

ASHESI UNIVERSITY COLLEGE

**GHANA'S PROGRESS TOWARDS MEETING THE GOALS OF THE
AFRICAN PEER REVIEW MECHANISM. THE "GOOD GOVERNANCE
CONCEPT" REVISITED**

By

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I hereby declare that this dissertation is the result of my own original work and that no part of it has been presented for another degree in this university or elsewhere.

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I hereby declare that the preparation and presentation of the thesis were supervised in accordance with the guidelines on supervision of thesis laid down by Ashesi University College.

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ABSTRACT

The “good governance” concept has been the focal point for African organisations such as the African Union (AU) and the New Partnership for African Development (NEPAD). This is because it is the key element needed for the redevelopment of the whole African continent. These organisations believe that through good governance and leadership (Rule of Law, Democracy, government Transparency and Accountability, Human Rights, Etc); African governments can transform their countries and the lives of its people for the greater good of all. In light of this, the African Peer Review Mechanism (APRM) was introduced to help guide member states in order to govern their respective countries in tune to what is generally accepted and defined as “good governance”. Haven said that, the main questions is to find out if at all the government of Ghana is holding its end of the bargain by making efforts to meet the conditions of the APRM? If so, what policies are being put in place to see to the attainment of the APRM goals? In order to obtain answers to these questions, a qualitative research approach was used to obtained data using the following sources. They are library research, academic journals (internet), report documents from the government of Ghana and interview of personnel from the governance sector, media and civil service department.

The purpose of embarking on this research paper is basically to find out Ghana’s progress so far in attaining the goals of the APRM as well as identify

the problem areas that have drawn the country backwards in achieving its overall goal of attaining good governance. The governance system of Ghana has been praised by international organisations because of the tremendous effort made by successive governments to promote good governance in the country. However, the findings of the Country Review Mission (CRM) from NEPAD showed that Ghana still has to work hard towards tightening the loose ends that undermines its efforts in fully reaching its goal of attaining a solid good governance structure. Furthermore, interviews from people in the democratic governance sector, members of the media as well as government officials, provides expert information on how they assess the countries governance system, the progress it has made so far as well as what needs to be done to improve on its current system. In their conclusion, lack of proper implementation was identified as the main challenge facing the country.

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CHAPTER 1: INTRODUCTION

1.1 Introduction & Background to the research

The African Peer Review Mechanism (APRM) is a mutually agreed upon set of instruments that each member state of the African Union (AU) has voluntarily accepted as a form of African Self Monitoring Mechanism. Prior to the formation of NEPAD, the AU's (then the Organisation of African Unity) main goal was to ensure that all African state free themselves from all forms of colonial rule and oppression. However, since that goal has been achieved, the AU realised the need to change its policies by setting new goals which will see to the development of the whole of the African continent, through good governance and leadership.¹

In order to find out whether the government of Ghana is complying with the rules and conditions of this self monitoring programme, this study will investigate the progress achieved so far. Based on the information obtained, a conclusion will be made on whether the APRM is promoting good governance in the country or whether the empirical evidence proves it to be a waste of time and resources.

1.2 Objectives

Even to this day, there has been lots of negative criticism directed at the Ghanaian government because of its eagerness to quickly sign onto international programmes which often does not benefit the people of Ghana.

As such, most Ghanaians have shown their concern in terms of where the country's future lies. Therefore, Ghanaians are eager to know whether the government is really committed towards meeting the conditions of the APRM, or whether this is just another way of creating a false impression that the government has the problems of the nation at heart.

In light of this, the main objective is to try to answer the question that most Ghanaians, ask by finding out the effort being put into this programme and the results that have been generated so far.

1.3 Research Question

The purpose of this research paper is to find the answers to the following questions:

1. Is Ghana working towards meeting the terms and conditions of the African Peer Review Mechanism, specifically in the area of governance (APRM)?
2. How far has the Ghanaian government come towards meeting the APRM conditions regarding good governance? That is, in terms of policies and institutions that it has setup to see to the successful attainment of the APRM goals.

1.4 Mode of Data collection

In order to obtain all the necessary data and information required to write this paper, the following sources will be explored in order to obtain accurate data materials for this research paper:

- a. Library research.
- b. Internet research of academic journals.
- c. Report documents from Government of Ghana.
- d. Interviews.

1.5 Outline of Dissertation

Chapter 1

For this section, a brief background will be provided to give the reader a fair idea of what this research paper is about, as well as the objective behind writing this paper. This section also includes the theoretical framework to this paper and the mode of data collection for this project.

Chapter 2

This section will contain previous studies on the topic of this research paper, thus will review concepts, theories and findings of other researchers who have conducted similar studies within and around the topic under consideration. In other words, this chapter will explore concepts and theories that are of value to this research paper.

Chapter 3

This chapter will review the methods used to collect data. In other words, it will be evaluating the credibility and accuracy of the information obtained as well as the limitations or challenges encountered during the data collection process.

Chapter 4

This section will analyse the results and findings obtained. Furthermore, all information will be analysed in order to provide answers to the research question. This portion will also entail an extensive discussion of research results, so as to determine whether or not the APRM has been beneficial to Ghana. Therefore, it is this section that will determine the core purpose of this research which is to find out whether the government is on course to meeting the goals of the APRM.

Chapter 5

This is the final chapter of the paper and will entail concluding remarks as well as recommendations to better improve government's efforts towards meeting the APRM goals.

CHAPTER 2: LITERATURE REVIEW

2.1 The Organisation of African Unity (OAU)

The African Union first started out as the Organisation of African Unity (OAU), formed in 1963 in Addis Ababa, Ethiopia. Prior to the establishment of this Organisation, there were sharp divisions among African states, centering mainly on the approach to continental unity. As a result, the African states were divided into three inter-governmental groups, namely, the Casablanca group, the Monrovia group and the Brazzaville group. However, after several years of disagreeing with each other, these three groups saw the need to cooperate so as to protect their needs and interest. As a result, a historic summit of African Heads of State was held in Addis Ababa, Ethiopia, in May 1963 which led to the adoption of the now famous Charter of the OAU.²

2.2 Aims of the OAU

According to Article (2) of the Charter, the aims and purpose of existence of the organisation are as follows:

1. To promote unity and solidarity among African states.
2. To co-ordinate and intensify their efforts to improve living standards in Africa.
3. To defend the sovereignty, territorial integrity and independence of member states.
4. To eradicate all forms of colonialism from Africa.

5. To promote international co-operation having due regard to the Charter of the United Nations and the Universal Declaration of Human Rights.³

From the above, it was clear that the core objective of the OAU was to ensure that all African states free themselves from all forms of colonialism so as to stand at a better position to protect the rest of the resources left to them and use them effectively and sustainably for the development of their growing economies. However, after all countries in the African continent attained independence from their colonizers in the 1990s, it was evident that the OAU needed to restructure its goals and objectives. During this period, the African continent was suffering from the hands of bad leaders whose failed policies threatened the future of the whole continent. As a result most African countries landed on the international ranking for the poorest countries in the world. It was at this period that the OAU realised the need to quickly adjust its aims so as to address the needs of the continent as a whole (World Bank Report 1998).

In light of this, the first structural adjustment that was made was to redesign the goals of the OAU, which also meant that its name needed to be changed, hence the establishment of the newly born African Union (AU). The AU is Africa's premier institute which will see to the promotion of socio-economic integration of the continent and in the long run lead to greater unity among the people of Africa. Furthermore, the AU was established on the common

grounds of forming a united and strong Africa which will build a partnership between governments and all segments of the civil society, particularly, women, the youth and the private sector. Lastly, as a continental organisation, some of its focus was also on promoting peace, security and stability throughout the whole of the African continent.⁴

Nevertheless, the AU was missing one major ingredient which in fact was the main reason for this whole organisational restructuring process. After various summits, the AU realised that in order for the organisation to effectively manage the challenges which has led to the poor state of the continent, it had to set up an independent body which will see to the overall redevelopment of the African continent, hence the establishment of the New Partnership for African Development (NEPAD).

2.3 What is the NEPAD

The New Partnership for Africa's Development (NEPAD) was established during the 37th Session of the Assembly of Heads of State and Government in July 2001 in Lusaka, Zambia. The NEPAD document was drawn up as a result of a mandate given to the 5 initial Heads of State (Algeria, Nigeria, Egypt, Senegal and South Africa) by the AU to develop an integrated socio-economic development framework for Africa. As a result, the Millennium Partnership for the African Recovery Programme (MAP) merged with the OMEGA plan, formed the basis for the NEPAD document which was finalised on the 3rd of July 2001. Out of this merger came the birth of the National Association for

Interpretation (NAI) which was approved by the Assembly of Heads of State and Government on 11th July, 2001 and later endorsed by the countries of the G8 on the 20th of July 2001. However, the formal establishment of NEPAD was on the 23th of October 2001 when the Heads of State Implementation Committee (HSIC) finalised its policy framework.⁵

2.4 Goals of NEPAD

After the establishment of NEPAD, it was described as a comprehensive integrated development plan that addresses key social, economic and political priorities in a coherent and balance manner. In light of this, it established the following goals as its main priority.

