Ninsin 2008: 45). In reality however, executive power is dominant, while Parliament remains weak in the exercise of its day-to-day oversight over the activities of government, with Mensah (2007:8) proposing that “the quickest way for Ghana to climb up the ladder of democratic excellence is to strengthen its parliament”.

²² Other key Parliamentary Committees include Public Accounts, Finance, Local Government, Government Assurances, Special Committee on Poverty Reduction, among others.

Several factors account for the weakness of Parliamentary oversight in Ghana. First, Ghana's hybrid constitution, requiring the President to appoint a majority of his cabinet from Parliament, has weakened the willingness of ruling party Members of Parliament to oppose executive malpractices, and by extension, has rendered Parliament's oversight of the executive ineffectual (Abdulai 2008:8). Second, while Parliament's Committee System has been perceived to be crucial in the performance of its oversight functions, in practice, the effectiveness of Parliamentary Committees are severely undermined by logistical, financial and technical constraints, as well as the lack of enforcement powers to implement their recommendations (Ala Adjetey 2006, cited in Ghana Integrity Initiative 2006:6). Third, there is a lack of institutionalised mechanisms for promoting systematic interaction between parliament and civil society, failing to mutually reinforce their respective 'watchdog' roles (Oquaye 2001).

It must be acknowledged however that a number of initiatives aimed at enhancing citizens' participation in the work of parliament have emerged in recent years, with the quarterly 'Speakers Breakfast Forum' introduced by the Institute for Economic Affairs in 1997 being the most institutionalized. Attended by a cross section of society, including heads of government MDAs, civil society and development partners, the Forum takes the form of quarterly round table discussions where important topical issues pertaining to governance are discussed.²³ Unfortunately, and like the weekly Meet-the-Press Series, the enthusiasm with which the Breakfast Forum was introduced has weakened.²⁴ More recently, Parliament has also introduced a 'Social Outreach Programme' where the Speaker of the House and a cross section of MPs move to local communities to answer pertinent questions about their stewardship. The first in the series of this programme was held in October 2005 where the Speaker accompanied 79 MPs from the three Northern Regions to the Upper East Region to enable citizens to have direct access to their representatives. Through donor support, Ghanaian civil society organizations are also increasingly collaborating with Parliament to enhance the capacity of the latter in the performance of its oversight functions. One major effort in this regard has been the work of the Canadian Parliamentary Centre (CPC), working since 2004 to build the capacity of key Parliamentary Committees in their poverty reduction efforts, with funding from the Canadian International Development Agency.²⁵ Similarly, in 2005, the CPC collaborated with the Growth and Poverty Forum, a coalition of civil society and private sector organizations to organize a capacity building workshop for the Poverty Reduction Committee of Parliament in order to strengthen Parliament's inputs into the country's Growth and Poverty Reduction Strategy (GPRS II). While relevant, these Parliament-civil society engagements still remain largely *ad hoc*, with a recent workshop on the role of parliamentary committees recommending the need for a "more active collaboration with CSOs ...to promote citizen-Parliament relations, as well as proactive outreach from Parliament to civil society for outside input..." (OSIWA and IDEG 2007a:105).

A final disturbing aspect in Ghana's Parliamentary democracy is the limited representation of women in parliament, with suggestions made in recent times that "a quota system should be introduced in Parliament to help increase women's representation...." (OSIWA and IDEG 2007a:89). In the 2005-08 parliament, there were only 25 women (about 11%) in the 230-member house, compared to about 9% in the three previous parliaments (see Appendix 2). Whilst this clearly suggests an abysmally low representation of women in the Ghanaian

²³ At this Forum, a lead presentation is made on a chosen theme on governance after which the public together with MPs brainstorm on the topic

²⁴ Whilst it was established as quarterly forum, only one has been organized in 2008. In researching this report, the researchers contacted the Public Affairs Director of Parliament on December 22 2008 to obtain relevant information on the Speaker's Breakfast Forum, but who openly indicated his unwillingness to provide answers to questions as to why only one Forum has been held for the whole of 2008.

²⁵ The target Committees include the Finance Committee, Public Accounts Committee, Gender and Children Committee, Committee on Local Government and Rural Development and the Committee on Poverty Reduction

Parliament, the outcome of the recently held Parliamentary elections on December 7, 2008, saw a decline of female Parliamentarians from 25 to only 20 out of 230.

4.3 Judiciary and Judicial System

Ghana's judicial system is composed of superior courts and lower courts, with the superior courts comprising, in descending order of supremacy, the Supreme Court, the Court of Appeal, the High Court and regional tribunals.²⁶ The lower courts of the country are made up of circuit courts and tribunals, the district courts, and any other lower court that Parliament may establish (OSIWA and IDEG 2007b:34; Transparency International 2007).

Recognising that "one of the litmus tests of an evolving democratic transition is the level of independence ... of the judiciary and judicial system" (Yeebo et al 2003: 9), the 1992 Constitution contains detailed provisions aimed at promoting the independence of the judiciary, with Article 127 (2) clearly stipulating that "neither the President nor Parliament nor any person whatsoever shall interfere with judges ... or other persons exercising judicial power..."²⁷ Despite the constitutional guarantees for an independent judiciary, however, two recently conducted surveys both suggest that the Ghanaian judiciary is not independent (CDD-Ghana 2003; APRM 2005), with executive interference with the judiciary and widespread corruption within the judicial system as the two major reasons offered.²⁸

The structural independence of the Ghanaian judicial system is particularly undermined by excessive constitutional powers entrusted to the President in the appointment of judges. The Constitution requires the President to appoint the Chief Justice and other judges of the superior courts either in consultation with the Council of State or the Judicial Council with the approval of Parliament.²⁹ This appointment procedure fosters executive dominance over the judiciary from at least two perspectives. First, it must be noted that majority members of both the Council of State (CoS) and the Judicial Council – the bodies required to be consulted by the President in the appointment of judges – are also appointed by the President. Thus, by requiring Presidential appointees to approve other Presidential appointees, the approval functions of both the CoS and the Judicial Council may be nothing more than a mere formality. Not surprisingly, since the return to multiparty, constitutional rule in 1993, Ghanaians are yet to witness the CoS ever rejecting any nomination made by the President. Second, the approval required by Parliament does not provide any robust check on executive power given the 'politics of majoritarianism' that characterizes the Ghanaian Parliament, and the fact that elections since 1992 have produced a President whose party also controls Parliament. This leaves the judicial appointment process overly dominated by the executive, with likely detrimental consequences on rights promotion and protection.

The independence of the judiciary is further undermined by the failure of the Constitution to place a ceiling on the number of justices the President can appoint to the Supreme Court. By merely stating that the "Supreme Court shall consist of the Chief Justice and not less than nine other Justices of the Supreme Court",³⁰ the Constitution makes the judiciary prone to executive manipulation as the President can increase the number of Supreme Court Justices at any time for political purposes, as has been alleged in the recent case of Tsatsu Tsikata verses the Attorney-General (see box 1).

²⁶ See Article 126 (1) (a) of the 1992 Constitution.

²⁷ See also Articles 179, 125(1), and Clause 1 of Article 127 of the 1992 Constitution.

²⁸ The CDD survey revealed that 73 per cent of the public believed that the executive influenced the judiciary, while 57 per cent of elite respondents in the APRM survey did not perceive the judiciary to be independent.

²⁹ See Article 144 of the 1992 Constitution

³⁰ See Article 128 (1) of the Constitution

4.3.1 Role of Customary Law in Protecting Rights

Ghanaian political, economic and social life is very much tied to customs and traditional values. Accordingly, customary law still plays an important role in resolving disputes and redressing human rights violations in relation to customary practices. The 1992 Constitution clearly prohibits any customary practice which dehumanizes or is injurious to the body and mind of all persons, women and men alike.³¹ Customary practices prohibited under the Constitution include widowhood practices which subject women to pain and mental torture; female genital mutilation, the banning of women from communities for witchcraft and all other forms of customary slavery or servitude.³²

In Ghana, the foremost traditional governance institution charged with interpreting customary law is the chieftaincy institution, with the African Peer Review Mechanism's [APRM] Report (2005:18) acknowledging a "strong consensus on the relevance of the chieftaincy institution and chiefs in state and society...."³³ Recognising its significance, the 1992 Constitution not only guarantees the "institution of chieftaincy, together with its traditional councils as established by customary law and usage",³⁴ but also provided for the establishment of National and Regional Houses of Chiefs charged with the responsibilities of interpreting and codifying customary laws, among others.³⁵ Although the Constitution debars chiefs from partisan politics,³⁶ traditional authorities still command great influence in their areas of jurisdiction, particularly with regards to control over land. Indeed, many land holders in Ghana, particularly in rural communities, hold their land through forms of 'customary tenure', and access to land is largely being controlled or managed in practice (even if not legally) by chiefs or family heads (Crook 2005:2).

One important issue, however, that has attracted considerable attention has been the marginalization of female chiefs, referred to as queen mothers, in the traditional governance system. It must be

Box 1: Judiciary and Rights Protection

Barely two months after coming to power, the NPP government inaugurated special courts called Fast Track Courts (FTCs) as divisions of the High Courts. Although government's stated aim for creating the FTCs was as an attempt to speed up court trials in the courts, opposition parties generally viewed this initiative as an attempt to convict political opponents.

In 2002, Tsatsu Tsikata – former Chief Executive of the Ghana National Petroleum Corporation under the NDC administration – was arraigned before an Accra Fast Track High Court for allegedly causing financial loss to the state. Tsikata brought an action in the Supreme Court contesting the constitutionality of the Fast Track Court on the ground that it had not been established in accordance with constitutional procedures. On 28th February 2002, the Supreme Court, by a majority (5-4) decision declared the Fast Track Court unconstitutional. Tsatsu was then declared free partly because the crime for which he was allegedly charged was committed before the passage of the law on causing financial loss to the state. Unsatisfied with the Supreme Court's ruling, the government filed an application for a review of the decision, and the President proceeded to appoint additional judges to the Supreme Court.

