

To : Joseph Goodwin, Mission Director, USAID/Ghana
From: Rene Lemarchand, D3 consultant/REDSO/Abidjan
Date: June 6, 1993
Re : DG Assessment, Ghana

This report is in response to a request from USAID/Accra for REDSO/Abidjan to conduct a comprehensive review of the DG situation in Ghana in the wake of the 1992 presidential and legislative elections.

We take our scope of work to include (a) a general background discussion of the Rawlings years since his second coup on December 31, 1981; (b) a critical evaluation of the DG performance of the GOG during and after the transition, taking into consideration public accountability, human rights, freedom of association and information, and public sector transparency and effectiveness; (c) recommendations as to possible areas of intervention for USAID/Accra.

These fall into two broad categories, identified with two major strategic objectives, i.e. enhancing civil society and strengthening institutions of public governance. The first seeks to create new opportunities for political involvement through civic education and improved media training programs; the second focuses on (a) overhauling voter registration, (b) making professional and technical expertise available to members of parliament, (c) sustaining the enabling environment for the Trade and Investment Program, (d) and giving further impetus to administrative and political decentralization, a key component of any strategy geared towards a "people level impact". It is our assumption that these objectives can best be translated into reality if a sustained effort is made to enlist the support and cooperation of local NGOs; another is that the institutional and "civil society" components of the DG equation ought to be seen as two sides of the same developmental coin. They cannot be treated as operating independently of each other.

During our stay in Accra (April 18-28) we had the opportunity to meet with several members of the government and opposition leaders (including Adu Boahen, B.J. Da Rocha, Kwesi Pratt, Nana Akufo-Addo and Alhaji Mohammed Farl) and interview civil servants, lawyers, journalists, newspaper editors and university lecturers. We also had several illuminating exchanges with members of the AID mission (including mission director Joseph Goodwin, and program officers Bob Wuertz, Dan Blumenhagen and Habib Khan) and US Embassy personnel (including Ambassador Kenneth Brown, DCM James Ladesma and political officer David Appleton). Much of what follows reflects our indebtedness to each and everyone of them, but in no sense can they be held responsible, individually or collectively, for the views expressed in this report. Considering the highly controversial nature of some of the issues we are dealing with, the point cannot be overstressed.

In addition to drawing extensively from open-ended interviews, a variety of sources have been used in the preparation of this report -- newspaper articles, official documents, USAID-commissioned reports, journalistic accounts and works of scholarship. Of these the following proved especially useful: Decentralization: Improving Governance in Sub-Saharan Africa/ Ghana Case Study (USAID report: March 25, 1992), the section on Ghana in Country Reports on Human Rights Practices for 1992 (Department of State, US Government Printing Office: 1993), Evolving a True Democracy: A Report Presented to the PNDC (National Commission for Democracy, Accra: March 25, 1991), Sam K. Asibuo, Problems and Prospects of the Implementation of the New Local Government System under PNDC Law 207 (School of Public Administration, Public Sector Management Unit, University of Ghana: 1992), Kevin Shillington, Ghana and the Rawlings Factor (Macmillan, London: 1992).

Before proceeding any further a few notes of caution are in order. Ghana's democratic transition has just ended; the consolidation phase is only beginning. Six months is an exceedingly narrow time frame for assessing the

performance of any regime. Another complicating factor refers to the predictable biases and prejudices that characterize the views of the opposition about the transition. More surprising, however, is the grossly misleading assessment of the human rights situation offered in the 1992 Freedom House report on Ghana. Much the same kind of uncritical analysis also colors the DG summary on Ghana drafted by the Office of New Initiatives of the Africa Bureau; as we hope to demonstrate, to flatly assert that "Ghana totally fails the political accountability criteria" flies in the face of the evidence. Which is not to suggest that our own assessment of democratic governance in Ghana is entirely free of blemishes. Much of what follows is perhaps best seen as an attempt to extrapolate into the future what few trends are emerging on the political horizon. We are less concerned about giving the reader a snapshot inventory of DG pluses and minuses at a given point in time than we are about conveying a sense of the dynamic at work. The exercise is all the more risky given the fact that we had neither the time nor the opportunity for a sustained, first-hand analysis of the dynamics of change at the district level. For much of our discussion of district level politics we are indebted to Sam K. Asibuo's illuminating work, and the USAID-sponsored report on decentralization cited above. Both are important contributions to our understanding of local governance in contemporary Ghana.

THE GHANA PARADOX

Ghana is the only country in the continent to have evolved from a multi-party to a single-party state by political suicide of the opposition. Although this situation makes Ghana a rather unique case, the questions it raises have a direct bearing on the conditions of democratic governance: what is the responsibility of the opposition in paving the way for a restoration of autocratic rule? How much credence should one place in the opposition's claims of massive electoral fraud? Does unfettered control of government institutions by the incumbent party necessarily translate into the absence of accountability and transparency?

Before coming to grips with these questions it is worth reminding ourselves of the radically different assessments of Ghana's democratic transition offered by the principal opposition party, the New Patriotic Party (NPP) and the Rawlings government. For the NPP only through massive electoral fraud was the incumbent National Democratic Congress (NDC) able to emerge triumphant from the November 1992 presidential race. Anticipating renewed fraud in the December 1992 legislative elections the NPP refused to put up candidates. Left to run unopposed, the NDC captured 189 seats in parliament out of a total of 200. Today there is almost unanimous agreement among opposition leaders that if it had not been for the rigging of the presidential elections by Rawlings' party they would have scored a decisive victory in both races. In short, if the presidential elections had been "free and fair" Ghana would not be a single-party dictatorship. For the ruling NDC, on the other hand, not only were the presidential elections conducted fairly, but by refusing to take part in the legislative race the NPP deprived itself of the opportunity to emerge as a major opposition force in parliament. If the NPP is now politically voiceless it has no one to blame but itself.

Closer examination of the record suggests a more nuanced assessment, however. On the strength of the evidence gathered by the Carter Commission and the Commonwealth observers, there is every reason to believe that the presidential elections were accompanied by many irregularities. Just how many, in what form, in what localities remains unclear. The consensus of opinion among outside observers is that the worst irregularities were found in the electoral register. The conclusion reached by the monitoring teams, however, is that even in the absence of "ghost voters" and other irregularities Rawlings would have won the presidency. Furthermore, interviews with informed observers suggest that, had the NPP agreed to enter the race for parliament, it would have won anywhere from 40 to 50 seats, enough to make it a force to be reckoned with.

To return briefly to the questions raised earlier:

* Although the opposition bears much of the responsibility for allowing Ghana to return to single-party rule, it is equally clear that their decision was based on their perception of a flawed electoral process; while reported irregularities never reached the scale claimed by the NPP, these were nonetheless substantial enough to cause its leadership to reject the results and boycott the parliamentary elections. (In Senegal, on the other hand, where substantial irregularities were reported during the presidential race, the re-election of Abdou Diouf to the presidency did not prevent the opposition from taking part in the legislative elections, and in so doing to win several additional seats in the assembly). Thus concerted efforts aimed at cleansing the electoral register constitute a major target of opportunity for USAID and other donors, a point to which we shall return.

* A precise evaluation of the scale of electoral fraud is beyond the capacity of monitoring teams: there is simply no way of knowing how many voters were kept away from the polls, by what means, and in what localities; how many votes were cast by non-existing voters; how many ballots were stuffed in how many boxes. The reason, as one observer noted, is that "election monitoring is an art, not a science". The most we can do in such circumstances is to make approximate judgements, on the basis of limited information. It is on this basis that the monitoring teams reached the entirely plausible conclusion that even in the absence of irregularities Rawlings would most probably have won the race to the presidency. This said, there are ways to improve the internal mechanisms available to reduce electoral fraud, especially in terms of training African teams for the monitoring of the electoral process.

* As to whether single-party rule in Ghana is at all compatible with the principles of accountability and transparency, the answer at this stage can only be speculative. On the strength of the limited evidence available, however, there is hardly any doubt (except in the minds of some Ghanaian emigres) that on both counts the present situation marks a miraculous improvement on the PNDC era. As for the kinds of strategies through which USAID might help strengthen the democratization of the political process, at least two immediately come to mind: (a) by promoting greater transparency and accountability in the private sector, in hopes that it may generate significant spill-over effects into the public sphere, and (b) by making a more sustained effort to open up new political spaces at the district level.