1. To promote accelerated growth and sustainable development.
2. To eradicate widespread and extreme poverty.
3. To halt the marginalisation of Africa in the globalisation process and enhance its full and beneficial integration into the global economy.⁶

Following the establishment of NEPAD, member states realised that in order to see to the overall development of the whole African continent, there needed to be some form of mechanism for each African country to use as a form of guidance or monitoring programme, so as to ensure that each individual government is on course to achieving the goals of the NEPAD. This gave way to the establishment of the APRM in 2002 during the 38th Ordinary Session of the Assembly of Heads of State and Government.⁷

The Journey of Africa through the path of “Democracy and Governance”

2.5 A Decade of Political Reforms (1990 - 2001)

In the struggle for political independence in the 1950s and 1960s, African nationalist struck a contract with the colonised population, saying “*follow us and we shall lead you to political freedom and national prosperity.*” However, these promises were seldom fulfilled. In retrospect, the pledge to alleviate poverty was destined to face objective obstacles such as poor soil, intermittent rain, undereducated population, single product economies, and low producer price, among others. To make matters worse, Africa’s one party state and military takeovers brought instability to the region, hence resulted to underdevelopment of the continent as these leaders systematically failed to deliver the civil liberties and political rights that they had previously promised.⁸

As the social contract unravelled, the people of Africa discovered that autocrats had constructed political systems that made no provision for changing political leaders on a regular basis. By the 1990s when this was realised, citizens of some African countries demanded change where students, workers and civil servants took to the streets demanding an end to mismanagement, corruption and repression. In fear of its citizen causing an international scandal, African presidents reluctantly reviewed their leadership process and released political prisoners, unfettered the press and recognised

opposition political leaders in preparation for competitive elections. Thus, through the efforts of ordinary African citizens these liberation reforms managed to put and end to political monopoly enjoyed by African one party states whiles at the same time made it difficult for military rulers to stake a legitimate claim to rule.⁹

However, despite all the efforts made by African leaders to change its political systems, contemporary political transitions have tended to stall in “a political gray zone between full fledged democracy and outright dictatorship.” (Gyimah-Boadi) Therefore, even though competitive elections are held, some African governments often impose political restrictions that make it difficult, if not impossible for opposition candidates to win general elections. *A classic example can be likened to the events which transpired in Zimbabwe, in the 2008 election where opposition leader Morgan Tsvangirai got the most votes; yet official results claimed it was not enough to win outright. However, before a second election could be held, supporters of Mr. Tsvangirai were targeted in a campaign of violence which forced him to pull out. He later became Prime Minister in a power sharing agreement where Mr. Mugabe remaining as president* (BBC news).

2.6 Development and Governance in Africa

In an article written by Rod Alence, he addresses the question of whether democratic institutions enhance “developmental governance” in sub-Saharan Africa, through coherent policy formulation, effective public administration

and limited corruption. Alence engaged in this analysis in order to respond to those who are sceptical about whether the two really go together in practice. According to Alence, political institutions and governance are the leading items on Africa's development agenda. Alence argues that Africans have to move beyond blaming the state of the continent on external factors when the actual problem is because of its dysfunctional political institutions and governance.¹⁰

However, due to both international and regional changes in early 1990s, state governance broadened beyond just strengthening state technical and administrative capacity to include democratisation in all of its activities. But the main reasons for doing this was because of African governments eagerness to attract financial assistance as well as overcome the pressure to move towards a more open and competitive political regime. This broadened government approaches, moving from a narrow focus on public service reforms to include the more ambitious goals of promoting political responsiveness and accountability. This approach continues to exert profound influence on the region's development agenda which also features in the collaborative report of the World Bank and several African research bodies (World Bank 2001). Similarly, the African Union's New Partnership for Africa's Development (NEPAD) endorsed democracy and good governance as the essential conditions for sustainable development (African Union 2001; Hope 2002).¹¹

Richard Jeffries (1993), argues that indiscriminate promotion of multiparty democracy threatened to undermine some of Africa's most promising experiments in effective governance, citing the non-democratic government of Jerry Rawlings in Ghana (before the 1992 elections) and Yoweri Museveni in Uganda as illustrations. More generally, sceptics have argued whether democratisation is likely to alter the "neo-patrimonial system" which is widely blamed for African states' failures. A neo-patrimonial state refers to one that despite possessing the characteristics of modern bureaucracies operates on patrimonial principles, which is characterised by personalised political authority, weak checks on private appropriation of public resources and pervasive clientelism. In effect, some influential analysts have concluded that democratisation in Africa has mainly served to erect a façade of institutional respectability, behind which deep rooted patterns of neo-patrimonial 'big man' governance continue to dominate (Bratton & Van de Walle 1997; Chabal 2002; Joseph 1997, 1998; Van de Walle 2000)¹²

The term "good governance" is unclear in its meaning. This is because, through the 1980s and 1990s, donor countries and other financial institutions such as the World Bank and the International Monetary Funds (IMF) tend to make aid conditional upon reforms in the recipient country. Currently, these donor institutions and countries like the United States are increasingly insisting on good governance and performance as a prerequisite for providing

more aid to developing countries, a practice called "selectivity". This practice basically requires that the recipient countries must demonstrate their seriousness and commitment to economic and social reforms. Even though there are no objective standards for determining good governance, some basic aspects that are important to ensure the successful growth of a state include political stability, the rule of law, control of poverty and accountability. In order for these reforms to be successful, domestic support, ownership and commitment are crucial, as well as the recipient country's cultural context and history. However, high levels of poverty and weak governance makes it difficult for selectivity to be implemented.¹³ The term "good governance" came into vogue in the 1990s when it was first introduced by the World Bank, so as to ensure that the development assistance is used effectively in a manner that will benefit the citizens of the recipient country. For instance, the G-8 leaders who met in Gleneagles, Scotland, in July 2005 held the summit to find solutions to how best they can help fight poverty in Africa (Gleneagles Communiqué 2005, Para. 27). During the summit, they noted that the aid to be provided will focus on low income countries which are committed to growth and poverty reduction, to democratic, accountable and transparent government as well as to sound public financial management (Gleneagles Communiqué 2005, Para. 30; White & Mahtani 2005). Upon making this commitment, the leaders endorsed the earlier report by the G-8 Africa Personal Representative on implementing the Africa Action Plan (Progress Report 2005). The report states that,

"improving the effectiveness of aid is a vital complement to increasing the volume of resources....The evidence shows that aid is particularly effective when provided to the governments with sound policies, strong leadership and capacity to absorb resources, hence the new US initiative in development effectiveness allocates aid resources according to these principles (Gleneagles Communiqué 2005, Para. 80).

The basic idea behind this literature review is to discover facts by determining the real situation of the events that have transpired in Africa from 1950 to date. As such the main purpose is to show how the continent has evolved after gaining independence and how Africans are gradually accepting democracy, good governance and leadership as key elements necessary for redeveloping the African continent, which in fact is the main priority of the AU, NEPAD and the APRM. Through the review of this literature, there are certain arguments that I agree with because of their practicality to the real situation of African states and they are as follows. Gyimah-Boadi's argument on African leaders using democracy as a front also raises a very interesting point. In that, some African leaders use democratisation as a way to gain international favour, while in actual fact are bending the rules and moving around the democratic system to still stay in power. This clearly shows that some African leaders still do not believe in the whole democratisation process and its importance. As a result, most African countries are still underdeveloped because of lack of commitment on

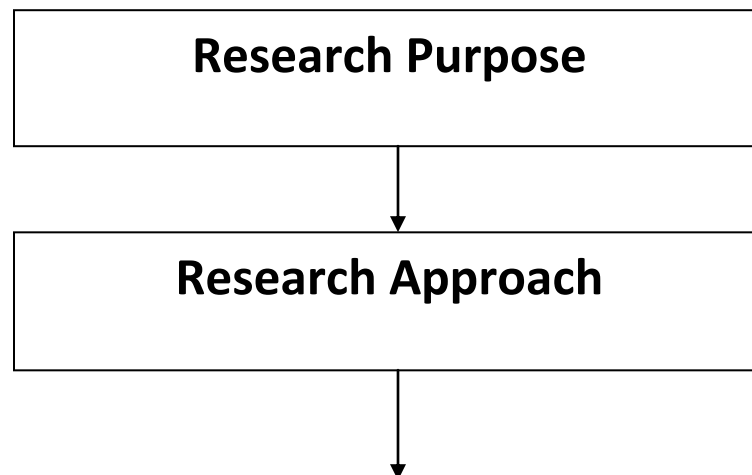
the part of African leaders, thus preventing the citizens from gaining any substantial benefit from democratisation. What this basically means is that, without absolute commitment and dedication from the African leaders, the whole democratisation process is bound to fail if leaders do not put their hearts, mind and hands into really making the system work for Africa. Therefore, in order for the APRM to fully be exercised, and the AU and NEPAD to achieve their overall objective, they will require 100% commitment as well as support from African leaders as it is only through their involvement in promoting good governance, absolute democracy and leadership that they can achieve the success that they all crave for.