On 26th June 2002, the enlarged panel of the Supreme Court including the newly appointed Justice, by a 6-5 majority overturned the earlier verdict of the court, and accordingly declared the Fast Track Court constitutional. Tsikata was eventually convicted to a five-year imprisonment on the same charges. The government's appointment of additional Supreme Court judges, after it had requested that the Supreme Court review an earlier ruling that the fast-track division of the high courts, fostered the impression of executive manipulation of the judiciary.

Source: Committee on Joint Action 2008

³¹ See Article 26 (2) of the 1992 Constitution

³² FIDA-Ghana Literacy project, *The Right of the Ghanaian Woman*, Ash Impressions, Accra

³³ The African Peer Review Mechanism (APRM) was initiated by the New Partnership of African Development as a mutually agreed upon instrument among members of the African Union to voluntarily submit themselves for monitoring on various aspects of governance. In 2005, Ghana became the first country to be assessed under the APRM.

³⁴ See Chapter 22 of the 1992 Constitution

³⁵ See Articles 271-74 of the 1992 Constitution.

³⁶ See Article 276 of the Constitution

emphasised that no provision in the 1992 Constitution prevents women from becoming chiefs or from sitting on statutory bodies such as the National and Regional Houses of Chiefs, as well as the Traditional Councils which are the lowest tier of the chieftaincy structure. Instead, the Constitution clearly recognises queen mothers as legitimate chiefs by defining a chief as “any person, who, hailing from the appropriate family and lineage, has been validly nominated, elected or selected and enstooled, enskinned or installed as a chief or *queen mother in accordance with the relevant customary law and usage*” (Article 277, emphasis added). In practice, however, “the male chiefs have over the years prevented the representation of queen mothers on both national and regional houses of chiefs , generating much resentment both from the queen mothers and from women’s human rights advocacy groups” (OSIWA and IDEG 2007a:123). This marginalization of female chiefs in the traditional governance system is largely due to the cultural construction of gender in Ghanaian society, which results in the effective exclusion of women from participation in decision-making processes (UNDP 2007:117). This, some have argued, is a violation of women’s socio-political rights since traditional institutions still make important decisions concerning customary law and customary practices (see Tsikata and Seini 2004:9).³⁷

4.4 Political Parties

Dahl (1967:203) wrote that the “presence or absence of competing political parties can be used as a litmus paper test for...democracy in a country. No full-fledged modern democracy lacks parties that compete for votes and offices in national elections”. Unfortunately, while competitive parties are considered indispensable for democratic consolidation, the numerous military interventions in post-independence Ghana adversely affected the development of multi-partyism in the country. Indeed by 1962, only five years after independence in 1957, Ghana was a *de facto* single-party state, which was legalized in 1964. The period 1966-1992 saw the rise and fall of many political parties, as Ghana entered and exited from a succession of military regimes. Needless to say that the decade-long (1982-1992) ban on political parties under the PNDC significantly undermined the development of the party system in Ghana.

Since the restoration of multiparty democracy in 1992, however, Ghana has witnessed a stable period of political party development. The 1992 Constitution not only proscribed the establishment of a single party state; it also criminalized the unconstitutional overthrow of democratically elected governments.³⁸ It must be noted, however, that the constitutional entrenchment of a multiparty political system in Ghana has been overshadowed by the practical institutionalization of a strong two party system in the country. Although a multiplicity of parties have contested four sets of elections during the Fourth Republic, only the NDC and NPP have been very dominant, with these two parties alone currently controlling 222 of the 230 parliamentary seats. The dominance of only two parties in Ghanaian politics raises one critical question: to what extent are the leading parties driven by the core values of democracy such as the promotion of human rights and gender equality in decision making?

Significantly, both the NDC and NPP emphasize their commitment to democratic values, though with differing interpretations. In ideological terms, the NPP, which is typically regarded as a pro-market, pro-business party, professes ‘Property Owning Democracy’ – the

³⁷ This marginalization of women is perhaps partly responsible for the violation of women’s rights to access to land, with the Government of Ghana recently acknowledging the existence of “gender disparities ... with respect to access to and control of a range of assets including direct productive assets such as land ... and social capital assets such as participation at various levels, legal rights and protection (Government 2003:25).

³⁸ Article 3(1) of the 1992 Constitution

right of every citizen to have the opportunity to persevere to own property.³⁹ On the other hand, the NDC, which began as a revolutionary, Populist Party professes 'social democracy' – the protection of the rights of socially disadvantaged groups within a multiparty environment.⁴⁰ This ideological difference has serious implications on the enjoyment of social and economic rights. On the one hand, by making private accumulation of property the primary objective of policy, with distribution of wealth essentially left to trickle down mechanisms, the NPP's ideology of 'property owning democracy' is biased towards the protection and promotion of the property rights of the rich and foreign investors compared to the basic needs of the poor and the non-property owning classes (Azeem et al 2002: 23). On the other hand, the NDC's brand of 'social democracy' seeks to "*protect the disadvantaged and the marginalized and to ensure optimum production and distributive justice*" (2004 NDC manifesto, p.12, emphasis original). Accordingly, the party purportedly makes the elimination of deprivation and inequality the central thrust of its policies.

However, it is also worth emphasising that much as the NPP and the NDC identify themselves with different ideologies, in practice, these parties are more distinguishable by ethnic affiliations than ideological orientations, with Gyimah-Boadi and Asante (2006: 248) rightly noting that "the National Democratic Congress (NDC) and the New Patriotic Party (NPP), are largely perceived as Ewe- and Ashanti/Akan-based respectively".⁴¹ This is in spite of the fact that the 1992 Constitution requires every political party in Ghana to "have a national character" by *inter alia*, ensuring that its membership is "not based on ethnic, religious, regional or other sectional divisions".⁴² The ethnic character of the NDC and NPP is reflected in the ethno-regional pattern of voting⁴³ and its attendant problem of political patronage. During their tenures of office, both the NDC and NPP have been accused of discriminating against Akans and Ewes respectively, with Langer (2007:18) recently observing that "Kufuor and his New Patriotic Party's (NPP) poor showing in the Volta Region during both the 2000 and 2004 elections was translated into a marginalisation of the Ewes in his governments".⁴⁴ This argument finds credence in the fact that while the Akans constitute about 49% of the Ghanaian population, approximately 67% of all government ministers had an Akan background under Kufuor's NPP administration (Langer et al 2007:16).

In relation to their contribution to democratic consolidation in Ghana, one recent assessment indicates that "political parties in Ghana have not lived up to their role of serving as the bedrock of democratic governance...", given their failure to serve as "instruments of political modernization in extending, broadening and deepening individual rights..." (Jonah, 2007:7). The main reason is that Ghanaian political parties are not a rich source of alternative

³⁹ This ideology, in the words of JB Danquah, one of the founders of the Danquah-Busia tradition, 'is to liberate the energies of the people for the growth of a property- owning democracy in this land, with right to life, freedom, and justice as principle to which government and laws of the land should dedicated in order specifically to enrich life, property, and liberty of each and every citizen'. See NPP Manifesto, 2004, p.1

⁴⁰ In its 2004 Manifesto, the NDC explained its social democratic philosophy as "a belief in the equality and egalitarian treatment of all persons with respect to their political, economic, social, cultural and religious relations in a multiparty, multi ethnic environment and a commitment to progressive politics and the protection of the under-privileged and the upliftment of the socially disadvantaged". See p.14 of manifesto.

⁴¹ According to the 2000 Ghana Housing and Population Census, the Akans are by far the largest ethnic group, with 49.1% of the population, and form the majority of the population in five of Ghana's 10 regions: Western, Central, Eastern, Ashanti and Brong Ahafo. The non-Akan ethnic groups comprise the Ewes (12.7%); Ga-Adangbe (8%); Mole-Dagbani (16.6%); and other ethnic groups (13.7%).

⁴² For details, see Article 55 (7) of the Constitution

⁴³ Since the return to multiparty democracy, voting patters, particularly since 2000, have increasingly assumed ethnic divisions broadly along the Akan/Non-Akan divide. For example, in the last election in 2004, the NPP won the majority of seats in all the five Akan regions of Ashanti, Brong Ahafo, Central, Eastern and Western (90 as against NDC's 39), while the NDC controlled the four Non-Akan regions of Northern, Upper East, Upper West and Volta (56 compared to NPP's 12).

⁴⁴ In the January 2002 government, only four out of 71, or 5.6%, of all ministerial positions (including the deputy-ministerial positions) were held by Ewes. In the February 2005 government, the Ewe representation declined even further, to 3.4%. this is in spite of the fact that Ewes constitute about 13% of the Ghanaian population

policies, but rather tend to operate “more like vote-gathering machines” that often recoil into political hibernation in between elections only to bounce back to life during election time (OSIWA and IDEG 2007a:79; Jonah, 2007:6). Even more disappointing is the inability of parties to serve as “*vehicles for equal participation of men and women...in the political decision making processes whether at the party or the level of the state*” (Jonah, 2007:7, emphasis added). Political parties in Ghana have generally been reluctant to select women as candidates at the national and constituency levels – a situation which partly accounts for the abysmal representation of women in Parliament since the return to multiparty democracy in 1992 (see Appendix 2). Since the equal participation of women in policy making is an important feature of democratic consolidation and a means for addressing women’s concerns, it is crucial that Ghanaian political parties demonstrate greater commitment to the issue of gender equity by deliberately fielding female parliamentary candidates in their strongholds, and by ensuring that women play more visible official roles in their party structures (Dake 2008:5; Allah-Mensah 2005:102).

4.5 Civil Society and Political Space

In recent years, the need for civil society participation in policy making has been emphasised from a human rights perspective, particularly by international development agencies.⁴⁵ The UK government’s Department for International Development (DFID), for instance, sees “participation in decision-making as central to enabling people to claim their rights (DFID 2000), and has accordingly been advocating for citizen participation not only as a political right, but also as an entry point for the realization of all other rights. Therefore, to what extent does civil society participate in policy making in Ghana?