Pending further elaboration, let us at this point take a brief retrospective look at Ghana's political trajectory since Rawlings' "second coming", in December 1981. Only by taking into account his impressive "learning curve" over the last decade can one understand Rawlings' rising popularity in the years immediately preceding Ghana's democratic transition, a phenomenon which the opposition stubbornly refuses to acknowledge.

HISTORICAL BACKDROP: THE AVATARS OF THE PNDC

Democratization has advanced further in Ghana than in most other states in West Africa (with the possible exception of Benin). Although the passage from a starkly authoritarian state to the construction of a multi-party democracy has not gone without major setbacks and moments of high drama, the weight of the evidence shows that democracy is not just an outer crust. Beyond this, however, is the more fundamental question of whether the emergent institutions of governance can put down roots. After successfully weathering the crisis of transition, can Ghana achieve a meaningful consolidation of its democratic gains? The answer lies in part in the twists and turns of the country's political evolution over the last decade, in part in Rawlings' personality, and in part in the capacity of the economy to live up to the promises of structural adjustment. On each of these counts history yields illuminating insights.

Phase One: The Jacobine Model (1981-1983)

Rawlings' second take-over, on December 31, 1981, revealed the more salient features of his personality: physical courage, ruthlessness in dealing with his opponents, and a certain naive, almost "boy-scoutish" vision of Ghana's political destiny, projected through a populist rhetoric that smacked of Fidel Castro and Muammar Qadhafi's. Consider the following passage, from the PNDC Policy Guidelines (May 1982):

"The national struggle has a very important corollary and this is the struggle for new democracy. The content of this struggle is to place power in the hands of the people and to ensure their genuine participation in the decision-making processes. In the attempt to change the neocolonial institutions it is important to note that the State machinery imposed by imperialism and its methods of operation are inherently undemocratic".

From the character of the institutions set up under the new regime its claims to representing a "new democracy" seemed singularly unfounded: under Rawlings' Chairmanship the eleven-member PNDC -- a loosely knit assemblage of army men, former student leaders and trade-union organizers -- assumed unfettered control over the political life of the country; the maintenance of "peace and order" was entrusted to paramilitary units recruited among Rawlings' most trusted followers; the core element in the new institutional scaffolding, however, were the people's defence committees (PDC), in charge of promoting the revolutionary mobilization of the Ghanaian masses. Later renamed committees for the defence of the revolution (CDR), the PDCs developed into an extensive network of "community watchdogs", found in virtually every township and village. Furthermore, their control over the so-called "people's shops" enabled them to reward the faithful and penalize the recalcitrant. Recruited among the unemployed and the "bully-boys" of the village communities, the PDCs went about the task of revolutionary mobilization with a brutality unmitigated by their formal subservience to the PNDC. This is how one commentator describes their methods: "Within a matter of weeks, power to the people became power to the brutal and the violent in society, especially those with guns. Arbitrary assaults and even killings were carried out in the name of the revolution... The Graphic and the Times reported frequent exhortations of Regional Secretaries and Council members who urged defence committees to refrain from brutalities and arbitrary acts of violence; they were supposed to be acting in the interests of the oppressed, not as oppressors themselves" (Shillington, 90). Meanwhile extensive purges were conducted within the army. Hundreds of troops and noncoms suspected of disloyalty to the regime were rounded up and shot. Nor were the civilian sectors spared. On June 30, 1982, three High Court judges (F.P. Sarkodee, K.A. Agyepong and Cecilia Koranteng Addow) were arrested and immediately executed. While expressing his sense of shock and horror at what he described as "these hideous acts of terrorism", Rawlings seemed incapable of curbing the excesses of his men. From all appearances, the Jacobine model had spawned a terrorist state.

The economy, meanwhile, went into a tailspin. There was more to it than the decline in cocoa production and a drastic fall in real producer prices. A lot had to do with the situation of semi-anarchy in the factories and work-places introduced by the Workers' Defence Committees (WDC). Intended to instill a sense of revolutionary consciousness among workers, the WDCs proved remarkably adept at heaping verbal and physical abuse upon managers and taking over factories -- but equally inept in managing them. With regime legitimacy at its lowest ebb, industrial and agricultural production plummeting to unprecedented depths, and no help in sight from "the progressive nations of the world", the time seemed ripe for an agonizing reappraisal of Ghana's socialist experiment.

Phase Two: The Launching of the Economic Recovery Program (1983-1987)

Rawlings inherited a catastrophic economic situation, hardly mitigated by populist fervor. Not until December 30, 1982, after careful examination of the issues by the Economic Review Committee, did it become clear that Ghana was about to embark on a major restructuring of its economy. On that day the Secretary for Finance and Economic Planning, Dr. Kwesi Botchway, laid out the basic principles of Ghana's four-year Economic Recovery Program (ERP). The aim, reflecting decisive inputs from the World Bank and the International Monetary Fund (IMF), was to shift economic policy away from the immediate goal of socialist redistribution to the long-term objectives of increased industrial and agricultural production. To that end Rawlings negotiated and put into effect three recovery programs since 1983. Despite stiff opposition from radical intellectuals (like Chris Atim), students, urban workers and middle class elements to what many saw as an intolerable concession to economic revisionism, the PNDC managed to survive long enough to reap the political benefits of economic recovery (most noticeable among rural constituencies).

Devaluation of the cedi, along with drastic cuts in government subsidies aimed at reducing the budget deficit, were key items on Botchway's agenda. Hopefully the ERP would undo the disastrous consequences of years of mismanagement by restructuring the entire economy, meaning lowering inflation, increasing the flow of foreign exchange, creating production incentives and rehabilitating economic infrastructures. In line with the IMF guidelines the first year of the ERP was devoted to "getting the prices right" to encourage productive activity. Because of the drought the initial results were far from encouraging, but by 1984 the ERP began to show positive results. External aid more than doubled between 1983 and 1984. From the historic low of 1983 (when people stood in line at 3:00 am to buy gas and walked miles in search of rice and palm oil), Ghana's economy showed unmistakable signs of "bottoming out". Inflation fell from 120 per cent in 1983 to 37 per cent in 1984 and 10.4 per cent in 1985; GDP has grown at a rate of about 5 per cent since 1984, or twice the rate of most other African states; and the rehabilitation of the country's infrastructures is well under way, as shown by the \$ 73 mn project to modernize Tema and Takoradi ports, a project begun in 1987 with assistance from the World Bank.

Ghana's ERP holds significant implications from the standpoint of democratic governance. As one commentator points out, along with the privatization of the economy there has been a reawakening among entrepreneurs of a sense of initiative and responsibility:

"An important aspect of Ghana's economic recovery, not so obvious to the casual observer, has been the awakening of a sense of personal responsibility for the future welfare of the country. No longer do people simply assume the attitude fostered by the early Nkrumah years: that government will provide. One of the clearest manifestations of this new individual attitude has been in the field of personal taxation. In 1983 the government's revenue department was collecting little more than 4 per cent of Gross National Product in taxation. By 1989 this figure had risen to 16 per cent." (Shillington, 120)

But perhaps the more important point to stress is the timing of Ghana's ERP: unlike what happened in most other African states, in Ghana the liberalization of the economy occurred before the liberalization of the polity. Because of this unique sequencing Rawlings has been spared many of the contradictions involved in simultaneously imposing harsh austerity measures and trying to retain the support of urban constituencies. Had nation-wide elections been held in 1982 there can be little doubt that the opposition would have scored a landslide victory; ten years later the promises of ERP had become reality and Rawlings could legitimately claim much of the credit for a successful economic reform.

Nor can one overlook the part played by district level elections in 1988 and 1989 in boosting Rawlings' popularity, in creating the basis for participatory structures at the local level, and in facilitating the delivery of badly needed resources and services to the rural sectors. Nonetheless, important limitations were placed on the autonomy of district-level institutions. As we shall see, the setting up of partially elected district assemblies opened up new spaces for reinforcing the control of the center over the periphery.

Phase Three: The Election of District Assemblies (1988-89)

The District Assembly concept is the brainchild of Justice Annan, Chairman of the National Commission for Democracy (NCD). Created by PNCD declaration 1981 "to formulate for the consideration of the government a program for the more effective realization of a true democracy in Ghana", not until 1986 did the NCD begin to reflect constructively on its assigned task. Under Annan's guidance several symposia, seminars and durbars were held to solicit suggestions as to how to go about the construction of a "true democracy" in Ghana. The result was a lengthy document known as the "Blue Book", officially titled as "Document on the Creation of District Political Authority and Modalities for District Level Elections". By October 1988 the government issued PNDC Law 207, which sets forth the basic structure of the new district government system.