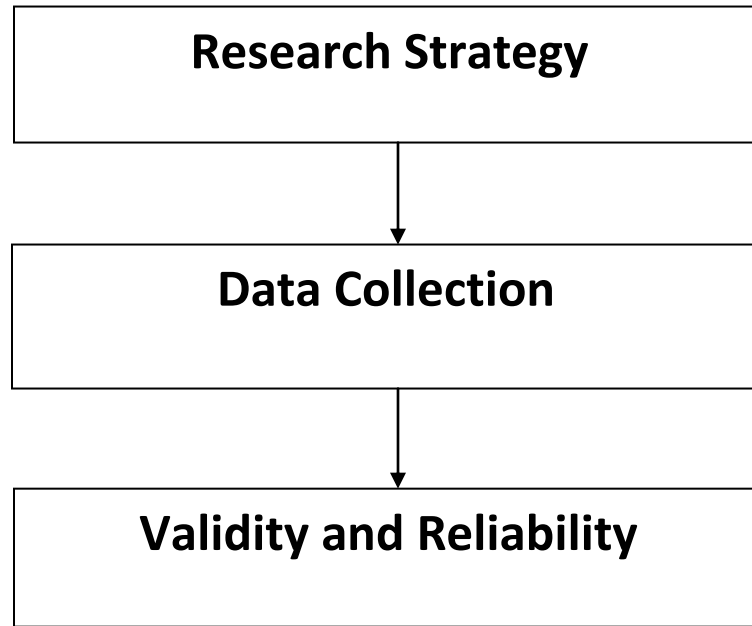
CHAPTER 3: METHODOLOGY

3.1 Introduction

This section typically reviews the techniques that are used to conduct the research or the techniques used to collect data. This includes data collection instruments such as questionnaires, internet research, interviews, observations as well as sampling procedures and statistical techniques that are used to organise and interpret unstructured data (Bryman 2008). This chapter also states the exact technique or approach used to collect data in this research paper. Furthermore, this section also seeks to establish sound reasoning by linking the procedures used to answer the research question so as to achieve the objective of the research. Lastly, the sampling methods, data collection and analysis are also discussed, as well as the confidentiality, reliability and validity of the study.¹⁴

3.2 Framework for Methodology





Note: Framework adopted from Holme and Solvang

Source: Jung and Widmark (2005)

3.3 Research Purpose

Some scholars such as Neuman (2006) have stated that, any researcher who undertakes a study is doing one of three things. He or she is exploring a new topic, describing a social phenomenon or explaining the cause of an even. In light of this, research methodologists, specifically Saunders et al (2007) have classified the purpose of undertaking a research in three types – exploratory, descriptive and explanatory research. However, others such as Cooper and Schindler (2006) introduced two research purposes – descriptive and causal research, while Sullivan (2001) names four goals of research – descriptive,

predictive, explanatory and evaluative. Each type of research specifies a particular objective and uses a well defined format when collecting data. According to renowned marketing researchers, Malhotra and Birks (2006), the distinction among the various types of research are not absolute, hence realised that exploratory research is usually advanced by descriptive or causal research. As a result a researcher's study may include the use of more than one technique.¹⁵

Therefore, considering the fact that this research paper is one that seeks to investigate whether or not Ghana is living up to its promise of using the APRM as its guideline to stay on course towards achieving its long term goal of good governance and leadership, as well as use the information provided to describe the type of government system that Ghana is currently using, it means that I will be considering two research purposes – *exploratory* and *descriptive*.¹⁶

Exploratory Research

This type of research is conducted in order to gain fresh insight into a phenomenon, situation or an event so as to satisfy one's curiosity, identify variables and provide leads to further research studies (Saunders et al 2007), or to build, extend elaborate or test an already existing theory (Neuman 2006). This type of research approach is often used by researchers when they do not have a clear idea or understanding of a particular problem they might encounter during the course of the research. This then allows

them to come up with a more clearer and meaningful concept and definition which will ultimately improve the quality of their final research design. Due to the fact that this type of research is less structured, it allows for the easy flow of information, thus enables the researcher to gather more information (Saunders et al 2007).¹⁷

Descriptive Research

This type of research seeks to discover facts or describe the real situation of an event through exploration (Sullivan 2001). Other researchers like Saunders et al (2007) view this type of research as an extension of exploratory research, with the intention that a researcher who undertakes a descriptive study is familiar with the phenomenon under investigation. Furthermore, this type of study concentrates on profiling persons, situations and events, thus is centred towards finding answers to questions other than cause and effect relationship. However, the one major difference between descriptive and exploratory research is that, descriptive research is characterised by prior formulation of specific research question or hypothesis, therefore, the information that is obtained is clearly defined as suppose to exploratory.¹⁸

3.4 Research Approach

When it comes to research approach, it basically refers to the forms of data approach – qualitative and quantitative data. According to Sullivan (2001), classifying a research into qualitative, quantitative or both, makes it easier to refine the problem. He goes further to define qualitative data as data

collected in the form of words, pictures, descriptions or narratives. Quantitative data he says involves numbers, charts and measures of things. However, Cooper and Schindler (2006) took a semantic view in differentiating between the two. 'Quality' they say, is "a what," while quantity is how much (143). As a result, they define qualitative research approach as a set of techniques employed to describe, decode, translate or generate meaning out of a phenomenon, while quantitative approach involves quantifying data by assigning measures to them so as to test them for any relationship to increase one's understanding of a topic.¹⁹ However, for the purpose of this research paper, the main approach that will be employed is the qualitative approach.

3.5 Research Strategy

This section involves the plan that will be executed in order to answer the research question. It also specifies the source of data as well as highlights any constraints that may affect the results and how they can be solved.

Secondary & Primary Data

Considering the fact that the aim of this research paper is to determine whether or not the government of Ghana is following the requirements of the APRM, it means that some of the data will come from the country review report of the republic of Ghana (secondary data). However, in order to verify what the government submitted as proof of its progress towards meeting the requirements of the APRM, as stated in the country review report it submitted to NEPAD, I will cross-check on its progress by interviewing

government officials, members of the media as well as people in the democratic governance sector (primary data). The reason for this is to gain fresh insight from the experts, who are well conversant with the really situation, hence can provide more accurate information for this study. Therefore, the main source of data needed in order to assess the performance of the Ghanaian government will be obtained from both primary and secondary sources.

3.6 Sample Size (primary data)

The reason for selecting people from government, media and democratic governance sectors for the interview is because their everyday work and assignments evolve around good governance and democracy. As a result they possess expert knowledge about good governance and its principles, hence are fully qualified to provide accurate information that is needed in order to find answers to the research questions to this study. Furthermore, since I will be cross-checking on the leads provided by the government so as not to have a biased study, it is important to have data from different sectors so as to have accurate information of events. For this reason, 5 people from each sector will be interviewed giving a total of 15 interviewees.

3.7 Validity and Reliability

This section marks one of the most important parts of a research paper because these two constitute the credibility of a study (Saunders et al 2007). Validity confirms if the findings actually represent what they purport or measure what it actually intends to measure. For qualitative data, Neuman

(2006) refers to validity as the ability to generate findings beyond a specific study, while for quantitative data; he refers to it as the percentage by which a researcher's data closely represent the realities in the field.²³ When it come to reliability, Yin, a renowned researcher refers to it as demonstrating the process of a study, for instance the data collection procedure, so that other researchers can repeat the same process and achieve the same result.

Procedure for Replication

For this research paper, the main objective is to assess the performance of the government of Ghana so as to find out whether its operations are in tune with that of the APRM. Therefore, in order to properly assess the Ghanaian government, the latest copy of Country Review Report for Ghana (2005) was obtained and used to assess the government. This report was submitted by the government of Ghana under the "Kufuor Administration" in 2005. It provides a detailed account of the previous government's operations and progress towards meeting the goals of the African Peer Review Mechanism as introduced by NEPAD. Attached is a copy of the research instrument (Appendix), which contains the interview questions for the primary data as well as a profile of all interviewees from the three sectors.