The role of civil society organizations (CSOs) in public policy making in Ghana has evolved over the last two decades from one of minimal involvement to greater engagement in various stages of the policy process. Draht (1996:16) observed that prior to the return to multiparty democratic governance in 1992, not only was the space for civil society participation severely curtailed, but also “[m]ost of these associations were harassed, intimidated and ridiculed on public platforms and in the electronic and print media.” The democratic transition drastically changed the political environment, enabling civil society actors to assert themselves more proactively in influencing government policies. Indeed, the 1992 Constitution explicitly legitimises rights-based activism by enjoining the state to ensure “the enjoyment of rights of effective participation in development processes including rights of people to form their own associations free from state interference...”.⁴⁶ Thus, since the promulgation of the Constitution in 1992, Ghanaian governments have become more tolerant of CSOs and have started to facilitate their engagement in the public policy making processes. CSOs in Ghana are also increasingly proving effective in forming networks and coalitions among themselves, and in their ability to influence government policy. For example in 2005, a coalition of women’s rights NGOs initiated a national discussion on domestic violence in Ghana. The coalition not only organized nation-wide sensitization programmes on the negative impact of domestic violence, it also drafted a Domestic Violence Bill which was eventually passed into law in 2007.

Taking advantage of the political space provided by the 1992 Constitution, one significant development over the past 15 years has been the proliferation of a relatively free and independent media in Ghana. From near state monopoly over the broadcast media by 1995, the country now has over 100 independent FM radio stations and about 5 TV stations (4 of

⁴⁵This emphasis on societal participation by powerful external actors presents paradox, given the apparent disrespect of those actors for national economic policy sovereignty. Indeed despite the rhetoric of ‘participation’ and ‘country ownership’ as necessary conditions for promoting development, aid practices on the part of donors, particularly the IFIs continue to be characterized by conditionalities and rigid regulations and processes.

⁴⁶ See Article 37 (2a) of the 1992 Fourth Republican Constitution.

which are privately owned) that aggressively demand accountability and responsiveness from public officials and agencies (Gyimah-Boadi 2008:3). This increasing media assertiveness can be partly attributed to the 1992 Constitution which not only provides for the freedom and independence of the media⁴⁷, but also mandates it to uphold “the accountability of the Government to the people of Ghana”.⁴⁸ In July 2001, the space for civil society activism further expanded through the repeal of the criminal libel and sedition laws, which in the past had been used to intimidate the media (Crawford 2004; Darkwa et al 2006:25).

The above discussion is not however to suggest that the environment within which CSOs operate in Ghana is absolutely conducive as a number of constraints still persist. First is the poor access to critical information which weakens the capacity of civil society to proactively engage state institutions in the decision making processes (UNDP 2007:171), a problem largely attributed to government’s apparent reluctance to enact the Right to Information Bill. Second, while there is a plethora of mechanisms for promoting policy engagement between government and donors, such as the Consultative Group Meetings and the Multi-Donor Budget Support, the country still lacks a comprehensive framework for promoting effective state-civil society interface both at the national and local levels (Akwetey 2005). These persistent challenges, coupled with financial and capacity constraints on the part of civil society have significantly undermined the effectiveness of non-state actors in the policy processes, with a study by Friedman and Robinson (2005: 39) concluding that “[civil society] organisations in Ghana ... have generally proved ineffective in their efforts to influence government policy and legislation”. Similarly, in their *Civil Society Index Study*, Darkwa et al (2006:11) found that “the overall policy impact of Ghanaian civil society is limited”.

4.6 Local and Regional Government

The current system of local government in Ghana is based on a decentralisation programme that began in 1988 under the quasi-military regime of the Provisional National Defence Council (PNDC). One of the stated policy objectives of the 1988 decentralization reforms was to give “power to the people” who had been marginalized in national politics by previous regimes (Aye 1994:124). Accordingly, the PNDC promulgated a new *Local Government Law* (PNDC Law 207) with the primary objective of promoting “popular participation and ownership of the machinery of government by shifting the process of governance from command to consultative processes, and by devolving power, competence and resource/means to the district level” (quoted in Gasu 2006:1). The thrust of the PNDC’s decentralization programme was explicitly stated in the PNDC *Blue Book*⁴⁹ as an attempt to give “expressions of a fundamental belief of the PNDC that effective participation in the productivity and development of our society and participation in political decision making are the responsibilities of all us” (Ghana 1987a, quoted in Aye 1994:110).⁵⁰

To achieve this policy objective, a three-tier structure of sub-national government was established, comprising 10 Regional Co-ordinating Councils (RCCs), 110 District Assemblies (DAs)⁵¹ and a number of sub-district structures (see figure 1) to perform different functions at the regional, district and sub-district levels. It must be noted that Ghana does not have regional governments. However, in line with the PNDC’s decentralization reforms, RCCs were established in each of the country’s 10 administrative regions to, among other things,

⁴⁷ See Article 162 (1) of the 1992 Fourth Republican Constitution

⁴⁸ See Article 162 (5) of the Constitution.

⁴⁹ The Blue Book was the document used as the basis for discussions with various segments of society regarding the essential features of the new decentralization policy.

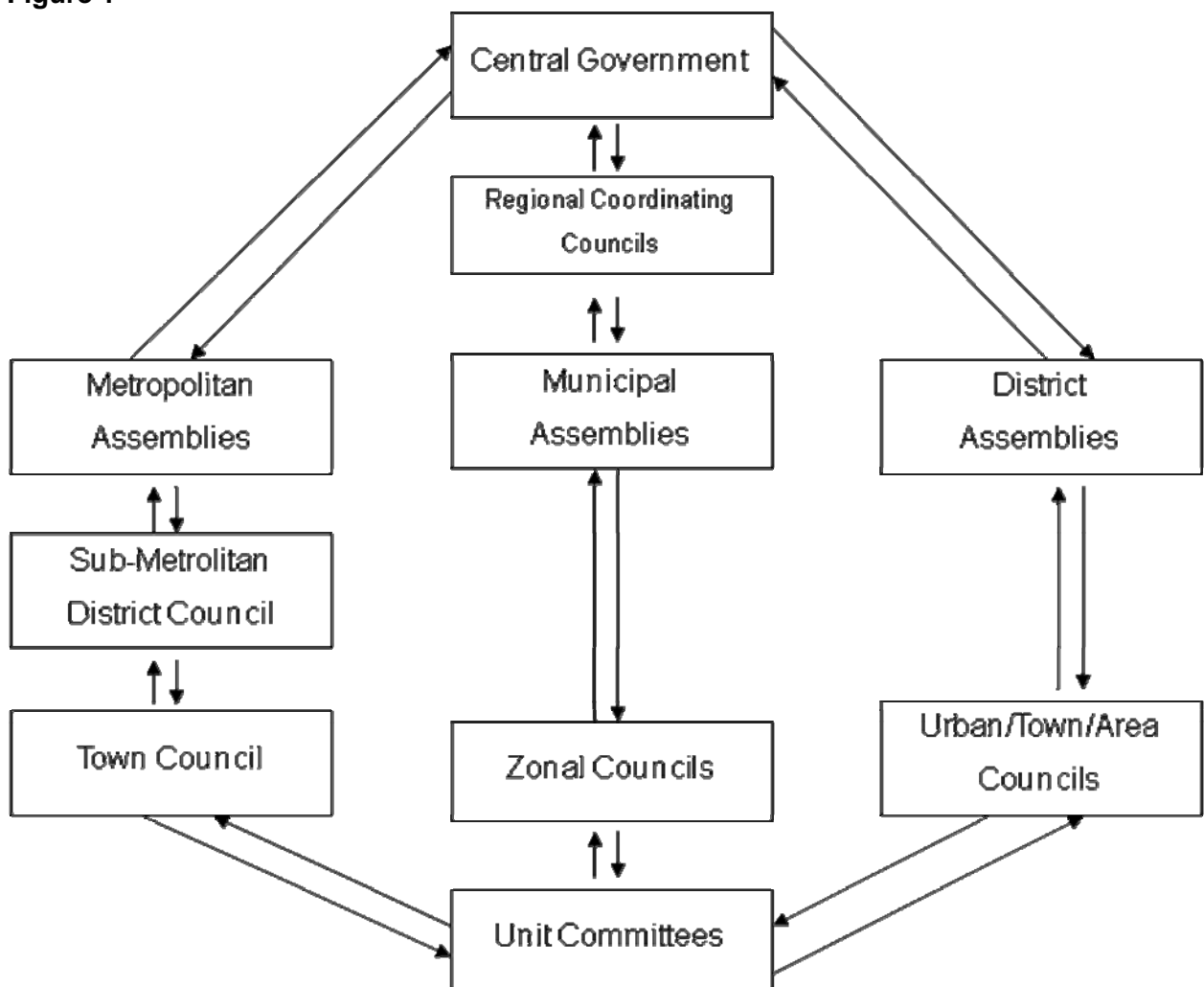
⁵⁰ Oquaye (2001:36) however thinks that the decentralization policy was “largely introduced to satisfy donor demands”, given the emphasis on ‘participatory development’ by donors during the late 1980s.

⁵¹ In 2004, the number of District Assemblies was increased to 138 which were further increased to 168 in 2007.

monitor and coordinate the activities of the DAs in the regions. The RCCs are accountable to the central government which appoints its members.

Following the return to democratic governance, the 1992 Constitution endorsed and consolidated the 1988 reforms by mandating the state to “take appropriate measures to make democracy a reality by decentralizing the administrative and financial machinery of government to the regions and districts and by providing all possible opportunities to the people to participate in decision making at every level of national life and in government”.⁵² The Constitution further requires that “Local Government and administration [should]...as far as practical be decentralized” (Article 240[1], with functions, powers, responsibilities and resources...transferred from the Central Government to local Government unites” (Article 240[2]).

