

**COMPARATIVE STUDY OF THE USE AND DEVELOPMENT OF GOVERNANCE
INDICATORS IN AFRICA**

THE CASE OF GHANA

FINAL DRAFT REPORT

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Executive Summary

This study was commissioned by the United Nations Development Programme (UNDP) in partnership with the European Union (EU) to assess the extent to which governance indicators are produced and used in Ghana. The overall objective is to research the political economy of the production and use of governance indicators at a country-level in cooperation with government and local stakeholders. The outcome of the study should suggest policy recommendations to strengthen a country-led process of using evidence of governance in the accountability process, that is, in the Government's supply of evidence of accountability, as well as in the demand for accountability by citizens in order to improve the governing process in the country. The study focuses on the following areas:

1. Ghana's African Peer Review Mechanism (APRM) process and the implementation of the recommendations;
2. The interface between a local Non-Governmental Organisation's (NGO) — Social Enterprise Development Foundation in Ghana (SEND-Ghana) -- involvement in the School Feeding Programme as part of a local level advocacy campaign around delivery. This study examined the extent to which the organisation's work and its evaluation of government performance against available targets connected with the national process involving the Executive, Parliament and donors. The study focused on the activities of SEND-Ghana mainly because it was tasked to monitor Ghana's School Feeding Programme (GFSP) as part of its advocacy campaigns around the monitoring of governance-led programmes. Through SEND-Ghana's activities, GFSP National Secretariat hoped to facilitate an independent civil society-led participatory monitoring and evaluation of the programme;
3. Judicial reform and the ways in which the judicial system was becoming more responsive to demand side evaluations. Initial investigations suggested that reform was driven mainly by internal factors rather than either the setting of targets by government or international donors or institutions. In particular, a Chief

Justice and the Ghana Bar Association (GBA) were critical agents propelling the reform. The study examines the lessons that could be learnt about the reform process, outcomes and mechanisms that exist for increasing the demand for reform;

4. The international press freedom index rates Ghana extremely highly. It is the second African country (after Namibia). However, according to local sources and internal debate, this index obscures certain key features of the media landscape, including the roles of key institutions. As a result there was a proposed legislative instrument to establish criteria for broadcasting. The study examines this local context and the complex set of institutions;
5. In Ghana, there was a successful interaction between Parliament and civil society on the development of mining law. The study examines the process by which this happened, and what impelled Parliament to reconsider its own legislation and to provide space for interaction with civil society to improve both the process of law making and the quality of the law. The study focused on mining legislation, which provides insight not merely into sectoral issues, but also into issues of revenue, resources and governance arrangements. The following were selected to assess the interaction between the Parliament of Ghana and civil societies: on the one hand, a Member of Parliament and two Parliamentary Committees, one on Mines and Energy and the other on Constitutional, legal and Parliamentary Affairs; and on the other hand, the following civil society organisations (CSOs): Third World Network (TWN) and Wassa Association of Communities Affected by Mining (WACAM);
6. The use of governance indicators in the National Development Plan (NDP). Here the study specifically explored the degree of national ownership of the NDP, the institutional framework for monitoring and evaluating the plan, the quality of indicators used in the national plan and the integration of other relevant governance assessment instruments into the Monitoring and Evaluation (M&E) of the National Development Plan.

The rationale for selecting these areas are that for the APRM, this is the first time the Government of Ghana has availed itself of the opportunity to be assessed by other African governments or leaders on its performance. This could be interpreted as representing a bold commitment by government to pursue a good governance agenda and to pursue policies that improve the quality of life of the citizenry: so the process and implementation of the recommendations of APRM represent Government's receptiveness to performance ratings and assessment of the action taken in response to such ratings.

Political liberalisation has created space for many NGOs that seek to participate in, and contribute towards, democratic development in many developing countries. NGOs engage in diverse activities: research, advocacy and the provision of, and monitoring and evaluation of, development projects and services. By selecting a local NGO -- SEND-Ghana -- the study sought to gain an insight into the activities of civil society organisations who act on behalf of the citizenry to monitor and evaluate social programmes meant for the benefit of the citizenry; and how NGOs use lessons from such activities to demand government accountability and influence future policies and programmes.

Sustaining democratic governance, stability and investment is, to a great extent, dependent on an independent, efficient and effective justice system. Until recently, when the judiciary began to reform itself, the general perception by the public was that the judicial system was failing in its functions because there were allegations of corruption and long frustrating delays in the resolution of disputes. This generated a negative image for the judiciary and gave impetus for the judiciary's self-imposed reform. The judiciary and its reform process was also selected for study so as to reveal the ways through which it was becoming more responsive to the demand side evaluation, the lessons being learnt and how the process of reform was contributing to the enhancement of democratic cultural practices, norms and values, as well as challenges.

Freedom of the Press is a cardinal feature of democratic societies as it, among other things, creates opportunity for the expression of divergent views that reflect differences in economic, political, social, religious, and gender structures in society; it also allows for these different views to be channelled into debates and policies in society. Freedom of the

Press is an important condition for a vibrant, articulate and well-informed citizenry. As far as freedom of the Press is concerned, the International Press Freedom Index rates Ghana extremely high, second to Namibia. But this index obscures certain key features of the media landscape, including the roles of key institutions. The study looks at this complex set of institutions and indicators to establish how issues of the quality of media and the support for democratic governance could be enhanced.

Again political liberalisation through the re-introduction of multi-party democracy in Ghana, as in many African countries, has resulted in the creation of political space and the proliferation of civil society and NGO activities to engage state-actors. These societies and organisations have, over the years, engaged in many research and advocacy activities relating to issues of human rights, child labour, gender inequality, environmental pollution, etc., all with the ultimate goal of influencing policy making and improve democratic values and governance. Recently there was an interaction between Parliament and civil society on the development of mining law. The study incorporates insights into the processes by which this happened, and to what impelled Parliament to reconsider its own legislation and provide space for interaction with civil society to improve both the processes of law making and quality of law. The study also provides insight into issues that were raised, demanded, and contested, and the outcome of this interaction and whether or not it manifested in mining law.

Finally, the recent Paris Declaration and the Accra Agenda of Action maintain that national ownership of the development process and plans is important for effectiveness of development. Ghana adopted the IMF/World Bank Structural Adjustment Programme (SAP) in 1983 to arrest the adverse socioeconomic conditions that prevailed at the time. Although SAP helped Ghana to reverse these adverse conditions to a considerable extent, by 1986 it became obvious to policy makers that the short-term policies that are inherent in the SAP could not propel Ghana onto a path of sustainable development. Given this, the then Provisional National Defence Council (PNDC) government introduced a new decentralised and multi-dimensional, forward-planning system that reached far into the grassroots of society. This was to enable the effective implementation of development management based on the participation of the entire body politic, with a view to coming up with a national plan that would reflect the development needs and aspiration of the ordinary people in their local communities, as well as the needs of all sectors of the national economy. Through this approach, Ghana

sought to formulate a nationally relevant, long-term development plan by itself. This aspect of the study seeks to determine the nature of the ownership of the development plan, the institutional framework for monitoring and evaluating plans, the strengths and the weaknesses of the indicators on governance in the National Development Plan, and the integration of other relevant governance assessment instruments in the Monitoring and Evaluation of the National Development Plans.

Methodology

The study was undertaken by IDEG (Ghana), and Idasa (South Africa) provided quality control through analysis of the progress report. In terms of data gathering for the final detailed research reported below, primary data was obtained through structured interviews conducted with key personnel (see Appendix for their names) within these institutions and programmes. Secondary data was obtained from desk-top research and documents and publications that had a bearing on the institutions or cases selected for study.

Major Findings and Recommendations

The African Peer Review Mechanism (APRM)

The APRM made a number of recommendations and Ghana is implementing these, albeit many of the recommendations require constitutional review. At this level, the Government of Ghana is subjecting itself to external assessment and is thus using external indicators to measure its own performance. As far as the implementation of the APRM recommendations process is concerned, the National Secretariat does not seem to be consciously using indicators to monitor its own performance, apart from engaging in events such as workshops and seminars. There seems to be a weakness on the demand side of internal indicators as the National Secretariat is not challenged by any higher authority (Government, international organisation such as the African Union (AU), or groups of citizens or NGOs) to measure its performance or to generate governance indicators for its activities. However, at the national level the National Secretariat has organised programmes, activities and sensitisation workshops and seminars for the general public to popularise itself. The study concludes that the demand for, and

production of governance indicators are weak. This is mainly because most people in Ghana have limited knowledge of the APRM exercise, its recommendations and implementation process. There is need for greater sensitisation of citizens on the APRM and its implementation processes. Equally there is need for improvement regarding the development of governance indicators for monitoring the implementation process.

SEND-Ghana

SEND-Ghana monitored the school feeding programme in 42 districts in Ghana and its key findings informed the national policy dialogue to a large extent. In its activities, SEND-Ghana developed indicators to monitor the school feeding programme. SEND-Ghana's indicators focused on issues of good governance, accountability, equity, institutional collaboration, the School Feeding Complementary Service Assessment (SF-CSA) Index, quality of work (quality assurance), the use of government treasury systems, etc. in its project evaluation reports. The monitoring and evaluation process provided empirical evidence on the challenges and constraints on the implementation of the school feeding programme, which SEND-Ghana used to demand accountability and high performance from the implementing institutions, and also to engage participants in the National Dialogue. Most of these indicators were generated by SEND-Ghana itself – that is, domestically. However, in its monitoring activity, SEND-Ghana also adapted CIVICUS Civil Society Index to assess the participation of the various implementing institutions. The application of this index suggests the use of international indicators (albeit only to a limited extent) in the monitoring and evaluation of the SFP.

Judicial Reform

Judicial reform grew mainly out of the judiciary's self-awareness of its own shortcomings and the public outcry against its poor performance. More specifically, reform grew from internal debates on the existence of outmoded, cumbersome and non-user-friendly procedural rules in court, corruption in the judiciary, poor and inadequate physical infrastructure, poor remuneration, and other conditions of service, difficult enforcement mechanisms, under-funding, frustratingly long delays in the resolution of cases, etc. The reforms were aimed at addressing these problems and involved the revision of outdated court rules; the establishment of the career magistrate programme; the establishment of the Fast Track Courts and Commercial Courts; and computerisation and mechanisation of the recording systems. As part of the reform, the Judicial Service and Commission on

Human Rights and Administrative Justice (CHRAJ) produce annual reports which contain quantified data documenting the number of cases handled each year. The Ministry of Justice has a Monitoring and Evaluation Unit. The reform process so far has been based on the use of qualitative and quantitative indicators for monitoring and evaluation. The major qualitative indicators are capacity building and enhancement; procedural revisions and the improvement of adjudication processes; the promotion of accountability; continuous judicial education; the development of an ethical code; greater access to judicial services; infrastructural development; ICT and automation of the courts; the Chief Justice's Outreach Programme, etc. These indicators are at the level of process/responsibility and they indicate the various actions the judiciary was taking to fulfil its responsibility and commitment, and thus making itself more relevant to society's socioeconomic and democratic development. The statistics on issues such as the number of cases disposed of annually, the number of cases pending at the beginning of each year, the cases filed during the year at the various courts are indicative of the production and use of quantitative governance indicators. There is evidence that the judiciary was monitoring these indicators and judging its own performance. Beginning in 2010, CHRAJ has developed a strategic plan which contains indicators to measure performance. The judiciary faces many problems: a lack of money, the problem of the retention of qualified staff, work overload for staff, and particularly the CHRAJ. Judicial reform is still on going and there is need for more technical support for the reforms to reach the grassroots levels. More courts have to be built across the country and more specialised courts introduced, such as commercial courts and Alternative Dispute Resolution (ADR) programmes. CHRAJ activities and the judicial reform exercise also need to be popularised and expanded in communities and districts.

Media Freedom

Freedom of the media in Ghana has promoted democratic governance, the rule of law and fairness and has also taught people their basic rights which they are increasingly demanding. However, there is broad agreement among major stakeholders that media houses are not always responsible, accountable and objective. Part of this problem emanates from the politicisation of both the media landscape and media houses, the absence of broadcasting law that should regulate broadcasting, but also the weakness of existing regulatory institutions. Media organisations have not directly produced indicators, but a few conduct polls on elections to assess government performance on

economic and social issues. Some media houses also make use of experts to discuss topical issues and so assess the governance situation in the country. Radio and TV broadcasting houses allow citizens to comment on issues concerning them and affected public political figures are often called on their phones to respond directly to the issues at hand. The Media Foundation of West Africa produces indicators from existing statistics and engages in qualitative analysis of the state of the media in West Africa.

There is what media experts call 'media anarchy' in Ghana, inducing fear and insecurity in society, particularly during election times -- a situation that could threaten democratic governance and culture. 'Media anarchy' is potentially inimical to national unity, peace and the development or the deepening of democratic culture and values. Given this, there is a strong desire among key stakeholders in the media industry in Ghana that there should be a Broadcasting Law to provide guidelines for broadcasting in terms of who should operate media houses, what should constitute legitimate and objective content of the media, what is permissible and not permissible to be broadcast, what sanctions should be imposed on violators of these standards, among others. In addition, the enactment of the **Right of Information Law** -- the right of access to information -- was seen by these stakeholders as likely to improve the performance of the media, particularly regarding its fight against corruption and office abuse. At the time of study, the Right of Information Bill, which should permit access to information, was being considered by Parliament. If these laws are promulgated they should help to ensure accountability and responsibility from the media and identify indicators of governance for the media industry to promote peace and stability in society. In this regard, it can be concluded that media experts are querying the performance of the media and thus demanding governance indicators, but the delivery of these indicators is slow. There is a Whistle Blowers Act, but there is also a need to examine the call for a Broadcasting Law that will enhance the responsibility of the media in the democratic process, and accelerate the review process of the Right of Information Bill so as to make it into law.

Comment [G1]: Freedom of Information Bill or Right of Information Bill? 3 instances in this paragraph

Civil Society and Parliament on Mining Law

The encounter of civil society organisations such as Third World Network (TWN) and the Wassa Association of Communities Affected by Mining (WACAM) on the one hand and Parliament on the other, also indicates that civil society acting on behalf of the citizens demanded governance indicators in the form of payment of realistic compensation to

citizens whose lands are compulsorily acquired, the involvement of community in the disposal of waste, the protection of sacred places, the provision of 'adequate' resettlement, and policies and facilities to ensure environmental protection, among others. Apart from the fact that mining law did not incorporate these governance issues, there seem to be an adversarial relationship between TWN and WACAM on the one hand, and Parliament and Government agencies such as Chamber of Mines on the other. From the perspective of the TWN and WACAM, Parliament has ignored a number of changes proposed by the National Coalition on mining. Hence for them, the mining law does not conform to international standards and they feel that there is need for its amendment. Without a doubt, governance indicators in the mining sector were being demanded by civil society organisations, but Government was unable to supply these to the standards demanded by civil society. This illustrates that CSOs have had limited influence on the laws pertaining to the mining industry, as well as their demands for accountability from mining companies and governance indicators from Parliament or Government. However, these CSOs continue to demand similar governance indicators for the emerging oil industry, and they continue to advocate for the rights of threatened communities as there is evidence that the discovery and drilling of oil is resulting in oil spills which is threatening marine life, and consequently the livelihoods of fisherfolk and women fishmongers in the region. Land was also being sold to investors for a pittance due to ignorance. These issues are likely to dominate the discourse on the oil industry in the years to come if the status quo is not changed. Thus there is a need for an effective dialogue between civil society and Parliament with regard to the oil and the mining sectors, otherwise this will become a recipe for tension in these industries in the future.