CHAPTER 4: RESULTS AND ANALYSIS

4.1 Introduction: The APRM and its process

So as to improve upon the quality of governance in Africa, a sixth summit of the Heads of State and Government Implementation Committee (HSGIC), under the New Partnership for Africa's Development (NEPAD), was held in Abuja Nigeria in March 2003. During this summit, they adopted the Memorandum of Understanding (MOU) on the African Peer Review Mechanism (APRM). The HSGIC also adopted the declaration on Democracy, Political, Economic and Corporate Governance which were endorsed earlier at the inaugural summit of the African Union (AU) in Durban, South Africa in July 2002. Furthermore, the Heads of State and Government also voted to adopt the main document that outlined the core principles, objectives and processes of the APRM, which includes the APRM Base Document, the APRM Organisation and Processes document (O&P Document) and finally, the document on Objectives, Standards, Criteria and Indicators for the APRM (OSCI Document).

4.2 The African Peer Review Mechanism (APRM)

The APRM is an assessment instrument voluntarily accepted by member states of the AU as a self-monitoring mechanism for African states. The purpose of the APRM is to ensure that the policies, practices and activities of participating states conform to the set of agreed political, economic and corporate governance values, codes and standards as contained in the Declaration of Democracy, Political, Economic and Corporate Governance.

Hence, the main purpose of the APRM is to enhance the adaptation of policies, standards and practises that lead to:

- High economic growth;
- Political stability;
- Sustainable development; and
- Foster sub-regional and continental economic integration, through sharing of experience and the reinforcement of successful and best practices.

All 23 countries that have signed on to the APRM are required to submit periodic peer reviews as well as facilitate these reviews by using the agreed parameters as a guide for ensuring good political and economic governance, socio-economic-development and corporate governance.

4.3 Ghana's Democracy and Political Governance (Country Review Report 2005)

Democracy is defined by the government in its review report as a system of governance where the citizens of a country effectively and meaningfully participate in the decision-making processes that directly affect their lives. Politics on the other hand is the process of allocating values, goods and services in society, while governance is the art of using political or collective power to manage society at all levels – economic, social and political, that is, from the smallest village to the largest cities. As such, democracy and good political governance are the prime foundations for promoting human

development and alleviating poverty which in fact forms part of the prime objectives of NEPAD.

Ghana was the first African country in sub-Saharan Africa to gain independence from Britain in 1957. However, following its independence from British colonial rule, Ghana experienced the dire consequence of various types of bad governance, ranging from one party authoritarian governance and dictatorship to military regimes. As such military regimes overthrew elected civilian governments to assume power on several occasions, subjecting the people of Ghana to more than two decades of authoritarian governance. As a result, the structure and performance of the economy was gravely affected by political instability, while infringement on human rights, freedom and citizenship increased. Hope of returning back to civilian rule by the Third Republic, led by President Hilla Limann in 1979 was short lived after the Provisional National Defence Council (PNDC), led by Flight Lieutenant Jerry Rawlings overthrew the government in a military coup. During the period from 1981 to the inauguration of the 1992 Constitution, Ghana was under some sort of Quasi-military system of governance. Constitutional rule was finally restored in 1993 after a series of economic hardship and political uncertainties, creating an environment of peace, security and stability. The new constitution also made provision for the establishment of institutions for reinforcing human rights, freedom of press, strengthening the electoral system as well as opened up political space. This

allowed Ghanaians to participate in various creative and productive ventures and political activities after more than a decade of peaceful acceptable constitutional rule.

4.4 Assessment of Ghana performance on the APRM Objectives (Democracy & Political Governance)

There are nine objectives when it comes to assessing participating countries in the area of good governance and democracy and they are as follows:

1. Prevent and reduce Intra- and Inter-country conflicts

When it comes to both inter-country and intra-country conflicts, the country review mission (CRM) that visited Ghana was highly impressed with the government for the amount of stability it has been able to achieve, especially in a neighbourhood that has been characterised by violent conflicts, insecurity and instability. In fact, Ghana is seen as an oasis in an otherwise volatile sub-region. On the whole, Ghana's relationship with its neighbouring countries (Cote d'Ivoire, Burkina Faso and Togo) tends to fluctuate between friendship, suspicion and animosity depending on the respective government in office. Nevertheless, good neighbourliness has increased the number of cross border visits, the existence of a bilateral commission to resolve areas of conflict as well as the sharing of intelligence information. For instance, some of Ghana's international peace keeping programmes include sending troops to help maintain peace in Cote d'Ivoire, Liberia and Sierra Leone. Internally, Ghana has a few problems specifically in land ownership disputes, chieftaincy disputes as well as political disputes regarding elections. When it

comes to land ownership and chieftaincy disputes the underlining problems often arise over inheritance and succession, due to the absence of a uniform and legally enforceable set of governing principles. However, though Ghana has established some conflict resolution mechanism and institutions such as the State Security Services and District Security Councils, some of these institutions have failed to live up to expectations, especially the chieftaincy institutions which have showed signs of weakness in the actual performance of its functions. An example is the ongoing feud over the succession dispute after the death of the traditional ruler, Ya-Na Abdulai Andani II.

Findings of the CRM

According to the findings of the CRM, there is a strong consensus about the relevance of the chieftaincy institutions as well as chiefs in state and society and their involvement in conflict resolution in the lower levels of government (regional, municipal, metropolitan and district). Regardless of various attempts to modernise the chieftaincy institutions and the generous provisions in the 1992 Constitution so as to protect its independence, CRM consultations have proved that it is beset with serious problems. This is as a result of conflict engendered by chieftaincy succession issues as well as wider political, legal, cultural and socio-economic roles of chieftaincy institutions in the state.

2. Enhance Constitutional Democracy, including periodic Political Competition and Opportunity for Choice, the Rule of Law, Citizens' Rights and Supremacy of the Constitution

Democratic Competition for Political Power

The electoral principle form the core of democracy as it determined the choice of those to govern and the representative acting on behalf of the citizens. As a result the electoral principle entails the following provisions:

- Adherence to the rule of law, so as to allow people to campaign and vote in freedom without fear or favouritism;
- Freedom of association, so as to allow people to articulate and promote their interest as well as defend their rights;
- Fair play, so that people wishing to participate are subject to similar conditions and treated equally;
- Free flow of information and access to publicly owned press, so as to adequately inform the public about ongoing issues;
- A system of representation that will allow for the articulation of wide range of views and interest, and finally;
- Continuous adjustment to the constituency boundaries to reflect the fluctuation members of people living with in them for the purpose of adequate and equitable representation.

The governance system of Ghana is a Presidential-Parliamentary system (Neo-presidential system) under a multi-party electoral system in which the president and the legislature serve a four year-term. The presidents tenure of office is limited to two conservative terms whiles that of the legislature in unlimited.

Rule of Law and Supremacy of the Constitution

Rule of Law and Supremacy of the constitution form the basic ground on which government institutions, private sector and civil society are grounded. As such they provide protection for individual life, security of property, protection from government arbitrariness or abuse of power and the assurance that one can benefit from their fruits of labour. As a result, no one can venture into production and other ventures, or create wealth and employment, or properly alleviate poverty out of the country without constitutionalism and the rule of law.

The 1992 constitution of Ghana has made provisions that allows the rule of law to operate effectively as well as affirms the supremacy of the constitution. In doing so it fringes upon abuse of power and discretionary power of those in government positions as well as clearly demonstrated the independence of the Judiciary and its willingness to pronounce certain acts of the Executive branch unconstitutional. Therefore, Ghana has demonstrated to the whole of Africa and the rest of the world that the Judiciary can indeed be independent in Africa.

Findings of the CRM

Data collected by the CRM indicates that, though the rule of law actually exists in Ghana, it is not accessible to the whole population as some people are denied access to justice because they cannot afford legal representation.

Thus, due to the fact they majority of the population are poor, they cannot fully benefit from the Judicial system that Ghana provides, hence can potentially prevent them from receive fair judgements in the court of law. Nevertheless, though civil society organisations are making efforts to solve this problem by running legal aid facilities, funds provided are few and insufficient. Furthermore, the judiciary itself lacks adequate capacity to administer justice due to lack of available office space and courtrooms both at the headquarters in Accra and countrywide.