Figure 1



Source: National Commission for Civic Education 1998

⁵² See Article 35 of the 1992 Republican Constitution

4.6.1 Democratic deficits in local governance

The Government of Ghana maintains that the promotion of participatory democracy is the thrust of Ghana's decentralisation policy (Ministry of Local Government, Rural Development and Environment [MLGRDE] 2003:4). Yet, in practice, serious democratic deficits persist in the current local government system, not least because the implementation of decentralization in Ghana is characterized by two parallel systems of devolution and deconcentration. Indeed, and as Ayee (2004:129) has rightly observed, there are very few devolved functions where authority and responsibility rests with the DAs, with the main responsibility for the delivery of major public services, such as health and education still resting with the line departments in each district rather than the DAs. In addition, fiscal authority continues to be centralized, and resources transferred to the DAs through the 'District Assembly Common Fund' (DACF)⁵³ are often earmarked by central government for specific uses. Indeed, the issuance of annual 'Guidelines for the Utilisation of the District Assemblies Common Fund' by the Central Government not only undermines the autonomy of the DAs; it also disempowers them from channelling adequate resources to areas that are most in need for the benefit of the local communities (IEA 2008:33).

Perhaps the most glaring democratic deficit in Ghana's local governance system is the persistence of central government appointees in key and highly influential positions at the district level. While democratic decentralization requires the transfer of power and resources to sub-national authorities which are "(a) largely or wholly independent of the central government and (b) democratically elected" (Manor 1995: 81-2), in Ghana, there is a lingering direct central government influence on the composition of the DAs, which are 70% elected and 30% government appointed. Similarly, District Chief Executives (DCEs), the most powerful figures in the administration of the districts, are appointed by the President, thereby promoting upward accountability to the central government rather than downward accountability to citizens and the DAs. In effect, and as Nkrumah (2000:64) has rightly observed, "notwithstanding the excellent legislation on decentralization and democracy, in practice... central government's dominance is unquestionable". Interestingly, political opinion in Ghana is now pressing for full democratization of the DAs, with 100% elected members and locally elected DCEs (Crook 2005:4).⁵⁴ Evidence of this citizen support for a full devolution or democratic decentralization is reflected in the Ghana Country APRM Report which found "several stakeholders [to] have expressed their preference for elected District Chief Executives and District Assemblies" (APRM 2005:24), and accordingly recommended the need for the government of Ghana to "consider the merits of making all positions in the District Assemblies elective" (ibid). In a more recent survey conducted by the National African Peer Review Mechanism's Governing Council (2008:31), the majority of respondents (71.2%) again called for the need for a constitutional amendment to allow citizens to elect their DCEs.⁵⁵

⁵³ The DACF is the biggest source of funding for the DAs whereby central government is required to allocate not less than 5% of Ghana's annual total revenue to the Assemblies (see Article 252 [2] of the 1992 Constitution).

⁵⁴ While government indicated in its recent *Draft Comprehensive Decentralization Policy* its willingness to fully democratise the decentralization system, it remains to be seen whether that is not another campaign strategy aimed at canvassing votes in the December 2008 elections. In its 2000 Manifesto, the opposition NPP indicated its willingness to change the position of the DCE from an appointed position to an elected office. But after having been in office for almost 8 years now that campaign promise is yet to be translated into a concrete policy measure

⁵⁵ The widespread support for making the DAs fully democratic is further reflected in the fact that with the exception of the NDC, the three other major parties that have contested in the December 7, 2008 Presidential and Parliamentary elections (the NPP, PNC and CPP) have all pledged in their manifestos to make the offices of local government officials such as the DAs and DCEs fully elective. For details, see pages 18, 13, and 40 of the NPP, PNC and CPP Manifestos respectively.

The limited participation of civil society in local governance has also been identified as a major democratic deficit in Ghana's decentralization programme. While the sub-district structures such as the Town and Zonal Councils as well as the Unit Committees (UCs) have been established to serve as mechanisms for promoting citizens' participation from the grassroots upwards to the District Assemblies, in reality, the sub-district structures have largely failed to perform their respective functions effectively. Three major factors account for the weakness of the sub-district structures:

- i. First, like the District Assemblies, the sub-district structures lack the human and material resources to perform their functions effectively;
- ii. Second, there is general apathy towards the operations of the sub-district structures because most people who are working on them are not paid; being a member of these structures is completely sacrificial and voluntary;
- iii. Third, and because of their non-lucrative manner, some of the Unit Committees cannot operate because they lack the required number of memberships (Ayee and Amponsah 2003:70).⁵⁶

In the absence of effective structures for engagement beyond periodic elections, citizens' participation in decision-making and development planning at the local level remains *ad hoc*, depending largely on the benevolence of a few Assembly Members. Not surprisingly, a recent study on *Grassroots Participation in Local Governance* revealed that "the level of civil society activity and engagement in the local communities is quite limited" (Ayee and Amponsah *ibid*: 91). The result of this exclusion is a weak decentralized system of governance with its consequences of disempowering citizens and communities from playing significant roles in deepening democratic governance at the grassroots level.

Closely related to the limited participation of civil society is the marginalization of women in local level power structures. Despite constituting over 51% of Ghana's population, women constituted only 3% of elected members to the DAs in 1994 (Ofei-Aboagye 2000:4). In 1998, the government introduced an Affirmative Action Policy which required that at least 30% of government appointees to the DAs should be women.⁵⁷ While this may have been partly responsible for an incremental increase of the overall women representation in the DAs from 3% in 1994 to 5% in 1998 and to 10% in 2007 (Pobee-Hayford and Awori 2008), the fact still remains that "the dominance of men in the work of the DAs is overwhelming" (Ayee 2000:34). Common factors that have been identified as inhibiting women's proactive participation in local governance include the burden of household chores, low levels of literacy, lack of funds to contest elections on non-partisan basis, and deep-seated socio-cultural structures, systems and practices which discount the competence and capabilities of women in the spheres of political power (UNDP 2007:167; Ofei-Aboagye 2000:4). The persistent gender disparity in the power structures at the local level "clearly impacts negatively on the responsiveness of local government to women's needs and to gender concerns" (Crawford 2004:20).

5.0 Structures and Institutions of Economic and Social Power in Ghana

The section seeks to identify the most powerful social and economic actors in Ghana by exploring the roles of various internal stakeholders (governments, civil society and the private sector) and external actors (International Financial Institutions and other donors) in

⁵⁶ The IEA (2008:37) recently observed that "the sub-district structures have not functioned effectively due to a number of constraints, prominent among which are the size and numbers of the structures", particularly the Unit Committees which are currently estimated at about 16,000 across the country.

⁵⁷ The impact of the Affirmative Action Policy in enhancing women's participation has been limited partly because of its non-binding nature, with CEDAW (2006:3) expressing concern about the poor implementation of the policy.

the formulation of Ghana's most recent poverty reduction strategies, namely, the Ghana Poverty Reduction Strategy (GPRS I, 2003-2005) and the Growth and Poverty Reduction Strategy (GPRS II, 2006-2009). The section also reviews the role of transnational corporations in the socio-economic development of Ghana, with a focus on the mining sector. But before the discussion, a brief review of Ghana's socio-economic development trends is paramount.

5.1 Ghana's Poverty Profile

Over the last fifteen years, official government statistics suggest that Ghana has managed to reduce poverty levels significantly by an annual average rate of 1.5%, from high of 51.7% of the population in 1991/92 to 39.5% in 1998/99 and then further to 28.5% in 2005/2006 (Government of Ghana [GoG] 2007a). During the same period, the proportion of Ghanaians described as extremely poor was also reported to have declined from 36.5% to 26.8 % and then to 18.2% (GoG 2007c:25). While these official statistics have given rise to projections that Ghana can meet the first Millennium Development Goal of halving poverty by 2015 as early as 2009 (UNDP 2007:25), questions have also been raised about the appropriateness of the methods used in measuring poverty in the country. In his critique of the Ghana Poverty Reduction Strategy (GPRS I), for instance, Thompson (2003:2) argues that the 39.5% poverty rate used in the GPRS I was not calculated from any scientific formula, but was rather derived by government and World Bank bureaucrats from "a consensus of data users" in Ghana. This suggests that Ghana's poverty rates are not only determined by economic growth, but also "on the perceptions of data users"! (ibid). Corroborating this argument, participants in a 2005 workshop organized for the *Parliamentary Select Committee on Poverty Reduction* called for "an urgent need [to establish] ... a standard measurement for poverty in order to generate a more credible database for national development" (IDEG and Canadian Parliamentary Centre 2005:11).

It is also worth noting that despite the purported decline in poverty levels, gross inequalities persist, with poverty largely concentrated in the three northern regions, and among food crop farmers and women (SEND-Foundation, 2006:12). Progress in reducing the social dimensions of poverty such as health and education has been generally slow and even so with deep geographical disparities. While the Government of Ghana estimated that the Gross Enrolment Ratio (GER) for primary schools increased from 86.3% in 2003 to 93.7% in 2006 (GoG 2007b:26), a recent Preliminary Education Sector Performance (PESPR) Report notes that the enrolment ratio increases at such a slow pace that the national primary GER in 2007/08 is still 95.2% instead of the 100% as in the MDG targets (PESPR 2008, cited in ISODEC 2008:7). Moreover, although significant progress has been made nationally with regards to access to quality education, progress in deprived communities, particularly in the three northern regions, has been conspicuously below national aggregate figures.⁵⁸

Progress in improving access to health care has also been quite disappointing, with a recorded high infant mortality rate of 71 per 1000 births in 2006 (GoG 2007c:121), and preventable diseases such as malaria still accounting for about 800,000 deaths among children under the age of five annually (GoG 2007b:29). Maternal mortality also remains a problem. The Ghana Health Service recently disclosed that for every 10,000 live births in the country, over 214 Ghanaian women die in the process of delivery (see *The Chronicle*, August 6, 2008, p.3). Indeed, the Government of Ghana recently acknowledged that

⁵⁸ In Wa in the Upper West Region, for example, as high as 75% of children in the right age group are still not in school (MoES, 2007, cited in GoG 2007c).

progress in reducing maternal deaths is so slow that the country is unlikely to achieve the MDG target of reducing maternal mortality by three-quarters by 2015 (GoG 2007b:28).⁵⁹