Use of Governance Indicators in the National Development Plan

National ownership of the development plan is expressed through the establishment of the National Development Planning Commission (NDPC) as the sole and supra entity to co-ordinate the national planning effort and to advise the President on development planning, policies and strategies for the country. A number of legislative frameworks -- the National Development Planning Commission of 1994 (Act 479), the National Development Planning (System) of 1994 (Act 480), and Articles 86 and 87 of the 1992 Constitution -- establish and define the mandate of the NDPC. The development planning process is based on broad consensus as sector Ministries/Departments/Agencies (MDAs) at the national level, and the Regional Co-

ordinating Councils (RCCs) and the Metropolitan/Municipal/District Assemblies (MMDAs) on the local level, are all requested to give input into the development plan through many forums. There are also public consultations at the various regional levels with economic and social groups such as traditional authorities (Chiefs and Queens), farmers, businessmen, academic and research personnel, teachers, and market women, NGOs/CSOs, etc. to collate their views on the draft policy. Political parties are also consulted in this exercise, as is the Parliamentary Committee on Development Planning. Development partners such as NGOs, CBOs, bilateral and multilateral institutions are also consulted as stakeholders and co-sponsors of the National Development Plan. The NDPC also makes proposals for the development of multi-year rolling plans, and monitors, evaluates and co-ordinates development policies, programmes and projects. However, as plans are prepared when governments come to power and subsequently abandoned when new governments come into office, it is obvious that political parties and not the nation owns these development plans. There is a need to develop a National Development Planning culture that is far reaching and transcends the parochial interests of specific political parties.

In order to evaluate the implementation process, the NDPC develops sets of indicators along thematic areas which all implementing agencies have to use to give account of their performance. The indicators have strengths in that they help Ministries, Departments/Agencies and District Assemblies (the plan's implementation agencies) to achieve their development targets. They also serve as inputs into subsequent policy formulation and implementation. Indicators also inform sector ministries and districts on how far they have come, the challenges, successes and the way forward. The weaknesses of indicators however lie mostly with the processes/challenges that are inherent in the implementation process, which affect the quality or determination of the indicators. The problems include: a lack of adequate logistical support and equipment, as well as adequate financial resources and qualified personnel to carry out the monitoring and evaluation activities; the fact that many citizens at the district level lack knowledge and capacity to make informed decisions about the development the plan; , the politicisation of offices; a lack of access to information and commitment from state actors to provide the needed information; and a lack of standardisation of measurement of indicators across MDAs. These bottlenecks need to be addressed to pave the way for effective monitoring and evaluation of the development plan

As far as integration of other governance assessment instruments into M&E is concerned, the APRM has been grafted onto the Growth and Poverty Reduction Strategy (GPRS II) to exploit synergies and ensure targeted use of scarce resources. Fighting corruption and economic crimes is also integrated into the development plan, as is women's empowerment.

On the whole, the institutions studied did produce some governance indicators although these were not consciously being used to monitor performance and outcomes, mainly because there were no effective mechanisms to sanction institutions and entities that failed to produce and use these indicators. Many people have little knowledge about governance indicators so don't play a role in demanding governance indicators. There is thus a need to popularise governance indicators and sensitise and empower citizens at all levels of society to demand their production and use, because they must be reflected in the welfare of citizens. In this respect, civil society could incorporate these recommendations into their advocacy activities. Institutions or agencies mandated to produce governance indicators should be monitored, and those who fail to produce or use them, sanctioned. Currently, there is high degree of lethargy or complaisance among many institutions and agencies on the production and use of governance indicators in Ghana and this needs to be addressed.

Structure of the Report

The study has six parts. Part one is an introductory background on the political economy of the production and uses of governance indicators in Ghana; part two presents a conceptualisation of the governance indicators; part three outlines the research methodology; part four presents six case studies; and part seven provides the conclusions and recommendations.

1.1 The Political Economy of the Production and Use of Governance Indicators in Ghana

Ghana, formerly the Gold Coast, gained political independence from Britain on 6 March 1957 and became the first country in Black Africa to escape colonial domination. Under its first nationalist leader, Dr Kwame Nkrumah, Ghana adopted an aggressive state-led development strategy to promote rapid socioeconomic transformation. The Nkrumah

government inherited a Westminster model of parliamentary democracy, but later developed a strong and centralised state to hold the emerging multi-ethnic nation-state together and to pursue national development. Indeed, in the development literature of the late 1950s and the 1960s, it was generally accepted that the quest for nation-building and development was paramount and the main driving force behind independence struggles across Africa, and that once independence was attained, states should pursue development for the benefit of the majority of the citizenry. With these principal objectives accepted as articles of faith it was easy for analysts and development experts to shy away from the role of multiparty democracy, human rights, freedom of the media, the rule of law, civil society, etc. as necessary conditions for governance and development -- although it was reasoned that these 'political goods' would be promoted after a certain threshold of socioeconomic development was attained. Thus the issue of promoting development through multiparty democracy and good governance was not directly placed within the development discourse at the time. At this early stage of Ghana's nationhood, the performance of government and institutions was assessed mainly by how much socioeconomic and infrastructure was provided, and the degree to which government was able to maintain national coherence as a precondition for nation building. This led to the monopolisation of economic and political space by the state, the centralisation of development planning and consequently a 'passive' citizenry, unable to actively demand good governance.

Under this system of governance Ghana attained national cohesion and experienced a spurt of socioeconomic progress in the first decade of independence. There was rapid expansion of road networks, harbours, schools, health facilities, transport and communication, and state-owned industries, but these were not sustained. By the mid-1960s, Ghana was experiencing an 'economic crisis' that resulted in the overthrow of the Nkrumah regime in 1966. For the next 26 years until 1992, Ghana had only short periods of civilian rule (1969--72, 1979--81) interrupted by longer periods of military rule (1966--69, 1972--79, 1981--91). During this politically unstable period, there was no civilian representation in government -- no Parliament, so to speak -- the judiciary was muzzled and there was no rule of law, extra-judicial killings were rampant, few civil society organisations were bold enough to hold government accountable or act on behalf of citizens, there was no press freedom and Ghana was governed mainly by military decrees. The frequent changes in governments were accompanied by deepening

economic crisis. The last military rule (1981--91), led by Flt. Lt Jerry John Rawlings in 1983, embraced the IMF/World Bank sponsored 'stabilisation policies' and a more comprehensive Structural Adjustment Programme (SAP), aimed at restructuring the economy as a precondition for growth and sustainable development. Ghana pursued these policies faithfully and in return received large loans from major Western donor nations and multilateral institutions. Ghana restored economic growth and was subsequently acclaimed internationally as one of the successful candidates of 'structural adjustment' in Africa.

Although the Structural Adjustment Programme (SAP) enabled Ghana to reverse significantly the adverse economic and social conditions that were prevailing at the time, by 1986 it became obvious to policy makers that these short-term economic policies were not designed to propel Ghana onto a path of sustainable development. It was felt that there was a need for higher levels of economic development to improve the socioeconomic lot of all Ghanaians without sacrificing the physical environment or the individual's right to make appropriate choices, particularly if Ghana was to deal adequately with widespread poverty among the people.ⁱ On this basis, the then Provisional National Defence Council (PNDC) government introduced a new decentralised and multi-dimensional forward-planning system which aimed to reach the grassroots. This was to enable the effective implementation of development management based on the participation of the entire body politic, to come up with a national plan that would reflect the development needs and aspiration of ordinary people in their local communities, as well as cater to the needs of all sectors of the economy.

This approach was innovative because prior to this planning in Ghana was highly centralised – it had been the preserve of central government, with little or no participation from citizens who are the beneficiaries of development programmes. As a result, citizens at the local levels could not indicate their interests and priorities in development plans, let alone identify with or 'own' or sustain them, and all prior development plans (12 in number) did not fulfil citizen's aspirations and lacked popular ownership.-- most focused mainly on economic issues and ignored concerns about social and environment issues. There was also a lack of coordination among implementing agencies and effective monitoring and evaluation of plans and projects.ⁱⁱ As the political system became highly unstable, each new government pursued new plans and projects which meant that plans became ad-hoc and short-lived as successive

governments were unable to build on one another's achievements. The new approach thus seeks to correct these anomalies. This study focuses on the governance indicators in the development plan and seeks to determine the degree of ownership of these plans and the level of linkage between successive budgeting and long-term development plans, the institutional mechanisms available to monitor and evaluate these plans, the quality of the indicators used, as well as the integration of other relevant governance assessment instruments..

During the late 1980s and early 1990s, as the wave of political democratisation swept across the world, Ghana like many other African countries came under pressure internally from 'pro-democracy' forces and externally from dominant Western powers to accept multi-party democracy as a condition for further aid. Frequent periods of military rule and political authoritarianism meant that there was an absence of the rule of law in Ghana, which spawned fundamental human rights abuses, victimisation, insecurity and discrimination. The cumulative effect of these factors was a diminished capacity of the state to deliver socioeconomic goods and services such as health and schools, or to provide a stable and peaceful environment for its citizens. In 1991, the last military regime, the Provisional National Defence Council (PNDC) of Flt. Lt Jerry Rawlings prepared the country for constitutional rule and multi-party politics. A new constitution was written and approved in a referendum in April 1992. Ghana held multi-party elections in 1992 and has since held five uninterrupted multi-party elections (the last being in 2008). The 1992 election was preceded by political decentralisation (the establishment of district assemblies). Ghana today is a developing democracy with a population of about 23.4 million and is perceived to be relatively peaceful, stable and well-governed. Ghana has certainly moved from 'economic crisis' to growth. It has had an average GDP growth rate of 6% per annum over the last two decades, although it continues to struggle with problems of underdevelopment, such as poverty, youth unemployment, social exclusion and marginalisation, child exploitation and child labour and gender inequality. Development partners, governments and policy makers envisaged that improved governance will decrease poverty, improve living standards and increase foreign investment, all of which are crucial to sustaining economic development and the well-being of Ghanaians. Consequently, there is an increased demand from both development partners and governments to measure various aspects of democratic governance to assess the progress of government institutions to provide

quality goods and services, but also to measure the government's accountability to its citizens, and their perception of governance.

1.2 Objectives of the Study

The present study seeks to research the political economy of the production and uses of governance indicators in Ghana by focusing on six major areas of governance. The outcome of the study will assist the UNDP and EC in their work at the country level to support country-led processes to produce and use governance indicators by the executive in the National Development Plan. The six areas selected for study are:

1. Ghana's African Peer Review Mechanism (APRM) processes and the implementation of recommendations;
2. The interface between civil local organisation and monitoring of government programmes, in this case a local NGO -- SEND GHANA's involvement in the School Feeding Programme (SFP) -- as part of local level advocacy campaign around service delivery;
3. Judiciary and judicial reform;
4. The media and Press freedom;
5. The interactions between Parliament and civil society on the development of mining legislation;
6. The use of governance indicators in the National Development Plan.

1.3 Rationale of the Cases Studied

The six areas selected for analysis encapsulate very critical areas for the production and use of governance indicators. As far as Ghana's APRM is concerned, this is the first time the Government of Ghana has availed itself of the opportunity to be assessed by other African governments on its performance. This can be interpreted as representing a bold commitment to pursue good governance agendas and to pursue policies that improve

the quality of life of the citizenry -- so the process and implementation of the recommendations of APRM is of interest in this governance study.

The restoration of multi-party democracy has also spawned many NGOs which seek to participate in and contribute to democratic development in Ghana. These NGOs engage in diverse activities: for research, advocacy and provision of and monitoring and evaluation development projects and services throughout Ghana. This study has elected to examine a local NGO -- SEND-Ghana -- in order to gain an insight into a civil society organisation's process of monitoring and evaluating the implementation of social programmes to the citizenry. The activities of SEND-Ghana offer a rare opportunity to examine the effectiveness of a civil society's engagement in participatory monitoring and evaluation of government programmes. SEND-Ghana also participated in a national dialogue that involved donors, the Executive and Parliament and its evaluative activities will probably have implications for future support of such programmes.

Sustaining democratic governance, stability and investment is, to a great extent, dependent on an independent, efficient and effective justice system. Until recently, when the judiciary began to reform itself, the general public perception was that the judicial system was failing as there was allegations of corruption and long frustrating delays in the resolution of disputes. The judiciary is also selected for study, because judicial reform is interesting and it could reveal the ways through which the judiciary is becoming more responsive to demands, the lessons being learnt and how this process of reform is contributing to the enhancement of democratic cultural practices, norms and values.

Freedom of the Press is a cardinal feature of democratic societies as the media provide opportunities for the expression of divergent views which reflect differences in economic, political, social, religious, gender structures in society; it also channels these different views into debates and policies in society. Freedom of the Press is an important condition for a vibrant, articulate and well-informed citizenry. The International Press Freedom Index rates freedom of the Press in Ghana extremely high, second to Namibia. But according to local sources this index obscures certain key features of the media landscape including the roles of key institutions. There is also a proposed legislative process using indicators to establish criteria for broadcast registration. This study looks at this complex set of institution and international indicators to establish whether issues of quality and support for democratic governance can be enhanced.

Comment [G2]: ALL VERY REPETITIVE!

Political liberalisation through the re-introduction of multi-party democracy in Ghana has resulted in the creation of political space and the proliferation of civil society and NGO activities to engage state-actors. These organisations have over the years engaged in many research and advocacy activities pertaining to issues such as human rights, child labour, gender inequality and environmental pollution, all with the ultimate goal of influencing policy making and improve democratic values and governance. Recently Parliament and civil society consulted on the development of mining law. This study provides insights into this processes and looks at what impelled Parliament to reconsider its own legislation and interact with civil society on the improvement of the processes of law making and the quality of law. It also looks at sectoral issues and issues of revenue, resources and governance arrangements. |

Comment [G3]: REPEATED
VERBATIM!!

Finally, the recent Paris Declaration and the Accra Agenda of Action maintain that national ownership of the development process and plans is important for effective development. As indicated earlier, Ghana has adopted a new approach to formulating and owning long-term development plans. This study seeks to determine the nature of the ownership of the process, the institutional framework for monitoring and evaluating the plans, the strengths and weaknesses of the indicators used for this and the integration of other governance assessment instruments for use in this monitoring and evaluation process.

1.4 Methodology

The study was undertaken in three phases. In the first phase in May 2009, a six-day scoping activity was undertaken by Idasa in collaboration with the in-country partner, IDEG to map out the terrain for the study. Idasa and IDEG, together with the UNDP developed a list of stakeholders (from government, civil society and external agencies) who were consulted during this first phase. But even before this scoping began, there was a one-day strategic consultation at IDEG to brainstorm which institutions were relevant for study. From this a number of institutions and thematic areas were mapped out for the study:

1. Media;
2. Academic institutions;
3. Civil society organisations (CSOs);
4. Justice, human rights, minority rights;

5. International organisations (AU, ECOWAS, IMF, WB, etc.);
6. Democratic institutions such as indigenous governance systems, local government institutions, political parties, the private sector (corporate and economic governance);
7. Democratic processes such as policy making, drafting and implementation.

These institutions were further clustered into six institutional sectors for the scoping mission's activity:

1. Judiciary and administration of justice;
2. Legislature;
3. Political parties;
4. Media;
5. Civil society organisations;
6. Academic institutions.

The scoping mission's findings on these areas (which are incorporated into the findings of main study) enabled a selection of institutions for study as well as the finalisation of the Terms of Reference for the project. The institutions and programmes that were deemed appropriate for assessing the level of the production and use of governance indicators are:

1. The implementation of the recommendation of the African Peer Review Mechanism;
2. The implementation of school feeding programme;
3. The performance of the judiciary and judicial reform;
4. The media; and
5. The interface between Parliament and CSOs in shaping mining law.

