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GHANA DEMOCRACY AND GOVERNANCE ASSESSMENT

FINAL REPORT

August 2011

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ACRONYMS AND ABBREVIATIONS

ADR	Alternative Dispute Resolution
AFRC	Armed Forces Revolutionary Council
AG	Auditor General
CHRAJ	Commission on Human Rights and Administrative Justice
CIDA	Canadian International Development Agency
CO	Community Organization
CODEO	Coalition of Domestic Election Observers
CPP	Convention People's Party
CRC	Constitutional Review Commission
CS	Civil Society
CSO	Civil Society Organization
DA	District Assembly
DACF	District Assembly Common Fund
DCE	District Chief Executive
DDF	District Development Fund
DFID	UK Department for International Development
DO	Development Objectives
DPP	Directorate of Public Prosecutions
DPT	Diphtheria, Pertussis and Tetanus
EC	Electoral Commission
EOCO	Economic and Organized Crime Office
GAC	Government Assurances Committee
GGHRP	Good Governance and Human Rights Program
GJD	Governing Justly and Democratically
GoG	Government of Ghana
G-RAP	Ghana Research and Advocacy Program
GTZ	Deutsche Gesellschaft für International Zussamenarbeit
ICB	Independent Constitutional Body
IGI	Independent Government Institution
LOGODEP	Local Governance and Decentralization Program
MCC	Millennium Challenge Corporation
MDG	Millennium Development Goals
MLGRD	Ministry of Local Government and Rural Development
MMDA	Metropolitan, Municipal and District Assemblies
MP	Minister of Parliament
NCCE	National Commission for Civil Education
NDC	National Democratic Congress
NDPC	National Development Planning Commission
NEC	National Electoral Commission
NLC	National Liberation Council
NMC	National Media Commission
NPP	New Patriotic Party
NPDC	National Development Planning Commission
NRC	National Redemption Council
PFP	Popular Front Party
PNC	People's National Convention
PNDC	Provisional National Defense Council
PNP	People's National Party

PP	Progress Party
PTA	Parent Teacher Association
RAVI	Rights and Voice Initiative
RCC	Regional Coordinating Committees
RPCU	Regional Planning and Coordination Unit
SADA	Savannah Accelerated Development Authority
SFO	Serious Fraud Office
SMC	Supreme Military Council
SOE	State Owned Enterprise
SPI	Strategic Partnership Initiative
STAR	Strengthening Transparency, Accountability and Responsiveness
UCGG	United Gold Coast Convention
UNDP	United Nations Development Program
UNICEF	United Nations Children's Fund
UP	United Party
USAID	United States Agency for International Development
USG	United States Government

CHRONOLOGY OF PRINCIPAL POLITICAL EVENTS

1874: British Government makes the Gold Coast a protectorate.

1947: JB Danquah forms the United Gold Coast Convention (UGCC), a pro-independence movement. UGCC leaders bring Kwame Nkrumah back to the Gold Coast to take over the independence movement.

1949: Nkrumah breaks with the UGCC to form the Convention People's Party (CPP).

1951: Nkrumah and the CPP win Legislative Assembly elections.

1956: Nkrumah and the CPP win final pre-independence elections.

1956: Referendum approves merging British Togoland with the Gold Coast Colony.

1957: Ghana Achieves Independence.

1960: In an election and Constitutional referendum, Ghana becomes a republic and Nkrumah becomes president. He declares Ghana a one-party state and bans all opposition parties.

1966: National Liberation Council (NLC), composed of the military and the police, overthrows Nkrumah.

1969: NLC holds elections to return the country to civilian rule. Kofi Busia of the Progress Party, heir of the UP, wins the election.

1972: National Redemption Council (NRC), led by Colonel I.K. Acheampong, overthrows Busia.

1975: NRC transforms itself to the Supreme Military Council (SMC). Acheampong becomes SMC chairman.

1978: Acheampong resigns and Lt. General Fredrick Akuffo becomes SMC chairman.

1979: Akuffo lifts ban on political parties and announces elections.

1979: Flt. Lt. Jerry Rawlings and the Armed Forces Revolutionary Council (AFRC) overthrow SMC, but do not cancel elections.

1979: Hilla Limann wins election.

1982: Flt. Lt. Jerry Rawlings and the Provisional National Defense Council (PNDC) overthrow Limann.

1992: Voters pass the 1992 Constitution to allow for a return to democratic rule.

1992: PNDC becomes National Democratic Congress (NDC). Rawlings wins the first multiparty election in Ghana's Fourth Republic.

1996: Rawlings wins re-election. For the first time since Nkrumah, an elected official served a complete term.

2000: John Kufuor of the New Patriotic Party (NPP) defeats John Atta-Mills of the NDC. For the first time in Ghana's history a party hands over power in a free and fair election.

2008: John Atta-Mills of the NDC beats Nana Akuffo-Addo of the NPP. Ghana has its second peaceful turnover of power.

2010: President Mills announces the creation of a Constitutional Review Commission to address problems in the 1992 Constitution.

2010: Ghana begins to produce oil.

EXECUTIVE SUMMARY

Ghana rates highly on most of the basic measures of democracy, including protection of fundamental civil liberties and human rights. Over the past two decades, the country has been successful in holding free and fair elections, decreasing poverty, and moving toward the achievement of many of the Millennium Development Goals (MDGs). These are significant accomplishments. Where Ghanaian democracy has been less successful is in the nature and scope of the participation of most political actors in the country's governance processes and institutions beyond elections. Effective participation in the making and implementation of public policy has been limited to a small political elite which has succeeded in capturing the presidency, albeit through fairly competitive elections, and with it control of the public resources that the constitution places under control of the executive branch.

Ghana's political system combines competitive elections with what social scientists have called neo-patrimonial rule.[1] The principal democracy and governance problem we identify in this report is the excessive concentration of political power in the executive branch. The powers of the president dwarf those of the other branches of government. The president in Ghana possesses vast political and economic resources that he can employ to secure political support. Electoral competition is the only real check on executive dominance, as the opposition party will work to win power, often at almost any cost. But although both major political parties, the National Democratic Congress (NDC) and the New Patriotic Party (NPP), accept the legitimacy of the rules that govern politics in Ghana, these rules have serious flaws. The elite consensus among political parties is an agreement to maintain the status quo, regardless of its increasingly negative impact on democratic practice and good governance, because it offers a clear path to gaining power and thus access to the vast network of state resources.

The increasingly hyper-aggressive, winner-take-all nature of Ghanaian elections puts tremendous pressure on the one institution that has become a symbol of the country's successful democratic transition, the Electoral Commission (EC). What happens if the EC is no longer able to perform its duties with the credibility it has commanded in the past? We raise a note of caution that the confluence of good luck and competence that marked the very close 2008 election cannot be guaranteed in the future.

Ghanaians have higher expectations for the economic and social benefits of democracy than the government seems able to produce through current institutional arrangements. In this regard, the political status quo has gone about as far as it can in moving Ghanaian democracy forward and, by extension, in creating the conditions for broad-based economic growth and social development. Based on extensive interviews in Ghana and a thorough review of existing academic and applied literature, the principal conclusions of Democracy International's assessment team are as follows:

- There is the perception of growing politicization in the economic and social spheres as well as in traditional and religious life.
- The likelihood of changing the political game from the current winner-takes-all system to one in which politics is a means of promoting the collective good seems low at this point, as both main parties largely agree on the purpose of the political game: to capture the patronage networks that make continued political success more likely.
- The two main political parties agree on the rules of the game because there is a realistic possibility that either party could win the next election. A governance system based largely on patronage, as is normally associated with single-party states, is functioning in a democratic context in which two, bal-

[1] See Bratton and van De Walle (1997) and van de Walle (2001) for a discussion of the characteristics of neo-patrimonial rule.

anced adversaries assure its continuation, if not its stability. What happens if this system moves out of balance, with one party dominating the other? Our view is that it is better to not wait to find out.

- The principal hope for the type of fundamental change necessary to dislodge the negative incentives the status quo creates is the constitutional review process that has identified a number of critical reforms for action. This only makes sense since the current system is the logical outcome of the design of the 1992 Constitution.
- If the types of reforms discussed throughout this report are not acted on through the constitutional review process, there does not seem to be another institution or process with the political legitimacy or power to address the critical issues facing Ghana's democracy. Absent a successful conclusion to the process, it will take a concerted and long-term effort by the combination of actors that we have identified in this report to bring about incremental change in the fundamental institutions and processes that mark the current political system.

THE D/G PROBLEM: IDENTIFYING THE PROBLEM TO BE ADDRESSED

The team has concluded that the principal DG problem falls under both the Political Competition and Accountability and Administrative Accountability and Effectiveness elements of USAID's Democracy and Governance Strategic Assessment Framework. Specifically, the problem stems from constitutionally designed executive dominance. This results in a lack of accountability, transparency, and responsiveness. It also carries over and affects the administrative accountability and effectiveness of those actors, largely local governments and de-concentrated ministries, responsible for the delivery of public goods and services to Ghanaian citizens throughout the country. More specifically, we identify the following key challenges:

- **Political Competition and Accountability**: Although there are a significant number of new sources of political, social, and economic pluralism, they are seriously constrained by the overwhelming dominance of the executive branch in Ghanaian politics and its control of public resources. As a result, principal requirements of democratic governance - accountability, transparency, responsiveness, and informational openness - are sometimes lacking.
- **Administrative Accountability and Effectiveness**: The winner-take-all, zero-sum arrangement that has come to embody modern Ghanaian politics has created a parallel system of political patronage in which members of the winning party are rewarded for their allegiance. This patronage system undermines administrative accountability for the effective use of public resources to address the country's social and economic problems.

There are also significant challenges in the other three elements of analysis in the DG Assessment Framework, including:

- **Consensus**: The rules of the political game are well known and agreed-upon by both main political parties (the NDC and the NPP) because they are the rules of the elite from these principal political parties. The problem is that they maintain the status quo neo-patrimonial system of governance based on executive dominance and the capture of public resources to ensure self-perpetuation.
- **Rule of Law**: The lack of executive oversight (checks and balances) has led to conflicts of interest among the principal executive branch institutions responsible for ensuring a fair and equitable system of justice, including most prominently, the Ministry of Justice.
- **Inclusion**: The growing concentration of wealth among a very exclusive group of politicians (patrons) in the NDC and NPP, along with their partisan supporters (clients) and their economic and supporters in the private sector, has led to the near exclusion of the vast majority of citizens, falling disproportionately on women and youth, from regular participation in political life.

ACTORS AND ARENAS

Civil society and the independent constitutional bodies (ICBs) are the principal actors that can promote reforms to increase political accountability. Improved political accountability would in turn drive improved administrative accountability and effectiveness by those local actors responsible for increasing access to and the quality of public goods and services for Ghanaian citizens in their communities throughout the country.

At the same time, civil society not only has a role in demanding improved governance from the institutions of the central state but equally has a role in supplying it through the types of public goods and services that are critical to their social and economic well-being. Governance is not the exclusive preserve of the state, whether at the central or local level, but rather a shared enterprise involving all those with a legitimate right to participate in the making and implementation of public policy. This notion of shared or democratic governance is the essence of our proposed strategy for consideration by USAID/Ghana.

THE PROPOSED STRATEGY

There is an ongoing debate in Ghana among development partners about the most efficacious method of catalyzing political reform. The first perspective says that in political systems where there are fundamental *structural* problems in the institutional arrangements, a set of incentives emerges conducive to non-democratic behavior or not conducive to achieving good governance outcomes. In such a scenario, scarce resources should not be invested in supply-side institutions and actors. The second view is that, in spite of these structural constraints, it is still possible to make significant headway in working with structurally flawed institutions by working to change behaviors of the politicians and civil servants that work in them.

Based on its findings from this assessment, the Team shares the former perspective. As we outline in the report, we do not believe that development partners in Ghana, including USAID, are in the position to meaningfully reduce executive dominance and extend greater power to other branches and levels of government by working within institutions that are beneficiaries of the current system. Our discussions with those involved in and knowledgeable about the constitutional reform process made clear that the USG could better ensure positive constitutional reform outcomes through quiet (soft) diplomacy rather than through proactive interventions in what Ghanaians view as an important sovereign matter. Rather, our analysis of politics and governance in Ghana has led us to the conclusion that the most efficient use of USAID resources to improve democratic governance in Ghana is through a two-pronged strategy that works through civil society and selected independent and constitutionally mandated bodies that have demonstrated their capacity to perform their mandated functions effectively:

- The first prong of the strategy combines both supply- and demand-side elements into a shared governance approach to achieve improvements in sectoral governance, such as in education and natural resource management. It does this primarily by targeting civil society organizations at the local level and linking them (1) vertically to CSOs operating at higher levels of governance that provide either an *intermediating* function such as capacity building or *specialized* governance function such as policy advocacy vis-à-vis decision makers at the district level and beyond; and (2) horizontally to local governments where CSOs can engage them on local issues of concern, including oversight of their use of public resources and where appropriate, enter into partnerships to jointly plan, and manage and evaluate local development efforts. This ―co-governance" strategy focuses on local level CSOs but looks to foster strong partnerships between CSOs at higher levels of governance and local government counterparts.
- The second prong targets those institutional actors capable of increasing the *demand* for good governance. This includes supporting targeted civil society organizations and independent constitutional bodies, existing actors that have demonstrated their interest and capacity to promote political reform.

THE DEVELOPMENT OBJECTIVES

The following two Development Objectives (DOs) correspond to each of the two prongs of the proposed DG strategy discussed above.

DO-1: Improved sector governance, such as health and education, through the emergence of effective and legitimate community organizations (the primary level of civil society), with a special emphasis on women and youth as partners in democratic governance, including the making and implementation of development policy at the local level and beyond.

DO-2: Improved systemic governance through targeted non-state actors, including women's and youth organizations, that can effectively demand improved governance from, and independent constitutional bodies that can provide a check on, central state institutions, particularly the Executive.

Development Objective 1: Improving Sectoral Governance

To achieve DO-1, promoting local CSOs as effective partners in democratic local governance, we suggest the following sub-DOs or results:

DO 1(a) The policy environment enables community organizations (COs) and CSOs more broadly to participate as equal partners in sectoral co-governance policy making and implementation

DO 1(b) COs capacity to plan and implement development policy is enhanced, with a special focus on women's and youth organizations

DO 1(c) Intermediary CSOs and Specialized CSO support organizations effectively assist COs to extend their voice in decision making arenas beyond the local level

DO 1(d) Linking mechanisms promote effective CO participation in District Assembly planning, budgeting and implementation processes

DO 1(e) Informed citizens become active citizens through a media based civic education program in collaboration with NCCE

Development Objective 2: Improving Systemic Governance

To achieve DO-2, increasing demand for good governance through targeted non-state actors and independent constitutional bodies, we suggest the following sub-DOs or results:

DO 2(a) Targeted Specialized CS support organizations and ICBs effectively participate in national governance matters, including executive branch oversight and policy-making, with a special focus on gender issues

DO 2(b) Linking mechanisms facilitate Specialized CS support organization and CO joint governance efforts

DO 2(c) ICB capacity to discharge their individual mandates is enhanced

DO 2(d) Informed citizens become active citizens through a media-based civic-education program in collaboration with NCCE

I. INTRODUCTION

This assessment is intended to provide USAID/Ghana with a comprehensive analysis of the needs and realistic opportunities for assisting the consolidation of democratic rule in Ghana utilizing the four-step approach and methodology of USAID's newly revised DG Strategic Assessment Framework (SAF). The objective is to determine what political changes or reforms USAID can realistically support or catalyze. This chapter provides a basic economic and political overview of Ghana. Chapter II identifies the principal problems to developing a more effective democracy in Ghana. Chapter III provides the stakeholder analysis of the actors that can either promote democratic reform or constrain it. Chapter IV describes USG interests in Ghana as well as reviews existing democracy and governance programs in Ghana that the USG and other development partners currently implement. Finally, Chapter V distills the optimal strategy recommended for supporting reforms that consolidate democratic governance in Ghana.

It is important to recognize the hard political reality of Ghanaian politics in 2011, which is the significant and growing partisanship that largely splits along party lines, i.e., the NPP and NDC political divide. The team expected this before beginning its work, based on earlier work in the country, and if we were surprised at all it was primarily in the fervor of the opinions held. What this meant practically is that although there was a single unit of analysis (i.e. Ghana), there were competing principal narratives, each with its own point of view that is often conceived to undermine the validity of others. Given this context, we have not undertaken an exercise in political forensics to try to discern the ~~"o~~ne truth."

ASSESSMENT APPROACH AND METHODOLOGY

A team of three Democracy International (DI) experts - two Americans with previous Ghana experience and one Ghanaian - and one senior officer from USAID's Economic Growth Office, undertook the assessment over the course of two months in early 2011. Actual fieldwork took place over a three-week period during January and February 2011, including field trips to Takoradi in the Western Region and Tamale in the North. The American consultants met with representatives from USAID/Washington - both the Africa Bureau and the Democracy and Governance Office - before their departure.