5.2 International Economic Actors

5.2.1 Development Partners

Since the early 1980s when Ghana adopted the World Bank's Structural Adjustment Programmes, the country's development programmes have been largely sponsored by external donors, particularly by the International Financial Institutions. The multiplicity of aid frameworks, the latest of which is the Multi-Donor Budget Support (MDBS) introduced in 2003, is sufficient evidence that the GoG is still significantly dependent on foreign aid to fund its most basic development programmes. The donor-dependent nature of the Ghanaian economy provides the country's so-called development partners (DPs) with significant policy leverage, and raises questions as to the extent to which Ghana can claim 'ownership' over its economic policy choices. It must be noted that a major prerequisite for fostering country ownership is the capacity of the state to formulate and finance the implementation, monitoring and evaluation of its policies. Unfortunately, the National Development Planning Commission (NDPC) – the government agency responsible for formulating Ghana's medium and long-term development strategies – “suffers from severe capacity constraints, ranging from inadequate staff to logistical inadequacies” (IDEG 2006a:23; see also Whitfield 2005). Indeed, the NDPC itself admitted its inability to marshal data for the formulation of the First Medium-Term Development Plan of Vision 2020, especially with respect to development indicators, development targets, and estimated cost of programmes (Republic of Ghana 1998:17, cited in Ayee 2002:183).⁶⁰

These capacity constraints on the part of the NDPC and other key state institutions such as the MDAs have over the years made it difficult for successive Ghanaian governments to formulate and implement development strategies completely independent from donors' priorities. This is largely because even though the GoG determines which policies it wants to implement, “donors can and do withhold money when conditions are not met” (Whitfield 2008:34). Indeed, by 1996, an external review of World Bank operations in Ghana warned of excessive aid dependency characterized by donor-driven agenda, priorities and budgets in the reform process; accountability to development partners rather than domestic constituencies; and over-reliance by the government on donor initiatives and actions (Armstrong 1996, cited in Whitfield & Jones 2008). More recently, the Economic Commission for Africa also cautioned that because of Ghana's excessive dependency on external resources, “the influence of the IMF and the World Bank on policies and the composition of government spending remain very strong” (Economic Commission for Africa 2002:21).

The debates leading to Ghana's adoption of the World Bank/IMF Highly Indebted Poor Country (HIPC) initiative in 2001 is illustrative of how powerful Ghana's DPs are in her economic policy choices. In 2001, the NPP government's announcement that it was considering the possibility of opting for HIPC debt relief attracted considerable criticism from the general public. Opposition political parties, the Ghana Trade Union Congress, the Ghana Bar Association, and the Association of Ghana Industries, among others vigorously opposed the HIPC initiative on the grounds it would represent a continuation of IMF and World Bank structural adjustment policies and conditionalities under a different name. Faced by such

⁵⁹ It is perhaps against this background that the NPP government has recently introduced a free medical care programme for pregnant women.

⁶⁰ The 'Ghana Vision 2020' was a long-term development plan prepared by the NDC administration aimed at transforming Ghana into a middle income economy over a 25-year period (from 1995-2020). This development plan was abandoned however by the NPP administration when it assumed power in 2001.

heavy criticisms from a wide spectrum of the Ghanaian society, the GoG announced in March 2001 that it could not take an immediate decision on HIPC. Yet Tsikata (2001: 13 - footnote 11) and Peretz and Aryeetey (2005: 3) comment that the government made its final decision to 'go HIPC' only a month later in April 2001, immediately after a visit of the UK Secretary of State for International Development, Clare Short, who apparently gave a strong signal that there would be no major assistance from donors without a HIPC agreement.

The HIPC agreement required the formulation of a Poverty Reduction Strategy Paper (PRSP) as a condition for continued debt relief. Accordingly, the Government formulated the Ghana Poverty Reduction Strategy (GPRS I) which was approved by the World Bank and the IMF. Although much has been said about the extensive consultative approach adopted in formulating the GPRS I, including a broad-based consultation with both state and non-state actors,⁶¹ there are different perspectives as to the extent to which external partners such as the IFIs influenced the strategy. For instance, Killick and Abugre (2001:14) have described the preparation of the GPRS I as "exemplary" in the sense that its formulation was not heavily steered by the IFIs and other development partners. Yet Killick and Abugre (ibid) further caution against arguments that underestimate the degree to which external partners influenced the GPRS I, especially in light of the fact that the Strategy was formulated partially in fulfilment of the conditions for joining the HIPC initiative and to qualify for debt relief from the IFIs. It is also worth noting that the first draft of the GPRS I submitted to the World Bank was returned to the NDPC Task Force for revisions, including an elaboration of how participatory the formulation process was and an altering of the macroeconomic policy choices of the strategy (Whitfield 2005:652). Not surprisingly, the GPRS I has been particularly criticised for the heavy involvement of donors in determining the macroeconomic framework of the country, with a widely held view among Ghanaian CSOs that the "macroeconomic framework of the GPRS is owned by the IFIs rather than by the country" (Swiss Coalition of Development Organizations 2003:11).

Having implemented the GPRS I over the period 2003-2005, the Government formulated the GPRS II (2006-2009) with the strategic focus of accelerating economic growth and poverty reduction. It is widely held that DP's participation in the formulation of the GPRS II has been far less than it was in the GPRS I. Such assessments do not however take into consideration the exercise of 'hidden power' by donors from at least two perspectives. First, and most importantly, the requirement that all national Poverty Reduction Strategy Papers be approved by the Boards of the IMF and the World Bank as a condition for extending credits, grants and debt relief is enough to have injected a significant degree of self-censorship within Government cycles to formulate the GPRS II in line with donors' wishes.⁶² Thus, while it has been claimed that the GPRS II witnessed the most broadly consultative process of policy development in Ghana's history (Akwetey 2005), it would seem that the so-called participatory nature of the strategy was an attempt to satisfy donor demands rather than government's genuine intention to broadening consultation in the formulation of national policies. Indeed, the fact that the World Bank returned the first draft of the GPRS I to the NDPC partly on grounds that its participatory nature was unclear (Whitfield 2005:652) is enough to have compelled the Commission to broaden the consultative processes of the GPRS II under the guise of promoting an all-inclusive policy making process. Second, it is important to note that although DPs may have been less visible in the formulation processes of the second than the first GPRS, donors were heavily involved in formulating various sector strategies and plans that significantly shaped the content of the GPRS II (Whitfield et al 2008:22). The GPRS II document integrates the strategies and policy documents of the various sectors into one comprehensive development policy framework, and donors played a

⁶¹ See for example Government of Ghana (2003); Abugre and Holland (2003).

⁶² The IFIs insist that because national PRSPs are 'country-owned' home-grown policy prescriptions, the executive boards do not 'approve' them; instead the board merely 'endorse' them. However, 'endorse' and 'approve' are synonyms according to Merriam Webster's New Collegiate Dictionary (ActionAid International 2004:6 footnote no.4)

significant role in formulating those sector plans and strategies. Therefore, while donors may not have been seen in the formulation processes of the GPRS II, “government-donor relations could be described as government in the driver’s seat but donors trying to steer the car” (Whitfield 2005:652).

5.2.2 Transnational Corporations

Another powerful international actor in the socio-economic development of Ghana is transnational corporations (TNCs). Although foreign companies, unlike development partners, do not participate directly in setting Ghana’s development agenda, they nevertheless have a significant impact on the socio-economic development of the country, given their dominance in the country’s mining sector and their significant contribution to national revenue.⁶³ Gold exports alone account for 40% of Ghana’s foreign exchange earnings, and contributes about 5% to the country’s GDP (World Bank 2004a). Nevertheless, a critical analysis of the overall contribution of foreign companies to Ghana’s development suggests that the country’s mineral wealth has generated tremendous gains for TNCs but has delivered comparatively few benefits to both the national economy and mining communities. The Bank of Ghana estimates that more than 71% of the revenues of all mineral exports in Ghana remain deposited in offshore corporate accounts (Cambell 2003:9-10). More worryingly, in 2003, Ghana retained only about 5% of the total value of mineral exports — about \$46.7 million out of a total mineral export value of \$893.6 million (UNCTAD 2005:50), suggesting that the country loses a lot of revenues through generous concessions granted to mining transnational companies (Cann 2008). It is not surprising therefore that whilst Ghana is touted to be a mineral-rich country, occupying the 10th position in global gold production, it ranked 135th out of 177 countries in the UNDP Human Development Index of 2007.⁶⁴

Like the national economy, a thorough cost-benefit analysis of the impact of TNCs on local communities also reveals an overwhelmingly negative outcome. A 2002 survey of the people living in the vicinity of AngloGold Ashanti’s Obuasi Mine, for example, revealed that “86.5% of respondents believed that gold mining had deprived the people of their farmlands triggering food shortages, unemployment, higher costs of living...and hunger” (Butler et al., 2004:31, quoted in Armstrong 2008:29). The negative impact of TNCs on local residents is particularly pronounced when analysed in relation to human rights issues. Available records indicate that TNCs are responsible for different sorts of human rights abuses in the communities in which they operate, including violations of civil, social and economic rights. On the social and economic fronts, large-scale surface gold mining by transnational corporations has had enormous impact on local land users including the destruction of forests lands, widespread ecological degradation, and contamination and depletion of water bodies (FIAN and WACAM 2008; Anane 2003; Akabzaa and Darimani 2001). TNCs have also increasingly utilized their corporate power to employ both private and state security agencies to engage in widespread violations of civil rights in mining communities, ranging from forceful evictions and arbitrary arrests to illegal detentions, the demolition or burning of villages, beatings and shootings, among others.⁶⁵ Not surprisingly, a recent empirical study on *The State of Human Rights in Mining Communities in Ghana* found significant evidence on “widespread violent abuses of human rights by mining company officials and their security contractors” (CHRAJ 2008:11). The study also “found evidence to conclude that

⁶³ Ghana currently has about 16 large-scale surface gold mines in operation, virtually all of which are owned and operated by foreign TNCs (Armstrong 2008: 2 and 17).