However, a sixth component was added to the study later, which had not benefited from the scoping mission. The sixth component was added to assist the EC and the UNDP in their work at the country level to support country-led processes to get the Executive to produce and use governance indicators in the National Development Plan. This component examined, ownership of the National Development Process, the institutional framework for monitoring, the strengths and the weaknesses of the indicators on

governance and the integration of other relevant governance assessment instruments in for monitoring and evaluation of the National Development Plan.

In terms of data gathering for the final detailed research report, primary data was obtained through structured interviews with key personnel (names in Appendix) within these institutions and programmes. Secondary data was obtained from desk-top research, and documents and publications. The draft report was presented at a validation workshop and inputs and comments were incorporated and addressed in the final submission.

1.5 Governance Indicators: A Conceptual Framework

The need to measure governance demands a definition for, and indicators of, governance. There is no one universal definition of governance however, and indicators also differ. For example, the UNDP (2004) defines indicators of governance as the system of values, policies and institutions by which a society manages its economic, political and social affairs through interactions within and among the state, civil society and private sector. It goes on to see it as the way a society organises itself to make and implement decisions to achieve mutual understanding, agreement and action. It also comprises the mechanisms and processes through which citizens and groups can articulate their interests, mediate their differences and exercise their legal rights and obligations. It is the rules, institutions and practices that set limits and provide incentives for individuals, organisations and firms. The UNDP says governance, including its social, political and economic dimension, operates at every level of human enterprise, be it the household, village, municipality, nation, region or globe.ⁱⁱⁱ

The World Bank, on the other hand, sees it as the traditions and institutions by which authority in a country is exercised for the common good and this includes the process by which those in authority are selected monitored and replaced; the capacity of the government to effectively manage its resources and implement sound policies, and the respect of citizens and the state for the institutions that govern economic and social interactions among them.^{iv} The European Commission is also interested in governance and sees it as the state's ability to serve the citizens -- the rules, processes and behaviours by which interests are articulated, resources are managed and power is

exercised in society. The way public functions are carried out, public resources are managed and public regulatory powers are exercised are major issues in governance. As it concludes, governance evolves into good governance when concepts of human rights, democratisation and democracy, the rule of law, civil society, decentralised power sharing and sound public administration gain importance and relevance as a society develops into a more sophisticated political system.^v The various dimensions of governance stressed by just these definitions indicate that governance indicators can be objective/quantitative and subjective/qualitative.

As far as the production of governance indicators is concerned, the literature is replete with many indicators depending on which institution or organisation is involved. For example, UNDP produces Human Development Indicators and rates countries on three key variables: a long and healthy life (measured by life expectancy at birth); knowledge (as measured by adult literacy and combined primary, secondary and tertiary gross enrolment ratio); and a decent standard of living (as measured by GDP per capita in purchasing power parity (PPP) terms in US dollars. The European Commission and other international organisations such as the World Bank, Afrobarometer, Freedom House, and Transparency International, produce other governance indicators. Governance indicators should, however, be a measure of governance in a particular country (UNDP, 2004) and so exist in many institutions and organisations that implement government policies/programmes, or through which policies or programmes of the state touch the lives of citizens.

In Ghana governance indicators could likely be accessed in government institutions such as the National Development Policy Commission (NDPC) -- the main government institution charged with planning and monitoring development programmes in the country; the Statistical Service of Ghana -- a government department charged with collecting demographic, health and welfare data on the nation's population and other data on the economy and society; Ministries, Departments and Agencies (MDAs) which implement National Development Plans or policies; Parliament which exercises oversight functions over government institutions; the judiciary which interprets laws, constitutional matters and renders legal service to the citizenry; media houses that monitor and report on performance of governments and citizens reactions in society; academic institutions such as the Institute of Statistical, Social and Economic Research (ISSER) of the University of Ghana, Legon, which generates data annually on the

nation's economic and social conditions; civil society organisations (CSOs) which conduct research and engage in advocacy programmes on many issues in society, as well as individuals (experts) who are well-informed on specific issues in society. The data or rather indicators are of value to any entity interested in measuring the performance of governments and institutions on the various aspects of the society.

Following the UNDP (2004) *Governance indicators: A User's Guide*, governance can be conceptualised at three levels.

Firstly, it can be at the input/rights/commitment/*de jure* level monitoring such things as commitments made by a country to be governed by international constitutions and treaties such as the Universal Declaration on Human Rights, International Covenant on Civil and Political Rights, International Covenant on the Eliminations of All Forms of Racial Discrimination, Convention on the Elimination of All Forms of Discrimination against Women, Convention Against Torture and other Cruelty, Inhuman or Degrading Treatment or Punishment, the Convention on the Rights of the Child, and numerous other African Union conventions, declarations and treaties to which Ghana is a signatory. In addition, Ghana is governed by the Constitution of 1992. The government has committed itself to allowing non-governmental organisations and civil societies such as World Vision International, Plan International, SEND Ghana, Institute of Democratic Governance (IDEG) and Centre for Democratic Development (CDD), Third World Network to operate in the country to enhance and deepen the democratic governance, values and responsiveness of government policies in the interest of citizens.

Secondly, according to UNDP (2004), governance can be conceptualised at the process/responsibility/*de facto* level. Here parties take action to fulfil their responsibilities and commitments. At this level, indicators can be the existence of functioning institutions to ensure that obligations are fulfilled. In Ghana, in addition to the existence and separation of traditional organs of government -- the judiciary, the executive and the legislation -- there are a number of government institutions that ensure that governance is improved, for example the Commission on Human Rights and Administrative Justice (CHRAJ), the Ministry of Women and Children Affairs, and the African Peer Review Mechanism.

Finally, governance can exist at the output/outcome/enjoyment/performance/*de facto* level. At this level governance indicators should point to the number of people enjoying

their rights and those who are not. For example, the number of people who are members of political parties, or the number of women who are represented in government, or the percentage of spending subject to independent audit, or the number of individuals who actually have access to education, health and clean drinking water. These three levels correspond respectively to a government making or accepting a statement of intent (commitment level) which should be followed by some governmental actions (process level) and some measurable results (output/performance level) (UNDP, 2004).

Given the levels identified above, it is obvious, as noted by the UNDP (2004), that governance indicators are not simply statistics, but include internal and external perceptions of a country and of its institutions, practices and laws, the establishment of institutions, departments and policies to pursue and enhance governance, the monitoring of processes to determine the progressive realisation of outcomes of intentions and commitments to governance. If governance touches many facets of human endeavour and if governance is crucial to the activities of many actors and organisations and ultimately responsible for promoting human development and well-being as indicated by UNDP (2004), the key question is, how is Ghana producing and using governance indicators? The following section presents the findings on the production and uses of governance indicators on the six cases selected for study.

1.6 THE CASE STUDIES

1.6.1 The African Peer Review Mechanism Process and Implementation of Recommendations

Background of APRM

The African Peer Review Mechanism (APRM) is an initiative by African leaders through which African governments freely agree to subject themselves to periodic assessment by their peers on the level of democracy and political governance, economic governance and development, corporate governance and socioeconomic development in their respective countries. At the 37th Summit of the Organisation of African Unity (OAU, now the African Union (AU) held in July 2001 in Lusaka, Zambia, African leaders adopted the Strategic Policy Framework and a new vision for the revival and development of Africa through the declaration of the New African Initiative, known as the New Partnership for

Africa's Development (NEPAD). At the inaugural African Union (AU) Summit in July 2002 in Durban, South Africa, African leaders endorsed the NEPAD Progress Report and Initial Action Plan. Member states were further encouraged to adopt the NEPAD Declaration on Democracy, Political, Economic and Corporate Governance and to accede to the African Peer Review Mechanism (APRM) in their Declaration on the Implementation of the NEPAD.^{vi} The understanding of the procedures, processes and practices of the APRM was signed and adopted in March 2003 in Abuja, Nigeria, by a Committee of Heads of State and Government, which oversees further development and implementation of the visions and aspirations of NEPAD. The highest decision-making organ of the APRM is the Forum of Heads of State and Government of the African Peer Review Mechanism (APR Forum). The APRM Forum provides an opportunity for Heads of State to peer-review one another. The APRM is managed by an independent group of eminent Africans known as the African Peer Review Panel (APRP). This panel ensures that the APRM findings are accurate, realistic and free from political interference. The APRM has adopted positive 'peer pressure'² to encourage countries to show their commitment to its findings and deliver implementation that produces positive results and brings about good governance. A Panel of Eminent Persons supports APRM Secretariat to build and maintain an extensive database on political and economic developments in all participating countries. It also prepares background documents for the Peer Review Teams, reviews and evaluates performance through Country Review Reports, proposes recommendations and indicators to track the implementation of recommendations of individual countries in order to foster best governance practices across Africa.

The APRM in Ghana

Ghana signed the Memorandum of Understanding (MOU) and officially acceded to the APRM on 9 March 2003, and subsequently created the Ministry of Regional Cooperation, and NEPAD. In March 2004, the National APRM Governing Council (NAPRMGC) which is a seven-member independent body, supposed to be free of political manipulation and assisted by a Secretariat was inaugurated to oversee the implementation of the APRM in the country. The objective of NAPRMGC is to exercise oversight responsibility of the Ghana's APRM Programme, with the view to ensuring independence, professionalism and credibility of the APRM process. It also seeks to

Comment [G4]: CHECK

make the APRM a national exercise by engaging the Executive, Parliament, the judiciary, civil society, political parties, the private sector and other organisations in an all inclusive process to prepare the national APRM report. The council also monitors and evaluates the progress of implementation of the National Programme of Action. Ghana's APRM can be said to be unique in the sense that it combines a Focal Point representing government and an autonomous Governing Council that facilitates popular participation in the process. The Governing Council reports directly to the President.

The principles guiding Ghana's APRM are that all reviews should be technically competent, transparent, credible and free from political manipulation, with the active participation of civil society organisation. To this end, think-tanks were appointed by the governing council to be the lead institutions to undertake the operational conduct of the Ghana Country Self-assessment of the four thematic areas of the APRM.^{vii} Four institutions are responsible for the four thematic areas of the APRM and these are the Centre for Democratic Governance (CDD) which focuses on democracy and good political governance; the Centre for Policy Analysis (CEPA) on economic governance and management; corporate governance is assigned to the Private Enterprise Foundation (PEF) and finally, the Institute of Statistical, Social and Economic Research (ISSER) examines the socioeconomic development in the country. As such these institutions are also implementing agencies of Ghana's APRM.

In 2005, the Government of Ghana submitted itself to peer review, indicating Government's concern with performance ratings determined by international standards. But prior to this, in order to enhance its receptiveness to performance ratings and assessment by citizens, Government instituted the Annual Governance Forum and the People's Assembly in 1998 and 2001 respectfully. Initially the Annual Governance Forum fell under the auspices of the National Institutional Renewal Programme and Parliament but more recently under the National Governance Programme. In the Annual Governance Forum, stakeholders discuss selected issues on democracy and good governance. The People's Assembly is an annual unstructured interaction between the President and the people. The President travels around the country and addresses citizens who then have the chance to ask questions on various aspects of society and governance. The Annual Governance Forum and the People's Assembly have brought government closer to the people and political leaders also get the chance to ascertain

the concern of ordinary citizens, as well as their own performance. These forums can also be seen as indicators that the government is concerned with performance rating internally.

Implementation of APRM Recommendations

In its assessment of Ghana, the APRM Country Review Mission report noted a number of successes in Ghana's governance but revealed deficiencies in the practical workings of the constitution and democracy, institutional capacity, the delivery of public services, the electoral process and the performance of government institutions at the various levels of the governance system.^{viii} Based on these deficiencies, the APRM Country Review Mission made 10 recommendations to the government of Ghana to further deepen democracy and good governance. These are:

1. There should be the separation of powers between the executive and the legislative (Ministry of Parliamentary Affairs/MP combination).
2. There should be a limit on the number of ministers appointed by the President.
3. There should be a limit on the number of Supreme Court Justices appointed by the President.
4. There should be parliamentary approval for the creation of new ministries.
5. The Transitional Provisions in the 1992 Constitution should to be expunged.
6. There should be elections for district assembly men and women and of district and municipal chief executives.
7. There should be the harmonisation of traditional laws and the laws provided under the 1992 Constitution.
8. There should be continuous registration of voters throughout the year.
9. There should be an affirmative action for women and the youth in the governance system.
10. The Commission for Human Rights and Administrative Justice (CHRAJ) should be empowered to prosecute.

Comment [G5]: CHECK

As far as the implementation of the first recommendation -- the separation of powers between the executive and the legislative -- is concerned, the Ministry of Parliamentary Affairs has been successfully abolished by the National Democratic Congress government. Some argued that this Ministry was not mandated by the Constitution and it was also judged by many stakeholders as blurring the line between the executive and the legislature.^{ix} But there is a perception that a more comprehensive separation of powers involving the separation of the Ministry of Justice and the Attorney General Department is desired, but this needs constitutional amendment which is being considered by the Constitutional Review Committee. The four leading political parties in the country -- the National Democratic Congress (NDC), National Patriotic Party (NPP), Convention Peoples' Party (CPP) and Peoples' National Convention (PNC) -- in collaboration with the Institute of Economic Affairs (IEA), have put together a Democratic Consolidating Strategy Paper for effective governance and are building consensus around this for the effective separation of powers.^x In addition, the separation of powers between the Attorney-General and Ministry of Justice was being considered by Parliament.^{xi}

On the second recommendation to limit the number of ministers, the NDC government has reduced the number of ministers from 88 to 75, and also the number of ministries from 27 to 24.^{xii} This recommendation is in line with the NDC manifesto during the 2008 Presidential and Parliamentary elections.^{xiii} Although it is likely that the APRM recommendation might have influenced the NDC party, the idea that this view was expressed in the party's manifesto indicates that this reform was probably internally driven or at least supported. However, there was a feeling among some stakeholders that the limitation on the number of ministers should not be left to political parties or government to decide; rather it should be addressed constitutionally and this should call for constitutional amendment. Part of the debates in Ghana also suggests that there should not be a ceiling on the number of ministers as mandated by Article 78(2) of the Constitution to enable government to be flexible in order to be responsive to social and political dynamics -- otherwise governmental process and governance would be encumbered.^{xiv}

As far as the implementation of the reform of limiting the number of Supreme Court Justices appointed by the President, Ghana has not achieved much. Although many stakeholders were of the view that an upper ceiling to judicial appointments to the

Supreme Court was desirable to enhance competence and effectiveness of the Supreme Court, it was noted that it would require Constitutional amendment. It is hoped that the Constitutional Review Committee will address this issue. In this vein, the reform of parliamentary approval for the creation of new ministers and the expunging of the Transitional Provisions in the 1992 Constitution, all require constitutional amendment which the Constitutional Review Committee is mandated to examine.^{xv} Although much has not been achieved in this regard, the idea that a Constitutional Review Committee is established is indicative of government's desire to implement this reform.

On the election of district assembly men and women and the election of district and municipal chief executives: district assembly men and women are now being elected through local government elections, but district and municipal chief executives are still being appointed by the President. This reform was also stated in the manifesto of the NDC Government and was intended to be opened for debate during the process of amendment of the Constitution.^{xvi} The implementation of this reform would also require constitutional amendment which again has to be considered by the Constitutional Review Committee.^{xvii}

Under the harmonisation of traditional laws and the laws provided for under the 1992 Constitution, Ghana has enhanced the capacity of the National and Regional Houses of Chiefs to discharge their constitutional mandate, as stated in Article 272 of the 1992 Constitution. Chiefs are actively involved in Alternative Dispute Resolution (ADR) and peace councils. Lawyers are now provided to the regional and national houses of chiefs to aid in the judicial proceedings. Ghana has also established the Ministry of Chieftaincy and Culture and has tasked it to harmonise customary laws and the laws provided in the Constitution. The existence of the Ministry of Chieftaincy and Culture will help to incorporate the traditional interests and values into developmental programmes in the country and this has the propensity to reduce ethnic conflicts. Again the effective implementation of this recommendation awaits constitutional review.^{xviii} This reform can be said to be locally driven as it was already provided for under the 1992 Constitution.