The team interviewed some 90 individuals from more than 55 organizations during the assessment from a cross-section of Ghanaian political life including central state institutions, regional and local governments, civil society, traditional authorities, and the business community. In addition, the team interviewed members of different USAID/Ghana Development Objective (DO) teams and senior management; the American Ambassador and other Embassy personnel, including the DCM and Political Officer; and personnel from other international donors and NGOs. The team also conducted a broad review of the extensive literature on Ghanaian politics and governance including a large number of documents collected by the team during the Ghana field visit—many of these documents, it should be noted, were authored by Ghanaian institutions and scholars.

The team followed the methodology of the Strategic Assessment Framework, developed and refined by USAID/Washington's DG office over the last two decades, utilizing a four-step approach: (1) define the primary DG problem, (2) identify key actors and institutions, (3) consider USAID's operational and programmatic environment and constraints, and (4) outline a proposed strategy. The team adapted the framework to the local context and applied it in all interviews. In this regard, all team members used the DG assessment guidelines in their interviews, thus providing a consistent set of questions to collect data ensuring that the methodology was followed as designed.

It is important to note that, as a number of respondents pointed out to us, this assessment represents a snapshot of political life in Ghana at a very particular moment in time. Depending on the optic used, there were anywhere between 200 (colonial era) and 60 (post-independence) plus years of political history to absorb and assess. Having said that, we have been asked to provide our best understanding of the situation through application of the methodology noted above and present USAID/Ghana with our recommenda-

tions for how and where it should make investments in time and resources to support Ghanaians in their quest for a more democratic political system.

THE CONTEXT: A SUMMARY OVERVIEW OF GHANA

Modern Ghana is an amalgamation of a number of distinct ethnic and cultural groups brought together under British colonial rule. Before colonization, the area of modern Ghana comprised the powerful Ashanti and Fante kingdoms in central, southern, and western Ghana; a myriad of groups in the northern part of the modern country; and the Ewe living in the eastern part of the country. Thus, Ghana is a multi-ethnic country and no single group dominates as a share of the population. The Ashanti are the largest group, with about 17 percent of the population. Although the Ashanti are part of a larger ethnic group, the Akan, that comprises about half the population, due to historical rivalries between them, most prominently between the Ashanti and the Fante, they have never coalesced as a single group. The Mole-Dagomba, the second largest group, comprises about 15 percent of the population and the Ewe, the third largest group accounts for about 10 percent of the population. Tensions between ethnic groups inform modern politics in Ghana, although the country's diverse number of them and their complex historical relationships has resulted in loose ethnic alliances, as opposed to extreme polarization between them.

One of the most striking consistencies from Ghana's pre-colonial roots to the current Fourth Republic Constitution is concentration of political power at the top of the political system. When the British colonized the Gold Coast, they chose to govern the colony through the existing tribal mechanisms. Thus, indirect rule, in large part, served to strengthen, standardize, and legitimize top-down rule through the chiefs. Although the power of chiefs today is far less than it was during the colonial era, the institution of the chieftaincy retains a considerable amount of legitimacy. Following independence, Ghana's first president, Kwame Nkrumah, created a strong presidential system of government and, in 1964, became president for life. The National Liberation Council (NLC) overthrew Nkrumah in 1966, and for the next 26 years the country remained under military rule. Ghana returned to democratic rule in 1992 under Jerry Rawlings. Although the president today wields less power than under previous systems of governance, distribution of power within the political system still overwhelmingly rests in the office of the president.

By far the most significant recent event in Ghana was the 2008 election. It was Ghana's second transition of power between the two main parties since its return to democracy in 1992. Only two other countries in Africa, Benin and Mauritius, have managed to produce two democratic turnovers of political power. Nevertheless, managing free and fair elections is only one small part of governing and Ghana faces significant economic and political challenges.

Economic Challenges

Since Ghana's return to democracy in 1992, the country's economic performance has been impressive. GDP has grown at about 5 percent per year since 1992, raising real per capita income from about $950 in 1992 to approximately $1500 in 2009 (at purchasing power parity using constant 2008 dollars). These headline indicators mark real progress in reducing poverty (from about 50 percent of the population in 1992 to just under 30 percent today) and improving access to education and health. For example, gross secondary school enrollment has risen from about 35 percent to 55 percent, diphtheria, pertussis and tetanus (DPT) and measles immunization rates have increased from about 65 percent to nearly 95 percent, and the ratio of girls to boys in primary school has jumped from 78 percent to 96 percent. Despite these achievements, Ghana remains a poor country. For example, according to the UNDP's 2010 Human Development Index, Ghana ranks 130th out of 169 countries, below many other countries in sub-Saharan Africa, such as Congo, Kenya, and Namibia.

Although Ghana today is classified as a Middle Income Country, it faces enormous obstacles to creating a broad-based prosperous economy. Ghana must address two significant, but closely related, economic challenges. The first is how to ensure that the country's growth achieves a more equitable distribution,

particularly among regions, gender, and youth. The second is increasing the size of the formal private sector. These are not distinct challenges, however. Rather, they derive from the nature of Ghana's evolving political economy.

Economic growth in Ghana over the past two decades has been concentrated almost exclusively in the southern part of the country, and the benefits of it have been increasingly concentrated among businesses with close ties to the political party in power. This is because the government is a large consumer of what the private sector produces and because parties reward those who finance their campaigns with preferential access to state resources, a phenomenon not unique to Ghana. In addition, while economic growth in value-added and labor-intensive sectors, such as construction (which benefits significantly from state contracts) and services, are beginning to emerge, growth still derives in large part from natural resource exports, primarily gold, cocoa, and, since 2010, oil. A significant portion of the revenues from the export of these resources flows to the government, which can then use them to finance its own expenditures. As a result, much of Ghana's political economy also revolves around the political capture of primary commodity revenues and their subsequent reallocation to political supporters.

Such an economic system can deliver impressive economic performance, yet the benefits of it accrue to those who have access to the politicians that control the resource flows. This results in unbalanced economic development, and, in particular, does not create nearly the number of jobs that the economy needs to employ the increasingly educated youth who are seeking employment. The growth of youth unemployment and underemployment is thus becoming an increasingly salient problem.

Political Challenges

Ghana's economic challenges in large measure derive from its main political challenge, the concentration of power in the executive branch and the aggressive zero-sum competition for this power by the country's two main political parties, the NDC and the NPP. As we examine in great detail in this report, Ghana's main political challenge is that the country is reaching the logical conclusion of a competitive electoral system that extends enormous amounts of power to the executive. Due to the concentration of political and economic power in one office, no sector of society can afford to remain on the sidelines from the contest for political power because control of the presidency means control of the distribution of political and economic patronage. The presidency, among its many powers, appoints Ministers, boards of State-Owned Enterprises (SOEs), and District Chief Executives. These officials, in turn, have the authority to allocate state contracts and create jobs for their supporters.

The logical conclusion of this system is that the contest for control over the executive branch dominates the rest of society. Not only politicians but also those who seek access to state resources must take part in the political process to help elect parties into power. While businesses often donate to candidates from both parties, they generally cannot choose not to participate. Moreover, vesting so much authority in the office of the president places enormous amounts of pressure on the capacity of the Electoral Commission (EC) to ensure free and fair elections. While it has done an admirable job thus far, resting the consolidation of Ghana's democracy almost exclusively on the ability of the EC to regulate intense competition over one office is a risky strategy.

II. IDENTIFYING THE PRINCIPAL D/G PROBLEM

In this chapter, we identify the principal constraints to the consolidation of democracy in Ghana. We employ USAID's analytical framework, which identifies five principal attributes of a well-governed democracy:

1. Consensus over key political and social issues.
2. Functional rule of law.
3. Ordered political and economic competition.

4. An inclusive economic and political system.
5. Effective administrative accountability.

CONSENSUS

Ghanaians possess broad agreement about national identity, the type of government they want, who has the right to participate in political life, and how can political differences be resolved peacefully. However, there are two areas where troubles over consensus exist. First, the country has not reached any agreement about the role of traditional authorities in modern Ghanaian politics and society. Considering these factors: That there are a number of extremely powerful chiefs, that many chiefs are transparently partisan even though the 1992 Constitution forbids this, and that chiefs often fill the gaps in governance in areas and places where state capacity is weak – it is clear that chiefs play a role in modern Ghanaian politics that goes far beyond simple legal mandates. The second problem is the satisfaction the country's political elite has with the status quo allocation of political power. In fact, elite satisfaction with the status quo is the principal obstacle to political reform in Ghana as we point out throughout the remainder of this report.[2]

National Identity

Ghana, unlike many other multi-ethnic countries in sub-Saharan Africa, does not face contentious issues around national identity, who is a Ghanaian, or what are Ghana's borders. Although Ghana is a multi-ethnic country and while ethnic tensions exist, economically, politically, and socially, ethnic frictions never caused debilitating political or social problems. This derives from a number of factors:

- Historical rivalries within the Akan keep them from forming a unified ethno-political party.
- Other ethnic groups are relatively small in size.
- Intense competition for votes forces parties outside their narrow ethnic bases.
- There has been a history of cross-ethnic cooperation for good (e.g., Akan and Ewe joining forces in support of the UCGG against Nkrumah's centralization measures) and for bad (e.g., cooperation between northern chiefs, and Ashanti and Fante slave traders).

For these reasons, while mobilization along ethnic lines occurs, it tends to have the character of loose alliances rather than in-group versus out-group polarization. In addition, because of the complex histories between ethnic groups, it is difficult for politicians to campaign on ethnic grievances in a way that has broad resonance. This is not to say that ethnicity plays no role in Ghanaian politics. This is not true. For example, the Ashanti-Ewe divide is perhaps the most salient ethno-political cleavage in Ghana. Rather, it is to say that while ethnic divisions exist, they do not seem likely to pose a threat to Ghana's unity or the stability of its democracy.

Political Rules

Ghanaians are generally supportive of democracy, and there exists little demand for the country to return to military rule or to install some other form of nondemocratic government. The 2008 Afrobarometer survey data, for example, makes clear that an overwhelming majority of Ghanaians want to live in a democracy, are largely satisfied with the way it is functioning in Ghana, and have patience with the system. Moreover, Ghana's leading politicians also largely respect the rules of democratic competition, although

[2] Numerous academic studies also substantiate this claim. See Ayee, et al. (2010) Booth et al., (2005), Gyimah-Boadi (2007), and Gyimah-Boadi (2009).

as we detail in other sections of this report, they often seek to exploit weaknesses in the system to their advantage.

Ghanaians would like a more broad-based distribution of political power, however. Many believe that excessive concentration of power in the executive results in ordinary Ghanaians not being able to meaningfully participate in political life. For this reason, there is a widespread consensus on the need for constitutional review. President Mills recognized this demand and pledged to undertake constitutional reform in his 2008 election campaign. He has kept this promise and in 2010 set up a Constitutional Review Commission (CRC). Although there are serious questions about whether the country's leading politicians intend to follow-up on the CRC's recommendations (they are non-binding on the Executive and Parliament), the CRC has sought to legitimize the process and create demand for constitutional reform by soliciting a wide range of opinions. There exists broad agreement among Ghanaians that some of the country's most vexing political problems derive from the concentration of power in the executive branch. Thus, the CRC's solicitations have revealed widespread demand to give more power to parliament and to local government, especially changing the position of the District Chief Executive (DCE), the most powerful official at the local level, from a presidential appointment to an elected position.

Although there may be widespread consensus among Ghanaians for constitutional reform, this does not extend to the country's leading politicians. Rather, the political elite is content with the status quo, as we discuss elsewhere in this report. If the constitutional reform process does not lead to substantive political change, the main reason is likely to be resistance from the country's leading politicians.

Religion

Ghana is primarily a Christian country, although Muslims constitute about 20 percent of the population. Unlike many other countries in sub-Saharan Africa with sizable Christian and Muslim communities, religion is not a contentious political issue. Perhaps the main reason for this is because religion does not align neatly across obvious cleavage lines. This is most evident in the north. While the influence of Islam is much more evident in that part of the country than in the south, generally speaking it has not become a source of social or political tension. There are two likely reasons for this. First, cleavages in the north often run along intra-tribal lines for control of chieftaincy offices and many tribes have mixed religious lineages. Second, as we discuss in the section on Inclusion, due to internal disputes in the region, people in the north have never joined together to advance a common set of political demands. Thus, unlike Nigeria, for example, Ghana's cleavage structures at the moment do not run neatly along religious lines.

Traditional Authorities

Although Ghanaians overwhelmingly support democracy as a form of political governance, there are serious disagreements about governance within traditional structures, particularly in two main areas. First, there is no consensus on the role Ghanaians want traditional authorities to play in modern Ghanaian politics. Second, due to unclear rules of succession and the powers chieftaincy offices possess, chieftaincy disputes are common and sometimes violent.

Ghana's Constitution integrates Common Law and Customary Law. While the Constitution clearly limits the powers of the chief to control over land and settling civil disputes within their community, their powers extend far beyond these realms for two main reasons. First, because the Constitution recognizes the institution of the Chieftaincy, it legitimates colonial and pre-colonial forms of governance that placed the chiefs as the ruler of his (and occasionally her) subjects. Second, because state capacity is weak in many parts of the country, by recognizing the importance of the chief, the government, in effect, has created a substitute for governance by the state in these parts of the country.

Nevertheless, even if a chief has legitimacy in the community (for example, Ghana's 2008 Afrobarometer survey shows that two-thirds of Ghanaians trust traditional authorities somewhat or a lot), there is no consensus on the role of traditional authorities in Ghanaian politics. In fact, in many ways the chieftaincy has become a contentious and destabilizing force in Ghana. First, while chiefs are constitutionally barred from

taking partisan positions, many flout this with impunity. Rather, as we document in other sections of this report, the chieftaincy is increasingly politicized and chiefs take an active role in mobilizing their community. Moreover, parties often use chiefs to garner political support in irresponsible and destabilizing ways, such as by taking sides in succession disputes (also see Ayelazuno, Kelly 2004, MacGaffey 2006).

Second, the chieftaincy is not a monolithic institution. Rather, there exists significant variation across different ethnic groups. The Asantehene (Ashanti King), for example, is extremely powerful and sits on top a rigid chieftaincy hierarchy. By contrast, in many other parts of the country, chiefs wield far less power and weak hierarchies exist. As a result, because the role of the chiefs varies significantly across the country, there is no consensus on how to incorporate the chieftaincy into modern Ghanaian politics.

Third, the Chieftaincy in many parts of the country is an unstable institution. The main reason for this is because clear rules for succession often do not exist. In many communities, more than one lineage (gate) has the right to proceed to the chieftaincy, yet the rules for rotation among lineages are not clear. As a result, chieftaincy disputes are common (and sometimes violent) throughout the country. In areas with limited economic opportunity, control of the chieftaincy is especially important because it provides access to scarce resources. For this reason, granting chiefs more authority than they currently possess could have the unintended consequence of making succession disputes even more common and destabilizing.

For the aforementioned reasons, while chiefs may have legitimacy in their community, this does not mean that Ghanaians desire them to have a more formal role in politics. Rather, there exists serious disagreement among Ghanaians about the political role of chiefs in contemporary Ghana.

PROBLEM IDENTIFICATION: CONSENSUS

The main political parties agree on the rules for political competition because they benefit the elite from those parties. The problem is that because these rules are exclusive to those elites, they maintain a status quo which perpetuates a neo-patrimonial system of governance based on executive dominance and the capture of public resources to ensure self-perpetuation.

THE RULE OF LAW

Ghana presents a somewhat bifurcated record on the Rule of Law. On the one hand, since its return to democracy, the country has a very good record on civil liberties, political freedom, and human rights (although prisoners are an important exception as we discuss below). On the other hand, two clear weaknesses exist. First, due to concentration of power in the executive branch, there exist conflicts of interest among officials that have the responsibility to enforce the law. Thus, while presidential appointees, such as the Minister of Justice/Attorney General, may have the constitutional mandate to uphold the law, they face political incentives not to prosecute members of their own party. Weak accountability mechanisms in other areas of government, such as Parliament, and what appears to some observers as deliberate attempts to keep the judiciary weak - allows this to occur with impunity. Troublingly, the political elites in both parties are content with this situation. Numerous experts on Ghanaian politics with whom we spoke, including leaders of the NPP and NDC, claim that the two main parties would rather have *all of the power some of the time than some of the power all of the time*. Among other reasons they desire such power is that greater oversight and transparency would interfere with their capacity to steer economic resources to their political backers. A second weakness in the Rule of Law in Ghana is the extremely low capacity of the state to enforce the law at the local level in many parts of the country, especially in rural areas.