This is how the "Blue Book" describes the new institutional set-up:

"District Assemblies (DA) now form the pivot of the new local government system, and constitute the fulfillment of the PNDC commitment to involve the ordinary people in the process of taking decisions that affect their daily lives... Two thirds are elected by the people whilst one third is appointed by the Central Government in consultation with traditional rulers and other productive economic groupings... DAs are responsible for the overall development of the district and are expected to formulate programs and strategies for the effective mobilization and utilization of human, physical, financial and other resources... Integrated into the concept of the DA is the policy of decentralization by which functions and responsibilities are transferred from the Central Government to the District Assemblies".

Only with the strongest reservations, however, can one view the DAs as the embodiment of a genuinely decentralized system of local government. Quite aside from the fact that one third of the DAs membership is appointed by the government, the District Secretaries -- some of whom were described to this writer as "petty tyrants" and others as "plain sobs" -- are all hand-picked by the central authorities. The omnipresent CDRs provide yet another powerful instrument of government control. Furthermore, financial authority is solidly vested in the hands of the central government. Which in effect means that the delivery of key services is largely beyond the control of the DAs. In the terms of a recent USAID-sponsored report, "despite recent efforts to decentralize, control over the provision of public goods and services (such as health care and primary education) is vested with the central ministries, which delegate responsibilities to employees posted at the local level. Administration, finance, management, planning and supervisory functions are all controlled centrally" (Decentralization: Improving Governance in Sub-Saharan Africa: Ghana Case Study, March 1992, p. 5).

For all its limitations, as an exercise in participatory democracy the election of DAs -- a process that had to be staggered over several months, from December 1988 to March 1989 -- must be seen as an important step in the direction of democratic governance. According to NCD estimates, 59 per cent of registered voters went to the polls (as against 35 per cent in 1979). That the elections were held on a non-partisan basis does not detract from the fact that voters were able to exercise a meaningful choice of candidates. Moreover,

despite the reservations noted earlier about the extent of political decentralization achieved under the new system, Assembly members have learned how to make their voices heard, and how to communicate their views to the press.

Where the experiment is seriously open to criticisms is in the manner in which the voters' register was drawn up. On the strength of the evidence proffered by reliable observers, electoral lists were in most instances assembled by CDR men who went about their task with considerable negligence. Names were collected in the most arbitrary fashion, and the size of the potential electorate inflated beyond all reasonable proportions. Their deals came home to roost with a vengeance during the 1992 presidential elections, when it became clear that many of the irregularities reported by the opposition, and subsequently confirmed by observer missions, could be traced to a flawed voters' register -- the very same register used in 1988-9.

Vital as it may have been in paving the way towards grass-roots participation, the DA scheme provided no opportunity for participation at the national level. Nor did it provide for competitive, multi-party elections. Yielding to domestic and international pressures, the PNDC finally agreed to lift the ban on parties in May 1992, with presidential and parliamentary elections scheduled for November and December respectively.

Phase Four: Transition to Multi-Party Democracy (1992)

Few would quibble over Bratton's criteria for identifying a democratic political transition: "a transition is democratic if (a) it occurs by a competitive election open to all potential participants, (b) the administration of the election is free and fair, as judged by international observers and domestic monitors, (c) all participants, including the losers, accept the results of the election" (Michael Bratton, "Political Liberalization in Africa in the 1990s", typescript, 1993, p. 9). But by what criteria can one say that an election has been "free and fair"? Is the judgement of international observers and domestic monitors a sufficient guarantee? And what if there are disagreements among observers, domestic or international? This is where the case of Ghana poses major difficulties.

Before venturing tentative answers, let us briefly summarize the steps leading to the November 1992 elections: (a) on March 25, 1991 the National Commission for Democracy (NCD) issued its report on "Evolving a True Democracy" which set forth its recommendations for competitive, multiparty elections and "the convening of a broad-based national consultative body for further consultations and discussions on the content and form of the future constitution"; (b) in May 1991 the NCD made public the composition of the Consultative Assembly (CA): much to the surprise of lawyers, journalists and other professional people, the CA was to give appropriate weight to "identifiable bodies", including canoe fishermen, healers, bakers, hairdressers and so forth, in order to make sure that, as the editor of the Ghanaian Times put it, "the constitution that will finally emerge has the endorsement of the great majority of the Ghanaians"; (c) in February 1992 the NCD was replaced by the Interim National Electoral Commission (INEC), headed by Justice Josiah Ofori-Boateng, a move designed to formalize the regime's commitment to free and fair elections: consisting of 21 members, including eleven chosen by the President and ten elected from the regions the INEC was given full responsibility to conduct and supervise electoral operations; (d) in March 1992 the constitution of Ghana's Fourth Republic was put to a referendum and adopted by 85% of the voters; (e) from the November 3, 1992 presidential elections -- the first national election since 1979 -- NPCD leader Jerry Rawlings emerged the winner, with 58.3 per cent of the votes cast as against 30.4 per cent to his nearest opponent Adu Boahen.

Presidential Election Returns, November 1992

Candidate	Votes	Party Affiliation & of total
Jerry Rawlings	2,327,500	National Democratic Congress (NDC) 58.3
Adu Boahen	1,213,078	New Patriotic Party (NPP) 30.4
Hilla Liman	266,728	People's National Convention (PNC) 6.7
Kwabena Darko	113,615	National Independence Party (NIP) 2.8
Emmanuel Erskine	68,099	People's Heritage Party (PHP) 1.7

At this point the opposition immediately challenged the results, claiming massive fraud. The Commonwealth and the Carter Center observer teams, on the other hand, while noting a number of irregularities of various kinds, insisted that the elections were, on the whole, "free and fair", a judgement shared by other groups, including one from the Organization of African Unity and another from the European Community. To quote Richard Joseph, Director of the African Governance Program at the Carter Center: "In the absence of any compelling evidence of deliberate rigging and fraud, (the Carter team) accepted the official results despite the number and variety of irregularities which it attributed to logistical difficulties and the uneven training of election officials, polling agents and security personnel... The most serious problem observed related to the number of prospective voters in many constituencies who were turned away because their names could not be found on the register. Since Ghana lacks a consistent voter identification system, there was considerable variation in the procedures followed by election officials to verify the identity of voters" (Richard Joseph, in Africa Report, January-February 1993, p. 45).

At issue here is not whether or not irregularities occurred, but what kinds and on what scale. Whereas for the Carter Center there is no "compelling evidence of deliberate rigging and fraud", it is an article of faith among opposition leaders that "the irregularities that attended the conduct of the November poll were neither accidental nor isolated but formed part of a systematic plan, carefully contrived and ruthlessly executed to deprive the people of Ghana of a free and fair election" ("Stolen Verdict", p. 86). Where the Carter team sees egregious flaws in the voters register as "the most serious problem observed" the opposition detects a wide variety of irregularities, ranging from "intimidation, impersonation, corrupt and illegal practices" to "stuffed ballot boxes, collusion of INEC, pressure from 'revolutionary organs', security personnel and state-owned media" ("Stolen Verdict", p. 82). Again, to quote from what has now become a best seller in Ghana: "It is clear from this study that the state-sponsored organs of the PNDC -- the so-called revolutionary organs such as the CDRs, CDOs, the 31st DWM, the mobisquads and the commandos and security personnel, played a crucial if not decisive role in the implementation of the PNDC agenda -- the transformation of Chairman Rawlings into President Rawlings... They acted not only as election officials and supervisors, but also as mobilizers of the NDC vote" (ibid.).

Would a greater degree of fairness and freedom in the electoral process have tipped the scales in favor of Adu Boahen? Probably not. Reinforcing the verdict of international observers is the fact that, with rare exceptions, the regional breakdown of election returns were entirely consistent with what most Ghana experts had predicted: thus while Boahen won in Ashanti (61 per cent of the vote), Rawlings scored a landslide in Volta Region (93 per cent) and did predictably well in the Upper East and Upper West Regions (51 per cent) and even better in the Northern Region (62.5 per cent). In the Western region, on

the other hand, the results turned out substantially at variance with predictions: despite the relative neglect of the region by the PNDC Rawlings won 60 per cent of the vote.