On the implementation of the recommendation for the continuous registration of voters throughout the year, Ghana has begun piloting the National Identity System in the Central and Western Regions to ease the periodic update of voters' registration.^{xix} In addition, there has been a national computerised database of births and death

registration. There has been a proposal to decentralise the registration of births and deaths in the country, and there have been a number of civic education campaigns on the registration process. The Electoral Commission, National Commission for Civic Education, National Identification Authority and Parliament are implementing this reform. The major challenges to overcome are the lack of finance and computer technology.^{xx}

In Ghana the idea of affirmative action for women has long been pioneered by CSOs, particularly gender groups such as ABANTU for Development and NETRIGHT. The reintroduction of multi-party democracy in the 1990s has spawned a number of CSOs in the country. Many of the social issues pursued by civil society shape national discourse and policy dialogues. Arguably civil society advocacy activities have influenced parliamentary decisions and also the party manifesto of the incumbent administration, and indeed the manifestos of other parties. For example, ABANTU for Development -- a NGO -- was set up to increase women's participation in decision-making and policy in the political development in Ghana. The Network for Women's Rights in Ghana (NETRIGHT) is also a coalition of CSOs and individuals working to promote gender justice in economic, politics and land policies. The previous and current governments have been consistently working towards affirmative action for women and the youth in the governance system. The current NDC Government in its manifesto pledged to achieve 40% representation of women in government. Although this is yet to be achieved, a number of notable appointments for women have been made. These include the appointment of the first ever female elected to the high office of Speaker of Parliament and the appointment of a female Minister of Justice and Attorney-General. There is currently significant representation of the youth in key government positions in the country.³ While these measures sound commendable in the sense they increase women and youths in participation in politics and for that matter governance, there is a certain perception among Ghanaians that the desire to implement this recommendation is resulting in the appointment of 'incompetent' ministers. It is therefore important that the criteria for appointments of women and youths should be based on competence and capabilities.^{xxi} Currently it seems Ghana does not have clearly-defined criteria for how best to increase the number of women and the youth in the decision-making process.

On the recommendation that the Commission of Human Rights and Administrative Justice (CHRAJ) should have the capacity to prosecute as part of its mandate, there has been an excision of labour matters from CHRAJ and a redefinition of status decisions

and awards of CHRAJ, but Government has not yet provided the needed resources to enable implementation. It is expected that a review of the Constitution will also lead to the implementation of this recommendation. It should be noted that if implementation of some recommendations appears to have been slow this is mainly because most of them require amendments to the Constitution. However, inadequate human and financial resources and a lack of institutional capacity also hamper effective implementation of these recommendations.

APRM: Finance, Structure and Activities

The implementation of the APRM in Ghana is financed mainly through the annual budget and Medium Term Expenditure Framework (MTEF). However, donor agencies such as the Hanns Seidel Foundation, the African Development Bank, the German Development Foundation (Gtz) and the UNDP have contributed funds to support APRM's programmes. At the national level, the National African Peer Review Mechanism Governing Council (NAPRMGC) has the responsibility of overseeing the country's Self-Assessment. But District Oversight Committees (DOCs) are set up at both the district and the regional levels to oversee the implementation of the National Programme of Action. The DOCs are decentralised arms of the NAPRMGC. DOCs also educate and sensitise community members to better understand and own the APRM process.^{xxii} The operation of DOCs at the regional and district levels should be seen as a means to deepen civil society participation, to promote ownership of the APRM at the local level and to bring the objects of the APRM closer to the people.

Since the national APRM Secretariat is not a direct implementing agency, the four thematic areas of governance which are democracy and good governance, economic governance and management, corporate governance and socioeconomic development have been developed into a National Programme of Action (NPOA) and grafted onto the operation of ministries, departments and agencies. Thus the performance of the Ghana is based on how effective ministries, departments and agencies are in implementing the National Programme of Action (NPOA). The Governing Council of the APRM Secretariat oversees the monitoring and evaluation of the implementation of the National Programme of Action.

Although the criteria for assessing the APRM process in the various African countries are set by the APRM Secretariat in South Africa, participating countries are given the opportunity to localise these to suit their domestic requirements. Thus in Ghana the APRM's NPOA has been incorporated into the Growth and Poverty Reduction Strategy (GPRS II) to exploit synergies and ensure targeted use of scarce resources. The four themes of the APRM (democracy and good governance, economic governance and management, corporate governance and socioeconomic development) are mapped onto the three pillars of the GPRS II which are Private Sector Development, Human Resource Development and Good Governance and Civic Responsibility. This is to ensure that the implementation of the GPRS II will automatically lead to the implementation of the NPOA of the APRM. This is also to ensure that the NPOA is not detached from the national development agenda. Again in Ghana the implementation of the APRM process has led to the creation of the Northern Development Fund which is responsible for narrowing the developmental gap between the northern and southern parts of the country. Another aspect of the APRM recommendation is the implementation of the NEPAD school feeding programme, which has led to the provision of at least a meal a day for all school-going children in government schools.

The main programmes and activities at the national level are the organisation of sensitisation workshops and seminars for the general public. An example of such workshops was a three-day Stakeholders Workshop which was organised by the NAPRMGC from 27-30 May 2004 at Akosombo. The objective of this workshop was the creation of national ownership of the APRM in a process that fostered national dialogue and built trust in the pursuit of national development goals. The workshop was attended by officials from ministries, departments and agencies, civil society organisations, academia and think tanks. There was also the 7th Africa Governance Forum (AGF) National Consultation Workshop at the Sasakawa Centre, University of Cape Coast on 26 July 2007. This was to sensitise and educate the general public on the activities of the APRM. At the regional and district levels workshops are also organised to increase public awareness of the APRM. An example of regional programmes was the Inauguration of the Sunyani Municipal APRM Oversight Committee and Discussion by Municipal Stakeholders on the Progress of Implementation of the National Programme of Action (NPOA). This was held on 23 November 2007. Some of the programmes at the district level were Report on APRM Stakeholders Workshop for Districts, which was held

in the Central Region at the National Sports College, Winneba on 1 December 2005. This was organised by the NAPRM-GC in collaboration with the NCCE. Two hundred participants were drawn from Ewutu-Efutu-Senya, Agona and Gomoa districts. Stakeholders at this workshop were women's group, churches, assembly members, teachers and political parties. There was also the Report on Public Education Forum on APRM held at Amasaman by the Ga West Municipal Oversight Committee of the APRM, held in May 2008. The purpose of the workshop was probity, accountability, the decentralisation concept and the APRM concept. The target groups were the chiefs of municipal areas, association of queen mothers, assembly members, zonal members, local civil society organisations, Police Service and NGOs. In all these activities and programmes the national APRM Secretariat was the main facilitator.

Comment [G6]: What is this?

Parliamentarians, Political Parties and APRM

Most parliamentarians in Ghana are aware of the existence of the APRM. Through sector committees some parliamentarians have participated in the formulation of APRM and the Action Plan. However, parliament does not have any conscious mechanism for socialising or educating members about involved processes. Also although most political party executives are aware of the existence of APRM, political parties have not developed structures or programmes through which their members can be educated about APRM.^{xiii}

The APRM and the Production and Uses of Governance Indicators

The APRM Secretariat uses externally-determined indicators to assess a country's state of governance and thus adopts a 'top-down' approach. This is why Ghana is seeking to implement APRM's recommendations but much of the recommendations require constitutional review. At this level Government is subjecting itself to external assessment and is thus using external indicators to measure its own performance. As far as the implementation of the APRM recommendations process is concerned, the National Secretariat does not seem to be using indicators consciously to monitor its own performance, apart from engaging in events such as workshops. There seems to be a weakness on the demand side of internal indicators as the National Secretariat does not seem to be challenged by any higher authority (government, international organisations

such as the AU, or groups of citizens or NGOs) to measure its performance or to generate governance indicators for its activities. However, at the national level the National Secretariat organises programmes, activities and sensitisation workshops and seminars to educate the general public.

1.6.2 Ghana's School Feeding Programme

Introduction and Rationale of the Programme

Ghana is among the 10 African countries that are piloting the comprehensive School Feeding Programme (SFP) under the New Partnership for African Development (NEPAD) in 10 pilot schools in the 10 regions of Ghana. The pilot phase of the programme was from 2005 to 2006. By March 2007, the programme had covered 975 schools and benefited about 408 989 school children.^{xxiv} Based on the relatively modest gains of the pilot phase, the Government of Ghana with financial assistance from the Dutch Government developed a scale-up strategy to extend the programme to 2010 to benefit more than 1.2 million^{xxv} schoolchildren across the country.

The implementation of the GSFP as a social programme runs on the concept of providing *'one hot nutritious square-meal a day to rural poor pupils (i.e. beneficiary schools) from home-grown foodstuff produced by small-scale farmers and enable pupils to have sound minds in learning'*. This is in line with the recognition of the 2005 UN World Summit Home-Grown School Feeding (HGSF) programme as a 'quick impact initiative' to achieving the Millennium Development Goals (MDGs) on universal primary education, under-five mortality, poverty and hunger, particularly in communities facing chronic malnutrition and low agricultural productivity.^{xxvi} The objectives of the SFP are: (i) to increase school enrolment, attendance and retention; (ii) to reduce hunger and malnutrition, and (ii) to boost domestic food production and security.

Under the first objective of increasing school enrolment, attendance and retention, the following activities were to be undertaken:

- Community education to create awareness on the school feeding programme;
- Use community leaders to publicise the programme;
- De-worming of the school pupils.

Under the second objective of reducing hunger and malnutrition among school children, the following activities were to be undertaken:

- Provision of kitchen, stores, cooking equipment, water tanks and utensils;
- Recruitment of caterers and other kitchen staff to cook and serve meals;
- Construction of water facilities to ensure access to potable water;
- Provide nutrition and health education;
- Preparation and serving of well-balanced meals with micro-nutrients;
- Construction of institutional toilets and washing facilities and ensuring pupils have access to these.

Under the third objective of boosting domestic food production and security, the following activities were to be undertaken:

- Purchasing of foodstuffs from local farmers;
- Facilitation of farmers access to credit facilities;
- Provision of extension services to farmers;
- Provision of farm inputs such as seedlings, fertiliser, etc. to farmers.

Management Structure of the Programme

The school feeding programme is implemented within the decentralised structures of government in Ghana. At the apex of the management and implementation structure is the Ministry of Local Government and Rural Development (MLGRD). It performs oversight functions on the implementation of the feeding programme. Under MLGRD is the National School Feeding Programme Secretariat as the implementing agency. The Secretariat is empowered to act as the focal point for all programme collaboration, technical cooperation and implementation. It is also responsible for planning, coordinating, monitoring and financial management of the various planned activities. The Secretariat is headed by a national coordinator and assisted by teams of programme experts, officers and regional monitors and coordinators. The National Secretariat oversees implementation of the programme at the district level.

At the district levels are the implementing agencies -- District Implementation Committees (DICs) -- who work under the Municipal/District Assemblies (MDAs). Membership of the District Implementation Committees (DICs) include the Municipal/

District Chief Executive (MDCE) as chairman, District Coordinating Director (DCD), District Finance Officer (DFO), and two representatives of the social service sub-committee, three members appointed by the national secretariat, one opinion leader selected from among retired civil/public servants or business/private sector, District Directors of Ghana Education Service (GES), Ministry of Food and Agriculture (MOFA), Ghana Health Service (GHS), the Desk Officer for the programme, and three primary school Head teachers selected within the municipal/district.

The District Implementation Committees (DICs) are required to:

1. Open bank accounts under the name of the Ghana School Feeding Programme. Two members of the DIC made up of the M/DCE and one nominated member of the committee are signatories to the account.
2. Disburse fund to the School Implementation Committees (SICs).
3. Procure food items through bulk purchase arrangement for the beneficiary schools.
4. Organise community drama and/or video to create awareness of the programme and to emphasise the need for communities to increase production of local foodstuffs for national food security and the school feeding programme.
5. Deliver health education programmes on personal and environmental hygiene to pupils on a regular basis to cover oral hygiene, eye and ear screening, hair and nails. The Ghana Health Service (GHS) was to conduct regular de-worming exercises for the pupils.
6. Arrange regular mass clean-up and waste disposal activities in collaboration with the SIC under the auspices of MLGRDE.
7. Ensure that iodised salt, palm oil and fruits are provided as part of the menu to enrich the pupil's diet, in collaboration with the School Health Education Programme (SHEP) coordinator.
8. Ensure that potable water is provided and made available at all times on the school premises in poly tanks supplied by the Municipal/District/National Secretariat.
9. Educate community members on the 'roll-back malaria programme' initiated by the GHS under the Ministry of Health.

10. Submit end-of-term and annual progress report to the National Task Force through the National Secretariat with copies to the Regional Minister and respective sector coordinator of the programme.

Below the District Implementation Committees (DICs) are School Implementation Committees (SICs) whose main responsibility is to successfully implement the programme at the community and village level. Members of each School Implementation Committees (SICs) include, head-teachers of the beneficiary schools as chairpersons, two representatives from each Parent-Teacher Associations (PTAs) and school management committees, a traditional ruler or his representative, a religious leader, an assembly member, two opinion leaders, matrons, and the school senior prefects. These committees are tasked to:

1. Ensure community engagement and active participation and support for the programme.
2. Supervise food preparation and actual feeding of the pupils.
3. Ensure that nutritious meals are served to all primary school children who attend school each day.
4. Arrange for the community to donate a suitable plot of land or building located close to the school for the construction of store, kitchen, canteen, water reservoir, etc.
5. Select individuals or entities that would cook the daily meals on contract or gratis.
6. Select individuals who will support the cooks with portage, washing, cleaning, sweeping and sanitation. (They may be given some allowance as incentives.)
7. Arrange security for the selected feeding infrastructure, inputs and components.
8. Arrange for foodstuff, inputs and components from the DIC to the schools.

Collaborating Institutions of the Programme

In addition, a number of institutions are tasked to collaborate in the implementation of the programme. These are (i) Municipal/District Assemblies (MDAs), (ii) Ghana Health Service/Ministry of Health (GHS/MOH), (iii) Ghana Education Service (GES), (iv) Ministry of Food and Agriculture (MOFA), and (v) NGOs and CSOs.

The Municipal/District Assemblies (M/DAs) are the main executing bodies and are to:

1. Set-up the District School Implementation Committees (DSICs).
2. Coordinate various agencies inputs and participation.
3. Facilitate community inputs and active support.
4. Ensure proper financial management and other resources.
5. Provide kitchen, storage facilities and eating sheds.
6. Construct water facilities to ensure pupils have access to potable water.
7. Provide sanitation facilities such as institutional toilets and hand-washing facilities.
8. Provide standard classrooms and furniture.

The Ghana Health Service/Ministry of Health (GHS/MOH) is to:

1. Conduct health and nutrition education for caterers and cooks.
2. Build the capacity of schools and communities to maintain water and sanitation facilities.
3. Conduct regular Body Mass Index of pupils and report to DSICs and the National Secretariat.
4. De-worm school children on a regular basis.