3. Promote and Protect Economic, Social, Cultural, Civil and Political Rights, as enshrined in all African and International Human Rights instruments

In order to provide a strong constitutional framework that will promote respect for human rights by all Ghanaians and prevent abuse by the state, the 1992 Constitution has laid some ground rules to protect its citizens. These rules can be found in chapter 5 of the Constitution which not only makes provision for traditional civil and political rights, but also for socio-economic rights as well, giving way to the rise to an active civil society in Ghana. As a result, Ghanaians have made impressive gains in:

- Redressing the legacy of human rights abuse under military rule;
- Enhancing the rule of law and constitutionalism;
- Fostering accountability; and
- Promoting participation in development and democratisation processes.

In this regard, the Commission for Human Rights and Administrative Justice (CHRAJ) has been outstanding in its work by addressing abuse and violation of human rights committed by the state and its officials, as well as cultural practises such as the “trokosi”, which encourages the enslavement of female virgins as well as other practises like female circumcision and penal colonies for alleged witches.

Finding of the CRM

Stakeholders have argued that Ghana’s most promising success since the return to democratic rule in 1992 is its protection of human rights. Thus, after prolong periods of military rule and violation of human rights by the State and its agencies, Ghana had shown its willingness to protect its citizens as well as their rights. However, more work still needs to be done to improve and strengthen human rights especially among vulnerable groups like women, children and the disabled. This is because, the CRM through their investigations realised that the police and some security agencies continue to violate the rights of citizens, where suspects have been detained without trial, while others were tortured even to the point of death. Furthermore, though CHRAJ’s main objective is to protect the vulnerable in society; data obtained by the CRM indicated that it faces serious human, financial and logistical constraints as well as corruption of the part of law enforcers who succumb to the temptations of bribery.

4. Uphold the Separation of Powers, including the Protection of the Independence of the Judiciary and of an effective Parliament

Throughout the whole of the African continent, the Executive has been the most powerful arm of government, from the pre-colonial chieftaincy through to the colonial era and from one party rule of the post independence period to democracy in recent times. As a result, it is important to have some sort of checks and balances so as to reduce the amount of power exercised by any arm of government, hence the existence of the principle of separation of powers which is a central feature of the 1992 constitution. In Ghana, the Executive and the Legislature are fused, in that, the constitution permits Cabinet ministers to also be members of parliament. In contrast, the independence of the Judiciary is limited in the fact that there is no limit to the number of Justices that can be appointed to the Supreme Court. Furthermore, in order to protect the arms of government, the Constitution makes provision to protect each arm. For instance the Legislature is protected from any influence from the Execution in Article 71 of the Constitution.

Finding of the CRM

Stakeholders in Ghana strongly believe that since the promulgation of the 1992 Constitution, the Executive has not interfered in the affairs of the Judiciary. However, the CRM's consultation proves otherwise by making reference to specific cases that challenge the country's good governance

record. Therefore, CRM's argues that while the Executive have directly avoided interfering with Judicial independence, more surreptitious methods of interference have occurred. A perfect example is the case of Ghanaian Poultry Farmers' Association versus the Government of Ghana, where the association took the government to court for failing to implement a law that will raise tariffs for importing poultry products from 20% to 40%. As a result, they sought an order to have a mandamus designed to compel the government to implement the law. However, the government decided to fast track a bill, not through parliament, to suspend a relevant standing order that allows it to repeal a law on an emergency basis. This act by the government is viewed by the CRM as an interference with the judicial system which also violates the principle of separation of power.

5. Ensure Accountable, Efficient and Effective Public Office holders and Civil Servants

Accountability simply refers to the act of giving account for a responsibility or duty that has been conferred. As such any individual or organisation, charged with a function, duty or responsibility are held responsible and judged based on the terms of stipulated codes of conduct, should anything go wrong. In Ghana, legislations have been made available to ensure accountability, transparency and efficiency in the civil service. These legislations include the *1993 Civil Service Law*, which defined the function of the civil service; the *Financial Management Act (2003)*, which manages the financial management of the public sector; the *Procurement Act (2003)*, which promotes

competition, efficiency, transparency and accountability in public procurement; and the *Internal Audit Agency*, which monitors and supervises internal audit activities in ministries, departments and agencies.

Finding of the CRM

Though the CRM was impressed with Ghana's agencies and institutions that have been set up to ensure accountability, transparency and efficiency, the main problem that it was concerned with was the rampant bureaucratic centralisation and red-tape. An example is the long procedures for securing a licence to start a business. This makes the whole process stressful and frustrating making room for corruption to take place. Other problems include sexual harassment and gender inequality in the public sector, with women often on the receiving end.

6. Promote Development and participation of the Civil Society and the Media

The civil society organisations in Ghana as well as the media (newspapers, radio stations, television and magazines) play a crucial role in promotion good governance in the country. This is because they act as vigilant watchdogs for human rights and abuse of authority by those in power and also help ensure accountability, transparency, credibility and legitimacy. They also help alleviate poverty through forging partnerships between people and the government who provide channels for communication and flow of information between government and citizens.

Finding of the CRM

According to the CRM, civil societies and the media have previously help to facilitate governance by revisiting oppressive rule and encouraging grassroots political participation. In recent years, they have even challenged the legitimacy of government policies. However, the CRM feel that there is not enough civil societies in rural communities so as to enable them access to these facilities in their localities.

7. Fighting Corruption in the Public sphere

Corruption is one of the consequences that destroy a country as a result of bad governance. Unfortunately, this has been the case of most African countries, including Ghana, as it has negatively affected their economies due to the fact that scarce resources are diverted from supporting economic growth to serving debt accumulated by authoritarians, corrupt leaders and bureaucrats. In the end, it is the poor and vulnerable who have to pay the ultimate price as they are denied basic social services like schools, hospitals, portable water, etc. As an effort to help combat the problem of corruption the government have put a number of policies in place which include the introduction and stern application of criminal law; civic education, promotion of a National Integrity System which was introduced by CHRAJ and the "Whistle Blower Act" which was passed into law by Parliament. In addition, government have also taken various legal and institutional measures to help curb corruption. For instance, government have made it mandatory to investigate all instances of alleged or suspected corruption and

misappropriation of public money by public officials with the Serious Fraud Office (SFO), monitoring investigation with the consent of the Attorney General.

Finding of the CRM

In CRM's consultation with stakeholders, they complained of high degree of corruption in the public sector, both at the regional and national levels. Stakeholders in Ho and Cape Coast for instance felt that corruption is rampant in decentralised government agencies. Though high level of corruption in the country has forced various state and non-state organisations to form an anti-corruption coalition, the problem still persist as a result of the absence of comprehensive legislation to deal with the various disparate statutes. Nevertheless, some stakeholders mentioned that the existence of institutional dualism need to the closed in the nation's fight against corruption, where an organisation will be given the exclusive right and power to fight corruption.

8. Promote and protect the Rights of Women

About 51% of the Ghanaian population are women, hence good governance demands that all people, both men and women, participate in the development and democratic affairs of the nation as well as be involved in the decision making processes of the country. As a result, Article 17 of the 1992 Constitution bans all forms of discrimination against men and women by acknowledging all persons as equal before the law. As such, the criminal code in Ghana frowns upon rape, defilement, incest, abduction and forced

marriage, thus anyone who indulges in such acts can be prosecuted by law. There are also international standards and codes such as the African Union and United Nation's charter against human rights abuse.

Finding of the CRM

Though stakeholders believe that the 1992 Constitution guarantees the rights of women, particularly that on affirmative action, they still feel that the status of women in Ghana leave much to be desired. In that, the political class need an exemplary political will to deal with the primary cultural impediments, so as to promote and protect the rights of women. Furthermore, stakeholders were also disappointed by the amount of negative views the Domestic Violence Bill face when it came to criminalising "spousal rape". In the long run, the CRM concluded that although Ghana has established several laws and conventions on women's right, some pressing concerns still awaits ratification. An example is the Protocol to the African Charter on Human and Peoples' Rights on Women' Rights and the UN Protocol against Trafficking in Human Persons especially Women and Children which have been long overdue, as it is unclear what is causing their delay.

9. Promote and Protect the Rights of Children

In the basic provisions of the UN Convention on the Rights of a Child, it stated that – *"Our children are the building blocks of future societies. If they receive the proper education, development, protection and identity, and have a say in a matters that affect their lives and have prospects for a future livelihood, they will become important assets to the world. Therefore, the*

prospects of a future of peace and prosperity (good governance), or the violent conflicts and poverty (bad governance), will largely depend on how children are treated today".

Ghana was the first country in the world to ratify the Convention on the Rights of a Child, hence have made great efforts in creating a national environment to protect and promote these rights. The 1992 Constitution for instance protects the fundamental human rights of a child, with CHRAJ being the body to ensure that children's rights are well protected. There is also the Child Law Reform Advisory Committee established in 1995 to perform similar functions.