Allegations of fraud notwithstanding, several factors played a decisive role in Rawlings' victory: (a) the advantages of incumbency -- ranging from access to vehicles, the media and campaign funds to the mobilization of CDRs and mobisquads to whip up support for the NDC -- inevitably played into Rawlings' hands; (b) years of sustained effort to develop rural infrastructures (especially in the north) paid off; (c) his personal magnetism and charisma was unmatched by any of his opponents, most of whom looked like superannuated old-time politicians; (d) by making overtures to the NCP Rawlings was able to effectively fragment the Nkrumahist opposition: testifying to the success of this strategy is the fact that the leading Nkrumahist candidates, Erskine and Limann, did surprisingly poorly, even in their home districts. Most impartial observers, in short, would agree that, compared to Boahen and other opposition candidates, Rawlings ran a more effective campaign.

By rejecting out of hand the verdict of independent observers and announcing they would boycott the legislative elections, the opposition paved the way for a parliament dominated by the NDC. Only four parties ran candidates -- all of them pro-government parties: the NDC, the Every Ghanaian Living Everywhere Party (Egle Party, or EP), the National Convention Party (NCP) and Independents, with the NDC taking 189 seats out of 200.

Legislative Elections Returns, December 1992

Parties	Seats
NDC	189
NCP	8
EP	1
Independents	2
	200

With Ghana transformed as a single-party state by decision of the opposition, some obvious questions arise about the effectiveness of parliamentary institutions in providing guarantees of transparency and accountability: how can a parliament dominated by the NDC provide a meaningful check on governmental action? What role, if any, can the opposition play outside parliament? What sorts of constraints are available to prevent the government from disregarding the constitution and riding roughshod on the opposition? To these and other questions we shall now turn.

GHANA'S PERFORMANCE ON GOVERNANCE AND DEMOCRACY

At the time of this writing (June 1st, 1993), Ghana's Fourth Republic is only five months old: although it is much too early for a definitive assessment of Rawlings' performance, several trends are emerging which provide reasons for optimism. Of course, compared to Western democracies Ghana still has a long way to go; compared to the sternly authoritarian years of the PNDC, however, the progress accomplished in little over a year is a tribute to Rawlings' capacity to learn from his previous mistakes.

1. Public Accountability

Judged by the yardstick of its Constitution the Fourth Republic claims impeccable democratic credentials. Both government and parliament are held accountable to the people for acting in conformity with the Constitution. To that end anyone "who alleges that an enactment... or any act or omission of

any person is inconsistent with, or in contravention of a provision of this Constitution, may bring an action in the Supreme Court for a declaration to that effect... (which will then) make such orders and give such directions as it may consider appropriate for giving effect... to the declaration so made" (art. 2). Although the President is elected for a fixed term of office (4 years), he can be impeached according to the procedure stipulated by the Constitution. The government is answerable to parliament for its actions, and only parliament has the right to make laws. Additional restraints are placed upon both the executive and legislative branches through the Council of State, a sort of ombudsman, which "may, upon request or on its own initiative, consider and make recommendations on any matter being considered or dealt with by the President, a Minister of State, Parliament or any other authority" (art. 91).

The sanctity of the chieftaincy as an institution -- "together with its traditional councils as established by customary law and usage" (art. 270) -- is enshrined in the Constitution, and its collective will embodied in a House of Chiefs. In addition to having appellate jurisdiction "in any cause or matter affecting chieftaincy" (art. 273), the House of Chiefs, among other things, "shall advise any person or authority charged with any responsibility... for any matter relating to or affecting chieftaincy" (art. 272).

Constitutional provisions concerning the registration and financing of political parties are worth noting: it is mandatory for all parties to be registered with the Electoral Commission, but only those parties that have "branches in all the regions of Ghana, and in addition (are) organized in no less than two-thirds of the districts in each region" (art. 55) can register. Moreover, "political parties shall be required by law (a) to declare to the public their revenues and assets and the sources of those revenues and assets, and (b) publish to the public annually their audited accounts" (art. 55).

In short, the picture which emerges is one in which the power of the State is restrained both by the authority of the Constitution and a system of laws enacted by a popularly elected parliament and impartially enforced.

No one even remotely familiar with Ghana politics would accept this conclusion without the strongest reservations, however. For one thing, the sheer length of the Constitution -- 299 articles and two "schedules", together amounting to a book of 210 pages -- along with the extraordinarily variety of subjects covered -- ranging from the administration of the prisons and police services (Chapters 15 and 16) and the retiring awards of superior court judges (art. 155) to the method of appointment of the editors of state-owned media (art. 169) and authorization of government loans (art. 181) -- make it very unlikely that it will not suffer frequent violations. In any event, the language of the Constitution is so full of legal technicalities that one wonders how many Ghanaians are able to figure out what their constitutional rights really are. Given the fact that quite a few members of parliament have only a limited knowledge of English the question also arises as to whether they understand what their prerogatives are under the terms of the Constitution.

Public accountability presupposes the existence of an independent judiciary. On that score the track record of the PNDC is anything but impressive. As may be recalled, it was in April 1986 that the PNDC government dismissed seventeen High Court judges on the flimsiest grounds. This was followed by the forced retirement of a number of judges and the abolition of the Judicial Council. Just how much autonomy the judiciary will be able to regain, and how soon, is impossible to tell at this stage. What seems reasonably clear, however, is that previous practices, together with the overwhelming preponderance of Rawlings supporters in parliament and government, will make it difficult for the judicial system to remain fully insulated from political pressures.

With the NDC in almost complete control of parliament and the DAs largely under the influence of Rawlings' "men" further questions arise as to whether either set of institutions can provide meaningful structures of

accountability. It is significant, however, that when Rawlings recently added two ministers to his team, they were both rejected by parliament, one because of his failure to disclose his assets, the other because he was not a registered voter. The jury is still out on how constructive a role parliament will play in the future, yet there is every indication that it will not be a rubber-stamp.

If the situation described by Sam K. Asibuo is any index, it is at the District level that the principle of accountability leaves most to be desired. In his discussion of the "conflicts and power struggles between District Secretaries and Presiding officers, between nominated members and appointed members" Asibuo notes that "some District Secretaries have developed into local governors or 'tin-gods', with the conceived power to order the assembly members about or lord it over to them" (Sam K. Asibuo, Problems and Prospects of the Implementation of the New Local Government System under PNDC Law 207, School of Public Administration, University of Ghana, 1992). Difficult though it is to generalize on the basis of a few case studies, the consensus of opinion among knowledgeable observers is that District Secretaries (about half of whom are former army men) generally evade all forms of accountability and tend to use their powers in the most arbitrary fashion. If DAs have little or no authority to hold District executives accountable for their actions, this is because their resource-base is exceedingly modest, and very largely dependent on grants from the center. To quote from a recent USAID report: "District-level discretion is virtually nonexistent. The districts do not have the programmatic or fiscal discretion to tailor their services and actions to the desires of their constituents as expressed through the DAs" (Decentralization: Improving Governance in Sub-Saharan Africa. Ghana Case Study, 25 March, 1992, VI-4).

To turn to the more positive side of the ledger, and by way of a qualifier to the foregoing, several points are worth noting:

* Rawlings' first sessional address to parliament, on April 29, 1993, reveals a surprising degree of commitment to parliamentary government -- to the point where he personally reminded the house of its responsibilities under the constitution! In this instance he noted that according to the Constitution the house had until July 7 to establish certain institutions, including the Electoral Commission, the National Commission on Civic Education, the District Assemblies Common Fund and the Commission on Human Rights and Administrative Justice. As if this were not sufficient proof of his political metamorphosis he added: "The proper forum for political debate under constitutional rule is this House. But to enable the opposition parties to make relevant inputs I call on the national executives of the parties within the ruling Progressive Alliance to make the necessary accommodation if these parties wish to engage in serious and objective discussion in place of the usual rabble-rousing".

* As the foregoing suggests, even though parliament is dominated by NDC members this does not rule out the possibility of a lively debate on basic policy issues. This is because (a) NDC MPs are not a monolithic bloc, but consist of several factions whose views and attitudes differ; (b) the several fringe groups (EP, NCP, Independents) represented in the house have no intention of remaining silent, as recent interviews with the lone representative of the EP suggest; (c) nor is the opposition going to remain silent, even though it has no seats in the house; thus, to give added weight to its voice it decided to form an Inter-Party Coordinating Committee (ICC), consisting of representatives from the NPP, PHP, PNC and NIP; more significantly, it issued an official statement in January which said: "In the interest of national peace we are prepared to tolerate the present institutional arrangements" -- provided the following conditions were met: government adherence to the letter and spirit of the Constitution, respect for human rights and an independent judiciary. What the ICC statement amounts to, in effect, is a conditional granting of legitimacy to the regime.