The Ghana Education Service (GES) is to:

1. Approach community leaders/chiefs for assistance in publicising the programme.
2. Sensitise parents on their roles towards supervision of their children's education.
3. Implement GES norms on Pupil Teacher Ratio (PTR).
4. Provide adequate and timely supply of Teaching Learning Materials.
5. Provide equipment for co-curriculum activities.
6. Ensure regular marking and closing of registers in all schools.

The Ministry of Food and Agriculture (MOFA) is to:

1. Purchase foodstuffs for the feeding programme from local producers.
2. Facilitate credit from rural banks and other financial institutions for farmers involved in the programme.

3. Provide extension services to participating farmers.
4. Facilitate the provision of farm inputs (water, seedlings, agro-chemicals, implements, organic manure, etc.) to the farmers.
5. Facilitate the formation of Farmer Based Organisations (FBOs) with particular emphasis on women's cooperative to receive targeted services.^{xxvii}

Non-Governmental Organisations/Civil Society Organisations are to:

Assist in the implementation of the programme. SEND-Ghana was elected to monitor the programme^{xxviii} as part of its broader advocacy campaign around monitoring of governance programmes. Through SEND-Ghana's activities, GSFP National Secretariat hoped to facilitate an independent civil society-led Participatory Monitoring and Evaluation (PM&E) of the programme.^{xxix} The objective of the monitoring was to: (i) increase local stakeholders' active participation in and make them the drivers of the SFP; (ii) enhance financial, administrative accountability and transparency of the key implementers and performance of service providers, regional offices, district and school implementation committees structures of the GSFP, and (iii) strengthen local food crop producers' access to the GSFP.

SEND-Ghana: A Brief Background

The Social Enterprise Development Foundation (SEND Foundation) is a West African based, non-governmental/civil society organisation which was established in 1998 with headquarters in Ghana. SEND The Foundation started as a pro-poor, non-governmental organisation in northern Ghana. Its mission was 'to promote livelihood security and equity of men and women through participatory development and public policy advocacy in West Africa'.^{xxx} The core values and principle of SEND are as follows:

1. Believe that development is a human right that should provide men and women with equal opportunities to actively participate in, and contribute to, the political, economic and social transformation of their communities.
2. Believe in forging strong partnerships with state and other non-state actors that are characterised by mutual accountability, openness and effective communication.

3. Believe that development is multi-dimensional involving economic, political and social issues and must, therefore, emphasises community-driven initiatives.
4. Believe that self-managed community-based organisation is critical for promoting sustainability of development processes and initiatives.^{xxxix}

SEND-Ghana's vision is *a Ghana where people's rights and well-being are guaranteed with a new mission of working to promote good governance and equality for women and men in Ghana*. Its core values and principles focus on 'PEOPLE'^{xxxix} which means:

1. [P]articipatory decision-making and development;
2. [E]quity of women and men;
3. [O]penness and accountability;
4. [P]artnership for human development;
5. [L]earning, innovation and sharing of knowledge; and
6. [E]nabling action-based Information.

SEND-Ghana's Monitoring of the School Feeding Programme

SEND-Ghana monitored the School Feeding Programme (SFP) in 42 of the poorest districts in Ghana. The districts were zoned under six regions, each headed by a SEND-Ghana's Field Officer whose main responsibility was to provide technical support to Focal Non-Governmental Organisations (FNGO)^{xxxix} which had signed MOU with SEND-Ghana. The field officers also facilitated the planning and execution of district and regional level advocacy initiatives, and developed a networking capacity within the zone which included the Regional Coordinating Councils (RCCs).^{xxxix} Their work fed into overall national advocacy programmes.

The objectives of the monitoring process were to:

- Increase local stakeholders' active participation in and make them the drivers of the SFP.
- Enhance the financial, administrative accountability and transparency of the key implementers, and the performance of service providers, regional offices, district and school level implementation committees of the GSFP; and
- Strengthen local food crop producers' access to the GSFP.

At the district level, the District Citizen Monitoring Committees (DHMCs) monitors such policies through check list and other instruments. These committees were given technical assistance by SEND-Ghana's Focal Non-Governmental Organisations which were present in these districts. The monitoring process began with capacity building for FNGOs that enabled them to initiate sensitisation activities for the DHMCs. For instance, between 20 and 30 participants (with 40% women) were selected from SEND-Ghana project districts and trained on skill development, advocacy and documentation to monitor the SFP. The data gathered and insight generated was used to carry out district, regional and national level advocacy activities aimed at ensuring effective implementation of the programme.

The Ghana School Feeding Programme (GSFP) began in September 2005 as pilot programme with three objectives, namely increasing school enrolment and attendance, reducing hunger and malnutrition, and boosting domestic food production and security. The criteria set for the selection of beneficiary schools of the feeding programme were: (1) poverty and deprivation, (2) illiteracy and (3) community participation, willingness and patronage for the programme. By March 2007, the programme had covered 975 schools and benefited about 408 989 school children.^{xxxv} This figure increased to 650 000 public primary pupils meaning that about 21% of pupils were covered by mid-2009. However, critical review of the piloting phase of the programme indicates that the above criteria were not strictly followed in selecting the beneficiary communities and schools. There seems to be some elements of political consideration and the lessons learnt so far have informed the current administration to introduce a 'quota system' in addition to the above criteria for the selection of schools to ensure equity.^{xxxvi}

The activities carried out by SEND-Ghana to achieve these monitoring objectives included:

- a) Educating and training aimed at mobilising stakeholders to actively engage in the programme. These stakeholders included key ministries, department and agencies of the programme and also grassroots actors such as parent-teacher associations, school monitoring committees, women's organisations, NGOs, faith-based organisations, students and youth groups, assembly members, and DHMCs.

- b) Participatory monitoring and evaluation of the activities of the District and School Implementation Committees by the District HIPC Monitoring Committees (DHMCs), so as to strengthen accountability and transparency in the use of financial, human and material resources allocated for the programme.
- c) Using information gathered during the monitoring to carry out lobbying and advocacy activities to bring about positive changes in the administration of the school feeding programme. It is expected that there would be improvement in service delivery by private contractors involved in the supply of equipment, food items, the daily preparation of meals for children, and that it would strengthen the financial accountability and transparency of the implementers at district and school levels.
- d) Linking the SFP programme to farmers, especially to SEND-Ghana's eastern corridor farmer's co-operatives which produce soybean, yam and other food crops to achieve food security.
- e) Holding interface meetings with the DICs, SICs and National Secretariat to share key findings and recommendations on how to improve the performance of the programme.

Before we present SEND-Ghana's findings on the implementation of the school feeding programme and how its monitoring fed into the National Policy Dialogue, it is pertinent to indicate what criteria and tools SEND-Ghana used in its monitoring activities, as this are suggestive of the indicators used to monitor and evaluate the process.

Criteria and Processes for Monitoring and Improving Performance

SEND-Ghana used the following criteria and processes to monitor the school feeding programme:

1. **Good Governance:** SEND-Ghana conceptualised this to include such issues as the effectiveness of policy implementing structures, stakeholders' participation in decision-making, information sharing, dissemination and feedback, and community awareness and sensitisation.
2. **Accountability:** SEND-Ghana discussed issues such as procurement, timeliness in the release of project funds and adherence to best accounting practices by the implementing agency.

3. **Equity:** SEND-Ghana assessed the fairness in the distribution of the programme (GSFP) among the targeted communities and the effectiveness of the programme in attaining its threefold objectives.
4. **Institutional collaboration:** SEND-Ghana assessed the functionality and interdependence of the programme's implementation and management structures. The tool helped both state and non-state policy actors to shed light on the speculations and subjective perspectives that were often put out about the achievement of programme objectives.^{xxxvii} For instance, institutional collaboration on the implementation of the feeding programme revealed that essential complementary services defined by the GSFP policy document were not effectively delivered and coordinated and, in most cases, were simply absent in the activities of the key institutions involved.
5. **The use of School Feeding Complementary Service Assessment (SFCSA) Index:** This was adapted from the CIVICUS Civil Society Index to assess the participation of the various institutions. The application of the index offered same standard ratings of the complementary services performed by the key institutions involved in the SFP in four sectors, namely basic infrastructure, health, agriculture and education.^{xxxviii}
6. **Assessment of quality of work (quality assurance):** This measures the extent to which specifications in the programme document are used and the extent of beneficiaries' access to the facility.
7. **Lobbying, advocacy activities and research report:** SEND-Ghana used the information gathered through the monitoring exercise to report on the performance of the school feeding programme and engaged in advocacy activities to bring about positive changes in the administration and implementation of the programme.
8. **A multi-media approach:** SEND-Ghana disseminated and advocated messages to the public through radio and TV discussions, newspapers and bulletins. Community radio and FM/TV stations were also used to disseminate information generated during the monitoring processes. This also stimulated public interest in and discussion on the performance of the programme.
9. **Interface meeting:** SEND-Ghana often organised interface meetings or 'Miniature Focus-Group Discussions' with DHMCs and Municipal/District Assemblies to share key findings and recommendations on how to improve the

performance of the programme.^{xxxix} In addition, the School Feeding Advocacy Team was established which comprised focal NGOs and DHMCs, and SEND-Ghana used the data gathered, and insight generated to carry out district, regional and national level advocacy activities to ensure that the implementation of the programme was on course. In the northern region for example, quarterly interface meetings and advocacy programmes dubbed '**October Fair on the implementation GSNP**' as Ghanaian-Dutch CSO Platforms were institutionalised where SEND-GHAHA served as the secretariat.

10. **Use of government treasury system:** SEND-Ghana monitored the extent to which the disbursement of funds intended for the programme, used the government treasury system. This process was also meant to enhance financial accountability. A caterer interviewed at Agona West Municipal Assembly for example, indicated that she pre-financed the menu for 15 days and made requisition to the Municipal Finance Officer through the Municipal Chief Executive, Municipal Coordinating Director and the Desk Officer of the programme for payment (through the cheque system).^{xi} This system of payment was also confirmed by the Financial Controller of the Ministry of Local Government, Rural Development and Environment as 'helping to test the government existing treasury system with hitherto a donor sponsored project',^{xii} although some donors sometimes determined their own modalities for financial administration of project implementation.

11. **Project evaluation report:** SEND-Ghana's evaluation reports provided feedback and suggestions regarding the implementation of the school feeding programme. Its report on the school feeding programme was entitled *Whose Decision Counts?* This report used participatory monitoring and evaluation tools to assess good governance and citizen's participation in demanding public accountability and transparency in the use of public resources, grassroots structures for implementation, fundamental principles for effective decision-making, planning and coordination.

Major Findings of SEND-Ghana's Monitoring Activities as of September, 2009

The following are the major findings of SEND-Ghana's evaluation of the school feeding programme:

Findings on the Programme Objectives

(1) The National Secretariat recorded 21% coverage of the threefold programme objectives and their corresponding activities in the beneficiary schools by mid-2009.^{xlii} On the first objective (i.e. an increase in school enrolment and retention) there was an increase in rural schools enrolment and pupils who were previously not in schools came to school. GSFP fed about 650 000 children in public primary schools with a target of 1.2 million children by 2010.^{xliii} According to Ghana's Education Service Annual School Census Report the enrolment of some beneficiary schools doubled and the programme has increased attendance, retention rate and Pupil-Teacher Ratio (PTR). But the programme has also resulted in a situation whereby beneficiary schools located within one kilometre walking distance of non-beneficiary schools were 'de-populating' these schools, thus undermining the retention rate in some schools. This also raises questions as to whether there was a significant increase school enrolment nationally.

The second objective (i.e. reduction of hunger and malnutrition) recorded some success. According to Ghana's Education Service Annual School Census Report, the GSFP was reducing malnourishment among school children in the beneficiary schools and the implementation of the SFP strengthened the concept of '*hand washing with soap*' at critical times in some schools.

However, the third objective of boosting domestic food production and security was not attained and consequently the SFP did not achieve the intended impact on agricultural productivity and farmers. Farmers' linkage of selling their foodstuffs for the SFP was not established. The quantification of the level of food production and security within the communities in which the school programme existed was problematic as there was no baseline study before the programme commenced, which could permit an assessment of the pilot phase of the programme in 2006.^{xliv} In addition, the collection and computation of national statistics for agricultural produce and livelihoods by the Ministry of Food and Agriculture (MOFA) was district-based and not community-based. The SFP, however, covered only some selected schools in some particular districts. Furthermore, measuring the linkage, if any, of approved menus to local for production -- bags of local rice or

tones of local tomatoes or cowpeas -- was difficult, if non-existent.^{xiv} However, reports from Kwamekrom in Bibiani-Anhwiaso-Bekwai district for example, indicated that the programme offered a ready market for produce from school gardens which was purchased by the caterers^{xvi} which means that the programme's impact on agriculture remains largely potential.

Findings on the Implementation Process

1) It was found that key institutions of the SFP, including many members of the school implementation committees at the grassroots level, were unaware of their specific responsibilities, hence their participation in the programme was superficial and ineffective.^{xvii} SEND-Ghana therefore petitioned the National Secretariat to make sure that lower echelons of the collaborating institutions implementing the programme (DIC, SIC, local farmers and particularly women) had proper job descriptions and were made functional.^{xviii} In addition citizens and community participation in the programme was weak throughout the schools.

2) Contrary to expectations, the bulk of foodstuff used for the feeding programme was procured on the open market within and outside the various districts. Stakeholders from about 91%^{xlix} of the beneficiary schools and communities indicated that foodstuffs were not obtained directly from farmers in the beneficiary district. During programme inception, Farmer-Based Organisations (FBOs) were formed, but MOFA could not provide extension services to them. The Farmer-Based Organisations could also not access credit mainly because of inadequate sensitisation, education and lack of finance. This means that the objective of the school feeding programme boosting local food production was not attained.

4) Quality control of the programme was measured at various levels: at the policy and coordination level under the Ministry of Local Government, Rural Development and Environment (MLGRDE), whilst the National Secretariat of the GSFP acted as the implementing agency in line with the DICs and SICs. Ghana Health Service (GHS) was responsible for assuring the quality of the meals served and was also mandated to conduct regular Body Mass Index (BMI) of the children and report to the DICs and SICs. With regard to quality control/assurance, some activities were undertaken. For example, in Agona West Municipal Area, the desk officer visited the beneficiary schools once a week and members of DICs and Directors of Education visited schools during their

school monitoring routines and produced progress report to Assemblies. This feedback helped the Assembly to audit the implementation process (e.g. quantity and quality of meals served, school enrolment attendance, etc.). However some reports indicated that some pupils had not been de-wormed since 2007, when the national de-worming exercise was carried out. Similarly, the majority of pupils did not have their Body Mass Index (BMI) measured.

5) The provision of infrastructure and finance did not match the increased enrolment in the schools. For example, most schools lacked canteens/sheds and classrooms were often used as eating places during normal instructional times. Other resources such as kitchen, stores, plates, cups, classrooms, furniture, institutional toilets, etc. were also lacking. Prolong break periods disrupted academic work, and teaching and learning activities were sometimes undermined.

6) Roles and responsibilities of personnel and committees/institutions involved in the programme were not clearly defined. Because roles and responsibilities were unclear there was an over-lapping of responsibilities and suspicion among the institutions. The huge political support and massive good-will that accompanied the feeding programme initially was not transformed into significant results. The programme seemed to have lost its initial attraction and attention.ⁱ There was also inadequate consultation between the implementation agencies and the coordinating partners at the local level of implementation. For example, the positions of coordinators were often given to existing staff of the municipal/assembly thus increasing their workload. This resulted in inefficiency, usurpation of roles, poor coordination and the monopolisation of the programme by some institutions.