Civil Liberties and Political Rights

Despite the set of problems we highlight below, it is important to note that Ghana is a democracy that respects political freedom and civil liberties. Freedom House, for example, rates Ghana as a 1 out of 7 on Political Rights (with 1 being the best) and 2 out of 7 on Civil Liberties. Only one other country in Africa,

Cape Verde, is rated as high as Ghana according to this well-respected measure. Both parties tolerate freedom of speech and association, and do not discriminate formally against any group.

One anecdote during the team's visit provides a telling example of the government's tolerance for political and civil rights. While we were in Accra, the city's mayor, an NDC political appointee, visited one of the main markets for second-hand clothes. His intention was to clear the market as part of the rehabilitation of the country's rail system. The second-hand clothes dealers chased the mayor from the market and the media covered the story extensively, despite the embarrassment it caused to the mayor and the ruling party more broadly.

This and similar events demonstrate the tolerance of political rights and civil liberties both parties have generally shown since Ghana's return to democracy in 1992. The Ghanaian press also is vibrant. In fact, if anything, the media is under-regulated as the National Media Council, the ICB charged with this responsibility, is significantly underfunded (Joint Review, 2007). Moreover, political campaigns are lively affairs. While partisans may seek to disrupt campaign rallies, the police rarely interfere. Finally, even during elections, generally speaking, the ruling party tolerates election observation, both from neutral observers and opposition party agents.[3]

Tolerance for Corruption

Both parties tolerate substantial corruption, although Ghana is less corrupt than its African peers according to well-respected international measures, such as Transparency International's Corruption Perception Index.[4] Whether this stems from fear of exposure by the other party (i.e., name and shame) or the capacity and willingness of the judicial system to prosecute corruption is difficult to ascertain. A clear-cut example of tolerance for corruption in Ghana is the campaign finance-state contract cycle. As noted above, election campaigns are extremely expensive in Ghana, and the state is a large customer for the goods and services the private sector provides. As a result, both parties have turned to the private sector in search of campaign finances in return for preferential access to state resources. While both parties have their own supporters, their acute need for campaign finance results in many businesses donating to both parties. It is impossible to assess the extent of these networks, for while people must declare donations to parties, no such law covers campaign contributions to individuals.

Corruption in Ghana derives from weak systems of oversight and accountability, the result of concentration of power in the executive branch. While the Commission for Human Rights and Administrative Justice (CHRAJ), for example, is an autonomous ICB, the prosecuting arm of the government, the Directorate of Public Prosecutions (DPP) is in the Ministry of Justice, thus making public prosecutors directly accountable to political appointees in the executive branch. As a result, the government, through constitutional design, operates a system that allows for independent investigations of corruption, but permits politicians to determine which cases to prosecute. Unfortunately, as a result of this there are far too many instances where such investigations lead to a dead-end.

One extreme example of the tolerance for corruption is the widely alleged connections between narcotics dealers and politicians. These supposed links are far from secret because the media reports on them extensively. Since drug trafficking has not resulted in problems of drug addiction among Ghanaians, politicians in both parties remain quiescent about its presence (also see Akyeampong 2005 , Anning 2010, BBC News October 28, 2008, Daily Graphic December 16 2010, The (Ghana) Herald, December 16, 2010).

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[3] It is important to note that this is generally speaking. During the second round of the 2008 election, external observers documented a number of irregularities in this area, especially in Ashanti and Volta regions. In the former, there were numerous instances when NDC observers were not allowed in polling stations, while in the latter, there were many documented instances of intimidation from NPP agents (see Jockers, et al. 2010).

[4] Ghana ranks as the 62nd most corrupt country out of 178 countries according to this index. While not an impressive score, according to this index the country is less corrupt than Brazil, Greece, and India.

Selective Prosecution

Presidential appointees, most prominently the Minister of Justice/Attorney General, have the constitutional mandate to enforce the law. At the same time, because desire for political power in Ghana in part derives from the capacity it brings to distribute state resources for political (or personal) gain, those appointees often face incentives not to enforce the law in certain areas and causes the government to take weak measures to thwart politicians' capacity to do so.[5] While, to some extent, this exists in many democracies, because Ghana lacks a strong countervailing source of power, such as a legislature with oversight capacity or an independent judicial prosecutor, it is difficult for other branches of government to hold these actors accountable for their actions.

Selective prosecution mainly manifests itself in parties prosecuting cases of abuse of power of previous administrations but failing to prosecute the actions of their own. More troubling, according to numerous people we interviewed, including government officials, are what appear to be deliberate efforts to ensure the judiciary remains weak, albeit independent, through a glaring lack of resources. Both parties have been supportive in allowing investigative arms of the government, such as the Economic and Organized Crimes Office (formerly the Serious Fraud Office), and the ICB, CHRAJ, to operate without interference. The problem is that it is difficult to overcome the perception that both parties deliberately underfund the Directorate of Public Prosecutions (DPP). According to our interviews in the Ministry of Justice, the DPP has less than 50 percent of the attorneys it needs to prosecute the cases it receives and public prosecutors are paid a small fraction of what lawyers in the private sector can earn. Such low salaries result in the DPP being incapable of attracting competent lawyers.

Weak Capacity and Jurisdiction at the Local Level

Problems with the rule of law are very different at the local level than at the national level. Whereas at the national level, problems are more institutional and political in nature, leading to the partisanship, corruption, and selective prosecution discussed above, lack of capacity and its consequences are the main problems at the local level. Most Ghanaians, especially in rural areas, are not able to access the formal court systems because, for the most part, such systems do not exist below the district level due to the lack of facilities and personnel.

The result of such weak state capacity is that traditional authorities, the chiefs, tend to fill the gaps, including the resolution of disputes. Accordingly, two very different legal systems operate in Ghana at the local level and often the division of jurisdiction between the two is not clear. On the one hand, Ghana is a Common Law country, with established rules of procedure and evidence. The Common Law system is fundamentally an adversarial one, it attempts to adjudicate between competing claims. While Customary Law in Ghana is too diverse to explain as succinctly as Common Law, it largely operates on consensus and oral tradition and seeks to resolve conflicts, not adjudicate them. Although such differences might not be problematic if the division of jurisdiction between Common Law and Customary Law were clear, due to weak state capacity at the local level, they are not. In principal, chiefs do not have jurisdiction over criminal cases. However, because the police and the courts are often nonexistent at the local level, the adjudication of criminal cases by chiefs has become an increasingly common phenomenon.

Prisoners and Their Plight

The government's treatment of prisoners stands out as a particularly troubling area. While this does not cover a large number of people, the government's human rights record in this area is poor. Nearly 30 per-

[5] Numerous examples of this exist. One particularly noteworthy ones is weak asset declaration forms and lax enforcement of them (see CDD 2005 and Larbi 2007). Another is tolerance for public agencies to submit highly incomplete financial management records to the Auditor General's Office (Daily Graphic May 11, 2011).

cent of the people in Ghana's prisons today are in pre-trial detention.[6] Due to the government's lack of capacity to bring the accused to trial and ensure the whereabouts of those awaiting trail, people accused of crimes wait in detention for about five years before trial. More important, these detentions are illegal under Ghana's Constitution and are a serious human rights violation, yet due to weak mechanisms of accountability it is not possible for independent constitutional bodies, such as CHRAJ, or outside actors, such as NGOs, to force the police to address the issue. The government's treatment of prisoners is thus a blemish on an otherwise good record of protecting civil liberties. While the government has taken some action in this area, for example by setting up programs to reduce the backlog of prisoners awaiting trial, such as Legal Aid and Justice for All, independent entities remain underfunded and politically weak.

PROBLEM IDENTIFICATION: RULE OF LAW

The principal Rule of Law problem is that the political elite in both parties prefer a system that provides them all of the power some of the time to one that offers them some of the power all of the time because the former allows them to operate without oversight while in office. Lack of executive oversight (checks and balances) has led to conflicts of interest among the principal executive branch institutions responsible for ensuring a fair and equitable system of justice where no man, woman, or institution is above the law. Although investigations into abuses of power are common, punishment is not, and generally only those who support or served in the administration of the party out of power are subject to such punishment.

POLITICAL COMPETITION AND ACCOUNTABILITY

Our analysis of Ghanaian politics and governance indicates that the critical deficiency in competition issue is the disparity in the power relationships between the political actors. This is principally between the executive branch of government and all other political actors and institutions. As a result, political competition centers on control of the office of the presidency, and control of the office of the president is an increasingly expensive and zero-sum struggle. Effective political participation in Ghana is, therefore, limited to a relatively small, largely male dominated elite working in the executive branch, and manifested through political parties built on clientelistic networks that, to a significant degree, cut across Ghana's principal socio-economic cleavages of ethnicity, religion, and region. While these networks have ethnic dimensions, the competitive nature of Ghanaian electoral politics and the significant movement of swing groups and regions, have expanded the reach of the few favored networks across many regions and ethnic groups. The net impact of this evolving neo-patrimonial system of governance is to effectively disenfranchise and exclude significant numbers of Ghanaians, women and men alike, from meaningful participation in political life.

Executive-Legislative Relations

The 1992 constitution created a hybrid parliamentary and presidential system of government. The constitution was designed under the military rule of the Rawlings' regime and gives the executive branch far greater powers than parliament, the judiciary, and sub-national levels of government. In general, checks on the executive by Parliament are weakened by unclear sanctioning powers, dependence on the executive for resources and, desires for executive appointments.[7] Some specific points regarding these central state relationships are:

- Article 108 of the Constitution prevents parliament from initiating any legislation that could have budgetary implications. Therefore, parliament is not only unable to determine its own budget, making

[6] World Prison Brief, International Centre for Prison Studies, King's College, London.

[7] For a particularly good discussion of Parliamentary powers, see, Branch, Pamela and Apusigah, Agnes, 2009. *Ghana Parliamentary Committee Support Project, Phase II (A 032089): Interim Evaluation*

it subservient to the control of the Minister of Finance but is effectively inhibited from initiating its own legislation.

- Article 78 stipulates that the majority of Ministers of State must be sitting MPs and gives the President the right to appoint as many MPs as Ministers as he deems fit (Branch, 2009). In 2007, there were some 80 MPs who were either cabinet or junior ministers. Given the overwhelming aspiration of MPs to become ministers and thus increase their prestige as well as access to resources, it was not surprising to hear, as the team repeatedly did, that their allegiance was far more likely to be to the President – a patron saint of sorts – and his agenda than to the institution to which they were elected and the constituents they represent.
- Another example of the disparities in power between the executive and the legislative branches was the creation of the Ministry of Parliamentary Affairs and appointment of the Majority Leader to this post. The fact that the same person also chairs the House Business Committee creates the potential for a conflict between the interests of the executive and the need for parliamentary oversight.
- Parliament does not appear to possess strong interests in oversight of the executive branch. During the Team's meeting with the Government Assurances Committee (GAC), the principal oversight body within Parliament, the Committee Chairman interpreted the current standing orders to permit investigations of Ministerial conduct and performance based *only* on the Minister's testimony before the GAC. What transpired outside these hearings was not considered to be within the Parliament's purview. In reviewing the GAC's standing orders, there was, however, nothing which precluded its investigatory oversight of the executive branch anywhere or at any time.

The Judicial Branch

Judicial independence exists, but it is vulnerable to political encroachment. This is due, to a significant degree, to the perceived conflict of interest resulting from the dual appointment of a Minister of Justice who is also the Attorney General and thus the ability of the executive to short-circuit investigations for political or partisan reasons that are initiated by either subordinate executive branch agencies (e.g., DPP, EOCO) or from independent constitutional bodies such as CHRAJ or the Auditor General. In addition, the President is also constitutionally empowered to name as many Supreme Court judges as he likes, thus establishing the possibility of stacking the court with his own appointees with attendant politicized outcomes. Whether or not this has happened in reality, the perception among political parties is that judicial partisanship is real and leading to what might be considered intemperate calls for the executive's unilateral reform of the judiciary, as good an indication as any concerning relative powers between the two "independent" branches.

Independent Constitutional Bodies

Finally, we highlight the discrete set of constitutionally mandated institutions, known as Independent Constitutional Bodies (ICB):

- The National Electoral Commission (NEC), which administers and manages elections.
- The National Commission for Civic Education (NCCE) that builds and consolidates tolerance for democratic practice and good governance through broad-based education.
- The Commission for Human Rights and Administrative Justice (CHRAJ) with three functions: (a) human rights promotion and protection, (b) the Ombudsman Office for public service, and (c) combating public sector corruption.
- The National Media Commission (NMC) that both regulates and promotes the development of an independent media.

- The Auditor General (AG), which is charged with investigating and reporting on public sector expenditures.

The importance of these institutions as both actual and potential counter weights to executive branch domination is considerable and growing. The ICBs have probably demonstrated as much autonomy from the executive as either of the other two central state institutions and, in their different ways, have been able to demonstrate a capacity to hold the President and his Ministers accountable for their performance of the public's business. Their weaknesses are, however, real and of concern:

- The President (albeit with parliamentary approval in most cases) appoints the Chair and most of the board members of these institutions.
- Their budgets are subject to approval and thus control by the Ministry of Finance (except for the EC and, to a lesser extent, CHRAJ).
- They are significantly under resourced.
- Although CHRAJ and the Auditor General are responsible for investigating corruption and ensuring proper use of public resources, respectively, neither has enforcement or prosecutorial powers.

Political Parties and Electoral Competition

Political competition in Ghana since its democratic transition in 1992 has become increasingly intense. The margin of victory between the two main parties, the NDC and the NPP, has shrunk in each election, and in the two most recent contests, where no incumbent was running due to term-limit restrictions (2000 and 2008), run-offs ensued.[8] While elections have been generally free and fair, both parties have manipulated the process to their advantage. Although the level of fraud in Ghana's elections is low in a comparative perspective, the slim margins of victory and winner-take-all aspect of presidential elections heightens its consequences. Thus, while the Electoral Commission of Ghana is a highly competent and professional organization, the demands on it are intense. It is difficult to overstate the central role that the EC will continue to play in Ghana's democratic development.

Ghana has held five elections since 1992. While the system was fluid at first, two clear trends have emerged. First, the regional strengths of each party are becoming very evident. Second, greater insight is being gained into how ethnicity is affecting voting patterns.

From a historical perspective, voting patterns in Ghana show clear logic. The NPP strongholds comprise the historic Ashanti center of power in the region and their historical allies, the Akim. The NDC strongholds largely reside in the parts of the region that most feared Ashanti domination and are the economically marginal parts of the country. The swing groups are the Akan who were rivals of the Ashanti, primarily the Fante, or were dominated by the Ashanti (e.g., such as Akan living in Brong-Ahafo Region), and the Ga, another group who has a troubled relationship with the Ashanti, but who do not live in the geographically marginal parts of the country. Thus, Akan who are not Ashanti or Akim and the Ga do not fit neatly into either party.

This may also explain why ethnicity has not become as large a factor in Ghanaian elections as in other multi-ethnic countries. First, the NDC is a true multi-ethnic alliance, comprised of Ewe, Fante, and many northern groups. Second, the historic rivalries within the Akan make it difficult to form an Akan party. Nevertheless, identities can change and people can reinterpret history. Since Akan represent about 50 percent of the population, they are a viable political block. Thus, we cannot rule out that Akan versus non-

[8] Ghana uses a two-round system. If no candidate secures a majority in the first round, the top two candidates from the first round run in the second round.

Akan could become the basis of political competition in the future.[9] At the same time, it is important to recognize that ethnic block voting does not exist in Ghana today and although most groups favor one party or another, many groups split their vote.[10]

Campaign Dynamics

Political competition in presidential elections is increasingly aggressive. The margins of victory have narrowed in each election since 1992. While elections largely have been calm, they are tense and the 2008 election, in particular, pushed the country to the edge of peaceful competition for power.[11] The reason for this, as we note throughout this report, is the winner-take-all, zero-sum power struggle for control over the executive branch. As we document in the section on Ghana's executive, the president controls a vast network of economic and political patronage. To be outside this system closes off many opportunities for economic and political gain. As a result, even those who may not hold strong political convictions or partisan leanings, such as the private sector and some elements of civil society, feel compelled to show electoral support so to ensure they are part of the winning coalition, therefore gaining access to a piece of the ―national cake."

There are benefits from such intense competition. Both parties canvass the country to gain political support and thus all communities have a chance to highlight their concerns during election campaigns. While this all too often results in clientelistic distribution of benefits, the strong competition for votes ensures that participation in elections, although not necessarily political life more broadly, is extensive. Moreover, Ghana's free media, and respect for civil liberties and political rights serves to ensure that elections are generally free, fair, and vibrant. The media covers elections intensely and information flows freely, if not always accurately. The country also has television and radio broadcast of presidential debates and many CSOs and faith-based organizations provide a forum for similar types of candidate discussions.