* In addition to accepting the idea of an electoral commission, Rawlings used the occasion of his sessional address to emphasize the need for a new voters' register in time for the 1996 presidential and legislative elections, to this day one of the most serious point of contention between the government and the opposition.

Thus to argue, as AFR/ONI does in a recent DG summary on Ghana, that "Ghana totally fails the political accountability criteria", and that "no effective check against the executive power currently exists in Ghana" is singularly misleading. Not only is the statement a caricature of political realities, it also fails to take into account the dynamic that is currently propelling the civil society in the direction of participatory democracy.

Issues of accountability go far beyond the realm of formal institutions. Only where governance is underpinned by a robust civil society is it likely to yield more effective forms of public accountability. This is where Ghana holds considerable promise. For not only has there been a remarkable relaxation of governmental control over associational activities, but many of these activities are designed to promote effective interactions between formal and informal institutions. A variety of associations have now come into being which act as vectors for channelling social demands to the institutions of government, and in so doing exert pressure upon the government to render accounts. A critical aspect of this process of interaction between the civil society and the state hinges on freedom of information and association.

2. Freedom of Information and Association.

On both counts the performance of the Fourth Republic stands in sharp contrast with the decade-long "culture of silence" enforced by the PNCD. With regard to freedom of information, the turning point came on July 1st, 1992, when the regime repealed the Newspaper Licensing Law under which several newspapers (including the widely read Catholic Standard) were banned. As with many other issues of governance, the "Freedom and Independence of the Media" is guaranteed by the Constitution. In the words of article 162 of the Constitution, "Freedom and independence of the media are hereby guaranteed... There shall be no censorship in Ghana. There shall be no impediments to the establishment of private press or media; and, in particular, there shall be no law requiring any person to obtain a license as a prerequisite to the establishment or operation of a newspaper, journal or any other media for mass communication or information".

The result has been a remarkable proliferation of independent newspapers. The spectrum of journalistic instincts brought to light since 1992 ranges from the polemical to the professional, with pro-government to pro-NPP newspapers representing a mixture of both. A inventory of those press items commanding the widest readership in Accra would include the following:

Newspaper	Orientation	Frequency
Ghanaian Times	pro-government	Weekly
The People's Graphic	pro-government	Weekly
The Statesman	pro-NPP	Weekly
The Chronicle	polemical	Weekly
The Independent	independent	Weekly
The Voice	polemical	Weekly

The Gossip	gossipy	Weekly
The Guide	polemical	Weekly
The New Telegraph	polemical	Weekly
The Free Press	polemical	Weekly
Uhuru	independent	Monthly
Africa Flamingo	independent	Monthly

While there is no denying the degree of freedom displayed by the press, it is equally plain that some newspaper editors show little regard for codes of ethical conduct and professional standards of journalism. This would apply, for example, to The Chronicle, the New Telegraph and The Voice. Their strident, mostly gratuitous and systematic criticisms of governmental policies raise serious doubts about their usefulness as reliable vehicles of information. Not all newspapers fall into this category, however. Some do a commendable job of promoting transparency and accountability. The fact remains, however, that years of stringent governmental control have done little to encourage the press to fulfill its role in promoting civic education, helping disseminate reliable information and providing a check on the exercise of power.

The legacy of the past also affects associational activities. Consistent with the PNDC's commitment to etatisme, until recently there was very little room for autonomous grassroots organizations. The PNDC approach to development was explicitly "top-down". The CDRs served as the central institutional mechanism for organizing the rural masses, assuming full responsibility for, among other things, the creation of "mobi-squads" to carry out community projects. Even the chiefs were enlisted into this all-embracing, state-controlled system of social regimentation. The effects of this legacy are still very much in evidence. The CDRs, though not nearly as constraining as they once were, have survived the transition. The same applies to the more ominous paramilitary instruments of state control -- the so-called Commandos and the Panthers (the latter described by one informant as "truncheon-wielding thugs"), both of sinister reputation, as well as the 31st of December Movement, the National Council for Women and Development ("hi-jacked by the First Lady", according to the same informant) and the Ghana Private Road Transport Union ("if you fall out with the GPRT your produce will rot", said the same source). Commenting on this situation, one Ghanaian told this writer: "Rawlings has gobbled up virtually all political spaces, there is no room for an autonomous civil society".

The evidence suggests otherwise. What is emerging in Ghana is a complex dialectic between the pulsions of a civil society in process of being born and the forces of an ancien regime which refuses to die. The former are made manifest by the rich variety of professional associations, civic groups, labor organizations, business and advocacy groups that have come into being over the last year or so. Some of these associations are mainly concerned with human rights and civil liberties; others take as their immediate goal the promotion of business interests, or the interests of students and teachers, of public sector employees and so forth; others still are explicitly political in character. What they have in common is a commitment to encourage participation and communication with a view to enhancing their weight in the political arena. Whether this can be done without engendering major conflicts with the holdovers of the PNDC remains to be seen.

In the course of an interview Justice Annan volunteered the following commentary:

"The whole concept of civil defence", he said, "is under review, and will be looked into by parliament. As for the CDRs, a report has been commissioned to examine ways of redeploying them. Meanwhile, note that there are paid and unpaid CDRs. The former cannot hold official positions in the government; as for the unpaid CDRs, these are volunteers. You cannot simply ignore them. As for the mobi-squads, they did a good job of helping the farmers. They were never paid. They were set up fairly early on, and they will stay. The Commandos cannot form part of the government machinery. They helped put a stop to thieving and smuggling. They will be phased out eventually. But this will take some time".

One thing, at any rate, is clear: out of this very fluid situation is emerging an increasingly pluralistic society, which seeks to make the government more responsive to social demands and more accountable to citizens.

3. Human Rights

No democracy can survive in the absence of popular participation, and no meaningful participation can take place where there is no protection of basic human rights. Here again the record of the Fourth Republic, though not unblemished, shows a striking contrast with that of the PNDC. Much of the old repressive legislation has been repealed, including PNDC Law 4, which made it legal for the authorities to hold individuals in indefinite detention if deemed in the interest of "national security", and Amendment to PNDC Law 91, which ruled out judicial enquiry into the grounds for detention under PNDC Law 4. Still on the books, however, is Public Order Law No. 2, which allows the Secretary of Interior to hold individuals in detention for up to 14 days to prevent armed robbery, ethnic conflict or disruption of public order.

The Constitution devotes an entire Chapter -- no fewer than 22 articles and as many pages -- to "Fundamental Human Rights and Freedoms". These are spelled out in considerable detail in article 21: "All persons shall have the right to freedom of speech and expression... freedom of thought, conscience and belief... freedom to practice any religion... freedom of assembly including freedom to take part in processions and demonstrations... freedom of association... freedom of information... freedom of movement".

Impressive though they are on paper, at least one of these basic rights -- the right to take part in processions and demonstrations -- suffered a major violation on March 22, 1992, when armed police (said to involve Panther units) brutally dispersed a crowd of students engaged in a peaceful demonstration on the Legon campus. The purpose of the demonstration was to pressure the government into raising government loans to third cycle students from C90,000 to C200,000 (from approximately \$ 180 to \$ 400). The police reportedly reacted by "shooting at random and indiscriminately beating up and attacking students, lecturers and workers as they swept through the campus. Many of the them suffered injuries and damage was done to property... The following day, during a similar violent police assault on demonstrating students of the Institute of Professional Studies (IPS) two female students were badly wounded by shots fired by the police" (West Africa, 12-18 April 1992, p. 593). The incidents were immediately seized upon by the opposition. While the NPP issued a strong condemnation of police brutality, the PHP called for a public investigation and enjoined the Ministry of Interior to "re-educate the police on the need for less deadly methods". Meanwhile the Chronicle had a field day heaping scorn on "a private army of Panthers", otherwise described as "a motley assortment of villainous scoundrels, arrant knaves, adult delinquents, half-wits and nitwits, truants, idiots and morons, cretins and dropouts and layabouts of various stripes masquerading as policemen in blue uniforms but without numbers on their chest" (The Ghana Chronicle, March 29, 1993, p. 6). From all appearance freedom of speech is alive and well in contemporary Ghana.