7) Food quantity and quality were inadequate. No specific menu was prescribed by the National Secretariat for feeding the pupils. As food was procured mainly from the open market, access to local foodstuffs which could ensure nutritionally balance diet were not explored. The decision and process involved in what food should be provided and where it should be sourced was the prerogative of either the caterers or the desk officers of the project. And because the purchase of food in many cases was pre-financed by caterers, the caterers preferred those operators of market stalls who easily credited them with the food items to dealing with farmers who mostly demand immediate payment when they sold their produce at the farm gate.ⁱⁱ

8) The criteria used in the recruitment of caterers in most cases were not transparent.

Initially, most DCEs employed their family members or friends to perform this function which affected the transparency and financial accountability of the implementation process.

Comment [G7]: Numbering system awry – some points missing?

9) The criteria for selecting beneficiary schools (i.e. poverty and deprivation, illiteracy, and community participation, willingness and patronage for the programme) were not adhered to in most cases by the municipal/district assemblies. Political consideration seemed to have influenced the selection of the beneficiary schools. This means that some schools situated in urban and peri-urban centres benefited at the expense of rural schools and communities whom the programme was ostensibly meant for. As noted earlier the lessons learnt during the pilot phase have informed the current administration to introduce 'quota system' in addition to the above criteria for the selection of schools to ensure equity.

Challenges to the Implementation of the Ghana School Feeding Programme

The implementation of the GSFP has been constrained by a number of factors and attempts to address these have largely been ad-hoc, piece-meal and sometimes cosmetic. These constraints are identified under two major streams: constraints at the management level of implementation and constraints at the implementation level.

Constraints at the Management Level of Implementation

These include:

- Lack of community participation, support, ownership, and patronage for the programme.
- Inadequate capacity for monitoring and evaluating the programme.
- Inadequate resource mobilisation for project implementation coupled with timeliness in the release of project fund.
- The involvement of key stakeholders in the implementation of the SFP has been severely constrained and curtailed whilst their collective and individual creativity has been under-valued and under-utilised.

- Ineffective governance and participatory processes among the implementing actors.
- Limited consultation between the District Implementation Committee (DIC) and School Implementation Committee (SIC) in implementing the project.
- Inadequate record keeping and filing systems on the project implementation in most beneficiary districts and schools.
- Working manuals failed to identify processes and strategies for executing the roles and responsibilities among the institutions. They also failed to identify feedback loops for periodic reporting and auditing of the performance of the institutions in order to identify strengths, weaknesses, opportunities and threat for project implementation.
- The awarding of contracts for procurement of goods, works, services and entity as prescribed by the Public Procurement Act 665 (2003) was not adhere to by the implementing agency. For instance, the PriceWaterhouse Audit Report identified major administrative fraud on the part of the GSFP Secretariat including acts of corruption, the inappropriate awarding of contracts, forged signatures and inflated school enrolments in the implementation of the GSFP.ⁱⁱⁱ This compelled the Dutch government to withhold its financial support of 8 million Euros to the Ghanaian Government for the GSFP in 2008.

Constraints at the School Implementation/District Level

- Increases in school enrolment do not correspond with increases in infrastructural development (e.g. adequate classrooms, furniture, cooking utensils, water facilities, etc.).
- Inadequate sensitisation of the key stakeholders involved in the programme. For instance farmers do not even know that their services are to be patronised by the matrons to help achieve the objective of boosting domestic food production and security.
- Weak institutional collaboration for programme implementation. For instance, most personnel at the Ministry of Health are unaware of their role in conducting periodic assessments of the nutritional value of the food served, checking the BMI of the pupils and giving feedback to the DICs and SICs. Most routine activities carried out by the GSFP secretariat do not correspond with the

institutional and management structures for programme implementation at the district level.

- Late release of funds. Caterers often pre-finance the programme for about 15 days and this sometimes affected the quantity and quality of meals served.

Complaints Received Regarding the Implementation of the Programme

- The untimely release of fund affects smooth implementation of the programme; because most caterers pre-financed the menu this resulted in caterers desiring to maximise their profit from the project at the expense of the quality of the foods they served.
- The amount per pupil (GH¢.40) compared to the current inflation of over 20% is also said to have affected the quantity and quality of meals. In Ajumako Abrofoa, for example, an egg is often shared by two pupils on Fridays. Besides, the supply of rice and palm oil is said to be of inferior quality.ⁱⁱⁱ This also compelled some matrons to use foreign products such as polished rice rather than paddy and broken rice from local farmers, which would normally be sold at the farm gate for 'cash and carry'. Caterers lacked modern facilities to preserve perishables so they preferred tin and canned fruits and vegetables to fresh ones from the farms.
- There was irregular monitoring of activities in schools due to inadequate logistics; most DICs and SICs were not functioning adequately due to lack of financial resources.
- There was inadequate kitchen equipment such as plates, cups, cutlery etc. which compelled school children to eat in turn. This, in most cases, prolonged lunch breaks noted above. Because there was sometime insufficient food, some children got to their turn only to find out that the food was finished.
- There was no regular training for caterers and cooks in hygiene, sanitation and food management, as required by the Ghana Health Service and Environmental Sanitation Department. Water storage facilities were inadequate which made cooking very laborious to kitchen attendants.
- Salaries of workers (matrons and other kitchen attendants) were low and were often paid late.

The Connection between SEND-Ghana Monitoring Activities and the National Dialogue

On the 30 July 2009, the Ministry of Local Government and Rural Development in collaboration with the Ghana School Feeding Programme and SEND-Ghana organised a National Policy Dialogue at the Institute of Local Government, Madina. This forum brought together members from the Executive, Parliament, ministries, departments and agencies, AU, NEPAD, World Food Programme, Council for Scientific and Industrial Research (CSIR), CSOs, NGOs, donors, etc. to examine the performance of the GSFP and its future. The issues that were raised focused on:

1. Consolidating gains of the GSFP;
2. Plans for local level stakeholders' mobilisation and sensitisation;
3. Collaboration and ownership;
4. Definition of clear roles and responsibilities including the media; and
5. A programme sustainability framework.

To a large extent these issues were informed by key findings about the implementation process, achievements and constraints recorded from SEND-Ghana's monitoring of the programme.

SEND-Ghana and the Production and Uses of Indicators

The findings of the scoping mission suggest that SEND-Ghana produces indicators to assess governance at the local level through its use of a four step approach to assess policy implementation namely;

1. Policy sensitisation or awareness creation around specific policies.
2. Participatory research which focuses on the degree to which stakeholders participate in decisions, financial accountability and accounts establishment, adherence to public procurement rules, social equity and gender parity.
3. Monitoring and evaluation of the programme.
4. Policy dialogue using a bottom-up approach.

At all these levels some indicators are produced (locally) to assess the level of implementation of government services and policies. The fieldwork also indicates that

SEND-Ghana's monitoring and evaluation of the process of implementation and impact of SFP provides an example of the use of governance indicators. In its activity, SEND-Ghana developed indicators on issues of good governance, accountability, equity, institutional collaboration, School Feeding Complementary Service Assessment (SF-CSA) Index, quality of work (quality assurance), lobbying, advocacy activities and research report, multi-media approach, interface meetings, the use of government treasury systems and project evaluation reports. These indicators no doubt provided the basis for evaluating the performance of the SFP and also for engaging stakeholders during the National Dialogue. Most of these indicators were generated by SEND-Ghana -- thus domestically. However, in its monitoring activity, SEND-Ghana also adapted the CIVICUS Civil Society Index to assess the participation of the various institutions. The application of this index suggests the use of international indicators to monitor the SFP. The users of these indicators were the stakeholders who participated in the National Dialogue. On the basis of these indicators for example, SEND-Ghana petitioned the National Secretariat to make sure that lower echelons of the collaborating institutions implementing the programme (DICs, SICs, local farmers and particularly women) had proper job descriptions and were made functional.^{iv} The production and use of governance indicators at this level were useful for monitoring the process of implementation of the SFP and impact thereof.

1.6.3 The Judiciary and Judicial Reform

The 1992 Constitution and the Judiciary

The 1992 Constitution of Ghana, like most democratic constitutions, vests all judicial powers in the judiciary and provides that the judicial system is not subject to the control or discretion of any person or authority in the discharge of its judicial, administrative and financial functions. The Constitution also provides judges with the autonomy and job security needed to perform their functions independently of the Executive or legislative branches of government. Judicial independence is a critical condition for the effective operation of the Rule of Law in any democracy -- a situation that guarantees respect for human rights, fair and impartial dispute resolutions and protection from the arbitrary exercise of political power. A judiciary is independent when it is able to apply the law to given cases without bending to pressure from other branches of government;

accountable when it is itself subject to the rule of law and acts accordingly; efficient when it is able to process cases in a timely manner and where backlogs of cases are held to a minimum; effective when it is able to resolve disputes in a fair and impartial manner in accordance with established law; and accessible when it provides a forum for resolution of disputes that is open and affordable to all groups within the society.

Over the years there has been a perception amongst the public, and indeed among members of the Judiciary, that the Ghanaian Judiciary has not lived up to expectation. Allegations of inaccessibility to justice, corruption of judges, interference from the Executive organ of government, excessive delays in resolving disputes, etc. -- all undermining the respect and integrity of the judiciary have been noted, mostly in the media and popular discourse. In recent years, the judiciary has taken cognisance of these criticisms and has embarked on a judicial reform programme to improve its capacity, service delivery processes, and also enhance its integrity and public image. This section of the study examines the major reforms undertaken by the judiciary with regard to the demand side of judicial reforms in Ghana, and more specifically the extent, manner and methods by which groups or actors have contributed to the recent reforms. The analysis also depicts the workings of the reforms emerging in the judicial system. Finally, the evaluation of these reform put them in a wider context, in other words the judiciary's problems have to be weighed against fiscal problems of the State as a whole.

In Ghana there are two main judicial bodies: the Judicial Service and the Commission on Human Rights and Administrative Justice (CHRAJ) whose annual reports provided data for the study. This means that although there are performance data for two different organisations, none exist for the system as a system. For this reason, in addition to these official reports from the Judicial Service and Commission on Human Rights and Administrative Justice (CHRAJ), field research was conducted to access data on the reform.

The Demand Side of Judicial Reform

Much of the driving force behind judicial re-engineering currently underway in Ghana can be said to be the result of the judiciary's self-awareness of the need for reforms. This is indeed remarkable in that other arms of Government played little or no role in bringing about these reforms. Past reforms were driven by either the Executive or the legislature

and were not as far-reaching as the current reform exercise. Reform became an issue as a result of internal debates on the existence of outmoded, cumbersome and non-user-friendly procedural rules in court, corruption in the judiciary, poor and inadequate physical infrastructure, poor remuneration and other conditions of service, difficult enforcement mechanisms, under-funding, and weak logistical support for the entire machinery. This resulted in frustratingly long delays in the resolution of commercial cases, mob justice or instant justice, insecurity, fear and national unrest. The overall goal of this judicial reform is to make the judiciary responsive to the times, and to promote democratic governance because there is a correlation between democratic governance and socioeconomic development.^{lv} This reform emerged as a result of the actions of Justices of the Superior Courts, particularly the late Chief Justice Acquah,^{lvi} judges, and the Ghana Bar Association (GBA) and not because NGOs or other sectors of society decided that their particular interests would best be served by pushing for reform in the court system. The reforms were rather a response to the general criticism from the public with regard to the delay in hearing cases, accusations of corruption and other issues.^{lvii} Consequently, an in-house committee was formed to find ways to address these problems, which finally culminated in the reform programme. The reform programme is divided into the following components:

- Capacity building and human resource development;
- E-governance and computerisation;
- Institutional strengthening and infrastructural development;
- Reviews of laws;
- Access to justice; and
- Image building.

These home-grown reforms included the revision of outdated court rules; the establishment of the career magistrate programme; the establishment of the Fast Track Courts; the initiation of a new Commercial Court Complex in Accra housing 34 commercial courtrooms; the establishment of Annual Reports for the judicial service; the establishment of a Code of Ethics; the initiation of the Chief Justice Outreach Programme, among others.^{lviii} The automation or computerisation programme sought to replace archaic manual system of recording with mechanised and electronic ones. In 2005 the judiciary set up the 'Judicial Reform, Project Development and Implementation

Unit' headed by a full-time Director, with the mandate to carry out reforms linked to the above specified areas.^{lix}

Although the demand for reform emanated mainly from domestic pressure and debates, the reforms were modelled on successful examples from other countries.^{lx} In particular, they were tailored along international standards such as the 'Latimer House Principles' the objective of which are to provide an effective framework for the relationship between the three branches of government with the aim of establishing the rule of law, the promotion and protection of fundamental human rights and the entrenchment of good governance based on the highest standards of honesty, probity and accountability.^{lxi} As stated by the current Chief Justice, Justice Georgina Woods, 'the Ghanaian judiciary is fully committed to the Latimer House Principles and will run with it as a blueprint for development of accountability, integrity enhancing and other judiciary values based programmes'.^{lxii} This implies that the judiciary was using international indicators to guide its reform process.

It is, however, important to contextualise the reform. Until the 1992 Constitution was enforced and multi-party democracy restored the judiciary had been slow to come to terms with performance. Incessant political instability and military rule/dictatorships in Ghana had meant that the judiciary had had no room to flourish as many agenda-based courts had been established parallel to the modern courts, particularly during the Armed Forces Revolutionary Council (AFRC) and Provisional National Defence Council (PNDC) era (1979--90) For example, special public tribunals were established by the Armed Forces Revolutionary Council (AFRC) government to prosecute 'economic saboteurs' and 'political enemies'. This period also witnessed the brutal murder of three High Court judges: Justice Cecelia Afran Koranteng-Addo, Justice Frederick Poku Sakordie, Justice Kwadwo Agyei Agyapong, as well as a retired army officer, Sam Acquah on 30 June, 1982 by military officials for having ordered the release of several persons imprisoned by the AFRC. The judiciary was perceived by the AFRC/PNDC regime as a neo-colonial institution because of its socialist and anti-imperialist campaign. The murder of judges induced fear in the judiciary. Consequently, an adversarial relationship developed between the judiciary and the PNDC. This period also witnessed a severe socioeconomic crisis in Ghana which lead to diminished state support for the judiciary. The cumulative effect of all these was a judiciary that was unable to shoulder effectively

its responsibility to society. For example, courts became congested with cases; cases took years to come to trial; allegations of corruption within the judiciary were rampant; citizen had limited access to courts; and the poor and vulnerable, particularly those in the rural areas, could not afford justice. Public criticisms of the judiciary focused on the number of cases disposed of each year, the average duration of time taken for trials, the number of appeals, honesty of judges and the accessibility of justice. All of these can be regarded as the public's clarion call for a better performance of the judiciary.

The restoration of multi-party democracy in 1993, with a people-centred Constitution, revived citizens' demands for access to speedy, quality justice and a realisation of the people's right to know and participate in governance. These factors motivated the creation of the career magistrate programme, which is aimed at developing human resources for the Magistrate Courts, and the Chief Justice Outreach Programme which is meant to inform the citizenry about the work of the judiciary and allow people to voice their complaints about the judiciary.^{lxiii}

However, these reforms are emerging in the light of continuing challenges to the Judiciary which are in the areas of:

- Budget allocation;
- Case management and administration;
- Timeliness of justice delivery;
- Judicial integrity;
- Levels, forms and costs of accessing justice.