The downside of such competition is also clear. First, elections mobilize and polarize the country in unstable and undesirable ways. For example, while chiefs and District Chief Executives are not supposed to take part in political competition, because the former can mobilize voters and because the latter are political appointees, both parties violate these prohibitions with impunity. In addition, combined with the problem of youth unemployment we document in the section on inclusion, both parties mobilize youth with the promises of jobs or other benefits in return for their help in winning elections. All too often these promises have proven empty and are the cause of post-electoral local level tensions. More broadly, intense competition forces parties to promise benefits far in excess in what they are able to deliver to large parts of the electorate. A repeated failure of the parties to deliver on their campaign pledges can easily make a population cynical about democracy and the political leaders it has produced.

As noted above, the biggest downside to the current distribution of political power is that Ghana's continued democratic development and stability rests heavily on the ability of the Electoral Commission to mediate the increasingly intense political campaigns. While the EC has proven its capacity to handle intense election pressure, including the attempts of both parties to exploit weaknesses in its management of elections, it is important to recognize the dangers of placing intense stress on the EC's ability to resist the pressures the parties place on it.

Unlike the professionalism and intensity surrounding national level elections, local elections have a far different dynamic. Because District Assembly (DA) members have relatively little power, and far less resources to expend than their national level counterparts, turnout in these elections is far lower than it is

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[9] While political parties must have a nation-wide presence in order to operate, this does not ensure more than token representation in many parts of the country.
[10] See Hoffman (2009) for a discussion of ethnic voting in Ghana's 2008 election.
[11] See Abdulai and Crawford 2010 and Jockers, et al. 2009 for extensive discussions about irregularities during the 2008 election and its prospects for widespread violence.

in national ones: turnout in the 2010 DA elections was 37 percent compared to 85 percent in the 2008 presidential election, for example. The glaring disparity of power between the central government and local government is also evident in the lack of attention the latter receives compared to the former. Moreover, some sources indicate that the EC's conduct of the 2010 DA elections caused it to lose some of the credibility it gained in the 2008 elections. The EC delayed the elections multiple times due to its inability to get election materials to polling stations. Parliament was also in part responsible for the election confusion as it delayed passage of legislation reducing the number of unit committees, the lowest level of elected officials, thus forcing the electoral commission to continue to reschedule the elections for later dates. The repeated delays caused an enormous amount of confusion, and led both to voter apathy and candidate ire.

Civil Society and the Media

Only a relatively small slice of civil society truly engages central state institutions for the purpose of participating in the principal functions of a democratic system of governance, that is, in the making and implementation of public policy, including the allocation and management of public resources, in holding the state accountable for its performance in pursuing the public good, and in promoting and protecting human rights and civil liberties on behalf of all Ghanaians. The several large independent think tanks and research centers (e.g., Center for Economic Policy Analysis, Center for Democracy and Development, Institute for Economic Analysis, and the Institute for Democratic Governance), faith-based organizations (e.g., Christian Council of Ghana), and policy oriented NGOs and coalitions (e.g., Ghana Alert, Ghana Legal Literacy Resources Foundation and Coalition of Domestic Election Observers), are well known and receive the majority of attention from government and development partners. So too do business and professional associations As of today, it is these largely elite-led, urban-based CSOs that have had any success in policymaking (e.g., NGO Coalition on the Domestic Violence Bill) and government oversight (e.g., Ghana Anti-Corruption Coalition).

However, at the opposite end of the civil society spectrum, local or primary level associations, are among an increasing number of groups that are beginning to take on a public cast by engaging power-holders at the district level and below over a wide range of everyday problems which they have come together voluntarily to address. Health management committees, parent teacher associations, natural resource user groups, farmers groups and women's credit clubs all represent the movement of informal groups into more organized, although not necessarily registered, forms. While their interests and concerns are largely local and quotidian, they often find that the solution to their problems (e.g., teacher absenteeism, a lack of medicines, land or water degradation) require engaging with outside actors. Once they do, they move from being part of the informal and undifferentiated realm of Ghanaian associational life to the more formal and actively engaged civil society.

Ghanaian civil society as quickly sketched here is for the most part under-resourced, often in competition with itself for scarce donor funding, and generally lacking in a sustained capacity for action. Elements have also become politicized, which is not necessarily surprising given the competition by the political parties for each and every potential vote. On the other hand, the realm of civil society, and the organizations that compose it, has begun to take on a recognizable structure and functional differentiation. Accordingly, the outline of a coherent sector or societal realm capable of providing a counter-point to the state is beginning to emerge. More importantly, the chasm between the small group of elite-led organizations that represent the face of civil society and the broad base of civil society (i.e. its many voluntary associations) is beginning to narrow.

The Ghanaian media are vibrant but insufficiently professional, particularly in their adherence to a set of ethical standards. A significant element of the media has become partisan and politicized, thereby weakening its ability to provide credible and objective oversight and information. At the same time it is insufficiently regulated, with few protections afforded against slander, libel, and dangerous pre-election hate-mongering by some extreme elements. But perhaps the greatest challenges facing the media, like many

other businesses in Ghana, are their lack of financial independence and sustainability. It is this one aspect that no amount of strengthening or improved ethics will be able to overcome, but ultimately it is critical to achieving the kind of autonomy that is now lacking among many print and radio outlets.

The Central State versus the Market

The public sector provides substantial demand for goods and services supplied by the private sector in Ghana. Dependence of the latter on the former is a key element of the neo-patrimonial system of governance and represents a good part of Ghana's political economy, leaving businesses with little choice but to participate in the system if they want to prosper if not survive. As a key component of the executive dominated patronage system, the private sector has thus become politicized by necessity rather than by ideology. The net impact is, however, the same: a merging of state and market, and concentrating economic power among those who have close ties to political elites. This weakens the market's role in creating autonomous centers of wealth capable of maintaining independent political forces that in turn increase competition for political power. This negative political impact is in addition to the economic one in which distorted incentives lead to poor decisions concerning the best allocation of economic resources to ensure productive investments and the creation of national wealth.

Problem Identification: Political Competition and Accountability

While there are a significant number of new sources of political, social and economic pluralism in the Fourth Republic, they are seriously constrained by the overwhelming dominance of the executive branch in political life and its control of public resources.

INCLUSION

Ghana has an admirable record on human rights and civil liberties since its democratic transition in 1992 and the government does not formally discriminate against any group (Freedom House 2010). Nevertheless, as its economy develops and its democracy matures, not all groups are benefitting in equal ways. Rather, some troubling trends are arising that could cause problems in the future if the government does not develop plans to address them. Problems exist among four (somewhat overlapping) groups in particular, people living in northern Ghana, women, youth, and those left out of Ghana's unbalanced system of economic development.

Northern Ghana: A Legacy of Exclusion

The economic and political marginalization of northern Ghana (current Northern, Upper East, and Upper West regions) predates colonization. For hundreds of years before colonialism, Ashanti and Fante armies raided the northern areas of contemporary Ghana for slaves, first for the trans-Atlantic slave trade, and later for the development of cocoa plantations in southern Ghana. Colonization formalized the latter by treating the Northern Territories as a labor reserve for the south, although there is some dispute over whether lack of British efforts to develop the north were a deliberate policy or simply reflected the marginal economic status of the region.

The North's marginal status persisted after independence, and development has lagged in the region. Over the past two decades, the gap between levels of development in the north and the south have widened considerably. It is only a small stretch to say that the impressive economic development in Ghana over the past two decades has concentrated almost exclusively in the southern part of the country. As our discussions with UNICEF noted and confirmed in relevant studies, while there are more poor people in southern Ghana than northern Ghana, poverty rates are far higher in the north than in the south. For example, a recent World Bank study shows that while a little less than half of the population living in poverty resides in the north, close to two-thirds of the population in the north are impoverished, while this proportion is 20 percent in the south.

It is important to note that neglect reflects only part of the North's economic problems. In fact, over the past few decades, the gap between education and health indicators has narrowed between the north and the south. What has widened is the gap between per capita incomes. This raises an important question: why have improvements in education and health in the north not led to higher levels of economic development? The answer is because the economy of the north consists almost entirely of subsistence farming. The formal private sector is practically non-existent. Even in the North's largest city, Tamale, the government employs far more people than the formal private sector. As a result, educated Ghanaians face few incentives to remain in the north. Underdevelopment of the North also makes it quite difficult for many local governments to attract qualified staff, especially outside the North's three regional capitals, Bolgatanga, Tamale, and Wa.

One reason that development continues to lag in the north is because rarely have the people of the north articulated a common demand. Thus, even though both parties compete for votes in the north (although the area is predominately NDC), greater attention from political parties has resulted in more particularistic instead of comprehensive attention. The roots of the inability of groups in the north to express a common set of demands predates colonization, when Ashanti and Fante slave traders worked with powerful chiefs in the north to capture slaves from weaker groups. Following colonization, the British merged these weaker groups against their wishes into stronger ones living in the same areas. These cleavages remain and have been the cause of many of the recent intra-ethnic disputes in the north.

The dynamic of the conflicts in the north often provides parties with an incentive to mobilize along intra-tribe disputes. These clashes tend to have particularistic resolutions that benefit one set of claimants over another, but fail to address the larger challenges the north faces. Since the return of multiparty politics, the north has tended to vote NDC, but the NPP has made inroads and both parties have recently chosen northerners as vice-presidential candidates. However, because of the aforementioned conflict dynamics, greater political competition has caused the parties to pay more attention to narrow concerns of certain groups in the north and not address the area's problems in a comprehensive manner, although both parties claim to have plans to do so. Whether the NDC's plans to develop the north will change this pattern, including its creation and support of the Savannah Accelerated Development Authority (SADA), is too early to tell.

Women and Their Limited Participation in Public Life[12]

Gender equity has been and continues to be a serious problem in Ghana. Gender imbalances cut across numerous areas from access to education, employment, and equality under the law. While women increasingly serve in high-profile positions, such as Speaker of Parliament and the Chief Justice of the Supreme Court, for the most part they play a marginal role in politics and the economy. Ghana's 1992 Constitution also contains elements that discriminate against women, such as failing to make domestic violence a crime and impeding women's capacity to inherit land from their spouses. Although NDC and NPP governments have made progress in improving gender equity in some areas, most notably education, structural and contingent factors impede greater progress in this area, especially in rural Ghana and in the north.

A principal constraint to gender equity in Ghana is the strength of traditional authorities. The chieftaincy is an overwhelmingly male-dominated institution, even in many matrilineal societies. This is especially problematic in the north and in rural areas, where state structures are weakest, because traditional authorities tend to possess greater authority in locales where the state is not active. The strength of traditional authorities and male dominance of them reinforces and legitimates gender discrimination.

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[12] USAID conducted a separate gender assessment of Ghana in February and March of 2011.The final report was not available while we were writing this report, although early drafts concurred with our analysis that women's political and economic exclusion is a serious problem in Ghana.

Cultural norms and behavior as well as modern economic factors also cause many families in Ghana to prioritize educated boys over girls. In many parts of Ghana, women do not support their parents' household. In addition, the formal private sector is small. The combination of these factors means that parents who wish to educate their children in the hopes that their offspring can help improve family welfare have a greater incentive to invest in education for boys over girls. The majority of government and civil society organizations, including women's groups, with whom we talked, noted that poverty was as much a cause for the low social, economic and political status of women as were cultural norms and social behaviors.

Cultural and economic factors also often deter women from seeking political office. Politics in Ghana is notoriously aggressive. The media are highly sensationalist and politicians attack each other with impunity. Many perceive this belligerent behavior to be a primarily male domain, although the popularity of Jerry Rawling's wife, Nana Konadu Agyeman Rawlings (who contested albeit unsuccessfully against President Mills for the NDC nomination in the 2012 election) among many in the NDC proves this perception is not universal.[13] Moreover, the belief that the male head of the household ought to be the dominant figure in it means that women also face familial pressures not to contest for political office, lest they be too effective and amass greater authority and respect than their husbands.

Women also encounter structural problems participating in electoral politics. For instance, out of 230 MPs serving in the Ghanaian Parliament only 19 (8 percent) are women. Between 2006 and 2010, the number of women in district assemblies decreased significantly (there are now 400 women of 6,000 DA members or 7 percent). The failure of women to play a more active role in politics derives from more than neglect, however, and is a result of economic exclusion that leaves women ill equipped to mount successful political campaigns because they are largely outside the patronage networks that fund them. Campaigns in Ghana are expensive and candidates rely on personal financial networks for campaign funds. Since men tend to dominate these networks, women find it far more difficult than men to raise the funds they need to finance a campaign.

The 1992 Constitution gives the president the ability to appoint 30 percent of the members of district assemblies, in part, to address problems of gender inequity in political representation. As in similar areas of the relationship between central and local governments, this principled action has not let to the desired political outcome. In our discussions with both political parties we learned that, not only have they failed to devote much effort to recruiting women to run for office, they have largely refused to take modest actions - placing women candidates in "safe" districts where the outcome is virtually assured, for example - that might address some of these stark imbalances.

Ghanaian Youth: A Growing Generational Divide

Over 50 percent of Ghana's population is under the age of 30. Ghanaian youth today are more urban and well educated than previous generations. One of the biggest problems Ghana's youth faces today is whether there will be a sufficiently large economy to absorb their labor and at the moment the signs are troubling. Youth unemployment is a growing problem in Ghana and the overwhelming majority of urban youth work in low-end jobs in the informal sector, such as street hawkers.

Both the NDC and the NPP have been less than responsible in exploiting the problem of lack of sufficient jobs for youth in Ghana today for narrow partisan gain. Both parties rely very heavily on youth to help them mobilize voters for elections in return for implicit or explicit promises of jobs and/or other benefits if their party wins. All too often these promises are insincere, and after the election the benefits politicians promised fail to appear. The problem of "foot soldiers" is the most visible consequence of this phenomenon, with both parties guilty of this practice. In many parts of the country, these foot soldiers have become a destabilizing force in asserting their demands. They have attacked government offices, beaten

[13] However, we cannot discount that a large part of her popularity derives from that of her husband.

elected and appointed government officials, taken over truck lots and exacted "fees" from drivers, and seized and sold hospital vehicles.

The government recognizes the problem of youth unemployment and has attempted to take steps to address it, such as through creating the National Youth Employment Program in 2007. The program seeks to create employment for youth and help them develop marketable skills. It has had mixed results to date. However, the larger problem is the small size of the formal private and public sectors. While approximately 250,000 youth enter the labor market per year, the formal sector creates only about 5,000 jobs per year.

In our discussions with youth at both the national and local levels as well as with political and CSO leaders, the potential for increased tension if not conflict as a result of limited opportunities for employment specifically and political marginalization more broadly, is of growing concern. We believe this merits attention in the development of a USAID strategy and discuss it more fully in Chapter V.

Ethnicity versus Class: A Somewhat Surprising Conclusion

Due to Ghana's multi-ethnic composition, no single ethnic group faces systematic discrimination. For example, while the north as a whole encounters economic exclusion, it cuts across the manifold groups living in the three regions. Moreover, while the Ewe living in the Volta Region feared economic domination from the Ashanti at independence, they form the core of the NDC. Rather, emerging patterns of economic exclusion fall more along class lines than ethnic ones and rates of inequality in Ghana, while not high, have been growing over the past two decades. In the context of falling rates of poverty, rising inequality means that some groups are benefitting far more from Ghana's development than others.

The reason that inequality is growing in Ghana relates directly to the concentration of power in the executive branch, and, in particular, the way that political power influences the distribution of resources. As we document elsewhere in this report, the neo-patrimonial system of governance that has evolved in Ghana and as manifested in the campaign finance-state contract cycle is becoming increasingly entrenched, as campaigns are becoming ever more expensive. This result is increasing pressure for politicians to assert control over the distribution of resources. The cumulative impact is the increasing concentration of economic resources in the hands of the political elite and their political supporters, which we documented in the section on the Rule of Law. Such control means that, while Ghana's economy has been growing at an impressive rate over the past two decades, the main benefits of that growth have accrued to the narrow elite. More worrisome, given that political leaders in both parties seem content with the status quo, there is no reason to believe this pattern of unbalanced growth will change in the near future. Rather, since the distribution of economic resources in a country tends to reflect the distribution political power, as long as political power remains in control of the executive, the concentration of economic resources is likely to remain within the relatively narrow party-based and clientelistic system that is chronicled throughout this report and a wide range of others reviewed for this assessment.

PROBLEM IDENTIFICATION: INCLUSION

The main inclusion problem is that due to the nature of Ghana's political economy, specifically, the concentration of power in the executive branch, rising prosperity in Ghana is uneven. The main beneficiaries of Ghana's economic development are increasingly the privileged few who have the capacity to gain access to the political elite. While the elite is largely composed of and dominated by men, exclusion of the vast majority of Ghanaians is largely a societal-wide problem, although affecting women more adversely than men given the socio-economic and cultural patterns noted above. Absent a change in Ghana's distribution of political power, this unbalanced pattern of economic development is likely to widen, and may accelerate with the discovery of oil and the wealth that it will generate.