Clearly, the government cannot be exonerated of responsibility in what can only be described as a blatant violation of human rights. To conclude that nothing has changed since the early PNDC days seems entirely unwarranted, however. The Legon incidents are exceptional, not typical. What has been most dramatically illustrated by the incidents is the vigorous response of the civil society. Not only were the incidents widely reported in the press (though sometimes seriously misrepresented), they also became the occasion for a flurry of protests from various professional and human rights groups. Predictably, the National Union of Ghana Students (NUGS) was the first to hold a press conference and call for a public enquiry; this was followed by a similar call and protests from students of the Kumasi-based University of Science and Technology; the Ghana Bar Association expressed shock and condemned the action of the police "in the strongest possible terms". Parliament, meanwhile, called upon the Minister of Education, Harry Sawyer, to explain the sequence of events that led to the incidents and subsequent closing down of the University. The result of all this is that an investigation is now underway, and in the meantime the annual loans to students have been raised from C90,000 to C150,000. But perhaps the most encouraging sign on the human rights horizon is the extent to which civil society has developed the will and the capacity to check abuses of power and expand the range of individual liberties.

There are other reasons for optimism:

- * A number of human rights organizations have come into being, all of which are actively involved in monitoring human rights violations: the Committee on Human and People's Rights, the Bar Association Human Rights Committee and the Human Rights Committee of Ghana. An important step towards increasing public awareness of human rights issues has been the recent creation of the Ghana Committee of Human Rights Quarterly.
- * Both Amnesty International and the International Committee of the Red Cross have been given a free hand to visit prisons anywhere in the country and investigate alleged human rights violations, and this as early as 1991.
- * There is no evidence of police torture, abuse of detainees, arbitrary arrest and detention; nor is there evidence of extra-judicial killings. No one has been arrested on political grounds.
- * The Interim National Electoral Commission (INEC), now about to be replaced by a permanent Electoral Commission, has shown a sense of fairness and professionalism that sets high standards for its successor (as may be recalled, on being told of serious problems with the voters' register, the INEC suggested a reregistration, an action rejected by the PNDC; nonetheless, it deserves some credit for undertaking a partial cleanup of the register).
- * Despite allegations of ethnic favoritism -- to the effect that the Rawlings government is an Ewe-dominated government -- there is no evidence that this is the case (even though it is said that the majority of the officer corps is of Ewe origins). Some of the more influential people around Rawlings are non-Ewe: P.V. Obeng, Head of the Office of the President, is Asante; Dr. Kwasi Botchwey, Minister of Finance, is a Fanti; Justice O.F. Annan is a Ga; Kofi Kwatchey, Minister of Information, is a Fanti; Ato Dadzi, Rawlings' Secretary since 1984, is a Fanti. Accusations of ethnic discrimination seem singularly unfounded -- with the possible exception of the upper ranks of the armed forces, whose ethnic profile remains a well guarded secret.
- * On gender issues the Rawlings regime fares better than many other African states. In point of fact Rawlings' closest advisers in the Castle are women -- the all-powerful and mysterious Valerie Sackey, once the pasonaria of the Rawlings revolution, and Sherry Ababio. The Ministry of Trade and Industry, one of the most important ministries, has been entrusted to a woman (Emma Mitchell). And under the gentle guidance of the First Lady women's organizations appear to be thriving. How many husbands beat their wives is

hard to tell. To quote from the State Department's latest report on Human Rights in Ghana, "violence against women (including wife beating) occurs, but since there are no statistics or studies available, the extent of the problem is uncertain" (p. 108).

Nonetheless, the status of women remains a focus of concern for a number of human rights groups. Ghana's National Council on Women and Development (NCWD) has recently called attention to the contradictions inherent in the juxtaposition of customary law and constitutional guarantees. In the word of a leading member of the NCWD, "most women are unable to take advantage of their rights (under the Constitution) because they are first and foremost not even aware of them. Secondly, the judicial process itself is fraught with structural obstacles, such as the language of the legal documents which does not permit easy interpretation by lay persons". The statement, as noted earlier, applies to almost every other topic covered by the Constitution.

4. Public Sector Transparency and Effectiveness

On both counts the regime deserves relatively high marks. Although improvements in public sector effectiveness preceded by several years the transparency that has grown out of political liberalization, today both phenomena are mutually reinforcing. Yet neither are much in evidence in the rural sectors, where there has been relatively little change since the 1988-89 district elections (the next round of elections at the district level has been scheduled for late 1993).

In the past the mechanisms devised by the PNDC for auditing and monitoring financial performance of the public sector were worthy of Torquemada in method and outcome. The Citizens' Vetting Committee (CVC), set up under PNDC Law No. 1, was given the task of "investigating persons whose lifestyles and personal expenditure substantially exceeded their known or declared incomes". By identifying and penalizing tax evaders the CVC, according to one observer, "has been instrumental in bringing tax consciousness and civic responsibility and accountability to Ghanaians generally" (Sam Asibuo, "The Revolutionary Administration of Justice and Public Accountability in Ghana", Philippine Journal of Public Administration, XXXV, No. 3, July 1991, p. 259). The other side of the coin is that it has sowed deep fears amongst middle class and professional people, many of whom simply left the country. The exodus of highly skilled and professional people deprived the country of its best talent at a time when it was most needed. The result has been to accelerate economic decline. Much of Ghana's cocoa production was smuggled out of the country, as well as much of its timber and gold. As black market activities increased, so did inflation.

By all accounts Ghana's ERP has been a success story, especially when measured against the catastrophic record of the early eighties. Real GDP growth averaged 3.8 per cent annually from 1983-90. The minerals and forestry sectors are thriving. Timber exports rose from \$ 16 mn in 1983 to \$ 99 mn in 1988. To ease the pains of adjustment the government designed a Program to Mitigate the Social Costs of Adjustment (PAMSCAD), a program that is managed and designed by sector ministries and focuses on short-term projects (the maximum grant under PAMSCAD is one million cedis). Like PAMSCAD, Ghana's Structural Adjustment Program (SAP) has been designed and implemented on the basis of a close and open cooperation between Ghanaian civil servants and donor officials. Transparency has been the key to success.

Though generally viewed as a success on a macro-economic level by donor officials, a closer look at the micro-level suggests some reservations. Food security remains a problem in many village communities. Middle-class incomes have shrunk. The same is true of the manufacturing sector. Transportation, wholesale and retail subsectors, according to one observer (Marguerite Michaels, writing a recent issue of Foreign Affairs), account for 42 per cent

of GDP, "which generate little in the way of foreign exchange". "After nine years of structural adjustment", she concludes, "Ghana's external debt has nearly quadrupled to almost \$4.2 billion".

Although the economy is in for a period of retrenchment as stabilization is given priority over growth, the government deserves credit for initiating measures to reduce its budgetary deficit, including measures to improve customs and corporate tax collection. Taxes on petroleum have been raised by 60 per cent (hardly to the liking of middle class elements). Compared to other African states Ghana's internal revenue service is doing a most commendable job of collecting taxes. Greater transparency in the tax codes has been announced, as well higher excise taxes on various luxury consumer items. The government has also made public its intention to generate approximately \$ 100 mn through the sale of its equity in a number of state-owned enterprises. There is every indication that every effort is made to accelerate the pace of privatization.

Admittedly, with a government of 88 members -- 37 Ministers, 41 Vice-Ministers and 10 Presidential Advisors -- questions could be raised (as they have indeed in the press and in parliament) about the regime's capacity to effectively manage public resources. In Ghana as elsewhere cabinet appointments are part of a major patronage operation. Here we touch upon a major liability of the Rawlings system so far as transparency and effectiveness are concerned. For even though the state in Ghana is stronger and more deeply internalized among the masses than in most other states of West Africa, the emergent state system is also shot through with clientelistic practices. These are apparent in the presence in key positions of several holdovers from the PNDC -- Kodjo Tsikata, P.V. Obeng, K. Botchwey, Ato Dadzi, for example, all of whom are especially close to Rawlings. Clientelistic ties also ramify through paramilitary organizations (the Commandos and the Panthers) and the CDRs, creating a tight network of loyalties. Within this charmed circle of intimate and clients there is relatively little room for transparency, much less for effectiveness (though on that score the lack of transparency makes it difficult to be more precise). But once this is said, there can be no denying that the system as a whole is becoming more open.