Funding the Judiciary (The Budget)

Under Article 127 section 5 of the 1992 Constitution, all judicial expenditures are budgeted and charged to the Consolidated Fund. Judicial expenditure has increased steadily over the past five years, although not all funds budgeted and allocated to the judiciary (as is the case with other ministries) were released by the Ghanaian Finance Ministry. For instance, in 2007 and 2008, 235 581 000 cedis and 276 461 000 cedis were budgeted respectively, but only 111 219 000 cedis and 174 216 000 cedis respectively were released by Government. Again although there has been a steady increase in the actual release of funds for judicial expenditures, a lot more are needed. For this reason, the judiciary was forced to solicit funds from foreign donors. Outside of

the Government's budgetary allocations, international donor agencies such as DANIDA - the Danish Government -- assisted with the building of the Commercial Courts. Additional funding and support were received from the Canadian, Japanese and American governments and agencies such as the World Bank (WB), United Nations Development Programme (UNDP) and the Canadian University Service Overseas (CUSO).^{lxiv} This external support has meant that the judiciary has had to report to these donors on the effective use of these resources.

Case Management and Administration

A more visible and objective indicator of the impact of these reform is judicial performance. The judiciary is developing mechanisms and tools to help monitor and increase the quality of justice delivery. A key dimension of these reforms has been an increase in the capacity of the judiciary to deal with cases. To do this, specialised courts have been created and mediation is encouraged in place of litigation. Alternative Dispute Resolutions (ADR) has been introduced, and Human Rights Courts and the Commercial Courts have been set up and there are many more innovations planned. The judiciary has also developed tools to monitor the quality of the output of justice, for example, they have established data on cases pending at the beginning of each year, new cases filed in that year, cases disposed of in that year and cases pending at the end of that year. These quantifiable data could form the basis of indicators of judicial performance. In order to enhance efficiency of the judiciary, new methods for collecting fees and cash were also instituted in 2005. The finance department was computerised and upgraded to the ACPAC accounting software with one server dedicated to this software. The statistics and research department was also upgraded and had special software called 'Judicialyzer' developed to enable the processing of accurate data for statistical reports. The human resource unit was charged with the responsibility of recruiting and retaining quality personnel as part of an effort to enhance the speedy delivery of justice.^{lxv}

Commission on Human Rights and Administrative Justice (CHRAJ)

Unlike the judiciary which in theory enjoys financial autonomy under Article 127 (1) of the 1992, CHRAJ does not enjoy such autonomy although it continuously needs resources to perform its constitutional functions. However, like the judiciary, most of the constraints facing CHRAJ are the result of finance and personnel issues.^{lxvi} CHRAJ also faces a

heavy workload due to the rapid exodus of staff and the inability to employ adequate numbers to augment existing staff. When CHRAJ was established it had 120 legal officers but this number had dwindled to 29 by 2009.^{lxvii} The remaining staff are therefore burdened with diverse responsibilities which reduce the quality of their output. For example legal officers' schedules have grown to include minor administrative roles, the receipt of complaints, attending hearings, the preparation of reports and research duties amongst other duties.^{lxviii} This diverts their time and energy from other vital areas of CHRAJ's mandate.

Commercial Courts

In 2005 the judiciary established commercial courts in response to the public's dissatisfaction with the manner in which commercial disputes were being handled.^{lxix} This was one of several innovations brought about by the late Chief Justice George Kingsley Acquah. Realising that the judiciary lacked sufficient government funding, Chief Justice Acquah sought help from donor agencies and managed to obtain funding from the Danish Government's development agency, DANIDA. Although the Danish Government was already providing US\$2 000 000 to a number of judicial reform programmes over a five-year period, Justice Acquah secured an additional grant of US\$928 000 00 from DANIDA's private sector development, for 'the revision of legislation, structural reforms in service delivery and the establishment of a business law division with the view of strengthening the responsiveness and efficiency of the legal and judicial environment to businesses in Ghana'.^{lxx}

The Commercial Court has six judges who hear commercial disputes that revolve issues such as banking and finance, the restructuring of commercial debt and intellectual property rights. The presiding judge acts as the executive and judicial head of the court. Six court rooms in Accra are fully computerised, and routinely provide parties with transcripts of proceedings within 72 hours. Its jurisdiction is not restricted and as such cases from all over Ghana can be brought before it. To assure expeditious proceedings, the court introduced a number of special rules. With the aim of having the judge, rather than the parties, conduct the case, these rules encourage active case management. Strict deadlines exist for trials. From their first hearing, cases must be conducted on a day-to-day basis. Adjournments can only be granted for good cause and cannot exceed 72 hours.^{lxxi} Mediation is handled by judges who are trained mediators and mandatory

mediation has proven successful in keeping the case load low. As part of the reforms, the Chief Justice approved private firms for process service. They are available not only to the Commercial Courts but in addition they serve the Fast Track Court, the Court of Appeals and the Supreme Court, and help to ensure the court's effectiveness. The use of private firms was initially a pilot project, and it is now being expanded to High Courts in the other regions. More innovations include quality management through the court administrator, as well as two oversight judges.

Alternative Dispute Resolution (ADR)

Based on the Courts Act of 1993, in 2002 the judiciary introduced a national Alternative Dispute Resolution (ADR) programme as a mainstream process of resolving cases pending in court through Court-Connected Mediation. In this programme, trained mediators were attached to selected courts to assist parties to resolve their disputes. The magistrate or judge, after educating the parties on the benefits of ADR and suggesting an alternative process of mediation, seeks consent to refer the dispute to mediation. The parties are then assisted to select a mediator and attend the mediation session on an agreed date. After the pilot project resulted in average settlement rates of about 60% of all cases mediated, ADR was replicated across the country. The Judicial Service set up an ADR Secretariat to continue to undertake activities aimed at ensuring the effective implementation of the ADR programme. Mediation under the ADR programme has been found to be faster and cheaper. As of 2008, 47% of cases mediated in the Lower Courts of Accra have been through ADR.^{lxxii}

Table 1: ADR cases dealt with in Magistrate Court in Accra (2007 and 2008)

Year	Cases referred and pending	Cases mediated	Cases settled	Cases referred back to courts	Cases pending after period
2007	385	343	141	91	76
2008	926	861	387	205	54

Figures Courtesy of Judicial Services

Increasingly more cases are being referred to and settled by ADR. A Five-Year Strategic Plan (2008--13) has been drawn and by 2013 the programme is to be extended to all District, Circuit and High Courts in Ghana. Already 155 mediators have been assigned to 41 District Courts across the country and 105 more mediators are expected to be trained and assigned to specified courts all over the country.^{lxxiii} Since March 2007 the total number of cases successfully resolved in District Courts in Accra alone through the Court-connected mediation process stands at 1 272, and with the programme being extended to all District, Circuit and High Courts across the country, the number of cases that will be successfully resolved through mediation is expected to exceed 10 000 by 2013.^{lxxiv} However, although ADR has reduced the backlog in the number of cases, knowledge about the existence of ADR and the Commercial Courts is limited, especially in many rural areas. Fieldwork interviews with stakeholders left little doubt that the courts were still slow, notwithstanding the programmes in place to remedy the situation. Complaints about the duration of cases can be made to the Court Inspectorate and Public Complaints Unit who take these seriously, yet these rules do not always operate. The information on delays in delivery justice has provided a basis for performance indicators and this information has been used to address the problem.

Judicial Integrity

As part of its reforms, the judiciary also seeks to enhance its image through a variety of programmes that strengthen its integrity. The first step has been to fight corruption. Indicators of sources of corruption, as perceived by the judiciary, included: delays in the execution of court orders; lack of public access to records of court proceedings; the disappearance of files; unusual variations in sentencing; delays in the delivery of judgments; prejudices for or against a party witness, or lawyer; and prolonged service in a particular judicial station. In 2005 again, the Chief Justice set up the 'Petitions and Complaints Unit' to fight corruption and entrench accountability and transparency within the judiciary. This unit has since been raised to the level of 'Court Inspectorate and Public Complaints Unit' and is headed by a retired Supreme Court Judge. When a member of the public has a complaint to file, they can do so either in person at Court Complex or via the Judicial Service's website. Once the petition is received, a member of staff refers the petition to the Unit Director who decides the appropriate steps to be taken in consultation with committees. A supporting staff member may also be requested to deal with the petition. A report is submitted to the Chief Justice for review. In addition, staff of the unit inspect the Court Record Books, and make unannounced appearances to monitor the court attendance and conduct of judges and magistrates in the various courts room. This means they have to travel all over the country. They also advise the public on court matters.^{lxxv}

The Code of Ethics was redocumented and was made easily accessible to judges and staff of the Judicial Services. The Judicial Training Institute (JTI) organised sensitisation and training workshops on the the adoption of the Code of Ethics for all judges and judicial officers in order to establish clear rules, indicate acceptable behaviour and make judicial activity transparent. From 2008 1 047 judges and magistrates hadve attended these courses.

The Code of Ethics meant to:

- Help judges resolve questions of professional ethics, giving them autonomy in decision making and guaranteeing their independence;
- Inform the public about standards of conduct that judges can be expected to uphold;

- Provide the judiciary with standards against which it can measure its performance;
- Provide protection to judges against charges of misconduct which are arbitrary and capricious;
- Signal the serious commitment of the judiciary to rebuilding its image.

This judiciary also sought to fight corruption by making the conditions of service more attractive, particularly in the lower courts. While it is difficult to draw a causal link between severe under-funding and judicial corruption, severe under-funding always has an impact on the judiciary. It is the duty of the state to provide adequate resources to enable the judiciary to perform its functions properly. 'Adequate salaries here mean a wage that ensures judges, magistrates and staff of the Judicial Services can support their families, remain loyal to their profession and, at least, have no economic need for resorting to corruption.'^{lxxxvi} Because the judiciary is under-funded it has not been able to offer very attractive salaries and benefits that would permit the retention of high-quality and qualified personnel. This is particularly so in the case of CHRAJ whose expenditures are not supported by the Consolidated Fund. A consequence of this has been the exodus of judges and legal officers from CHRAJ in search of better conditions in private practice.

Levels, Forms and Costs of Accessing Justice

The Judicial Service has, since 2002, undertaken a number of pilot projects aimed at promoting access to justice for the poor. Notably the service has modernised and equipped semi-automated magistrates' courts in communities across the country. Examples of communities that have benefited from the semi-automated magistrate courts include Bimbilla, Damongo, Bawku, Navrongo, Tumu, Lawra and many other regions in the south, and this modernisation is continuing. Underpinning most of the reform programmes is the desire to improving access to justice. This was certainly the case in a 2003 policy directive for the mainstreaming of the ADR to all districts. The courts are also being automated in an attempt to streamline the workings of the judiciary and improve overall efficiency. In response to the Ghana Poverty Reduction Strategy (GPRS), district courts are being reformed 'to ensure that they are able to render efficient, fast and effective service to the rural poor'.^{lxxxvii} This is being done with help from donor agencies. As part of the judiciary's Capacity Building and Human development

Programme, 83 Career Magistrates have been trained to fill the gap at district levels. Previously retired civil and public servants were allowed to act as magistrates, today these positions are being filled by Career Magistrates. By 2008 about 1 047 judges, magistrates and Judicial Services staff have attended the Judiciary Training Institute on Human Resource Development courses.^{lxxviii}

Other Problems in the Judiciary

The function of judicial institutions is to dispense justice and protect the fundamental rights and freedoms of the people. The judiciary should have the structure and ability to perform this function. Judges and laws are objective, and access to judicial institutions is secured through sophisticated mechanisms. However, in Ghana, the judiciary faces serious problems in many areas, particularly the dearth of financial resources, a crushing workload and a perceived lack of independence among some.

Excessive Workload a Major Issue Faced by the Judiciary

The figures of concluded cases handled by the courts raise serious concerns. A total of 115 502 (plus 163 031 carried over from previous year) cases were filed with the courts in the 2007/08 year. In the same year, 89 149 cases were concluded and 193 384 were postponed to the following season.^{lxxix} The dramatic increase in the number of cases before judicial bodies, the inability of courts to conclude the cases in a timely manner and an excessive workload has resulted in an accumulation of cases before the courts. The same applies to CHRAJ which began the year with 12 919 cases (including some carried over), it closed 9 693 cases and carried over 3 226 cases to the following season.^{lxxx} It is obvious that although aspects of the reforms are intended to help manage workloads, much still has to be done.

Judicial Independence and Impartiality

The 1992 constitution guarantees the independence of the judiciary and CHRAJ. The principle of the separation of powers regulates relations between the executive, the legislature and the judiciary, and the judiciary is authorised to inspect the legislative body with respect to the constitutionality of the laws and the executive body with respect to the suitability of its actions with existing legislation. To effectively carry out this duty the judiciary has to be independent in practice as well. Judges should be free of concerns over impositions from any other institutions or actors. In principle, they do not receive

instructions or orders from outsiders, but past experience suggests that it is possible that the actions of the executives sometimes undermine the independence of the officers of the judicial bodies. For instance, in the case of *Tsikata vs Government*, the NPP staffed the Supreme Court with particular judges in order to secure a favourable outcome for the government -- which can be seen as the Executive manipulating the judiciary and the Constitution.

For instance, the Office of Accountability, set up in 2003 to monitor and regulate the conduct of ministers and government appointees but located at the President's Office, is an example of a function taken away from the judiciary by the Executive. The nature of the Constitution, judges and commissioners of CHRJ who are appointed by Government demonstrates that while the judicial institutions are independent it is indeed possible for the Executive to manipulate them. In order to strengthen accountability it is imperative that the judiciary is completely independent.

Judicial Reform and the Production and Uses of Indicators

The scoping mission revealed that the major judicial institutions, the Judicial Service and CHRAJ produce annual reports which contain quantified data on their performances. There are also annual reports by the Judicial Council that document the number of cases handled each year and the total number of courts in the country during the year. CHRAJ, in particular, reports statistics of cases dealt with during the year by type and region/ districts. The Ministry of Justice also has a Monitoring and Evaluation Unit and has set criteria for performance rating and evaluation of judges. The findings suggested that these two institutions were also concerned with the international assessment of Ghana on issues such as money laundering, drug and human trafficking, and corruption – suggesting the use of international indicators.

However, the Ministry Justice was more sensitive to the backlog of cases that needed to be cleared and the number of complaints about judicial delays and corruption. These domestic issues have been the main driving force behind judicial reform. The reform process so far has been on qualitative and quantitative indicators. The major qualitative indicators are capacity building and enhancement; procedural revisions and improvement of the adjudication processes; the promotion of accountability; continuous judicial education; the development of a Code of ethics; greater access to judicial

services; infrastructural development; ICT and automation of the courts; and the Chief Justice's Outreach Programme. These indicators are at the process/responsibility/*de facto* level. They indicate the various actions the judiciary is taking to fulfil its responsibility and commitment and thus making itself more relevant to society's socioeconomic and democratic development.

The statistics on the number of cases disposed of each year; cases pending at the beginning of the year, cases filed in the year, etc. at the various courts suggest the production and use of quantitative governance indicators. These indicators should permit an analysis of the number of people enjoying their rights and access to the judiciary in Ghana. There is evidence that the judiciary has been using these indicators to assess its own performance. Recently Mrs Georgina Wood reached the conclusion that 'the situation has improved considerably in relation to all the superior courts and some circuit courts -- the highest courts in the lower strata of courts -- and a few district courts, but sadly that laborious practices still exist in most districts courts; the courts which the majority of Ghanaians access on daily basis'.^{lxxxix} Although these reforms are mainly a response to domestic criticism and challenges, they nevertheless serve a greater function of making the Ghanaian socioeconomic environment stable and predictable and thereby conducive for investment and development. Judicial reform is ongoing and there is still a need for more technical support for the reforms to reach the grassroots levels. To accelerate the reform, more courts have to be built across the country, especially specialised courts such as commercial courts, and Alternative Dispute Resolution (ADR) programmes introduced. The activities of CHRAJ and the judicial reform exercise also need to be popularised among citizens.