Finding of the CRM

The CRM in their findings states that, though stakeholders have condemned human trafficking, forced labour, slavery and prostitution as violating the rights of children, their consultations revealed that Ghana has still not ratified the two UN protocols on sexual exploitation of children and on children's involvement in the armed forces, nor has it ratified the Convention on Human trafficking.³²

4.5 DATA FROM INTERVIEWS - PRIMARY (CROSS-CHECKING)

a. Government Sector (Civil Servants)

The following are the responses obtained from the interviews with civil servants in the government sector:

Q1. According to civil servants in the government sector, they argued that the "Kufuor Administration" contributed in promote good governance in the country. Though the previous government did not fully embody the elements of what is termed "good governance", it showed it's willingness to put itself out for scrutiny by signing onto the APRM. With regards to whether the previous government reduced the poverty level in the country, they believe that more work to be done because of implementation problems which have been a major headache for the country.

Q2. In assessing the country on whether it is making progress towards meeting the goals of the APRM, specifically on the nine objectives that the APRM used to access the country, the civil servants interviewed asserted that Ghana has been serious about the whole process when it comes to setting policies and institutions to conform to the terms of the APRM. However, the main problem is with actual implementation of these policies. Their argument was that, if these policies and regulations are not properly implemented, then the whole process will be a fiasco.

Q3. With regards to Ghana not submitting a report on its standards and codes on human rights since March 2002, the civil servants mentioned that this could be as a result of some administrative problems and not necessarily because the country's code on human rights violates that of international

policies on human rights. Nevertheless, they stated that they are not in anyway trying to justify the action of the government in failing to do so.

Q4. Regarding the role of traditional chiefs in Ghana, they argued that their role needs to be limited to customary and social issues such as settling petty family conflicts and performing basic roles that comes with the title they hold. The reason for this being that, they believe most chiefs in Ghana have become too powerful because they affiliate themselves with political parties which make them loose focus on the symbolism of their role as traditional rulers. When it comes to managing conflicts the general view was that they do not believe chiefs qualify to settle disputes. The main reason being that traditional rulers are supposed to serve as role models through setting examples for the rest of the community to follow. However, that has not been the case for some rulers in Ghana who partake in very public succession power struggles which often results to chaos in their own communities. By so doing, they end up dragging the whole community into this battle which in the end divides the community. Furthermore, others were of the opinion that traditional chiefs should be completely cut off from conflict management because they have consistently failed to deliver when it is time for them to step in, therefore; it is time for Ghana to try other methods.

Q5. According to the civil servant, the existence of the Rule of Law means that all are equal before the law. As such the Rule of Law should be a

principle that every Ghanaian should benefit from. However, the main question is whether the system can be manipulated by the rich and powerful to the detriment of the poor and vulnerable who benefit less from this principle. For instance, the poor and vulnerable find it hard to afford legal representation in the court of law when they have legal problems. Therefore, they urge the government to vigorously make efforts to provide the necessary facilities that will allow every Ghanaian benefit from the rule of law.

Q6. When it comes to human rights abuse in the police and security services, members of the civil servants society agreed that there is some abuse in that sector. They traced the root of this problem to several factors which include the following. First of all they mentioned that some Ghanaians are not even aware of their own rights as citizens of Ghana, therefore they are unable to stand up for themselves and defend their rights. As a result the police take advantage of their ignorance to make threats which often ends with bribery. Secondly, they also mentioned that the police services lack discipline due to the poor training they received. There is also the problem of inadequate funds to provide the necessary facilities for the police services; and all these factors together contributes to the injustice we have in the police service. As a remedy, civil servants suggested that during the recruitment process for policemen, the government needs to recruit loyal and disciplined citizens who willingly will volunteer to do the right thing and not just anybody who

only wants to make a living. In other words, when recruiting people in the police services, it is important to look to recruit people who are passionate and willing to seek justice for all Ghanaians. Furthermore, civic education is also necessary so as to educate Ghanaians about their rights as citizens so as to avoid exploitation.

Q7. Civil servants also agreed that Separation of Powers is not perfect in Ghana because the Executive sometimes uses indirect methods to interfere in the affairs of the Judiciary. However, this does not undermine good governance in Ghana because the Judiciary is very dominant when it comes to performing its role of interpreting the law. They also argued that this problem can be solved as democracy grows in Ghana.

Q8. Furthermore, civil servants also agree to the fact that Ghana's bureaucratic centralisation and red-tape contributes to corruption in the country. They mentioned that, long bureaucratic procedures have existed in the country for years and has become a "white elephant" in the Ghanaian community. Besides, successive governments have also shown their reluctance to changing this system which unfortunately has opened the door for corruption to increase in the country.

Q9. For civil society groups in Ghana, civil servants mentioned that the developmental Non-Governmental Organisations (NGO's) are well diversified in the country as their philanthropic projects have increased in Ghana. However, the advocacy NGO's are politically biased and this reflects in their day to day operations. According to civil servants, what Ghana need now is less of division and more of co-operation between all parties involved if at all the nation wishes to achieve any meaningful development.

Q10. When it comes to fighting corruption, civil servants believe that successive governments have not been serious in trying to contain this problem. The basic reasons being that, the leaders themselves are at fault hence are unable to effectively fight corruption in the country. As a remedy, they believe that an example has to be set by the leaders first, through transparency and accountability so as to motivate those in the lower ranks to follow in the same footsteps. Therefore, governments have to show its seriousness by first setting the example before going ahead to tackle the problem of corruption in the country.

Q11. Finally, with the question of violence against women increasing in the country even after several legislations to protect their rights, civil servants argue that the main reason why this problem still persists is because of poor implementation procedures on the part of the government. They argued that Ghana seems to have good policies and legislations to protect its citizens,

however these legislation and policies still fail because of lack of proper implementation processes. Therefore, they believe that this problem can only be solved by strengthening these institutions so as make the implementation process, which in fact is the most important process more solid and stronger.

b. Democratic Development & Governance Sector

Q1. Members of the democratic governance sector appreciate the Kufuor Administration's efforts and contributions to improving the governance system of Ghana. Most of them mentioned that some key aspects of the good governance concept was not realised until the arrival of the Kufuor Administration, and they include Freedom of Speech and protection of Human Rights. Haven said that, they stated that Ghana still has a long way to go in order to perfect its governance systems, as there exist some loop-holes in the current system.

Q2. According to the interviewees in the democratic development and governance institutions, Ghana seems to be making good progress towards meeting the goals of APRM "theoretically". However, little progress has been achieved because of improper implementations. Therefore, even though the 1992 Constitution fully enshrines most of the elements of good governance, it is not accessible to every Ghanaian especially the poor. Others argued that progress has only been achieved in few sectors like Free Press, Free and Fair Election and freedom of Speech. However, there is still more work to be done in the area of Rule of Law, Separation of Powers and Independent Judiciary.

Q3. Regarding the question of Ghana not submitting a report on its standards and codes since 2002, interviewees argued that they can only speculate about what the problem might be. This is because; Ghana seems to have good legislations that fully protect its citizens against abuse from the state as well as fellow countrymen. Therefore, there is no reason for its failure to not submit a report to NEPAD. Nevertheless, they do not rule out poor administration problems and negligence.

Q4. When it comes to the involvement of traditional chiefs in conflict management, mixed reactions was received as some opposed the idea of involving chiefs in conflict management, while others supported the idea of the role of chiefs in conflict resolution. Those in favour of the involvement of chiefs argued that, traditional chiefs should be given the power to handle minor offences such as petty theft and family disputes so as to cut down on the number of case in the court of law. By so doing, only serious legal cases will be handled by judicial system such as murder, human rights abuse, etc. However, others believe traditional chiefs do not have the capacity to perform these roles because their functions are centred on customary duties. On the other hand, those who oppose the involvement of chiefs argued that by doing so too much power will be put in their hands than necessary, thus increasing their tendency to abuse that power. Though they agree with chiefs presiding over minor civil cases in their communities, they still maintain that

it should be limited to cases like problems between husband and wife and conflicts among neighbours.

Q5. On the topic of accessibility to the Rule of Law, the general response from interviewees is that, though the 1992 Constitution fully enshrined the Rule of Law in Ghana, access to justice in the country is limited to one's financial capacity. Therefore, those who can not afford the services of a legal court system as well as those who can not afford legal representation in court are disadvantaged because they can not have a fair trial as the Constitution prescribes. As a result, justice in Ghana is "*partial*" instead of "*impartial*".