ADMINISTRATIVE ACCOUNTABILITY AND EFFECTIVENESS

Administrative effectiveness is uneven in Ghana, reflecting both serious capacity constraints and an absence of adequate accountability mechanisms capable of creating effective performance incentives. Executive dominance over the judiciary, parliament, and local government, and the intense competition for control over that office are the most serious constraints to improving accountability. The most challenging aspect of assessing patterns of administrative performance in Ghana lies in determining whether capacity constraints are the central problem in making government function more effectively, or whether a combination of perverse political and personal incentives undercut efforts to improve institutional performance. Both appear to be significant explanatory factors.

Local Government Structures of Accountability

Accountability mechanisms, especially with regard to provision of services, are very weak in Ghana at the local level. The principal reason for this is because Ghana's 1992 Constitution, which produced the current District Assembly (DA) system, created highly centralized local governments:

- *Administrative decentralization.* In practice, there is virtually no administrative decentralization in Ghana. While DAs occasionally have input into the civil servants who work in their areas and may hire staff at their own expense, almost all government officials at the local level are employees of the central government. Even when fully implemented, the Local Government Service, which in theory will devolve control of civil servants working at the local level, will affect less than 10% of the total civil servants working in local government.
- *Fiscal decentralization.* DAs have little fiscal autonomy. They derive approximately 85 percent of their budget from donors and central government transfers, mostly from the District Assembly Common Fund (DACF) and use most of the resources for salaries. While salaries are completely non-discretionary, DACF transfers could be, although in practice they generally are not. Moreover, the central government maintains the exclusive authority to raise the most lucrative and easy to gather taxes, such as income taxes.
- *Political decentralization.* As with administrative and fiscal decentralization, there is little political decentralization:
    - DAs fall far short of being able to elect their own governments. Rather, the central government imposes on this capacity in three ways. First, the most powerful government official at the local level, the DCE, is a central government appointee (although DAs must approve of the appointment through a two-thirds majority vote of those present). Second, the president appoints 30 percent of DA councillors. While the Constitution suggests the president consult with influential people in the district on these appointments, including chiefs, there is no legal requirement for this. Third, traditional authorities are not able to stand for office (although they may be appointed), despite often wielding considerable power at the local level.
    - Each DA must produce a district development plan (which includes its budget). Districts must rely on central government appointed civil servants in devising their development plans, and the cabinet must approve them.[14] For these reasons, DAs have little autonomy, even within their areas of jurisdiction.

[14] The cabinet does not approve the development plan for each DA. Rather, DAs submit their plans to the Regional Planning Coordinating Unit (RPCU) for coordination among all DAs in the region. The RPCU forwards the plan to the Regional Coordinating Council (RCC) for approval and the RCC sends it to the National Development Planning Commission (NPDC). The NPDC creates the national development plan, which the cabinet must approve.

- DAs have few mandated responsibilities. While they may initiate efforts in a broad range of areas, such as health, infrastructure, and education, their exclusive responsibilities fall in relatively peripheral ones, such as sanitation, registering births and deaths, and environmental management. Moreover, given their limited capacity to generate their own tax revenue, even DAs that wish to undertake more ambitious development plans face considerable challenges due to lack of funds for implementing them.

What is most notable to observe about the structure of local government is the lack of accountability from DA employees to DA elected officials and ultimately to the residents of the district. For example, DCEs are executive appointments and thus are not accountable to DAs. The same holds for nearly all civil servants at the local level, including teachers and health workers. They are accountable to their line ministries, not the local government. Four distinct problems derive from this structure.

First, citizens encounter extreme difficulty in holding civil servants accountable for the actions. For example, school overcrowding is a serious problem and in primary schools, classes can contain as many as 100 students. This creates excellent opportunities for teachers to ration access to education through offering lessons outside of regular school hours in return for extra payment, employing the argument that large class sizes inhibit their capacity to teach their full lessons. Moreover, DAs cannot sanction nonperforming teachers nor can PTAs or school management committees. This is a serious problem. Our interviews with both government and non-governmental personnel knowledgeable about education claimed that teachers only spend about 40 percent of their time in school teaching.

Second, even though District Chief Executive s (DCEs) are the head of the local government, since the vast majority of employees at the district level come from central government ministries, they are accountable to their superiors in Accra, not the DCE. At least three pernicious consequences derive from this structure. First, DCEs have trouble sanctioning poor-performing civil servants. Second, civil servants can get away with shirking their responsibility since their actual central ministry superiors lack the capacity to monitor the performance of those under their charge. Finally, since local governments do not hire their own employees, many DAs have trouble getting civil servants to serve in their district. Staffing shortages are a serious problem in the north and in rural areas throughout the country.

Third, in practice, it seems that the DCE serves more as the party boss at the local level, particularly around election time, than as the head of local government. In particular, the DCE has the responsibility to mobilize voters in support of the party that appointed him or her. While there are benefits derived from the system, such as jobs and government contracts for party supporters, they are foremost election spoils. The average Ghanaian voter is distinctly not a beneficiary of this system.

A final problem with lack of accountability from the local level to the national level is that procurement tracking is weak. This is an especially acute problem in the health sector where all too often medicines and supplies fail to arrive at local health facilities. Instead, poor accountability structures allow the civil servants responsible for delivering these supplies to divert them to their own uses.

Due to perceptions that local government is not effective, the National Democratic Congress (NDC) pledged to review Ghana's decentralization policy in its 2008 election campaign. As a result, the NDC government commissioned a decentralization review board. The board held a number of stakeholder meetings in 2009 and 2010 with citizens in each region of the country, political parties, and civil society groups. The board has submitted its nonbinding recommendations to the Minister of Local Government and Rural Development. The cabinet must approve the new decentralization policy and some changes may require consent from parliament. In general, two themes emerge from the decentralization review board's recommendations. First, the effects of the new decentralization policy are likely to be small, especially from the point of view of the average Ghanaian. At most, it will lead to slightly larger and less earmarked transfers to local governments and provide them greater control over a small number of civil servants. Second, there is likely to be almost no political decentralization. Rather, more extensive decentralization will need to come through constitutional review.

Resistance to more extensive decentralization exists because neither the NDC nor the NPP have a strong interest in it. Rather, both are satisfied with the status quo because the current system gives the party who controls the executive branch the ability to control the civil service and local government. Given that both parties rely heavily on their agents at the local level to mobilize voters during elections, the capacity of the winning party to distribute jobs and other benefits, such as local government contracts, is integral to the functioning of their campaign strategies. Thus, greater decentralization goes against the political incentives of the leaders of both parties.

Capacity at the Local Level

Capacity constraints are a serious problem at the local level, and they have grown considerably during the past decade. The reason for this is because during President Kufuor's term, the number of DAs grew from 110 to 170. Many of these new local governments, in particular, possess inadequate resources, and some are barely staffed even at minimum levels.

Local government effectively stops at the DA level. While a number of sub-district structures exist, such as Area Councils and Unit Committees, these are largely ineffective (ARD 2010). In addition, they are a carry-over from the PNDC's authoritarian structure and thus designed to structure citizen participation rather than promote it. Due to the relatively marginal power of Unit Committees, NPP and NDC governments encountered difficulty in getting people to stand for Unit Committee elections, and as a result, the NDC government has reduced the number of them from about 15,000 to about 5,000.[15]

While it is often difficult to determine whether capacity is weak due to genuine constraints or because of a lack of incentives due to poor accountability structures, several areas exist where it appears the government has the incentive to improve performance but is encountering difficulties in doing so. The most clear-cut one is teachers and health officials at the local level. In the north especially, many communities have great difficulty getting civil servants to fill these positions. Moreover, due to the dearth of college graduates in these areas, and the demand for trained local government staff (especially teachers and health care providers), the government does appear to have the incentive to fill these positions, but lacks the capacity. In addition, given the poor fiscal situation the Mills administration inherited, the cost of hiring the additional local level civil servants to work in the close to 60 new DAs the Kufuor government created, and the genuine interest both the NPP and NDC governments have shown in improving access to education and health care, there are reasons to believe that capacity constraints, not lack of incentive, are a part of the problem.

Capacity and Accountability in the Central Government

As we document extensively in other sections of this report (see especially under the Rule of Law), lack of accountability and capacity is pervasive throughout central government structures. More important, these realities are not independent of each other. Rather, lack of accountability means that the government all too often fails to have any incentive to address weak capacity, and in many ways even presents a desire to keep it feeble, as our discussion of lack of resources in the Directorate of Public Prosecutions in the Rule of Law section makes clear. In the past, voters have thrown both main parties out of power because of corruption. Yet, because each of the two main parties believes it has a reasonable chance of winning any future election, they would rather lose elections from time to time because of voter anger over corrupt practices than secure electoral benefits by cracking down on it.

One manifestation of lack of accountability is the government's resistance to implement a Right to Information Law (see Citifm Online, May 4, 2011). In fact, the logic of Ghana's political system produces strong incentives for the government not to want to increase transparency. For example, the President gets

[15] Passage of the legislation necessary to achieve this is the one of the factors that hindered the Electoral Commission from properly preparing for the local level elections in 2010.

to appoint a majority of the board of Ghana's State-Owned Enterprises and all Ministers. In turn, these entities distribute a large number of contracts. Lack of transparency in these tenders facilitates the capacity of the ruling party to distribute these contracts to their political supporters. Moreover, as we also note in this report, there is currently no mechanism that can track how much businesses and individuals donate to political campaigns. As a result, there is no effective way for the Ghanaian public to be able to trace the extent of the campaign finance-contract cycle, and whom it involves. Neither party has any incentive to reveal this information.

PROBLEM IDENTIFICATION: ADMINISTRATIVE ACCOUNTABILITY AND EFFECTIVENESS

The winner-take-all, zero-sum politics that has come to signify Ghanaian politics has created a parallel system of political patronage in which members of the winning party are rewarded for their allegiance. Consequently, the bureaucracy has become a component of the patronage system with decreasing administrative accountability for the effective use of public resources to address the country's social and economic problems. Access to quality basic public services suffers as a result. While genuine capacity constraints exist in many areas, poor accountability structures often means the government has no incentive to address them.

ASSESSMENT ANALYSIS AND CONCLUSIONS

Ghana rates extremely high on most of the basic dimensions of democracy, including protection of the fundamental civil liberties and human rights. It has been extraordinarily successful in the holding of free and fair elections. And, it has been largely successful in decreasing poverty rates and moving toward achievement of many of the Millennium Development Goals (MDGs). Where Ghanaian democracy has been less successful is in the nature and scope of public participation. Due to the concentration of power in the executive branch, effective participation is limited to a relatively small elite working in that branch of government.

From our earlier analysis of the various institutional dynamics related to the exercise of political power between political actors, it seems that the principal check on executive dominance has been electoral competition and specifically that the political party that is out of power and wants to win power, at almost any cost. The problem with this competition is that while both the major political parties are willing to play by the rules of the game, the rules themselves are flawed. Elite consensus among the political parties is an agreement that the political status quo, regardless of the increasingly negative impact on democratic governance, is to be maintained because it offers the best way to gain power and access to state resources. The increasingly hyper-aggressive and winner-take-all nature of Ghanaian elections also is putting tremendous pressure on the one of the most effective and well-respected institutions in the country, the Electoral Commission.

The political status quo benefits powerful politicians and those with access to them far more than the rest of the Ghanaian population. How will reform take place and who will lead it if existing leaders are content with the status quo? While this is the subject of Chapter III, suffice it to note here the following:

- The incentive structure to change the political game from the current, zero-sum configuration, where the winner takes all, to politics as a means to promoting the collective good seems very low at this point since both parties largely agree on the purpose of politics and the political game (i.e., to "capture the national cake" and attendant patronage networks).[16]

[16] The term "national cake" is a well-worn one in Ghana and was used by many of the individuals we interviewed if not a great majority.

- Both political parties agree on the rules of the game because there is a realistic probability that when the next election takes place they could win. A governance system based largely on patronage, normally associated with single party states, is functioning in a democratic context in which two balanced adversaries assure its continuation, if not its stability.
- The principal hope for the type of fundamental change necessary to reduce the concentration of power in the executive branch - and its attendant economic benefits - is the ongoing constitutional review process. This makes sense since the current system is the logical outcome of the design of the 1992 Constitution. Thus, the only real alternative at this point is to redesign the Constitution to move political power away from the executive branch to parliament, the judiciary, and sub-national governments.
- If the type of reforms highlighted earlier in this document do not get acted on through the Constitutional Review process there does not seem to be another institution or process with the political legitimacy or power to make it happen in the near term.

THE D/G PROBLEM: PRIORITIZING AND IDENTIFYING THE PROBLEM TO BE ADDRESSED

The team has concluded that the principal DG problem falls under both the Political Competition and Accountability elements of USAID's Democracy and Governance Strategic Assessment Framework. Specifically, the problem stems from constitutionally designed executive dominance over all other branches and levels of government. This results in a lack of accountability that undermines administrative accountability and the effectiveness of those actors, largely local governments and de-concentrated ministries, responsible for the delivery of public goods and services to Ghanaian citizens throughout the country. More specifically, we identify the following key challenges:

- **Political Competition and Accountability**: Although there are a significant number of new sources of political, social, and economic pluralism, they are seriously constrained by the overwhelming dominance of the executive branch in Ghanaian politics and its control of public resources.
- **Administrative Accountability and Effectiveness**: The winner-take-all, zero-sum politics that has come to embody contemporary Ghanaian politics has created a parallel system of neo-patrimonial political patronage in which members of the winning party are rewarded for their allegiance. This patronage system undermines administrative accountability for the effective use of public resources to address the country's exigent social and economic problems.

There are also significant challenges in the other three elements of analysis in the DG Assessment Framework, including:

- **Consensus**: The rules of the political game are well known and agreed-upon by both political parties because they are the rules of the elite from these principal political parties. The problem is that they maintain the status quo neo-patrimonial system of governance based on executive dominance and the capture of public resources to ensure self-perpetuation.
- **Rule of Law**: The political elite in both parties prefer a system that provides them with all of the power some of the time to one that offers them some of the power all of the time because the former allows them to operate without oversight while in office. Lack of executive oversight (checks and balances) has led to conflicts of interest among the principal executive branch institutions responsible for ensuring a fair and equitable system of justice where no man, woman, or institution is above the law. Although investigations into abuses of power are common, punishment is not, and generally only those who support or served in the administration of the party out of power are subject to such punishment.
- **Inclusion:** Due to the nature of Ghana's political economy, specifically, the concentration of power in the executive branch, rising prosperity in Ghana is uneven. The main beneficiaries of Ghana's eco-

nomic development are increasingly the privileged few, dominated almost exclusively by men, who have the capacity to access to the political elite. Absent a change in Ghana's distribution of political power, this unbalanced pattern of economic development is likely to widen.

III. THE INSTITUTIONAL ACTORS

This section provides our stakeholder analysis of actors who have the capacity to help advance or block political change in Ghana. We also discuss whether and how USAID can work effectively with each one.

CONSTITUTIONAL CONSIDERATIONS

Ghana's 1992 Constitution has legitimacy. The 1992 referendum that created the current Constitution passed with 92 percent of voters in favor of adoption. Moreover, Ghanaians overwhelmingly support democracy in their country. According to the 2008 Afrobarometer poll, 70 percent of Ghanaians find democracy preferable to any other form of government, 80 percent said they were satisfied or very satisfied with how democracy was performing in Ghana, and 83 percent said Ghana was a full democracy or a democracy with minor problems. The Constitution protects human rights, civil liberties, and political freedoms and, as we have noted in this report, both NDC and NPP governments have enforced them.

The primary problem with the 1992 Constitution, as we noted above, is the excessive concentration of power in the executive branch. In the 2008 election, President Mills made a campaign pledge to initiate constitutional reform and he has kept his promise. Since coming into office, he created a Constitutional Reform Commission (CRC). Among the more important areas the CRC is addressing include the balance of power between the executive and legislative branch, decentralization, limiting the number of Justices that can sit in the Supreme Court, and the role of the chiefs.

The CRC has been energetic. It has held stakeholder meetings throughout the country and has been active in publicizing its work. This strategy serves three important functions. One, it ensures that the CRC is able to access a wide range of opinions. Two, it gains legitimacy as a process by involving the public in its work. Three, it creates the expectation that constitutional change will occur. While the CRC does not have the capacity to ensure that its recommendations will lead to substantive constitutional reform, it can put pressure on the executive and the parliament to act on its findings by creating public pressure.

At the same time, the president and parliament have numerous methods they can employ to resist implementing constitutional reforms. Most important, the CRC's findings are not binding. Rather, the president and parliament can view them only as recommendations and therefore as a starting point for further discussion. In addition, given that Ghana is going to hold elections in 2012, parliament and/or the executive can claim that there is insufficient time before the next election to hold a referendum on such an important set of issues.

It is unclear at this point whether the CRC's pressure to build demand for Constitutional reform and expectations that it will occur will be sufficient to pressure parliament and the executive to act on its recommendations. By far the strongest incentive they will encounter to do so is fear that they will suffer at the polls if they do not act. It is unclear at this point whether such pressure will exist.