⁶⁴ Cann (2008), citing Daniel Owusu-Koranteng, the Chief Executive Officer of the Wassa Association of Communities Affected by Mining.

⁶⁵ For an extended list of TNC human rights violations in mining areas, see Anane (2003) and Ismi (2003).

there has been widespread pollution of communities' water resources, deprivation and loss of livelihoods" (ibid: 18).⁶⁶

Two recent developments in Ghana present both opportunities and challenges for the growth of the Ghanaian economy and for the enjoyment of social and economic rights, namely the recent discovery of off-shore oil in commercial quantities and the signing of an Economic Partnership Agreement with the European Union. Although Ghana's oil discovery will inevitably lead to the influx of large oil transnational corporations into the country, which could in turn contribute positively to the Ghanaian economy through royalty payments and some employment generation, it may also amount to another 'resource curse' in the African continent if the oil revenue is not properly managed.⁶⁷ The challenge ahead for the Ghanaian state is therefore to develop appropriate mechanisms in order to ensure that the country's external dependence for capital and oil technology does not undermine state autonomy in determining policy options that will prioritize the interest of the nation over corporate interest. The negative experiences in the mining sector do not provide a favourable precedent in terms of likely outcomes, however.

The second major development which may either enhance or undermine the socio-economic development of Ghana has been the country's recent decision to sign an interim Economic Partnership Agreement (EPA) with the European Union despite intense protests from groups such as the Trade Union Congress, trade activists and civil society organizations against the Agreement.⁶⁸ While the EPA has the potential of boosting Ghana's economy by provisionally allowing the country to have 100 percent access to the EU market (except on sugar and rice), there are equally inherent challenges associated with the agreement. Ghana's interim agreement provided for the immediate abolition of tariffs (that is, taxes) on virtually all exports to Europe, and for the gradual dismantling of tariffs on 80 percent of imports from the 27 EU member countries over a 15-year period (Ghana News Agency, Monday January 7, 2008). This unbridled liberalisation of trade and markets that underpin the EPA poses significant challenges for poor countries like Ghana, not least because it exposes small and medium-scale enterprises to unfair competition with foreign multinationals, leading to the collapse of local industries. It is estimated that increased competition from foreign consumer imports after liberalization in the 1980s and early 1990s forced at least 120 Ghanaian factories to close down, leading to the loss of 50,000 jobs (Shafaeddin 2005). More recently, the country's rice and poultry industries have experienced near collapse, in view of their inability to compete with cheaper imported rice and chicken, mainly from the European Union⁶⁹ (see Atarah 2005; Christian Aid 2005). The EPA is thus only likely to further expose Ghana's 'infant' industries to the vagaries of 'unequal competition' with giant foreign companies.

5.3 National Actors in Economic Policy Making

Having assessed the role of external actors in influencing Ghana's socio-economic development in the previous section, this section seeks to examine the degree of influence of national stakeholders in shaping the country's economic policies. As pointed out earlier on, Ghana has since 2001 prepared two major poverty reduction strategy papers (PRSPs)

⁶⁶ Similarly, in its 2008 Universal Periodic Review of Human rights, FIAN International and WACAM find that "the state of Ghana is facing the challenge to respect, protect and fulfil human rights in the mining communities of the country" (p.1).

⁶⁷ The Government of Ghana recognises the boom and bursts effects of oil industries, and has recently organized a series of national forums to discuss the politics and economics of oil discovery.

⁶⁸ In December 2007, Ghana became the second country to sign the EPA lite in the West African sub-region (after Cote d'voire).

⁶⁹ In 2004 alone, as much as 40,000 tonnes of chicken were imported or 'dumped' into the Ghanaian market mostly from the European Union (OSIWA and IDEG 2007b:41).

which embody the country's major economic policies including macroeconomic strategies. The World Bank and IMF state that PRSPs must be based on certain 'principles' including 'country ownership' and broad-based participation of national stakeholders, inclusive of both state and non-state actors. As the IMF (2002) aptly puts it: "Poverty Reduction Strategies should be country-driven, promoting national ownership of strategies by involving broad-based participation by civil society". It is therefore significant to examine the degree of participation of national stakeholders, such as the state and its agencies as well as non-state actors in the formulation processes of the GPRS I and II.

5.3.1 State Actors

The UNDP (2003:25) observes that "typically, one part of the government has strong ownership of the PRSP at the expense of others". Considerable evidence in Ghana seems to support this observation. Although many have described the GPRS I and II as 'government owned' (e.g Abdulai and Quanstson 2008; World Bank, presumed 2004b), this ownership is rather narrowly based in parts of the central government. The formulation of the GPRS has been led by the NDPC which adopted a participatory approach to seek inputs from various stakeholders including government Ministries, Departments and Agencies (MDAs) during the formulation processes. Yet, until late 2001, most Government ministries had reportedly taken little interest in the GPRS process, regarding it as an activity of the NDPC with little implication for their own work (CDF 2002).⁷⁰

Besides the limited engagement by MDAs, key government institutions such as Parliament and local government authorities were largely marginalized in the formulation processes of the GPRS I, with Aryeetey (2005: iii) reporting that there was "minimal engagement of local government and district assemblies". The limited participation of various state actors in the GPRS I was noted in the GPRS II:

Another criticism of the GPRS relates to the effectiveness of the participatory process adopted during its preparation and the implication for national ownership. The inability to involve more districts and local communities and the limited engagement of Parliament ... has been cited as weaknesses in the process (National Development Planning Commission (2005:3).

Two major factors account for the limited participation of local communities: first, although the NDPC indicated to have organized district consultations through seminars and focus group discussions, consultation workshops were organized in only 12 out of the then 138 administrative districts in Ghana (GoG 2003:7). Second, even with the few communities that were consulted, "it appears that the results of the community consultations did not feed into the analyses and recommendations of the Teams" [i.e., the NDPC Task Force responsible for drafting the GPRS I] (Killick and Abugre 2001:31). Similarly, Ghanaian Parliamentarians generally agree that their participation in formulating the GPRS I had been minimal, with Whitfield (2005:651) observing that that "[t]he only avenue for parliamentary participation was a retreat for selected representatives of political parties and members of Parliament where the draft GPRS I was presented". The extent of Parliament's influence on the GPRS I was further limited by a variety of factors, including resource and capacity constraints,⁷¹ as well as Parliament's own partisan loyalty when considering government's economic and financial policies (Whitfield 2005; IDEG 2006).

⁷⁰ In early 2002, however, the situation started to change when the World Bank's country director explicitly stated at a retreat of ministers that future donors' assistance to Ghana would be provided only within the priorities of the GPRS, after which various MDAs made last-minute efforts to ensure that their programmes were incorporated into it.

⁷¹ The PoG has a small library and few research assistants, which are clearly inadequate for providing Members of Parliament sufficient information on government policies to make an informed input during debates. Moreover, MPs do not have offices in which they could read and prepare for parliamentary debates (Ayee 2002:184).

The process of preparing the GPRS II was similar to the formulation processes of the GPRS I, but with better inclusion within government. The NDPC made more efforts to involve sector ministries in formulating the GPRS II, but representatives from the ministries did not always provide an effective two way link (Peretz and Aryeetey 2005). Like the GPRS I, the Ghanaian Parliament had only a limited role in the GPRS II. The planning process of the strategy began with the formation of technical working teams, known as Cross-Sectoral Planning Groups, whose membership included a broad spectrum of stakeholders including development partners, but to the total exclusion of Members of Parliament.⁷² Although the NDPC (2005:13) indicated to have organized a consultative workshop for the Parliamentary sub-committee on Poverty Reduction, the limited knowledge of many MPs to grasp the technicalities of development policy issues did not allow any quality parliamentary input into the draft document (IDEG and Canadian Parliamentary Centre 2005:29).

5.3.2 Non-State Actors

One very significant development in Ghana's Fourth Republic has been the growing power of civil society and private sector actors in influencing economic policy making. The policymaking process in the 1980s under the bureaucratic authoritarian PNDC regime centred on a small macroeconomic team of government officials with support from the Bretton Woods institutions and characterised with little information disclosure to non-state actors such as civil society and private sector (Whitfield 2005). Despite political liberalization in 1992, national economic policy was not immediately opened for public discussion. Indeed, in 1995, public demonstrations in response to the introduction of the Value Added Tax occurred as a result of the NDC government's refusal to discuss economic policy issues with the extra-parliamentary opposition, maintaining the technocratic approach to economic policy-making in operation since 1983 (Akwetey 1998:17). The 1995 riots sparked a process of political opening, evidenced in one way by the government's decision to hold two National Economic Forums (NEFs) between 1996-7. Abugre (2001:3) described the 1997 Forum as a "land mark event" in the sense that it provided the "first formal opportunity for the public, including opposition parties, independent research institutions and civil society to input into economic policy". In May 2001, the NPP government also introduced an annual National Economic Dialogue (NED), bringing together various stakeholders inclusive of academic institutions, civil society and private sector actors, to discuss issues of national economic importance and to "build consensus on the way forward for the Ghanaian economy" (GoG 2002:2). Outputs of the GPRS I Core Teams were not only discussed and validated at the National Economic Dialogue held in May 2001 (ibid), but also the recommendations made at the 2004 NED informed the preparation of the GPRS II (World Bank [presumed] 2006:3).

Yet, the effectiveness of the NED in fostering genuine participation of non-state actors in policy making has been questioned from at least three perspectives. First, like the 1997 Forum, there was a marked disparity in the information available to the various participants in the 2001 NED (Abugre, 2001:3; Killick and Abugre, 2001:28). Second, the large number of participants in the dialogue (comprising of over 200 people) defied effective debate, and decisions drawn from it were much more likely to have been influenced by those who managed the processes rather than representing a consensus position (ibid). Third, the National Economic Dialogue was not only poorly organized in 2005 (GoG 2006:130), but has also not been held at all since 2006. This rather *ad hoc* and irregular manner in which the NED has been organized has given rise to questions in recent times as to whether the programme was established as a genuine mechanism for promoting civic participation or merely a public relations exercise aimed at bolstering the image of government.