The only exception to the rule is the army, about which very little is known. The volume of public expenditures devoted to the army is anybody's guess. Yet there is no indication that other public expenditures are severely affected by the size of the defense budget. The lack of transparency about the army is compensated for by some evidence of efficiency in at least one sector of the army: for every Ghanaian soldier serving in the UN in Liberia, the government receives approximately \$ 100.00, leaving the troops with a modest \$ 10-\$14 daily salary.

TARGETS OF OPPORTUNITY FOR USAID

Now that the transition to multi-party democracy has given way to democratic consolidation the time has come for USAID to rethink its scope and modes of intervention. Specifically, sustained attention ought to be given to two major strategic objectives: the enhancement of civil society through close collaboration with NGOs, and the strengthening of institutions of public governance. Rather than develop support activities on one or the other of these dimensions, first priority should be given to exploring ways in which they can reinforce each other. (For example, steps designed to promote greater transparency in the private sector should go hand in hand with institutional restructuring at the ministry level; improving the operational capabilities of the DAs should be conducted jointly with attempts at resource mobilization at the local level, and so forth). The rationale behind this argument is that a mere strengthening of the formal institutions of the state may conceivably play into the hands of the ruling elites and deflect democratic initiatives from their stated goals; only if accompanied by a strengthening of the civil society can appropriate countervailing forces be mobilized against the state.

Enhancing Civil Society

A civil society is one in which interest groups operate independently of the government, but at the same time set certain limits on the exercise of executive power. To the extent that it imposes limitations on the power of the state it also contributes to its legitimation. A strong and vibrant civil society is thus an absolute precondition to democratic governance. There can be no effective intermediation between interest groups and the institutions of the state in the absence of a vigorous civil society. In the context of present-day Ghana strengthening the civil society can best be accomplished through the promotion of civic education, the improvement of the media and support to watchdog groups concerned about human rights issues.

Subjection to a "culture of silence" for over a decade has thwarted what little spirit of civic responsibility had been allowed to flourish in previous years. How to revive the meaning of citizenship in a democratic society presents USAID with a special challenge. The challenge is two-fold: to resist the undertow of the top-down approach to citizen involvement (inherited from the PNDC, and to identify those NGOs that are best suited to promote civic education. Under the PNDC government-sponsored associations had one single overriding objective: social control; the aim now is to shift the emphasis away from social control to citizen empowerment.

1. Promoting Civic Education through NGOs.

Two strategies suggest themselves. One is to encourage local NGOs to act as vehicles for civic education, through seminars, workshops and lectures organized under the auspices of USAID and specifically designed to sensitize NGOs to the need for participation in the context of democratic consolidation. This means that USAID would provide technical expertise to those NGOs that appear able and willing to run a civic education program, and at the same time draw from the pool of expertise available from the Law School and the School of Public Administration. In the past USAID has funded a project to invite distinguished professors of economics to discuss a variety of issues related to Ghana's ERP; there is no reason why a similar program could not be initiated to bring "experts" from the National Endowment for Democracy for the purpose of organizing joint seminars with Ghanaian academics.

Clearly, some NGOs have greater credibility and creativity than others. At least three types of NGOs can be identified on the development stage: (a) those that are explicitly connected to the ruling party, e.g. the CDRs, the 31st of December Movement, or the Ghana Private Road Transport Union; (b) organizations that are weakly organized, parochial in outlook and membership and with little or no contacts with the state, e.g. the Akyem Manso Development Association, the Anyansu Youth Association, the Kwagang Enkaakyi Association, and so forth; (c) organizations that have fairly effective participatory structures, specific objectives, a distinctive membership and autonomous resources. Examples include the National Union of Ghanaian Students (NUGS), the Ghana Journalists Association (GJA), the Ghana Bar Association (GBA). Because of their organizational characteristics they are well equipped to sustain current trends towards political openness and greater participation, and as such they are an appropriate focus for assistance. How much assistance, in what form, over what period of time are questions for USAID to decide.

There is much to be said for the creation of umbrella organizations as a means of internalizing policy-making and participation among selected interest groups. An example of this is the Private Enterprise Foundation (PEF), which aims at bringing together under the same roof the Ghana National Chamber of Commerce, the Association of Ghana Industries and the Federation of Associations of Ghana Exporters. Though not directly concerned with civic education per se but with providing technical assistance to the private

sector, it is bound to carry significant spin-off effects in terms of information, participation and intermediation.

From the standpoint of possible future partnerships between USAID and local NGOs, it is important to take a critical look at the voluntary sector and see what NGOs have the widest space and greatest capacity to innovate, to change course and to develop new activities. It is not because some NGOs have been "inherited" from the ancien regime that they will not evolve into serviceable instruments of development; on the other hand, some newly formed NGOs may well be so critical of the Rawlings regime as to cast doubts on their capacity to influence policy-making. NGOs must be evaluated on their own merits, not on their pedigree.

2. Media Training

Another strategy is to use the media as the prime vehicle of civic education. The role of the press in a democracy is first and foremost to inform, so as to enable citizens to make intelligent choices among programs, policies and candidates. But it also has a vital role to play in terms of civic education, in terms of providing information about the functioning of state institutions and the rights and obligations of citizens. On both counts there is considerable room for improvement.

It is no exaggeration to say that some of the anti-Rawlings newspapers currently circulating in Ghana provide some of the worst examples of yellow journalism found anywhere in West Africa. The groundless, indeed scurrilous accusations directed week after week against Rawlings and members of his cabinet are hardly conducive to a sense of civic responsibility (here are some recent examples of banner headlines gleaned from various newspapers: "Rawlings is the Enemy of Democracy", "Rawlings Plans Another Coup", "Botchway Spends One Million Cedis a Day in London Hotel", etc.). There is a crying need for media training programs that emphasize both ethical and professional standards of journalism.

Significant steps have already been taken to remedy the situation. In April of this year the Ghana Journalists Association (GJA) received a grant of \$ 10,000 under the Democracy and Human Rights Fund for training professional journalists. Further inputs might be solicited from USIS to provide internships for journalists, and work out programs tailored for training in specialized areas of reporting, including investigative reporting. Alternatively, or concurrently, seminars could be organized with the assistance of visiting lecturers from the Columbia School of Journalism that would focus on topics such as "The Role of the Press in Democracy", "Partisan vs. Non-Partisan Journalism", "The Relations between Government and the Media in a Democratizing Environment", "Judicial and Legislative Safeguards for Journalistic Independence", and so forth. The aim, at any rate, would be to allow maximum interaction between government officials and journalists.

Institutional Capacity Building

The institutions of the Fourth Republic are inherently fragile. Not only have they had little time to put down roots, but their legitimacy is contested by a substantial segment of the Ghana population at home and abroad. It is important for USAID, within the limits of its jurisdiction, to make sure this nascent institutional frame does not collapse under the load of the new functions devolved upon it. In the present context programs designed to strengthen democratic practices and values should include steps to help overhaul the voters' register, to provide technical assistance to parliamentary committees, and to further strengthen the enabling environment for privatization and political/administrative decentralization.

1. Overhauling the Voters' Register

To prevent the reenactment of the November 1992 scenario in another four years (or during the forthcoming District elections) it is imperative that appropriate steps be taken to clean up the existing electoral register. Some donors, notably the French and the Danes, are already involved in putting together a system of identity cards designed to double-check the names appearing on the electoral lists. USAID should consult with these donors to examine ways in which it might contribute to their effort and avoid duplication. One possible area where USAID could play a useful role is in the computerization of voter registration at the District and regional levels. Hopefully assistance in this domain will make it possible for the authorities to use updated voter registers in time for the District elections later this year.

2. Technical Assistance for Parliamentarians

Whether or not parliament has the capacity to influence and review the decisions made by the executive branch will depend to no small extent on the competence of committee members and their ability to organize public debate on critical issues.

Ghana's ERP and the effect of structural adjustment on the economy are one of the items likely to rank at the top of the government's agenda for the foreseeable future. Few members of parliament, however, have the necessary grasp of macro-economics to make a significant input into policy-making. Many are at pains to explain to their constituents the rationale behind economic reform (but the problem here goes far beyond the articulation of economic options). To this day Ghanaians in general are woefully misinformed or uninformed about the economics of structural adjustment. Especially instructive in this regard is the profundity of the comments volunteered by Mohammed Ibn Chambras, Vice-Speaker of Parliament, in the course of the meeting recently held at the International Convention Center between Elliot Berg and a select group of parliamentary leaders ("Ghana has achieved rapid economic reform because it has a strong leader"). If no meaningful debate gets under way in parliament this may be less a reflection of its overwhelmingly pro-Rawlings orientation than of its inability to develop the technical skills to engage in a meaningful discourse.