Q6. For human rights abuse in the police and the security services, interviewees argued that abuse of the rights of citizens indeed exist in the police and security services, which open the doors for corruption to take place. As a remedy, they suggested that criminal justice institutions need to be reformed through better and improved training methods for both new and old recruits.

Q7. With regards to the problem of Executive interference in judicial affairs, interviewees stated that it is bad practise for the Executive to undercut the authority of the Judiciary. However, this practise only becomes alarming

when it is a continuous process for the Executive. Their hope is that the Judiciary will find ways to counter interference from the Executive as democracy becomes well entrenched in Ghana.

Q8. Though people in the democratic governance sector believe that long bureaucratic procedures contribute to corruption, they however argue that these two elements do not necessarily imply that one variable must exist because another is present. The basis for this argument for them is that, corruption still exists in countries that have relatively short procedures. Therefore, it will be wrong to imply that long procedures necessarily contribute to corruption. However, looking at the case of Ghana they argued that the country's bureaucratic centralisation has indeed contributed to corruption. This is because, if it takes a long time to complete a simple procedure, people will find ways to go around the system through the use of bribery and corruption.

Q9. When it comes to expanding the activities of civil society groups to rural communities, members of the democratic governance sector feared this could be suicidal because of government's tendency to control their operation. They argued that the role of expanding the activities of civil society groups around the country should be left solely in their own hands. This is because, the moment government begins to assist in the expansion process, they could have the tendency to dictate to them on how to carry out

their roles. Instead, what government can do is to provide an enabling environment that will allow them operate freely without any setbacks.

Q10. For the problem of corruption in the country, members of the democratic governance sector stated that successive governments have not shown any seriousness because of how they have handled past cases of corruption. They argued that successive governments seem to create a false impression of their seriousness in tackling corruption by sacrificing previous members of states from other political parties. But when it comes to tackling corruption amongst their own cabinet and party members, they become very reluctant and even in some cases, import facts and policies to justify their behaviours. Using the old adage which goes, "charity begins at home", they suggest that governments need to first of all set examples with their own cabinet ministers and members of parliament so as to send a message to the rest of Ghana about their seriousness in tackling this problem.

Q11. With regards to the persistent problem of abuse against women, they argued that weak institutions and cultural factors are to blame for this problem. This is because, traditional systems in Ghana forces women to be submissive to their husbands as well as to men in general. Therefore, it becomes difficult to change these practises that have existed for centuries, hence have become part of their culture. To make matters worse, the various

institutions that are charged with the duty of protecting the rights of women are weak and unable to fully perform their roles.

c. Ghanaian Media & Professors

Q1. Though some members of the media and university professors applauded the Kufuor Administration for its work in promoting good governance in Ghana, they still feel that his administration failed to address certain key elements of what is termed good governance. Some of these unresolved areas are the Rule of law and human rights abuse.

Q2. According to some lecturers and members of the media, the main challenge of Ghana's governance system lays with the "*implementation process*". As such, though the country seems to have good legislation which all gear towards good governance, it still suffers setbacks as a result of poor implementation. Others also argued that, regardless of the problem of implementation, Ghana's constitutional reforms has played an important role by putting the nation on the right track towards good governance. Other than that, the nation would have suffered similar situations as the events that transpired in Kenya and Zimbabwe. Furthermore, some media personnel also criticised Ghana's "*winner takes all*" policy as they believe one government alone does not have all the knowledge and expertise to fully govern the country. Therefore, they are of the opinion that the various governments in the country need to work together as by coming together, they will stand at a better position to promote the best interest of the country.

Q3. Ghana's failure to submit its report on standards and codes on human right to the NEPAD still remains a mystery as most people predict it is as a result of sheer negligence on the part of the government.

Q4. Regarding the role of chiefs in Ghana, both professors and members of the media agree to chiefs playing some role when it comes to conflict management. This is because, their involvements will help reduce the number of court cases and by so doing enable the judicial courts handle serious legal, civil and criminal cases. However, they stated that their role needs to be clearly defined so that their actions do not go contrary or beyond what the state permits them to hold.

Q5. When it comes to the Rule of Law, both parties stated that Ghana's current system is designed in a manner where it is the rich and elite in society who benefit more. As such, this system excludes the poor and vulnerable who can not afford to fully benefit from the Rule of Law because they are bound by financial constraints.

Q6. With the problem of human rights abuse in the police and security services, professors and members of the media trace the root of this problem to lack of integrity and discipline in the police services. Therefore, they believe that the screening process for recruiting policemen needs to be

updated with more improved methods so as to attract the right kind of people into the service. Others also identified low salaries as a contributor to this problem. This is because they believe some policemen abuse their power because they are not well paid, hence will use other means to make more money even if it means violating the rights of Ghanaians.

Q7. Regarding the question of interference in the Judiciary, both parties argued that it is normal to find minor interference by the Executive in the affairs of the Judiciary. However, it becomes alarming when it is *continuous* and also when there is *corruption* involved.

Q8. When it comes to long bureaucracy and red-tapism being a contributor to corruption, both sets of interviewees agreed to this idea as they believe that has been the situation in Ghana for decades. They however stressed on the importance of decentralisation as a remedy to this problem.

Q9. Though members of the media stated that government assistance can influence the activities of civil society groups in Ghana, professors on the other hand believe civil groups are being controlled by government even though they claim to be operating independently. Therefore, it will make no difference if government openly provide them with assistance in the areas that they most need it.

Q10. When it comes to the problem of corruption, both parties argued that it will be very difficult to eradicate corruption from the country. However, what can be done it to put in place measures that will reduce it to a level that is acceptable by society. In developing these control measures, others stated that identifying the factors that lead to corruption is key to solving this problem.

Q11. Finally when it comes to increase in abuse against women, both parties argued that rules and legislations alone is not enough to enforce a law. Instead, there are several other factors which need to be considered before the law can actually work. They include good implementation policies, harsh sentencing for offenders and civic education.

CHAPTER 5: RELATIONSHIP BETWEEN PRIMARY AND SECONDARY DATA

5.1 SIMILARITIES AND DIFFERENCES

In order to establish a relationship on how similar or dissimilar data from the Country Review Mission is from interviews conducted, questions were generated from the findings discovered by the CRM group. Therefore, the questions in the appendix column were generated based on the *Nine Objectives* used by NEPAD to assess member states on their progress towards achieving good governance. As such, the main idea behind this is to cross-check on the information stated in the CRM report from people who know it best.

Relationship between both Data

Generally, almost all the findings as stated in the CRM report seems to be consistent with information obtained during the interview exercise. In that, both exercises revealed similar results of Ghana's dilemma on where traditional chiefs stand when it comes to conflict resolution. Furthermore, both exercises also brought awareness to the defects in Ghana's current Rule of Law system, by indentifying it as one that favours the rich and elite in society at the disadvantage of the poor and vulnerable. Also, both systems identified cases of human rights violation specifically abuse against women and children, as well as in the police and security services. Separation of Powers was also singled out as imperfect in Ghana, however majority of respondents predicting its improvement over time as democracy grows.

Finally, the main problem that was identified with the Ghanaian system was its long bureaucratic centralisation and red-tape, which unfortunately has contributed to high level of corruption in the country.

In conclusion, due to the fact that data from the interview process confirms the findings of the CRM report, it can be concluded that there is a ***positive relationship*** between both data as they produced very similar results.

5.2 ANSWERS TO RESEARCH QUESTIONS

The main objective of this research paper is to find answers to the following question:

1. Is Ghana working towards meeting the terms and conditions of the African Peer Review Mechanism, specifically in the area of governance (APRM)?
2. How far has the Ghanaian government come towards meeting the APRM conditions regarding good governance? That is, in terms of policies and institutions that it has setup to see to the successful attainment of the APRM goals.

And the following are answers to the question:

1. According to the results and responses obtained, Ghana signing onto the APRM programme shows its willingness to be criticised by

international bodies. Many view the act as a good gesture towards the right directions as this shows the country's eagerness to improve on its current system. Signing onto the APRM means that Ghana is ready to conform to what NEPAD defines as good governance, hence is ready to subject itself to its programme so as to help guide it towards achieving its long-term goal of overall development. In light of this, Ghana has established various policies and legislations in tune to what the APRM prescribes in order to meet its terms and conditions. Therefore, according to the CRM group that visited the country, Ghana has made significant progress by providing an enabling environment that will allow the APRM programme to work effectively. However, the success of this programme will depend on **dedication** and **commitment** on the part of the government, as the success or failure of this programme depends heavily on how they carry out their operations.

2. Both past and present governments of Ghana have all contributed immensely towards attained good governance, some more than others. However, results obtained indicate that Ghana still has a long way to go specifically in the areas of **Rule of Law, Separation of Powers and Human Rights Violation**. Therefore, in order to fix the loopholes in these areas, policies guarding the Rule of Law and Human Rights Violation need to be reformed, backed by stronger implementation policies so as to strengthen the entire process.