The current Constitutional reform process represents an excellent opportunity to address many of the shortcomings in the 1992 Constitution including, most importantly, the main democracy and governance problem this report identifies, excessive concentration of power in the executive branch. For this reason, supporting constitutional reform through, for example, providing assistance to civil society organizations that are pressing for it, would on the surface seem to be a promising activity. Yet supporting constitutional reform, despite its desirability, is a delicate process and thus needs to be approached accordingly. The first area of concern is that if, as we have found, political support for constitutional reform does not exist among Ghana's leading politicians, development partners, including USAID and the USG more broadly, could come under criticism for intervening in what is considered a domestic political matter. This is the

message that the team received clearly from concerned members of the CRC secretariat. Secondly, many civil society organizations are likely to have or be perceived to have political leanings that favor one of the two principal political parties, a finding that we heard more than once from the political parties themselves as well as from some CSOs. If USAID assistance appeared to be flowing toward organizations that align more strongly with one of the two main parties, this runs the risk of being interpreted in Ghana as demonstrating a preference for one party over another. Thus, while it is possible for USAID to support civil society's efforts to pursue Constitutional reform, it would need to do so in a way that does not appear to favor the positions of either of the two main political parties. As we note below, our recommendation is to support constitutional reform through diplomacy in the policy dialogue between the Embassy and concerned Ghanaian political leaders, rather than through direct development interventions.

THE EXECUTIVE

The executive is the predominant actor in the Ghanaian political system, with the president sitting atop a unified bureaucracy serving as an extension of the executive's power. The concentration of power in the executive branch is the central challenge to the consolidation of democracy in Ghana. The president is, by far, the most powerful political actor in Ghana, with extensive control over the legislative branch, local government, the courts, and a significant part of the economy. Due to the power of the presidency, political competition is, quite literally, winner-take-all and loser-lose-all. Thus, the aggressive, zero-sum competition of control of the presidency is a rational strategy for the main political parties to follow.

The deficiencies that the control of power by the office of the president creates are evident throughout the political system. Aggressive campaigns for control of the presidency, strong loyalty to the president from the ruling party's members of parliament, lack of power of opposition parties in parliament, and weak oversight over the president all derive from this concentration of political power.

The most significant challenge the concentration of power in the executive branch creates for the maturation of Ghana's democracy is that due to the roughly equal balance of forces between the two main parties, electoral competition is likely to remain as intense, if not become more intense, than the country witnessed in 2008. While the EC performed admirably, it was working under immense pressure and, although the election was largely peaceful, the atmosphere was extremely tense. Thus, even though the EC passed an important test in 2008, the tests in 2012 and future elections might be even more difficult. Depending on the capacity of the EC to manage ever more hard-fought struggles for the control of the presidency is not a rational strategy to help secure the consolidation of democracy in Ghana.

Given the centrality of executive domination, and the satisfaction of the status quo among the country's political elite, this is not an area where we recommend USAID work directly. However, as we mentioned above, USAID might be able to play a constructive role through assisting civil society's efforts to rebalance power through the constitutional review process and through more quiet policy dialogue between concerned USG agencies and their counterparts in and out of government.

PARLIAMENT

The functions of the Ghanaian Parliament are executive oversight, legislating, and constituent representation. We have noted previously in this report the constitutional provisions that have essentially prevented parliament from providing effective oversight of the executive or in actively undertaking its legislative function. Even where parliament does have the power to act as a countervailing force to the executive, the incentive system is such that it has chosen not to exercise its prerogatives. The net effect of this combination of constitutionally designed restraint and the concomitant incentive structure driving inaction has rendered this principal political institution ineffective in holding the executive branch accountable for its actions.

Several of the parliamentary committees (e.g., Assurances, Accounts, Local Government and Rural Development) and the various supporting services (e.g., research, communications and outreach) are the two areas that would have been considered for support had we believed that an investment would have been productive. However, this is not the case. Since the principal problem that prevents the parliament from exercising its principal functions is a structural one, that is, a deliberate but faulty constitutional design, and the negative incentives that it has created, the only way that we see to make parliament a force for good governance is through constitutional redesign. If this takes place during the current constitutional reform process then there would be reason to revisit our recommendation not to provide parliament with support at this time. As we note in the conclusion to this assessment, providing capacity building support to institutions that are structurally feeble does not seem like a wise investment to us. This does not mean, however, that, in the various face-to-face venues in which the USG meets its Ghanaian counterparts, relevant messages cannot be firmly conveyed.

THE JUDICIARY

As we documented in the Rule of Law section, problems exist in the judiciary at the national level and at the local level. At the national level, the most exigent issues are lack of resources and selective prosecution due to politicization of the Ministry of Justice. At the local level, by contrast, lack of capacity to hear cases is the principal concern.

At the national level, the main manifestation weakness in the judicial system revolves around how the Directorate of Public Prosecution (DPP) allocates its scares resources. Due to problems of understaffing, the DPP must prioritize the cases it chooses to prosecute and often it appears that the office concentrates its efforts on investigating abuses that occurred in previous administrations, rather than the current one. Indeed, the dispensation of justice often takes on the appearance of settling political scores rather than on ensuring good governance.[17] While fear of future prosecution may deter some abuse of office, this possibility is far from an effective deterrent.

As we noted in the section in the Rule of Law, the executive branch, including the Minister of Justice, has a conflict of interest in allocating more resources for prosecution. This is because while the Ministry is in charge of conducting investigations, the Minister is also a political appointee who has an incentive to shield other members of his or her party serving in other parts of the government from investigations. The Auditor General and CHRAJ, as we discuss in the section on Independent Constitutional Bodies, on the other hand, have shown a demonstrated capacity to draw attention to weaknesses in law enforcement within the government through their ability to undertake independent investigations of abuse of power and publicize their findings.

At the local level, courts are not fully functional, and according to our interviews with government officials working in this area, the capacity to create effective courts at the sub-district level will take many years. This is due not only to lack of resources, but also to a shortage of trained judges. Lack of capacity has led to the creation of numerous alternative methods of administering justice, including providing the Commission on Human Rights and Administrative Justice (CHRAJ) the power to settle disputes through Alternative Dispute Resolution (ADR), donor efforts to build the capacity of chiefs to hear cases, and chiefs settling cases in areas beyond their jurisdiction, such as criminal matters, because state authorities do not exist. Such legal pluralism runs the risk of creating confusion about who has the ultimate legiti-

[17] Two widely-cited examples are the NPP's determination to secure a conviction for Tsatsu Sikata, head of the Ghana National Petroleum Corporation under President Rawlings, for causing financial losses to the state and the NDC's prosecution of Kwadwo Mpiani and Charles Wereko-Brobbey, the CEO of the Ghana@50 Secretariat and Chairman of the National Planning Committee of the Ghana@50 Celebration, respectively, for the same crime.

mate authority to settle disputes and raises the question of whether a claimant can turn to a different authority to resolve a dispute if he or she is unhappy with the outcome in one venue.

We do not recommend working at the national level, although it is possible to work productively at the local level. At the national level, the executive branch remains firmly in support of the status quo. Moreover, even if we were to determine that partisanship affected court rulings, it is not entirely clear how USAID could engage productively in this area.

Many donors are working at the local level to help settle disputes, including the World Bank, UNDP, and USAID through its Sustainable Peace Initiative (SPI). SPI has developed a good reputation for conducting its work professionally and effectively. The main drawback to working in this area is that the Government of Ghana does not have a clear strategy how it intends to address the issue, but rather seems to be working in an *ad hoc* manner because the need to settle disputes is immediate, while developing state capacity will take some time.

INDEPENDENT CONSTITUTIONAL BODIES

Ghana's Constitution establishes a number of independent constitutional bodies (ICBs). In theory, ICBs can play an important oversight role in holding public officials accountable. In reality, due to weak powers of enforcement and prosecution, they face tight constraints on their capacities to take action. Nevertheless, two of them, in particular, Commission on Human Rights and Administrative Justice (CHRAJ) and the Auditor General (AG) have proven to be effective in raising awareness of issues within their jurisdictions through their efforts in publicizing their findings and pressing the relevant authorities to take action. (The Electoral Commission, another ICB, is sufficiently important to discuss in a separate section, below.)

Ghana's 1992 Constitution created six independent constitutional bodies (ICBs):

- The Auditor General (AG)
- The Commission on Human Rights and Administrative Justice (CHRAJ)
- The Electoral Commission of Ghana (EC)
- The National Council on Civil Education (NCCE)
- The National Media Commission (NMC)
- The National Development Planning Commission (NDPC)

One other relevant body to note is the Economic and Organized Crime Office (EOCO). The EOCO's mandate is to investigate organized crime, and economic and financial crimes. While the EOCO does not have Constitutional independence, it does have prosecution authority, although it remains weak.

CHRAJ and the AG have been very active within their mandates. The former actively investigates corruption, and abuses of human rights and constitutional freedoms. The AG's power extends to auditing the records public officials, such as ministries, state-owned corporations, and the Bank of Ghana.

CHRAJ's main weakness is that it does not have the capacity to enforce the results of its findings. Rather, it must report them to the appropriate authority, such as the Attorney General or the Auditor General, for further action (although CHRAJ can take cases to court directly if the agency to which it reports its findings does not take action within three months). Despite these constraints, the body has been active in investigating corruption and, importantly, publicizing its reports. Thus, while the commission may not have the power to enforce its findings, it can inform the public about corruption in government.

Due to the problems of accountability that we have discussed at length in this report, most specifically, selective prosecution and lack of transparency, CHRAJ performs a vital function, despite its lack of pow-

er to prosecute. The organization also raises public awareness about corruption and thus can help create the demand for more effective government. It does appear to be doing so because the media covers its actions extensively. One of CHRAJ's most impressive achievements was bringing former Road Transport Minister Richard Anane to trial after finding him guilty of abuse of power and conflict of interest. Although courts never found Anane guilty, he was forced to resign his position due to the negative publicity CHRAJ's investigation created. Because courts never charged Anane, President Kufuor reappointed him in 2008. One can read the Anane case as showing the limits of CHRAJ's authority since he was never convicted, despite the evidence CHRAJ brought against him. At the same time, the case raised awareness about corruption and the publicity it generated forced other agencies to take action. Thus, the case demonstrates that CHRAJ can play a very effective role in creating the demand for more effective government.

As with CHRAJ, the Auditor General (AG) has the powers to investigate, but lacks authority to prosecute. Similarly, the AG's power comes mainly through its capacity to raise awareness of about mismanagement of public resources. The AG played an important role in the prosecution of Kwadwo Mpiani and Charles Wereko-Brobbey for causing serious financial loss to the state in the Ghana@50 celebration. Specifically, the AGs report documented the extent of the mismanagement. Again, as in the Anane case, while the courts thus far have not taken action, the media reported extensively on the AG's findings. Likewise, the 2009 AGs report revealed $1.5 billion of financial irregularities in government ministries, agencies, and departments. The media reported extensively on this report as well.

Nevertheless, the AG faces severe constraints. While underfunding and a shortage of personnel are part of the problem, a bigger issue is that the AG does not have the power to enforce government bodies to comply with their obligations to report to the AG. Many bodies the AG covers send their reports with considerable delay and often the reports are not sufficiently adequate for the AG to audit. As a result, while the AG can play an important role in publicizing weaknesses in government financial management, the extent of its authority mainly resides in its ability to raise awareness, not enforcement.

Lack of funding for the National Media Council (NMC), the ICB with the mandate to regulate the media, is another weakness. This is a significant constraint because while Ghana's media is active, it is largely unregulated and has acted irresponsibly. This was most evident during the 2008 election. While the media generally served a useful role in reporting the election, at times radio stations heightened tensions around the election by reporting unsubstantiated rumors of fraud, rigging, and violence.

The ICBs, in general, and the AG and CHRAJ, in particular have demonstrated that they have an interest in holding the government accountable. The media has proven to be an ally because it covers the work of these agencies, especially in high-profile cases like the ones we mentioned above. Civil society organizations are also an ally in this area because of the pressure they can bring through their advocacy and publicity efforts. While these organizations lack the capacity to force the government to apply the law, they can raise the demand for more accountable government. The most powerful actor against allowing ICBs to be more effective is the executive branch. Due to power of the executive, ministers and the heads of other government agencies can resist complying with the mandates of ICBs, such as submitting financial reports to the AG, without sanction.

Given the statutory independence accorded to them through the 1992 constitution, and real and potential role they have to play in countering executive branch dominance, these bodies are capable of creating the demand for better democratic governance. Due to the important oversight functions of the AG and CHRAJ in particular, their demonstrated ability to raise awareness of government mismanagement despite the impediments they face, (e.g., capacity and finances) supporting these organizations makes a considerable amount of sense. While it is unlikely that USAID can enhance their enforcement and prosecution powers, helping to improve their capacity, for example, to conduct investigations, publicize their findings, and/or design more effective strategies for pressuring relevant government bodies to act on their reports is realistic.

ELECTORAL COMMISSION

The Electoral Commission merits a separate discussion from that of its sister ICBs. Given the competiveness of Ghana's winner-take-all presidential elections, the EC occupies a central role in maintaining the country's democracy. Although the EC has an admirable track record of running competent elections under extreme pressure, it is unable to rest on past accomplishments. Rather, all signs suggest that elections are likely to become even more competitive in Ghana. In addition, both the NDC and the NPP relentlessly look for weaknesses in election management that they can exploit. Moreover, despite the EC's overall good reputation, it is going into the 2012 elections facing a fair amount of challenges.

The biggest hurdle the EC faces in the near term is voter registration. Ghana's 1992 Constitution mandates that the EC re-register all voters with the release of each new census. The EC is using the opportunity to switch its voter registration procedure and will be issuing all voters biometric voter identification cards during the re-registration process. While biometric identification will make certain types of electoral fraud, like multiple voting, more difficult, the procedural challenges are immense. In 2008, the EC came under enormous criticism during the voter registration exercise, and introducing a new technology that many have never seen and that EC employees have never used gives opportunistic partisans a chance to exploit new irregularities in the process.

Indeed, while many rightly praise the EC for running a competent election under very difficult circumstances in 2008, there are reasons to analyze the 2008 election more critically. Reasoning backward that a good outcome means a good process hides a number of anomalies that occurred in the 2008 election, especially in the second round, and claims that the EC has not addressed them have some truth. Given the winner-take-all aspects of Ghana's elections, their close margins, and that parties know where they need to target their efforts, the EC is under immense pressure to adjudicate between parties who have incentives to look for and exploit its weaknesses.

Ghana also has an impressive domestic election observation network, the Coalition of Domestic Election Observers (CODEO). However, the NDC does not trust their neutrality because the Center for Democratic Development (CDD), a think tank the NDC believes is aligned with the NPP, founded CODEO. As a result, NDC did not participate in CODEO's activities.

Due to the vital role that the EC plays in ensuring free and fair elections, and the challenges it faces in doing so, the EC will remain a central body for ensuring Ghana's continued democratic development. For this reason, we recommend supporting it and doing so as soon as possible within the broad parameters of the election cycle and not merely the elections themselves. Assisting domestic election observers, as NDI did through CODEO in 2008, is also useful, but USAID must take care to do so in a way that both parties see as non-partisan, unlike what occurred in 2008 when USAID's support for CDD caused the NDC not to participate in CODEO's activities.

LOCAL GOVERNMENT

We have spent considerable time in Chapter II documenting our view that sub-national government and specifically the constitutionally mandated level of Metropolitan, Municipal and District Assemblies have become little more than extensions of the executive branch. As such they have little to offer as autonomous centers of power capable of representing citizen interests for more effective governance. As with the legislature, problems with local governments acting as allies in a reform effort are constrained by constitutional design.

The Team has heard the arguments made by many of the partners that we interviewed that assistance to local governments to increase their effectiveness in areas such as service delivery is a worthwhile investment and that support to the decentralization process would enhance the role the local governments play in raising political and/or administrative accountability at the sub-national level. While there is some evidence that support to the de-concentrated services (i.e., the National Health Service or National Education

Service), does make some difference in access to quality health and education at the local level, we do not believe that it justifies a USAID investment at this time and, more importantly, it largely reinforces executive branch power not that of decentralized local governments.

Concerning support to the decentralization process, it is our view that after 20 years of discussion and study of decentralization by the Government of Ghana and its partners, little meaningful decentralization, particularly in its political and fiscal dimensions, has taken place. Without some or all of the political reforms that we have noted in Chapter II coming as part of the constitutional reform process, the only realistic possibility for decentralization reform will come from the demand side, which in this case means Ghanaian civil society and perhaps from the development partners through their policy discussions with their government counterparts. We would note however, that the USAID LOGODEP project financed by USAID (see Chapter IV), working with local governments and increasingly with elements of local level civil society in Western Region, has developed strong relationships with both these local governance actors and figures in our recommended strategy as discussed in Chapter V.