Thus USAID should consider ways of improving access of committee members to relevant information on economic issues. Study tours to the US with guided visits to Congress and interviews with US Committee Chairpersons might also be considered. Whether parliament has the capacity to initiate legislation, scrutinize governmental policies and engage in effective debate will depend in part on whether or not we can provide such technical assistance.

Help in building parliamentary capacity might also be solicited from the Private Enterprise Foundation (PEF) once it becomes fully operational. The aim should be to develop a strong public relations component while making the expertise of the PEF available to policy-makers. This might include the recruitment and training of staff assistance to serve on parliamentary committees.

3. Strengthening the Enabling Environment for Privatization

As noted earlier, under the PNDC Ghana developed the "strong state" characteristics that enabled the ERP to get off the ground. Ghana has gone further than any other state in West Africa in implementing structural adjustment. Though part of the credit goes to the IMF and the World Bank, USAID continues to play a major role in providing technical assistance. Our Trade and Investment Program (TIP) deserves high marks for sustaining privatization and paving the way for greater transparency and effectiveness in the use of public resources.

Within the context of our Trade and Investment Program USAID has been highly instrumental in charting a new course for the private sector. Specific steps

are now being taken to provide the institutional frame for coordinating economic policy reform. Reference must be made in this connection to the Trade and Investment Oversight Committee (TIOC), an oversight group with representatives from the Ministry of Finance, the Ghana Export Promotion Council (GEPC), the Ghana Investment Center and USAID. It is expected that within TIOC a Trade and Investment Management Unit will be created for the purpose of carrying out the decisions made by the Oversight Committee. Another major initiative concerns the projected Trade Policy Unit (TPU) intended to serve as an advisory body to the Ministry of Trade and Industry. With the assistance of experts drawn from a broad spectrum of consulting firms (Sigma One, International Executive Service Corps, etc.) the TPU will ultimately engage in a broad dialogue on economic policy issues and provide assistance to both entrepreneurs and policy-makers.

Since its creation TIP has grown like topsy. The time has come for USAID to take the full measure of what has been accomplished, and assess the direction in which the program is moving. On the strength of our limited acquaintance with the details of the program, we venture the following suggestions:

- * Within the context of the program appropriate attention needs to be given to the less vocal and weaker enterprises, to small manufacturing and trading businesses and small farmers' associations, to help ensure that privatization does not work against their interests, and, more importantly, to see to it that they too get a chance to cash in on professional services and capabilities

- * For the sake of greater effectiveness, and given the number of organizational units involved in the program (TIOC, TPU, PEF, to which must be added the Ghana Export Promotion Council, the Ghana Investment Center, and relevant units within the Ministry of Trade and Industry) the need for better coordination seems obvious. A major coordinating role should be devolved upon the Trade Policy Unit, so as to arrive at a closer working relationship with the Ministry of Trade and Industry in setting priorities and policies.

- * Centralized thinking and mentalities still linger on, especially at the Ministry level, despite the recognition of the need for decentralization. One of the important governance tasks that could be assigned to the program would be to promote functional and territorial decentralization. The first is already well under way: once closely supervised by the government, GEPC and GIC, for example, are now asserting themselves as independent bodies. This incipient trend needs to be encouraged. Effective territorial decentralization, on the other hand, meaning the devolution of advisory and policy-making functions at the District level, has yet to materialize. One of the ways in which the program might contribute to decentralization would be to make suggestions as to how private enterprise could improve the fiscal resources of local government units. For this we need a more coherent picture of trade and investment patterns at the District level, a task which TIP would be well advised to undertake.

4. Furthering Processes of Decentralization

As already mentioned, District level and regional institutions enjoy only the most limited form of decentralization. The constraints are legal/constitutional, political and fiscal. The first are inscribed in chapter 20 of the Constitution (which reiterates the key provisions of PNDC Law 207); the second are inherent in the predominance of NDC sympathizers and CDRs in JAs and local government services; the third stem from the inability of local institutions of government to mobilize local revenue. The proceeds of local taxation are almost entirely devoted to supporting the bureaucratic apparatus installed by the central authorities.

What this amounts to, in essence, is a mere deconcentration of ministerial services; there is no genuine devolution of authority to locally elected bodies. Because of their heavy dependence on grants from the central

government there is much uncertainty at the district level regarding the size of the local budgets and planning. These grants take the form of block grants or targeted grants, to which must be added constitutionally mandated transfers (article 252 of the Constitution provides for a District Assemblies Common Fund, amounting to "no less than five per cent of the total revenue of Ghana", and allocated to DAs "on the basis of a formula approved by Parliament"). This grant system, which enables the central authorities to reward their friends and penalize their enemies, is a powerful instrument of control, but one that has proved utterly dysfunctional in terms of inducing local-level participation and improving service delivery.

Although they have a very weak fiscal position, local governments are engaged in a major revenue mobilization effort. The result, in the terms of a USAID report, is that it has "virtually exhausted available own-source revenue growth potential" (Decentralization: Improving Governance in Sub-Saharan Africa/ Ghana Case Study, op. cit., p. II-6). Again, to quote from the same source, "local tax-payers are supporting the establishment and maintenance of a local government bureaucracy that has no effective power with which to improve the quality of their lives", and "since local revenue sources tend to be regressive -- they place a greater burden on the poor than on the wealthy -- the aggressive tax mobilization effort is likely to have exacerbated inequities at the local level".

From a development perspective the consequences can be little short of disastrous. To quote:

The bureaucratic costs of operating the district administration are so high that the district may actually be impeding development. For example, the district has temporarily stopped production of lime powder (an indigenous industry) as it tries to regulate and collect fees from the trade. District government must now collect market fees and is responsible for market maintenance. In Mafi Kumasi residents strongly indicated that they did a much better job maintaining their own market than the district administration presently does (ibid. V-35).

Given the constraints mentioned earlier the range of USAID interventions is severely limited. The following three areas need to be given serious attention, however.

* The first refers to the leverage that might be gained from USAID's Primary Education Program (PREP) for furthering processes of decentralization in the educational system. PREP is now being handled essentially through the Ghana Education Service, the implementation agency for the Ministry of Education; the time has come to reexamine the conditionalities attached to the program and press for greater decentralization in the appointment of personnel, and in the inspection and supervision processes. How to make District Education Directors (DED) more responsive to DAs, and also to Parent Teachers Associations, should receive close attention. The truth is that we have virtually no reliable data on the performance of DED in the hiring and firing of teachers, in the management of schools and administrative personnel. Nor do we know a great deal about the system of inspection and supervision in operation at the district level: to whom do circuit supervisors report? Are their reports available to USAID? What kinds of incentives and disincentives are they facing, and with what consequences for the decentralization of the educational system? Given the size of PREP funding (a five year, \$ 35 mn project, which makes it the largest donor project on primary education) there are reasons to expect that a more sustained effort at bringing pressure upon the government to encourage decentralization would probably meet with a measure of success.

* Support to national and local-level NGOs that are actively involved in development tasks constitutes another area where USAID could help. The

Ecumenical Association for Sustainable Agriculture and Rural Development (ESCARD), a network of 22 Church-based and 12 non-Church private organizations, is a good example of an NGO that could use its credibility and resources to expand autonomous spaces for local-level initiatives. Issues ranging from land tenure systems, soil degradation, crop management, animal production can be far more effectively dealt with through ESCARD than through local government institutions. By providing such NGOs with appropriate funding and technical expertise USAID could contribute significantly to the promotion of grass-roots participation in the delivery of essential services and the empowerment of local communities.

* At a very different level, USAID could coordinate its efforts with other donors, most notably the World Bank, to work out a strategy specifically designed to enhance fiscal resources at the district level. There is a striking discrepancy between the volume of printed material dealing with issues of decentralization and the modesty of the concrete policy proposals that have come out of this literature. Whereas international donors generally agree on the urgency of bringing governance closer to the people, they seem reluctant to work out a framework for cooperation. The case of Ghana is a classic example. Both USAID and the World Bank have been heavily involved in studies aimed at strengthening local initiative and building local capacity; both have generated an impressive body of empirical data on the functioning (or malfunctioning) of local government institutions; and both have come up with an equally impressive catalog of recommendations. And since both also agree that fiscality is the Achilles heel of local government institutions, all the more reason for USAID/Accra to lay the groundwork for a closer working relationship with the World Bank and other interested donors.