⁷² For a list of stakeholders who participated in the CSPGs, see NDPC (2005:10).

Despite these criticisms, the NED and other recent initiatives have opened new spaces for non-state actors to policy debates that were hitherto entirely closed to them. In 2005, for instance, the NPP administration announced an open-door policy aimed at encouraging ordinary citizens to make inputs into the preparation of the national budget. In line with this 'new budgetary approach', the Ministry of Finance and Economic Planning (MOFEP) now invites civil society actors through open advertisements in the print and electronic media to submit memoranda on issues that could inform the prioritization of resource allocation in the national budget (IDEG 2006a). Beyond the open advertisements, MOFEP also organises thematic and sector-based forums to engage civil society and the private sector to solicit their inputs in the preparation of the national budget (Akwetey 2007:7). Nonetheless, the budget process remains essentially closed, as government does not publish draft budgets at the development stage. This makes it difficult for both civil society and Parliament to make any meaningful impact on decisions relating to budgetary allocations. Moreover, the so-called 'new budgetary approach' is yet to become an institutionalized mechanism for enhancing civic participation in the national budget process, with MOFEP failing to invite civil society to submit inputs in 2008.

One recent initiative that has significantly boosted CSOs' participation in policy making has been the formation of the Growth and Poverty Forum (GPF). In April 2005, a number of civil society and private sector organizations formed the GPF to have a greater impact on the content of the GPRS II as a collective organization. The formation of the Forum was dictated by civil society's experience with the formulation of the GPRS I, where the participation of individual civic actors in the process was criticised as being superficial and rather unsatisfactory. The GPF made collective inputs in the formulation of the draft GPRS II with written comments to the NDPC, and has also been reviewing the Annual Progress Reports on the Strategy prepared by the NDPC. In addition, through its active advocacy, the Forum has since 2006 been given full access to the annual Consultative Group Meeting between the Government of Ghana and donor agencies, a platform that had hitherto been reserved for government-donor discussions on major policy issues since its inception in 1999 (Akwetey 2007).

In spite of the above opportunities for civic engagement, concerns have been raised about the extent and quality of non-states actors' participation in policy making. In any participatory process, relevant questions concern not only who is invited to participate, but also how much real impact do the various participants have on the outcome of important decisions. In Ghana, both the extent and quality of civic participation in the PRSP processes appeared to have been rather unsatisfactory, with survey of 46 civil society organizations in July 2002 revealing that only 20% of the organizations were consulted in the preparation of the GPRS I (AFRODAD 2003). It is not surprising, therefore, that the Integrated Social Development Centre (ISODEC), a local NGO in Ghana, described the GPRS I as a consultative process involving a selected few:

Consultation was more with urban based NGOs and less so with rural communities. Most women's groups were not part of the process and CSOs did not have the chance to interact with their constituencies to feed back into the process or even to mobilize them to make input. Major contentious sectoral policies contained in the GPRS were hardly debated. They appear to have either been transferred from past programme commitments...picked from official address or strongly pushed by donors (quoted in Oxfam International 2004:36).

Indeed, the GPRS I consultative processes were not only largely limited to urban-based organizations, but also the few that participated in the process "... complained that they were invited by representatives of the government on short notice to attend workshops whose contents had already been pre-determined by the government" (IDEG 2006a:19; see also Peretz and Aryeetey 2005). Similarly, studies on the preparation of the GPRS II have also shown that the government's process of engaging with civil society and the private sector

was inadequate: there was little time for engaging in discussion at meetings and limited availability of information, thereby reducing CSO participation only to mere 'consultations' and 'information sharing' (see Abdulai and Quantson 2008). Moreover, participation in the GPRS-related workshops was by invitation from the NDPC. The result of this was the exclusion of a number of critical voices in the participatory processes, with a recent survey revealing that a significant number of CSOs (28%) did not participate at all in the GPRS II because "they were not invited by the NDPC to any of the meetings" (ibid:33).

But why did the government's style of engaging non-state actors in both the GPRS I & II seem inadequate and rather unsatisfactory? Two major possible reasons are discernible. First, there are no mechanisms for civil society and private sector actors to hold government and development partners accountable to any decisions reached in the course of consultations (Whitfield 2005:653). Accordingly, the Government did not feel obliged to ensure that civil society's inputs were incorporated in its decisions. The second possible reason is in relation to the rather self-centred motives of both government and development partners for promoting civic participation in policy making. Why did the government of Ghana strive to engage civil society and private sector actors in the formulation of the country's PRSPs? Does the emphasis on civic participation on the part of development partners aim at enhancing the responsiveness of public policies, or is it an attempt to assist in securing political consensus around a set of policy reforms and strategies established by donors? Skeptics of the emerging government-civil society partnership maintain that the GoG is not willing to share political space with non-state actors; it only pretends to be facilitating civic participation in order to remain in the 'good books' of donors, hence the slot to civil society in programs funded by such donors (IDEG 2006b). Accordingly, the quality of civil society participation was weak because the GoG was much more concerned about pleasing donors by consulting a select band of donor-funded NGOs than promoting an all-inclusive policy making process.

In relation to donor motives, Farrington (quoted in Whitfield 2002:19-20) argues that the recent emphasis of the IMF and the World Bank on the participation of civil society in poverty reduction represents an acknowledgment on the part of the IFIs that the "models of development strategies they wished to foster would not be consolidated unless effective demand for them could be articulated by the relevant sections of society". Put differently, the IFIs' explicit support for civil society through the poverty reduction strategy papers is partly grounded on the belief that a vibrant civil society would be crucial in consolidating their neo-liberal policies in poor countries by undercutting the hegemonic powers of the state. As Williams and Young (1994:87) put it fifteen years ago and prior to PRSPs: "[t]he [World] Bank's promotion of civil society is linked to its promotion of accountability, legitimacy, transparency and participation, as it is these factors which empower civil society and *reduce the power of the state*" (emphasis added). Thus, while the IFIs' requirement for non-state actors' greater involvement in formulating strategies for poverty reduction has steadily opened the policy making environment to civic actors, it has also provided a new framework for forcing poor countries to align their development strategies with the interests and ideologies of these institutions. This has detrimental consequences for aid-dependent countries like Ghana not least because it provides room for directing accountability of both national governments and domestic CSOs to external partners rather than to local constituencies. Thus, in the view of Gould and Ojanen (2003:21), the most important effects of the donor requirement for civil society consultation and participation in policy making might not relate to poverty reduction at all, but to a new configuration of power relations between creditors and national governments in which the former uses its economic might to drive the policies of the latter.

6.0 Conclusions

This paper sought to examine the extent of democratic consolidation in Ghana and to identify the most powerful economic and political actors that underpin Ghana's nascent democratic processes. The analysis shows that Ghana has made modest but significant progress in democratic governance in the past 15 years. In a region marred by authoritarianism and gross human rights violations, Ghana stands out as a positive example of democratic progress in Africa from several perspectives. First, the peaceful alternation of power from the NDC government to one of its arch rivals, the NPP through the ballot box in January 2001 has been a highly significant development, especially by the standards of sub-Saharan Africa. Second, with the promulgation of a liberal Constitution, inclusive of provisions on human rights protection and promotion and the establishment of independent commissions of horizontal accountability, there have been considerable improvements in the respect for human rights since the restoration of multiparty democracy in 1993.⁷³ Third, the democratic transition has significantly changed the country's political environment, enabling non-state actors in civil society and the private sector to assert themselves more proactively in influencing government policies than in the past. Accordingly, the past 15 years have seen the emergence of vibrant, independent media and an active civil society in effective exercise of the freedom of association guaranteed under the 1992 Constitution.

Nonetheless, to characterise Ghana's democratic practices in the above positive manner is not to deny that major democratic deficits persist. First, even though the Constitution guarantees a broad range of rights, including those of civil and political rights as well as economic and social rights, executive/Presidential dominance over other structures of power remains a major factor undermining citizens' ability to claim their rights. This is largely because the political system and the underlying distribution of power among the various organs of government fosters executive hegemony and weakens the effectiveness of formal oversight institutions such as Parliamentary committees, CHRAJ and the judiciary in the protection and promotion of rights – a problem largely traceable to flaws in constitutional designs and provisions. Key among such flaws are the excessive constitutional powers entrusted to the President in the appointment of judges, the Judicial Council and the Council of State, as well as executive-legislature fusion through the President's power to appoint the majority of cabinet ministers from within Parliament. This latter provision has significantly empowered the President "to recruit ... MPs to join the government and for enforcing loyalty to the executive undermining the [oversight] functions of the legislature" (Linberg 2008:26). Executive dominance extends from the central to regional and local levels where the President's power to appoint members of the Regional Co-ordinating Councils, District Chief Executives as well as one-third of the membership of the District Assemblies foster upward accountability to the central government rather than downward accountability to citizens and their communities. Thus, if by democratic decentralization is meant "entrust[ing] downwardly *accountable* representative *actors* with significant domains of autonomous discretionary *power*" (Ribot 2001: vi and 3, emphasis original), then "[d]emocratisation [in Ghana] seems to lack depth at the local government level and there is an urgent need for reforms in the local government sector" (IEA 2008:73).