NON-STATE ACTORS

CIVIL SOCIETY

Prior to 1992 and the democratic opening, there was little space for non-state actors to effectively engage government over the shape of their political system and only marginally more so concerning the range of economic and social matters that affected the lives of most Ghanaians. While local level associational life remains dynamic and is venturing into many new civic domains (e.g., school management, resource use, mediation) today, the more formal component of civil society has itself mushroomed taking on an increasingly important role in Ghanaian governance matters at both the national and local levels.

As we pointed out in Chapter I, Ghanaian civil society has begun the process of differentiating itself more specialized functions and links between organizations are becoming stronger. Ghana also has one of the most well developed tertiary levels of support organizations in West Africa if not the continent itself. From research institutes to university-based policy centers, the ―brains" of civil society are well represented. Moreover, CSO support organizations include a wide array of coalitions and networks, some permanent others coming together around specific issues.

What a number of studies have shown (see for instance, Transitec, 2008) is that the tertiary level of civil society and think-tanks in particular have been largely disconnected from the primary level of civil society and largely taking on many issues, albeit very effectively, that were not always addressing the everyday problems facing the majority of Ghanaians. At the same time, community organizations of all types, while increasing in numbers and diversity, have little experience engaging with government in a range of possible co-governance activities from joint planning and implementation of projects to the oversight of local government budget preparation and expenditures. They are, in fact, just beginning to take their first steps in governing their own affairs from managing local resources to participating in school oversight.

Intermediary CSOs, and particularly development NGOs, have increasingly moved from the delivery of services to the local communities (e.g., credit, health education, agricultural extension) to mobilizing communities to begin taking care of their own needs as well as in how to more democratically organize themselves in order to better involve members in their activities and represent their interests beyond the community level. Increasingly, these primary level groups are beginning to federate (e.g., women's credit clubs, fisher folk groups) at the district level as a means of not only providing more effective services to their members but also to amplify the voice of their members in the decision making arenas at the district level.

For the most part this differentiation and specialization of civil society has taken place slowly and organically. A few donor-supported programs are beginning to view civil society as a coherent sector and not just a collection of disjointed organizations. STAR-Ghana has taken lessons learned from its predecessor

projects, G-RAP and RAVI, which supported tertiary level support organizations and grassroots COs respectively but without linking them and developed a more sophisticated conception of civil society and how to go about supporting its overall development. Such efforts are discussed in greater detail in Chapter IV, other donor programs and Chapter V, Strategy Recommendations.

It is our analysis that Ghanaian civil society offers the greatest opportunity for promoting reform of the current political system by demanding greater accountability from government at both the national and local levels. But this demand-side or civic action function represents just one side of the governance equation. Civil society, particularly community organizations, intermediary NGOs, and newly federating bodies of CSOs have an equal role to play in the supply of good governance through both co-governance activities in collaboration with local governments and in areas of self-governance (e.g., natural resource management and school management). As we discuss in Chapter V, our strategy largely focuses on civil society as an autonomous level of association and looks to strengthen its components parts to both increase oversight of the state (and local government) and to participate more fully as a legitimate partner in advancing the public good.

The Media

The Ghanaian media are a dynamic force in the country's social, economic, and political life and one that is often moving to rhythms that only they hear. There is no doubt that the media have played and will continue to play a role in informing Ghanaian citizens about the nature of their political system and that on occasion will actually make the government think twice about its actions for fear of being exposed by the reporting of media outlets. But these demand-side actions do not appear to us to be the principal concern of most media outlets, whether print or radio. Rather, sensationalism on the one hand and partisanship on the other seem to be major drivers of many media outlets, as they offer the most likely road to sustainability if not survival.

The principal problem facing the media is an economic one. Many media outlets are first and foremost economic entities and the organizing principle of most businesses is to make a profit for their owners or shareholders, or at least to provide them with the possibility for becoming financially viable. Other media outlets are largely extensions of the two main political parties and thus function largely to bolster their political patrons and embarrass their rivals. While capacity building assistance would probably not be wasted on media organizations, no amount of training can turn an unprofitable organization into a profitable one without the incentive structure in which the media operates changing or make media outlets devoted to supporting one political narrative more responsible. Since the incentive structure is in no small measure driven by the logic of the current political system of neo-patrimonial rule and growing partisanship, it is hard to see an immediate change coming to the media and hence its role in advancing demands for more effective democratic governance.

While we do not recommend that the media be supported as a general proposition, we do believe that one dimension of it should be, community radio. We see it as both a means to inform citizens about current political events in their communities and in the country more broadly as well as their civic rights and obligations in a democracy. Equally important, community radio can provide men, women and the country's youth with knowledge and information about daily social and economic concerns including health and education practices, and more productive methods of agricultural production and/or micro and small enterprise development. We propose a major effort of civic education linked closely with information required for productive and health lives and livelihoods. We believe community radio can be an anchor for such an effort that would equally involve the National Commission on Civic Education.

Political Parties

As Ghana's democracy matures, voters and elites increasingly realize that political competition revolves around control of the presidency. Two dominant parties exist to contest it, the NDC and the NPP. Each one has a separate legacy dating back to Colonial rule and a distinct ideology, even if their policies in of-

fice are remarkably similar, and the parties mainly serve as dispensers of patronage when in office. Both parties are well organized and internally democratic, with the glaring exception of the marginalization of women. Intra-party competition is strong in each, although often chaotic and corrupt. Moreover, leaders of both parties are content with the status quo. While a number of smaller parties also compete for political power, they have limited influence and representation.

It is important to note here that while the NDC and the NPP may be content with the status quo, elections in Ghana are free and fair. Parties do not face onerous restrictions on organizing and campaigning, the government allows election monitors to operate and the media to report generally without restrictions, and voter turnout is high. Moreover, the system has an enormous amount of legitimacy, including the Electoral Commission (although it tarnished its reputation somewhat through its relatively poor conduct of the recent local government elections).

As we have noted in many areas of this report, Ghana's main political parties, the NDC and the NPP, are a substantial impediment to reducing the concentration of power in the executive branch. The parties are the main reason that the status quo is so difficult to change. Both parties have made clear that they are content with a system that concentrates excessive amounts of political power in the executive. Each party has good reason to believe it will prevail in any electoral contest and would rather possess enormous amount of power while in office, even if this means having very little influence when not in office. As we have noted in this report, the parties are also seemingly reluctant to grant more authority to government agencies that can expose and prosecute abuse of office because this would limit one of the main attractions of holding political power, the capacity to distribute patronage as well as expose the links between politicians and those who finance their campaigns. Due to the expense of running campaigns, both the NDC and the NPP have a severe reluctance to bring more transparency to the latter. Another weakness is that the parties have not made gender equity a high priority. The parties do not expend much effort to recruit women to run for office, even in relatively safe seats.

Because of the power of the leaders of both parties hold, especially when in office, they have the capacity to change many of the problems this report has identified. This rarely occurs. Rather, they seem more comfortable with the status quo than initiating reforms.

TRADITIONAL AUTHORITIES

Since colonization, colonial and post-colonial governments have struggled with how to use traditional authorities to achieve their own objectives without making chiefs more powerful than themselves. While the British used traditional rulers to implement indirect rule over the colony, the role of chiefs since independence has been less formal. Their official role in government today is limited to involvement in National and Regional Houses of chiefs as well as Traditional Councils. Under the 1992 PNDC-initiated Constitution, traditional authorities could be appointed to government positions, but could not participate in elections or partisan politics unless they gave up their power as chiefs. It also removed their capacity to appoint local government councilors. Nevertheless, chiefs play an important role in politics, especially because of their ability to mobilize, and many are transparently partisan. Thus, while the Constitution bans chiefs from participating in politics, the reality is much more ambiguous.

The Government of Ghana struggles to create a standard role for the Chiefs. In large part this is because Ghana's Common Law Constitution does not align very well with Customary Law, as we discussed at length in the Consensus section. Moreover, due to the acute need to provide governance in parts of the country where state structures are weak, often an *ad hoc* system develops where chiefs fill the gaps the government leaves.

It is difficult to create a standardized approach to incorporating the chieftaincy into government in Ghana because the power of these authorities varies enormously within the country. For example, chiefs in the Volta Region tend to wield power within their villages, but there is a weak chieftaincy hierarchy. A very

different situation exists among the Ashanti and the Akim who have a stable, rigid, and powerful chieftaincy hierarchy.

Due to the vast discrepancies among the authority of chiefs, it is very difficult to reach consensus on a standard model for incorporating them into government, especially at the local level. For example, while powerful chiefs wish to have a direct role in local government, those with less power are somewhat reluctant because they understand that their authority exists only within their village. Giving them more formal political power could place them in direct fights with civil servants, chiefs from other villages, and/or elected assembly members over resources.

A second problem that emerges from creating a more formal role for traditional authorities is that it risks fuelling succession disputes and dragging the state even more deeply into these often violent quarrels. These are far from speculative concerns. Succession fights are common in Ghana and the state, through the courts, the military, and the police, already work to solve them. Currently, for example, in Buipe (Central Gonja District), the police and the courts are actively involved in settling a chieftaincy dispute. This is far from an isolated case. In fact, it is representative of what is occurring in many parts of Ghana today. In a recent nationwide survey, 59 percent of respondents said that chiefs were a cause of tension between ethnic groups and 50 percent claimed that there was a chieftaincy dispute in their district (Odotei, et al. 2006). Granting traditional authorities greater formal power risks fuelling such fights as these positions would be even more attractive to hold.

Third, it is uncertain how or whether Ghanaians want chiefs to exercise more authority in government. On the one hand, in the 2008 Afrobarometer survey, 65 percent of respondents claimed they want chiefs to have more formal power. At the same time, there is no consensus on how Ghanaians want chiefs to participate in politics: 42 percent of respondents said they should stand for election, 16 percent said they should be appointed to office, and 29 percent said they should have no role at all. In addition, Ghanaians are divided on whether chiefs ought to be able to join political parties. While 60 percent of Afrobarometer respondents were against it, 36 percent supported it. A survey Odotei, et al. (2006) undertook shows similar ambiguity as 56 percent of respondents claimed that chiefs had respect in their community, while 44 percent said they did not or were uncertain. As a result, it is difficult to claim that a coherent demand for greater political inclusion for chiefs is coming from the people of Ghana. Rather, according to experts, this pressure derives from powerful chiefs.

Moreover, it is possible that chiefs garner respect because they do not actively involve themselves in politics. Unlike DA councilors, chiefs do not vote on assembly affairs, campaign for office, and/or allocate DA funds. A more direct role for chiefs in DA politics would force them to take part in these processes. As a result, we need to treat the argument that chiefs ought to have a greater role in politics because people respect and trust them - a questionable claim as we demonstrated above - with caution. Ghanaians may hold these views precisely because chiefs are not involved with the day-to-day rancorous aspects of democratic politics. Involving them more directly in DA decision-making processes could thus destroy the legitimacy they derive from staying out of these political fights: if chiefs start to behave like politicians, it is likely that people will hold them in the same regard as politicians.

Further, there are undemocratic aspects of involving chiefs more formally in local government that are important to highlight. In many parts of Ghana today the chieftaincy is a hierarchical and, at times, autocratic institution. As individual equality is a constituent element of democracy, giving greater power to chiefs who possess coercive power contradicts the argument that allowing chiefs to participate in politics can improve democracy.

Finally, in many parts of the country, the chieftaincy is an institution whose authority is in decline. Ghana is a rapidly urbanizing country and more people now live in urban areas than rural ones. These cities contain a range of different groups and the chiefs in them at times attempt to exert influence over many who are not members of their ethnic group. Why chiefs ought to have this authority is not clear and many ur-

ban residents resent it. The Ga Mantse who rules over Accra, for example, has come under an enormous amount of criticism for attempting to coerce non-Ga residents of Accra to respect Ga customs.

For the aforementioned reasons, while it may be necessary to work with chiefs, especially at the local level, their role in helping to consolidate Ghana's democracy is far from clear. Moreover, it is even more ambiguous *if* the chiefs ought to have a role in this process. In addition, the Government of Ghana does not have a clear strategy for how to incorporate the chiefs into government. Thus, we do not recommend directly working to build their abilities.

CONCLUSIONS OF STAKEHOLDER ANALYSIS

The objective of our stakeholder analysis is to identify the most appropriate actor(s) capable of advancing political reforms aimed at promoting democratic consolidation. Civil society and the Independent Constitutional Bodies emerge as the principal ones. These actors promote reforms that would generate, if not constitutional change, at least demand for greater political accountability. Improved political accountability, in turn, would lead to more effective administrative accountability. We have also proposed that civil society has an equal role to play in supplying good governance and, in practical terms this means participation in the delivery of public services at the local government level, both as partners of MMDAs (co-governance) and in the realm of self-governance where communities mobilize resources to address their own problems independent of the state.

IV. A REVIEW AND ASSESSMENT OF DEVELOPMENT PARTNER PROGRAMS

This brief review of donor programs is intended to provide basic information on what other donors are doing that can: (1) inform our strategy recommendations with best practice; and (2) to see where USAID may want to coordinate its own activities with that of the concerned donor or at least ensure that it does not duplicate their work. We present our findings below:

Other bilateral and multilateral organizations operating in Ghana share the USG's views and would like to further assist Ghana's consolidation as a stable, democratic state. The donor community or development partners, as they refer to themselves in Ghana, have subscribed to the Paris Declaration and Accra Agenda for Action, which call for the increased harmonization, alignment, and management of foreign assistance for results with a set of verifiable actions and indicators. USAID, while also increasingly committed to this approach, does not contribute to a number of different multi-donor basket funds that provide direct budgetary support to the GoG.

The Team heard some criticism of the development partner approach from Ghanaians interviewed during the course of this Assessment. Some Ghanaians believe that the development partners are too lenient and diplomatic with the GoG and do not sufficiently criticize or confront them on issues such as corruption. Indeed, in the national debate regarding whether or not district chief executives should be elected or appointed, some development partners appear reluctant to express their opinion on the otherwise universally-accepted principle that local officials should be democratically elected.[18] One Ghanaian District Chief Executive felt that the GoG listened to the development partners more than it did to its own people. But when the developments partners were not paying attention, according to this person, the GoG "—does whatever it wants." A member of parliament went so far as to suggest that it was tax money taken from work-

[18] Consider that countries of the European Union are signatories of the Council Of Europe's Charter on Local Self-Governance, which calls for elected local executives.

ers in the west that was lining the pockets of rich Ghanaians and that the development partners were simply helping to maintain the status quo in Ghana.

While development partners including the USG completely agree with the principles of the Paris Declaration and the Accra Agenda, there is one noteworthy irony in their actions. The District Development Fund (DDF) is a development-partner-established mechanism for providing funding to district governments. Funds are provided to district governments after they have qualified as per the Functional Organizational Assessment Tool, a tool developed by development partners and the GoG. Some $40m has been put into the DDF by various development partners, including the GoG. The World Bank may be putting an additional $140m into the DDF. But creating and funding the DDF appears to go against the principles of the Paris Declaration and Accra Agenda, which call for using host-country systems. Districts already receive the bulk of their funding through the District Assembly Common Fund (DACF), which is the GoG's own official mechanism for providing funding to district governments. But problems such as late disbursements and a lack of transparency plague the DACF. The DACF's problems are probably the reason that donors decided to create a new mechanism for channeling and accounting for their funds. But the proper way to deal with this, consistent with the Paris Declaration and the Accra Accord, arguably should have probably been to fix the DACF, rather than to create a parallel system.

The development partners will continue to pool their funding into a number of multi-donor basket funds. Much of this funding will support the ―supply-side" of governance such as the Ministry of Justice and the Regional Coordinating Committees (RCCs). Some will go toward support to so-called independent government institutions (IGIs) that are created by the Constitution, such as the Commission on Human Rights and Administrative Justice (CHRAJ) and the National Media Commission. Some funding will also go toward strengthening the ―demand-side" in a pooled civil society support fund, described below.

Below is a summary of what some of the most active development partners are implementing in Ghana.

Danida is implementing the ―Good Governance and Human Rights Program" (GGHRP II). This program works in the areas of justice, civil society and media. In the justice sector, Danida intends to improve court efficiency, increase the use of alternative dispute resolution, introduce automation to reduce case loads, and build capacity. Danida will also work with the CHRAJ. And Danida will contribute to the STAR-Ghana pooled fund. These programs will run from 2009 to 2013 at a total cost of about $55m.

GTZ has been implementing the ―Legal Sector Reform Program" (2008–2011, $3.7m). This program works with the Attorney General, the Ministry of Justice, decentralized dispute resolution, access to justice, and works to reduce corruption in the judiciary. GTZ also implements the ―Ascertainment of Customary Law Project" which attempts to assimilate customary law into general law with a special focus on land and family law (2008 – 2011, $4m). The GTZ also works with some of Ghana's Regional Coordinating Committees to help with the coordination of, for example, the construction of new schools and health facilities. This work is currently only taking place in the Central Region but will soon be rolled out into two other regions.