5.3 COMMENTARY

Before conducting this research project, my expectations was not to discover a perfect governance system, but rather to identify the areas that needs more attention in order to improve on Ghana's good governance concept. Haven completed this project; I must say that I am satisfied with the results I obtained as it confirmed my initial thoughts of Ghana suffering from major implementation problem. This is because, records show that Ghana has more policies and legislation that protects the state, it citizens and the resources within than most African countries. Therefore, it is worrying to discover that regardless of all efforts being made, the country still has not achieved the results it much craves for. As a result, this raises a red-flag notifying its leaders of lack of proper implementation of its good policies. As such the question is; what good can a nation achieve if it has all the good policies a country can have, yet lacks the will to make them work? Furthermore, some of the responses received during the interview process were a big eye opener, specifically with Rule of Law and Human Rights Violation in Ghana. According to Professor Kwabena Ninsin of the Institute of Democratic Governance, the existence of human rights abuse in the police and security services provides proof that it is time for Ghana to reform its criminal justice institutions. Thus, new process should be one that attracts the right kind of people who want to serve the country in honesty and with integrity. New and improved training methods also need to be developed in order to reshape the work ethic and thinking of both new and serving men and women as it will help improve their work ethics. Also Dr. Nii Moi of the International Labour

Organisation (ILO) stressed on the policy of justice being limited to one's financial capability, as it prevents the poor and vulnerable from fully accessing the Rule of Law system enshrined in the constitution. Therefore, it is import for the government to change certain policies as well as make finances available so every Ghanaian can have legal representation in court in order to have a fair trial.

In conclusion, all these factors combined needs to be considered as I believe it holds the key to immensely improving the nation's governance system for the better.

CHAPTER 6: RECOMMENDATIONS AND CONCLUSION

6.1 RECOMMENDATION

There is no doubt that Ghana is making tremendous efforts to improve upon its governance system. As such by being one of the firsts to sign onto this APRM shows the country's willingness to put itself out on the international platform to be criticised. Ghana indeed is recommended by international bodies as an ideal example for other African states because of its greatest achievement of returning back to democratic and civilian rule. Nevertheless, the CRM finding indicate that there is still room for improvement as there are loop-holes with the current policies of the country after its assessment on the nine objectives of what is termed "good governance". However, according to the findings of this research paper, the main problem is not with identifying the appropriate solutions for these problems and challenges, but rather with actual implementation of these solutions. The following is an implementation strategy on how to effectively implement or execute a plan:

Implementation Strategy

1. Problem Identification

The key to solving every challenge is by first identifying the problems. The Country Review Mission report identified several loop-holes with the Ghanaian system which unfortunately has undermined the country's record on good governance. As such, these identified problems can serve as a guide in solving these challenges.

2. Develop Solutions to Problems and Challenges

Having identified the challenges, appropriate solutions should be employed in order to effectively solve these problems.

3. Bring on Board the Right Team

This is very crucial as governing a country is a team effort made up of the Executive, headed by the President. Therefore, it is important in selecting cabinet ministers the President appoints competent people who have the knowledge and expertise as well as qualify to hold whatever office they have been appointed to. These ministers should share in the same passion as the president and should be willing to work earnestly in order to get the job done.

4. Communicate Solutions to Team

The reason for this is to share ideas in order to come up with the best remedy to tackle a problem.

5. Step-by-Step Problem Solving

When it comes to problem solving it is important to tackle them one after the other, designating the appropriate time and resources needed to solve each. Since some problems can be eliminated after solving the parent problem, it is important to solve the "parent problems" first so as to save time and resources.

6. Strict Supervision

Last but not the least, it is important for leaders to strictly supervise activities by checking on the progress achieved. By so doing, it enables leaders to quickly identify the policies that are not working, hence needs to be changed.

6.2 CONCLUSION

The aim of this research paper is to answer questions that most Ghanaian want to know regarding the benefits that Ghana will enjoy from signing onto the African Peer Review Mechanism. As such Ghanaians are eager to know what the APRM is, what it entails and how it's going to improve their living conditions.

The APRM as was discovered was introduced by the New Partnership for African Development (NEPAD), and it is basically a set of instruments that member countries of the African Union (AU) have accepted as the ideal self-monitoring mechanism for African States. The reason for this was because both the African Union and NEPAD saw the need to rebuild the whole African continent after all countries gained independence. However, both organisations realised that they can only achieve this goal through "*good governance and leadership*", hence introduced the APRM to help guide member countries in order for them to possess the two key elements necessary to redevelopment the continent. Having completed this research paper, the recurring element was the problem of lack of proper implementation. Therefore, even though Ghana has more policies and

legislations than some African countries, its leaders lack the will to properly implement its good policies which are designed to guide it towards good governance. Therefore, if Ghana want to reflect more progress in the next country review report, then it leaders and policymakers need to address the recurring challenge that implementation presents.

6.3 LIMITATIONS TO STUDY

The following are some limitations to this research paper:

- **Lack of Current Data**

Due to the fact that the country review report for each member country is compiled after ever four year term, it was difficult using data from 2005 as events have changed over the last four years. As such, the 2009 report which could have provided more current events of affairs was published after this research was started.

- **Biased Data**

Furthermore, information retrieved from interviewees could be biased as responses from some interviewees are politically motivated.

- **Unexploited Sectors**

Finally, since data was collected from the experts (governance, media and civil service), it leaves several other sectors unexploited as findings represent only three sectors in the Ghanaian economy.

Future research projects regarding Ghana's progress on the APRM should focus on the other three sections of the APRM which include Economic Governance and Management, Corporate governance and Socio-economic Development.

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Appendix 1

1. After Ghana signed onto the Memorandum of Understanding (MOU) for the APRM in 2003, ex-president Kufuor spoke about using the APRM as a tool to instil good governance and eradicating poverty in Ghana. Do you believe the "Kufuor Administration" fulfilled this goal?
2. In your opinion, do you believe Ghana is making any significant progress towards meeting the goals of the APRM, specifically in the area of good governance?
3. According to the finding of the Country Review Mission (CRM), Ghana is required to submit every 2 year a report on its standards and codes on Human Rights to the African Commission pursuant to the Charter; however, it has failed to do so since March 2002. What potential implications can this have on Ghana's human rights record?
4. When it comes to conflict management, there have been lots of arguments regarding the relevance of chieftaincy institutions and their involvement in conflict resolution, all due to the fact that people feel they themselves have serious succession issues hence do not qualify to manage conflicts. Have successive government shown any interest to in using the chieftaincy institutions as align in managing conflicts?

5. There is no doubt about the existence of the rule of law in Ghana; however, do you think it is reflected in the life of every Ghanaian, especially the poor and vulnerable in society?
6. CRM finding indicate that human rights violation still exist in the police and security services, even though the 1992 Constitution fully protects all Ghanaians. Does it cast a slur on good governance in Ghana? What do you think can be done to strengthen human rights violation?
7. When it comes to Separation of Powers, there have been instances where the government uses indirect methods to interfere in the affairs of the Judiciary (*Poultry Association v Government*). Does this undermine good governance?
8. Most international bodies have criticised Ghana's bureaucratic centralisation and red-tape, for instance, the long procedures for starting a business. Don't you think this contributes to corruption, which in effect undermine good governance?
9. Civil societies groups in Ghana play a very crucial role because they serve as vigilant watchdogs for human rights abuse. What role can government play to expand civil society groups to the rural communities?

10. Corruption has been a major problem for this country for decades. Do you think successive governments have been serious in tackling this problem?

11. The problem of women and child abuse still persists in Ghana after several legislations to protect their right and interest. What do you think is the missing ingredient?

APPENDIX 2

INTERVIEWEES	WORK PLACE	SECTOR	GENDER	LOCATION
Interviewee 1	International Labour Organisation	Governance	Male	Head of Civil Servant Office (Ministries)
Interviewee 2	Institute of Democratic Governance	Governance	Male	East Legon
Interviewee 3	Human Rights Advocacy	Governance	Female	Kanda
Interviewee 4	Ministry of Finance	Governance	Male	Ministries
Interviewee 5	Ghana Institute of Management and Public Administration	Civil Servant/Lecturer	Male	Legon
Focus Group 1	Ministry of Finance	Civil Servant	5 Males	Ministries
Focus Group 2	The Ghanaian Chronicle	Media	3 Males & 2 Female	Accra

NB.

The total number of interviewees is 15 in all, representing the 3 sectors (Government, Media and Civil Service).