Second, while civil society activity may have grown tremendously over the past 15 years, it must also be acknowledged that this growth has not translated automatically into effective impact of non-state actors in policy making. Indeed, effective civic participation in policy making is still undermined by a variety of factors. These include: limited availability of relevant information to CSOs mainly due to the lack of a freedom of information law; limited civil society capacity to effectively influence government's policies; and over dependence of CSOs on donor funding leading to their co-optation by external partners. Moreover, the

⁷³ It is worth noting that Freedom House's ratings of Ghana have soared from a low of six on both political and civil liberties in 1991 to a high of two on both scales in 2004.

absence of structures through which non-state actors can evaluate the extent to which their engagement with the state influence the outcome of public policy choices and to hold government accountable to any decisions reached in the course of consultations (Whitfield 2005:653), gives government the leverage to consult but ignore civil society's views in setting national development agenda. Not surprisingly, whilst representatives of civil society and private sector organizations are increasingly being invited to participate in poverty reduction strategies and social development programmes, non-state actors who have been involved in these participatory processes "maintain that the process neither sufficiently empowers them to influence public policy choices nor mobilises them for public action in support of ensuing policies and programmes" (IDEG 2004:12). Indeed, some CSOs and private sectors that have participated in the GPRS I & II processes have expressed dissatisfaction with the extent and quality of their participation, arguing that it was more of 'consultation' and 'information sharing' exercise than a public deliberation process (Abdulai and Quantson 2008). The result of this limited non-state actors' engagement at the national level is the outcome of public policy choices not backed by effective civic action. Also at the local level, the weakness of the sub-district structures, particularly the Unit Committees, means that citizens have no mechanisms for effectively influencing decision making and development planning beyond periodic elections.

The third major democratic deficit identified in this paper has been the marginalization of women in the power structures of the state not only at the national and local levels, but also in the country's traditional governance system. Although the constitution guarantees all persons the opportunity to participate in decision making at every level, low levels of education as well as deep-seated socio-cultural practices constitute a formidable hindrance to the effective participation of women in politics and public life. Accordingly, despite constituting over 50% of the country's population, the share of women in political and public office's appointment is a paltry 8%. Affirmative action in this area in recent times, consisting in part of the purposeful and targeted nomination of women to key positions,⁷⁴ have so far made minimal impact in enhancing the visibility of women in Ghanaian politics (Allah-Mensah 2005). Consolidating democracy in Ghana will therefore require a conscious effort in addressing the socio-cultural factors that tend to limit the rights of women in effectively participating in active politics. Civil society has a crucial role in this regard by continuously and vigorously advocating gender equity and equality in all fabrics of life as a basic right, and as a means for addressing women's concerns. Political parties can also assist by deliberately fielding female parliamentary candidates in their strongholds, and by ensuring that women play more visible roles in their party structures.

On the structures and institutions of economic and political power, the paper has identified a wide range of actors and institutions – both national and international, constitutional (formal) and extra-constitutional (informal) – that drive Ghana's socio-economic and political development processes. The formal political actors include the executive, headed by the President who is both Head of State and Head of Government; a unicameral Parliament, currently made up of 230 members; and a judiciary, comprising both superior and lower courts. Beyond these three arms of government, other informal institutions of political power identified in this paper are political parties, civil society and traditional authorities. Although the Constitution officially debars chiefs from engaging in active politics, the chieftaincy institution remains a formidable force in Ghanaian politics and society as a whole. Indeed, not only are traditional authorities constitutionally mandated to interpret and codify customary laws; they also still command significant control over natural resources within their jurisdictions, particularly land. Similarly, despite their inability to promote the equal participation of women in politics, both at the national and local levels, political parties have

⁷⁴ One recent example of such nominations has been the appointment of a female Chief Justice by the Kuffour government for the first time in the history of Ghana.

become the most acceptable and institutionalized way of competing for political power since the restoration of multi-party democracy in 1992.

Regarding economic power actors, the analysis in this paper suggests that state institutions such as the NDPC, and various government Ministries, Departments and Agencies are among the most influential players in the policymaking terrain, while the role of Parliament remains marginal, largely limited to approving the legislative framework for policy reforms rather than engaging in their formulation. With increasing democratisation, however, economic policy making is no longer exclusively reserved for the state and its agencies, but rather shared, albeit unequally, with non-state actors such as civil society organisations and the private sector. The growing power of non-state actors is partly attributed to the emergence of a number of opportunity structures through which citizens can proactively influence government economic policies and decisions. Prominent among these structures are the annual National Economic Dialogue, MOFEP's new budgetary approach which allows non-state actors' participation in the formulation of the annual economic policy and budget statement of the government, the annual People's Assembly, the weekly 'Meet-the-Press' Series, the Speaker's Breakfast Forum, Parliament's Outreach Programme, and since 2006, the opening of the annual donor-GoG Consultative Group Meetings to civil society. Yet, the impact of these new opportunity structures on democratic consolidation remains limited, not least because their existence and effectiveness depend largely on the benevolence of government, rather than being institutionalized as a right. Indeed, the rather *ad hoc* and erratic manner in which government has often organized the National Economic Dialogue and the Meet-the-Press Series, as well as MOFEP's failure to invite civil society to make inputs into the preparation of the national budget on a regular basis, suggest that the prevailing political environment still leaves non-state actors largely subordinate to state actors. Thus, what may seem to be real opportunities for non-governmental action may be nothing more than mechanisms for bolstering government's image and legitimacy, as and when it deems fit.

Finally, the discussions in this paper suggest that Ghana's socio-economic and political development is steered as much by external or international actors as by national stakeholders, with the two most powerful external actors being foreign transnational corporations and the country's so-called development partners. Whilst TNCs contribute only marginally to the nation's economy, they have thus far effectively exploited their corporate powers to engage in all sorts of human rights violations in mining communities with impunity. More significantly, the continuing dependence of the Ghanaian state on foreign aid, and the economic power asymmetry between Ghana and her development partners, enables the latter to exercise various forms of influence over the former's policy choices, raising questions about democratic accountability and national sovereignty in economic policy making. As the discussion in this paper suggests, Ghana's adoption of the PRSPs has brought with it a renewed form of influence by external partners, as the country's growth and poverty reduction programmes now require the 'approval' or 'endorsement' by the World Bank and the IMF. Thus, while there is little doubt that both the GPRS I (2003-2005) and the GPRS II (2006-2009) were formally country-led, with the National Development Planning Commission at the forefront of their formulation processes, it would be problematic to describe them as country-owned given the exercise of such 'hidden powers' by the IFIs on those policy documents.

Appendix 1: Post-Independent Governments in Ghana

Year	Event	Basic Law	Legislative Body	Executive Body
(1) 1957	Independence (Convention Peoples Party Government)	Independence Constitution	Parliament	Queen + Prime Minister + Cabinet
(2) 1960 (January-June)	Constituent Assembly (CPP Government)	Independence Constitution	Constituent Assembly	Queen + Prime Minister + Cabinet
(3) 1960 (1st July 1960)	1st Republic (CPP Government)	1st Republican Constitution	Parliament	President + Cabinet
(4) 1966 (24th February)	1st Coup d'Etat (NLC Government)	National Liberation Council (Establishment) Proclamation	National Liberation Council (NLC)	National Liberation Council (NLC)
(5) 1969 (August)	2nd Republic (Progress Party Government)	2nd Republican Constitution	Parliament	President + Prime Minister + Cabinet
(6) 1972 (13th January)	2nd Coup d'Etat (NRC Government)	National Redemption Council (Establishment) Proclamation	National Redemption Council (NRC)	National Redemption Council (NRC)
(7) 1975	Revised Composition and re-naming of the NRC	Supreme Military Council (SMC) (Establishment) Proclamation	Supreme Military Council (SMC)	Supreme Military Council (SMC)
(8) 1978	"Palace Coup"	-Ditto-	-Ditto-	-Ditto-
(9) 1979 (June 4th)	Military "Uprising" (3rd Coup d'Etat) (AFRC Government)	Armed Forces Revolutionary Council (Establishment) Proclamation	Armed Forces Revolutionary Council (AFRC)	Armed Forces Revolutionary Council (AFRC)
(10) 1979 (24th September)	3rd Republic (Peoples National Party Government)	3rd Republican Constitution	Parliament	President + Cabinet
(11) 1981 (31st December)	"Revolution" (4th Coup d'Etat) (PNDC Government)	Provisional National Defence Council (Establishment) Proclamation	Provisional National Defence Council (PNDC)	Provisional National Defence Council (PNDC)
(12) 1993 (7th January)	4th Republic (National Democratic Congress Government)	4th Republican Constitution	1st Parliament of the 4th Republic	President + Cabinet
(13) 1997 (7th January)	4th Republic (NDC Government)	4th Republican Constitution	2nd Parliament of the 4th Republic	President + Cabinet
(14) 2001 (7th January)	4th Republic (New Patriotic Party Government)	4th Republican Constitution	3rd Parliament of the 4th Republic	President + Cabinet
(15) 2005 (7th January)	4th Republic (NPP Government)	4th Republican Constitution	4th Parliament of the 4 th Republic	President + Cabinet

Source: IEA 2008: 13-14

Appendix 2: Women's Representation in Ghana's Parliament: 1992-2004

Year	Total MPs	Total Women	% Women
1992	2000	16	8.0
1996	2000	14	7.0
2000	2000	19	9.5
2004	230	25	10.9

Source: OSIWA and IDEG (2007a:89)

Appendix 3: Human Rights under the 1992 Constitution of Ghana

Political and Civil Rights Guaranteed in the 1992 Constitution

- ✘ Protection of the Right to Life (Article 13)
- ✘ The Right to Personal Liberty (Article 14)
- ✘ Respect for Human Dignity (Article 15)
- ✘ Protection from Slavery and Forced Labour (Article 16)
- ✘ Equality and Freedom from Discrimination (Article 17)
- ✘ Protection of Privacy of Home and other Property (Article 18)
- ✘ The right to a Fair Trial (Article 19)
- ✘ Protection from Deprivation of Property (Article 20)
- ✘ General Fundamental Freedoms relating to speech, expression, information, thought, conscience, belief, movement, assembly, association (Article 21)

Economic, Social and Cultural Rights Guaranteed in the 1992 Constitution

- ✘ Property Rights of Spouses (Article 22)
- ✘ Economic Rights (Article 24)
- ✘ Educational Rights (Article 25)
- ✘ Cultural Rights (Article 26)
- ✘ Women's Rights (Article 27)
- ✘ Children's Rights (Article 28)
- ✘ Rights of Persons with Disabilities (Article 29)
- ✘ Rights of the Sick (Article 30)

Source: Republic of Ghana, 1992 Constitution

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