The Canadian International Development Agency (CIDA) intends to implement the ―Strengthening Independent Governance Institutions" project. This project will run from six to ten years for a total cost of approximately $100m. There are three scenarios for this activity:

- Contribute to a basket fund to support all independent governance institutions with a contribution $60-80m over 6-8 years or via multi-donor budget support Government commitment to put 5 percent into IGI's support.
- Support via a basket fund 2-3 organizations such as Parliament, the Electoral Commission and the National Media Commission with other donors also focusing their resources on one of these three institutions. This is CIDA's preferred option.

- Continue with separate activities with Parliamentary committees ($10m) and support to a sustainable, modern electoral system ($20m)

The European Union (EU) contributes to a pooled fund managed by UNDP that focuses on constitutional reform. The EU will contribute to STAR-Ghana (described below) and will promote fiscal and administrative decentralization. And the EU will support the National Media Commission in setting up regional media monitoring centers in view of the 2012 elections ($1.35m). Similarly, the EU will provide support to the Electoral Commission on voter education ahead of the 2012 elections ($5.4m). The National Commission on Civic Education will also receive EU support for civic education with a particular target on the youth and vulnerable groups in view of 2012 elections ($2m). Support to the Economic and Organized Crime Office may be provided in the future. There are also a number of regional programs that the EU implements in the sphere of migration, drugs, maritime security, and money laundering.

Strengthening Transparency, Accountability and Responsive in Ghana (STAR-Ghana) is a DFID-managed, multi-donor funded mechanism, which aims to increase the influence of civil society and Parliament in the governance of public goods and services. STAR-Ghana is the successor to G-RAP, a similar, multi-donor funded mechanism that provided grants to NGOs. G-RAP was criticized for not doing a better job of monitoring results, which STAR-Ghana will attempt to do better. STAR-Ghana, while also having a DG focus will address a smaller number of issues, such as teacher absenteeism. STAR-Ghana will also allow itself to remain flexible and will have a steering committee that will be able to refocus its efforts as warranted. This program is expected to disburse about $30m over five years.

V. PROPOSED STRATEGY

In this final chapter, we present our overall findings and strategic recommendations. In doing so, we build on the overall DG problem and conclusions drawn from our analysis of actors and institutions, presented above, to provide a coherent recommended strategy and illustrative activities that make the best use of USAID's resources and comparative advantages to promote further democratic consolidation.

SUMMARY OF THE ANALYSIS: STEPS 1 – 3 REVIEWED

In Step 1 of the analysis, we identified two *interrelated* elements of the analytical framework as the principal DG problems. First, excessive concentration of power in the executive branch orients all political accountability to the president. Second, this pattern of political accountability undermines administrative accountability and the effectiveness of those actors responsible for the delivery of public goods and services to Ghanaian citizens throughout the country. Thus, lack of political accountability resulting from the executive's construction of a neo-patrimonial system of governance ultimately leads to an absence of administrative accountability and effectiveness among lower-level administrative appointees and civil servants.

In Step 2, we identified the principal institutional actors that could either address the identified problems through acting as champions of reform or in whose interest it was to maintain the status quo and thus block reform. Civil society and the Independent Constitutional Bodies are the principal institutional actors capable of catalyzing reforms that would generate increased political accountability, if not constitutional change. Improved political accountability would in turn drive improved administrative accountability and effectiveness.

At the same time, we also pointed out that civil society not only has a role in *demanding* improved governance from the institutions of the Central State but equally has a role in *supplying* it. Governance, in other words, is not the exclusive preserve of the state, whether central or local governments, but rather a shared enterprise involving all those with a legitimate right to participate in the making and implementation of public policy. It is the notion of shared or democratic governance, therefore, that we put forward as the essence of our proposed strategy for consideration by USAID/Ghana.

Finally, we do not advocate directly intervening in the constitutional reform process. Key individuals working on constitutional reform recommended that the USG avoid working in this area for two principal reasons. First, Ghanaians consider the constitutional reform process a domestic political issue, outside the domain of development partners. Second, USAID would need to support the process without appearing to support the positions of either of the two main political parties, but there is an inherent danger that USAID's involvement in the issue would be seen as compromising its neutrality. Thus, although it may be possible for USAID to support civil society's efforts in pursuing constitutional reform, it would be difficult to do so in a way that Ghanaians perceive as supporting the process rather than the outcomes favored by either of the two main political parties.

PROPOSED STRATEGY

There is considerable debate in Ghana about how development partner programs can best help to improve democratic governance in the country. There are presents two points of view. The first says there is no point in working with structurally flawed institutions if the officials working in them have no incentive or desire to reform. The second view states that it is still possible to improve political and/or development outcomes by working with structurally flawed institutions, even if the aforementioned conditions exist.

The former perspective, which the team shares, means working on the demand-side with those actors that haven proven their interest in and capacity to promote more accountable governance and/or working with non-state actors to improve both the supply and demand of good governance. Even if one takes the latter

perspective, it is nevertheless critical to facilitate the establishment of linkages between civil society and the relevant government agencies to see if some joint undertakings are possible that can improve the quality of life at the community level. We are not convinced at this point in time in Ghana that the most effective use of USAID resources would be to work on the supply-side with those political actors that we have identified as obstacles to reform. As we have noted throughout this report, the satisfaction among the political elite with the concentration of power in the office of the president demonstrates that those actors with the greatest capacity to reduce the powers of the president and give greater authority to other branches and levels of government demonstrate weak interest in doing so. Thus, we do not recommend building the capacity of or otherwise strengthening such structurally flawed institutions. Instead, our strategy focuses on building up the ability of civil society to increase accountability and participate in the governing process as well providing targeted support to government agencies that have the incentive structure and have demonstrated their capacity to improve democratic governance in Ghana.

Our analysis of politics and governance in Ghana has led us to recommend a two-pronged strategy. The first prong of the strategy combines both supply- and demand-side elements into a democratic or shared-governance approach that targets improvements in sectoral governance (e.g., education and health). We recommend that USAID accomplish this by targeting civil society organizations at the local level and linking them (1) vertically to CSOs at higher levels of governance that provide either an intermediating function such as capacity-building or specialized governance functions such as policy advocacy vis-à-vis decision makers at the district and/or national level; and (2) horizontally to local governments where CSOs can engage them around issues of concern to them and their communities, including oversight of use of public resources and, where appropriate, enter into partnerships to jointly plan, manage and evaluate local development efforts. This co-governance strategy focuses on local-level CSOs but looks to create strong partners with CSOs at higher levels of governance and with local government counterparts.

The second prong targets those institutional actors capable of increasing the demand for good governance. To accomplish this we recommend that USAID support civil society organizations and Independent Constitutional Bodies that have demonstrated their capacity to make government more accountable for its actions. This good governance or demand-side strategy is largely geared toward achieving political reforms that provide the enabling policy context within which social and economic development can occur.

There is thus synergy between the two prongs of the strategy: the first prong, intended to increase administrative accountability and effectiveness, will be most effective when the broader macro-political policy environment enables and empowers concerned local level actors to achieve effective social and economic results. The second prong, focused on improving political accountability, will address systemic constraints to good or effective governance, including better oversight of central state institutions, improved policy formulation, and greater responsiveness and transparency of these institutions to non-state actors and even local governments.

Within this strategy we highlight the importance of support that advances the increased participation of both youth and women at all levels of government where decisions are made that affect their immediate social, economic, and political well-being. We recommend that this be done not by developing stand-alone activities, except in the case of the ―youth corps" discussed below, but rather through support to CSOs and ICBs whose mandates involve the promotion of greater gender and youth equity and participation in public life.

RECOMMENDED DEVELOPMENT OBJECTIVES

The following two development objectives correspond to each of the two prongs of the proposed DG strategy discussed above.

DO 1 Community organizations (the primary level of civil society), with a special focus on youth and women's groups, are effective and legitimate partners in democratic governance, including the making and implementation of development policy at the local level and beyond.

DO 2 Targeted non-state actors, including civil society organizations, and independent constitutional bodies, effectively demand improved governance from central state institutions, and particularly the executive.

POSSIBLE SUB-RESULTS

Development Objective 1: Improving Sectoral Governance

To achieve the intent of DO 1, "promoting local CSOs, with a special focus on youth and women's organizations, as effective partners in democratic local governance," we suggest the following sub-DOs or results:

DO 1(a) The policy environment enables COs and CSOs more broadly to participate as effective partners in sectoral co-governance policy making and implementation

DO 1(b) COs capacity to plan and implement development policy is enhanced

DO 1(c) Intermediary CSOs and Specialized CSO support organizations effectively assist COs to extend their voice in decision making arenas beyond the local level

DO 1(d) Linking mechanisms promote effective CO participation in District Assembly planning, budgeting and implementation processes

DO 1(e) Informed citizens become active citizens through a media based civic education program in collaboration with NCCE

Development Objective 2: Improving Systemic Governance

To achieve DO-2, "increasing demand for good governance through targeted non-state actors, including CSOs and independent constitutional bodies," we suggest the following sub-DOs or results:

DO 2(a) Targeted specialized civil society support organizations and ICBs effectively participate in national governance matters, including executive branch oversight and policy-making, with a special focus on those promoting gender equality and youth participation in public decision-making

DO 2(b) Linking mechanisms facilitate specialized civil society support organization and CO joint governance efforts

DO 2(c) ICB capacity to discharge their individual mandates is enhanced

DO 2(d) Informed citizens become active citizens through a media based civic education program in collaboration with NCCE

ILLUSTRATIVE ACTIVITIES

To achieve these development objectives and results, we propose the following illustrative activities:

Overarching Activities

- USAID/Ghana should consider undertaking a stand-alone DG program in two regions, Western Region and one of the Northern Regions. DO 1 should be undertaken in conjunction with other USAID sector DOs (e.g., health and education). The initiative should be framed as a pilot, and a critical mass of USAID-funded activities cutting across all sectors of the Country Strategy, including DG, should be undertaken together. Thus, it is not necessary that every district in every region be targeted. Again, a critical mass of sectoral initiatives undertaken simultaneously in a critical mass of districts in each of the two targeted regions would be able to demonstrate how cross-sectoral programs tied to a systemic DG component provides a better enabling environment for sectoral activities to take place.

- In Western Region, LOGODEP offers USAID with an institutional presence that can advance both prongs of the strategy. In this regard, we recommend that USAID continue to support LOGODEP, as well as the Integrated Coastal and Fisheries Governance Initiative (ICFGI), which is currently working with a number of resource user groups, including fisher folk associations, and integrate both initiatives into our proposed integrated DG strategy. LOGODEP, in particular, has developed excellent relations with a range of local level actors and has gained significant credibility with them. We would recommend finding a way to incorporate their participation in the new DG strategy but with an increased focus on strengthening COs and promoting co-governance partnerships between them and selected local governments. We would also recommend that it narrows its focus to a smaller number of districts rather than all districts of the Western region in order to more effectively promoting both DOs of the proposed strategy.
- The new STAR-Ghana program provides USAID with a means to achieve many of the above objectives, including support to both COs and CSOs, through a pooled funding mechanism. STAR-Ghana represents a third-generation civil society support facility, in many ways similar to the USAID-financed PVO/NGO and later Civil Society Umbrella projects that provided a combination of grant and technical assistance/training to CSOs of all shapes and sizes. USAID should consider participating in this pooled funding mechanism. The Team was impressed with the design and concept of the initiative as well as the project management team contracted to manage it. Both DFID and the management team were enthusiastic about potential USAID participation and were open to accommodating reasonable design modifications to ensure that development objectives were achieved, including the development of a common performance measurement plan that met USAID results reporting requirements.
- It is assumed that STAR-Ghana could support the achievement of results under both DOs through a combination of grant funding and technical assistance and training. Once the parameters of the collaboration were known it would be easier to determine what type of additional activities were going to be needed to fill the gaps not covered by Star-Ghana. Of course, if this option does not work out, then a stand-alone project-like mechanism should be considered providing similar types of assistance to that of STAR-Ghana.
- One area that may not be covered by STAR-Ghana is a broad-based civic education program using newly established community radio stations as key element of joint civil society–NCCE initiative. Such a component would cover both DO 1 and DO 2 strategies

Development Objective 1

- USAID should begin assessing each of the sectoral activities in the Mission's current portfolio through a governance optic in order to determine what new activities could be added to enhance the achievement of planned results. New designs would obviously incorporate DG issues as they were developed. The Agency has several contracting mechanisms that provide missions with expertise to conduct sectoral governance assessments.
- We propose a "Ghanaian Youth (Democracy) Corps." This year marked the 50th year of the Peace Corps, which had its first program in Ghana. Thus, it seems appropriate to establish a national counterpart supported by USAID, the Peace Corps, and the GoG. A Ghanaian Youth Corps, which would promote grassroots democracy and good governance based on volunteer service, would tap the enthusiasm of Ghana's youth. The Corps would contribute to the achievement of DO 1 and work in conjunction with proposed civic education (rural radio) project.

Development Objective 2

- Again, if STAR-Ghana becomes a realistic option, then support to the civil society component could be reduced considerably if not entirely, particularly if it is able to add components that USAID would like to see undertaken.
- The larger issue concerns the nature of support given to the ICBs, assuming that USAID agrees that support to these organizations would be an effective DG investment and that adequate funding were available. The options are to provide either targeted funding to permit the organizations to carry out specific activities consistent with their mandate and/or some core funding to permit the organizations to reach a minimum level of capacity to make activity funding worthwhile. We realize open-ended core funding is not an optimal development intervention, but if it were made part of a pooled funding arrangement with other development partners, it might be worth considering.
- The case of the Electoral Commission needs to be separated out for short-term consideration. This does not obviate the need for more strategic and long-term support but rather reflects a recognition that development partners need soon to begin providing resources to the EC for 2012 elections. As the Mission already understands, it is important to support for the electoral cycle rather than to focus on a particular election day. As we have noted throughout this report, Ghanaian democracy depends on successful elections in 2012. The Electoral Commission is critical to successful elections in Ghana.
- We have emphasized throughout this report that the principal cause for executive branch dominance has been deliberate design decisions of the previous military government and that constitutional reform is likely necessary to address the status quo. Nevertheless, as noted above, the team is not recommending that USAID provide funding for this critical effort. The constitutional review process is such an extremely sensitive matter that it is best at this time to let Ghanaians make the process work or not. It is true that there is a pooled funding mechanism to which development partners can contribute, but we still recommend that USAID focus its resources elsewhere, particularly with elections coming up in another 18 months. Rather, quiet diplomacy between the full country team and its counterparts in government and civil society would better accomplish reform objectives than hard DG interventions.

APPENDIX 1: ORGANIZATIONS MET

CIVIL SOCIETY ORGANIZATIONS
Amnesty International
CDD
Center for Policy Analysis (CEPA)
Christian Council of Ghana
EWARDS/ARD
FIDA
Gender Studies & Human Rights Documentation Centre
Ghana Anti-Corruption Coalition
Ghana Integrity Initiative (GII)
Ghana Institute of Journalism
Ghana Oil Club
IDEG
Integrated Social Development Centre (ISODEC)
Legal Aid Scheme
Parliamentary Center
Private Enterprise Foundation (PEF)
Social Support Foundation
Star-Ghana
WiLDAF Ghana
Women's Assistance Business Association (WABA)

GOVERNMENT OF GHANA
Commission on Human Rights and Administrative Justice
Constitution Review Commission
Judicial Service
Ministry of Finance and Economic Planning
Ministry of Justice and Attorney General's Department
Ministry of Local Government and Rural Development
Ministry of Trade and Industry
National Development Planning Commission
Parliament of Ghana
Parliamentary Finance Committee
Parliamentary Judiciary Committee
Parliamentary Select Committee on Government Assurances
Parliamentary Select Committee on Local Government and Rural Development
Technical Coordination Unit for Humanitarian Affairs
Traditional Leaders

LOCAL GOVERNMENT AND FOUNDATIONS
Agona Domeabra
Ahanta West (Agona)
Amangyina Ebiradzi Fie
Conservation Foundation
Daasgift Quality Foundation
Physical Planning Department, STMA
Sekondi Takoradi Metropolitan Assembly (STMA)

Shama Town & Country Planning
Unit Committee

PRIVATE SECTOR

Central Chambers Consultancy
GCNet
GIMPA
Ghana National Chamber of Commerce and Industry

POLITICAL PARTIES

National Democratic Congress
New Patriotic Party

INTERNATIONAL ORGANIZATIONS AND DONORS

British Embassy
Canadian International Development Agency
Delegation of the European Union to Ghana
DFID Ghana
Embassy of the Kingdom of the Netherlands
European Union
German Agency for International Cooperation (GIZ)
Management Systems International (MSI), Local Governance and Decentralization Program (LOGODEP), Western Region Ghana
Millennium Challenge Corporation
Royal Danish Embassy
UNDP Ghana
UNICEF
World Bank

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