1.6.4 The Media and Press Freedom

Introduction

Ghana is highly rated by the International Press Freedom Index: the second African country after Namibia. However, internal debates suggest that this index obscures certain key features of the Ghanaian media landscape, including the role of key institutions. There is a strong view among many media practitioners that there is a need for broadcasting law to set guidelines and standards for broadcasting in the country. This

part of the study looks at the complex set of institutions, issues and practices that are driving the demand for a broadcasting law that could provide indicators for good practices and standards, quality, and objective support for the media industry.

The Constitution and Media Freedom

The 1992 Constitution of Ghana guarantees freedom of speech and expression, including the right to freedom of the press and other media. Chapter 12 of Article 162 (1) stipulates:

*'Freedom and independence of the media are hereby guaranteed'.
Clause (2) states that 'subject to this constitution and any other law not inconsistent with this constitution, there shall be no media censorship in Ghana', and Clause (3) notes that 'there shall be no impediments to the establishment of private press or media and in particular, there shall be no law requiring any person to obtain a licence as a prerequisite to the establishment or operation of a newspaper, journal or other media for mass communication or information.'*

On the basis of this Article and Article 166 of the Constitution, Parliament promulgated the National Media Commission Act of 1993, Act 449 to establish the National Media Commission (NMC). The Commission is mandated to promote and ensure the freedom and independence of the media and to 'insulate' state-owned media from governmental control. However, Article 173 of the Constitution restricts the NMC from exercising any control over the professional functions of media personnel, despite the numerous popular calls for the strengthening of the sanctioning powers of NMC. With regards to the electronic media in particular, an Executive instrument established the National Communications Authority (NCA) through the National Communications Authority Act, 1996, Act 524. The NCA is responsible for allocating licences for broadcast frequencies. There has been no specific law regulating the electronic media, but currently there is a lobby which is pushing for the introduction of a broadcasting bill. In the interim, the regulation of the electronic media rests with the guidelines of the NMC and the NCA.

In furtherance of media freedom, Parliament repealed the Newspaper Licensing Decree (PNDCL 211) and subsequently the Criminal Libel and Sedition laws in 2001. The repeal

of this law affected the Ghana Criminal Code, 1960, (Act 29) which criminalised libel and gave the President the power to ban 'recalcitrant' media organisations at his discretion. In addition, in 2003 Parliament passed the Whistleblowers Act, which seeks to promote a culture of openness and freedom of information in the country.

It is also stated in Article 21(1) (f) of the 1992 Constitution that:

'All persons shall have the right to information, subject to such qualifications and laws as are necessary in a democratic society.'

However, the right to information law, which should protect confidential sources of information, is yet to be passed. The bill to this law is currently at the Attorney General's Department. There is also no citizens' protection law. However, today journalists enjoy greater freedom, cooperation, and respect in their dealings with the State than ever before.

The Media Landscape

With the constitutional provisions indicated above, there has been a proliferation of the media -- both electronic and print -- over the past two decades. According to the National Media Commission there were 700 newspapers published in Ghana by 2009. This figure represents all categories of newspapers, both public and private.^{lxxxii} There are officially 130 radio stations operating in Ghana. Of these, 96 are currently broadcasting, mostly on FM frequencies -- quite an improvement on a total of 11 stations before 1996. In terms of rural-urban distribution, 78% of the media is in the urban areas, 14% in the rural areas, while 7% could not be classified as either rural or urban. With regard to regional distribution, the Greater Accra leads with 55.2%, followed by the Ashanti region with 6.1% and lastly by the eastern region with 3.4% (NMC, 2008). This urban-bias in the distribution of media is, however, being bridged by the proliferation of radio stations in the rural areas and broadcasting in local languages.^{lxxxiii} Moreover, some radio stations relay their programmes to sister stations in the rural areas to educate the rural population on what is going on in the country.^{lxxxiv}

The media has often been dubbed the Fourth Estate of the Realm in that it is supposed keep a critical eye on the operations of the three organs of state namely, the Executive,

Parliament and the judiciary and to make sure that they discharge their duties and responsibilities to the citizenry. The media also informs citizens of Government policies and actions and other critical information, and provides feedback on the impact of these policies and actions on society. Reports can also expose corruption, human rights abuses, and other such things that are not conducive to democratic governance, social integration, individual well-being and the general development of society. Media houses can thus demand and enhance transparency, probity, accountability, fairness, the rule of law, social integration and general development. The media also provide the opportunity for people to speak their minds on Government policy without fear.^{lxxxv} As noted 'the media basically play three major roles: it educates, informs and entertains; it explains government policies and programmes to the citizens; and it also makes the people's expectations known to Government...'^{lxxxvi}

Media freedom in Ghana has promoted democratic governance, the rule of law and fairness, and taught people their basic rights. For example, citizens frequently call-in to radio and TV stations and ministers and public officials are often called upon to respond to comments and criticisms. The media is also playing a critical role in national integration. For example, Ghana Broadcasting Corporation is now broadcasting in English as well as about fifteen local languages. This move is to help to expose the diverse culture in Ghana to enable different groups to appreciate one another's culture and beliefs.^{lxxxvii} But beyond this, the media as the Fourth Estate of the Realm and an instrument of democratic governance is not being seen by many as responsible, objective and accountable in the discharge of its duties,^{lxxxviii} and for these reasons has come under severe criticisms in recent times.

Thus notwithstanding the positive developments accompanying media freedom, there are some reservations about media content in terms of objectivity, accountability and responsibility -- although the definition of these terms vary and are often loaded with personal values and biases. According to recent research, the three major issues that made the news in 2008 were politics, sports and drugs which accounted for 26%, 24%, 10% of media reports respectively. The last three issues which made news were health, women and children and development each representing 2% of media reports (NMC, 2008). Media content is considered to be too political: about 60--70% of media content dealt with political issues, the rest being sensational stories, economic issues and sports.^{lxxxix}

Apart from these issues of coverage, there is also the issue of the abuses of media freedom such as the publication of unchecked facts, political colouring of events and a general lack of professionalism. As noted

The media to a large extent takes sides, thereby championing the course of one political party or the other. The effect has been the publication of unbalanced stories, unsubstantiated facts and defamation, among others.^{xc}

Part of this problem emanates from the weakness of and political interference in the work of the National Communication Authority (NCA). The NCA was set up by an executive instrument and because of this the Executive branch of Government tends to have control over the selection of the chairperson and the board members, but also the allocation of broadcasting frequencies.^{xcⁱ} Thus its work is not truly independent and it is described as a 'toothless bulldog'^{xcⁱⁱ} because it cannot effectively regulate the media or sanction journalists for libel or defamation. Its weakness also derives from the fact that there is no broadcasting law to regulate the activities of the electronic media. By not having broadcasting law, Ghana's Constitution has given absolute freedom to the media^{xcⁱⁱⁱ} and anything goes.

Another major problem is the fact that some politicians from the major political parties in Ghana -- the NPP and NDC -- own or are closely associated with some media houses.^{xc^{iv}} This has meant that the partisan rivalry between the NPP and NDC has found its way into the media houses and reports. The media houses perceived to be under political influence are NET2, Oman FM, Daily Guide for NPP, Radio Gold and the Enquirer for NDC. These media houses are used to propagate various political agendas.^{xc^v} One major instance in which the media nearly undermined democratic governance and development of Ghana was during the 2008 elections, when Radio Gold (perceived to support the NDC) and Oman FM (perceived to support the NPP) 'incited' people to hit the road and cause mayhem.^{xc^{vi}} These media reports heightened the perennial tension between the NPP and NDC and for that matter between the Ashanti and Ewe ethnics groups who respectively generally support these parties.^{xc^{vii}} The media are also often used as political weapons against opponents, and information is sometimes not verified before publication -- all of these issues tend to undermine democratic governance and can become a recipe for political and social instability.^{xc^{viii}}

Political parties also get people to front for them to acquire broadcast frequencies. 'Political ownership' has thus compromised objectivity. As noted 'you cannot bite the fingers that feed you'; the media is suffering from an 'objectivity crisis'.^{xcix} One consequence of this state of affairs is the 'publication of already packaged news' stories before conducting interviews, one sided stories, not briefing guests before interviewing them on air, and unbalanced and politically-motivated stories.^c Furthermore, many media houses are handicapped by the lack of competent, informed personnel and institutional capacity to do proper analysis in order to report objectively.^{ci} Reporters in some media house are poorly paid, while others have to depend on the tips they get from covering events for their salaries. This has undermined the morale and sense of objectivity of reporters as well as the quality of reports.

On the basis of these issues, partisan interests are the biggest challenges facing the media today in Ghana. Thus the growth and expansion of the media landscape has not necessarily meant improved quality as there is abundant evidence of a glaring lack of professionalism and staff are ill equipped and poorly motivated. Since democracy can only flourish there exists is media freedom and objectivity,^{cii} there is a need for effective regulatory framework or what media experts call a Broadcasting Law and Right of Information Law, which is currently being deliberated upon by Parliament. There is also the need to accelerate the review process of the Right of Information Bill so as to make it into law.

The Media Foundation for West Africa in Ghana is a regional, independent, non-profit, NGO established in 1997 to monitor Press Freedom and Abuses in West Africa. It covers 15 West African states and Mauritania. It monitors and reports attacks on journalists and violations of rights of journalists as well as acts of impunity. Its main objectives are to:

1. Raise public awareness of and redress violations of media rights and free expression through the monitoring of abuses and attacks;
2. Promote the development and expansion of media rights and free expression through legislative and policy reform;
3. Seek justice through litigation for journalist, media and citizens persecuted by the state and other actors for exercising their right to free expression;

4. Advance professional standards to enhance the media's capacity to support democratic governance and culture;
5. Promote knowledge and awareness among citizens of their rights to free expression; and to enhance the media environment through research and publication of data, information, and analysis on developments, trends and issues regarding policy, legislation and anything else affecting media and free expression;
6. Support the development or operation of institutions and or projects that promote media development and sustainability.^{ciii}

The Media Foundation for West Africa reports on the media professional groups and regulatory bodies, the legal environment, capacity building and development, Government-Media relations and attacks on the media in West African countries and Mauritania. The Media Foundations for West Africa also reports on the number of journalists who have been murdered because their work is in line with the work of the Committee on Protect of Journalists (CPJ). The findings of the Media Foundation for West African are periodically published and circulated; it also organises workshops and seminars to disseminate its findings to the public.

The Media and the Production and Use of Indicators

It was clear from the scoping mission that many media organisations did not directly produce indicators. The few that did usually conducted polls on elections to assess government performance on economic and social issues. However, many media houses made use of a variety of experts to discuss issues and so assess the governance situation in the country. Radio and TV broadcasting houses also regularly invite citizens to comment on issues affecting them, and call on political figures to respond directly to the issues at hand. These processes are indicative of an improving governance situation in Ghana. The National Media Commission (NMC) once produced indicators for the assessment of the content of news stories in Ghana, and these appeared in the *Media Review* of September 2006. Unfortunately this exercise was not sustained. The NMC is a strong advocate of the use of indicators to facilitate regulation of the media, particularly broadcasting organisations, and for these to be formally incorporated in law. The Media

Foundation of West Africa did not produce its own indicators but relied on existing statistics and data to do a qualitative analysis of the state of the media in West Africa. These were largely statistics on death and imprisonment of journalists in West African countries. These became indicators of governance in the media environment and media freedom.

From the fieldwork there is an emerging consensus that Ghana needs a Broadcasting Law to provide guidelines for broadcasting in terms of what should constitute legitimate and objective content, what is permissible and not permissible to broadcast, and what sanctions will be imposed on violators of these standards. If this law is realised, it should help to identify indicators of governance for the media industry, which in turn will promote objectivity and accountability and expose corruption and human rights abuses in society.

The following section depicts civil society's interaction with Parliament in the legislative process which drafted and passed Ghana's mining law.

1.6.5 The Interaction between Parliament and Civil Society on Mining Legislation

On 7 January 1993 Ghana returned to constitutional rule based on multi-party parliamentary democracy. The 1992 Constitution, in Section 93 of Chapter 10, provides that there shall be a Parliament consisting of not fewer than 140 members, a number currently exceeded by 90. A provision was made for a Speaker and two Deputy Speakers who cannot be members of the same party. The Constitution vested in the Parliament the legislative power of Ghana, subject to the Constitution. As in many multi-party democracies, Parliament in Ghana is the main body responsible for making laws, and regulating professional, trade, and business organisations and investment in industries such as mining. It is also responsible for scrutinising financial matters of the Government and conducting general oversight of the Executive.

There are numerous standing committees, select committees, and sometimes ad hoc committees whose activities enable Members of Parliament to gain experience in the relevant subject areas which helps them to exert useful influence on legislative activities. The Constitution mandates that Bills introduced in the House of Parliament for the First Reading must be referred to the appropriate committees for their consideration before they are returned to the floor of Parliament for debate. Members of committees are

selected by the Selection Committee which is headed by the Speaker of Parliament. This selection reflects the strength of various parties in Parliament.

Before passing the Minerals and Mining Act 2006 (Act 703), which regulates the mining industry, Parliament gave relevant civil society organisations (CSOs) such as Third World Network (TWN) and Wassa Association of Communities Affected by Mining (WACAM) the opportunity to contribute to the law-making process. In order to understand the interaction between Parliament and these CSOs, it is important to note that the adoption of IMF/World Bank structural adjustment policies in 1983, led to a fast and harsh liberalisation of the mining sector. Over the next few years following liberalisation, many foreign gold-mining companies invaded the country and began to operate in the Wassa West District in the Western Region. The operations and activities of these companies generated intense conflict with the communities immediately adjacent to their concessions. The major conflict centred on issues of land access with other consequences. When the mineral firms began developing surface mining operations they needed access to large tracts of land, much of which was already being used by nearby communities for living and farming. Mining companies accessing large tracts of land resulted in numerous cases of forced eviction, inadequate compensation, land degradation, destruction of culturally-sacred sites, community displacement and the pollution of integral water bodies. In response to these problems, a NGO called WACAM was formed in 1998 to assist communities adversely affected by mining activities. WACAM seeks to: (i) ensure that the rights of mining communities are respected; (ii) aid communities whose lands have been usurped by mining companies in obtaining adequate compensations packages; (iii) liaise with the Ghanaia Government and other stakeholder organisations on issues concerning the effect of mining in the country; (iv) raise public awareness about the issues in mining communities; and (v) collaborate with other groups and organisations with similar mandates.^{civ}

Another major civil society organisation whose activities influenced Parliament in passing the mineral law is the Third World Network-Africa (TWN). The Third World Network-Africa is an international network of organisations and individuals involved in issues relating to the environment, development in the Third World and North-South issues. The network has its international secretariat in Malaysia. It conducts research on various issues pertaining to the third world countries and publishes books and magazines, and organises seminars. The Ghana chapter was established in 1994 and

conducts research and carries out advocacy activities on issues around social and economic policy that advances the needs and interests of Ghanaians, Africans and other Third World countries.^{cv}

Parliament and Civil Society on Mining Legislation

TWN and WACAM interacted with Parliament and other ministries, departments and agencies such as the Ghana Chamber of Mines, the academia ministry, the Minerals Commission, and the Environmental Protection Agency to influence legislation on mining activities to address the issues generating conflict in the mining communities and also to make the mining law conform to international standards.^{cvi} The main strategy used by these organisations include joining forces for purposes of advocacy. In this case there was the formation of a National Coalition on Mining which organised a number of workshops, seminars and demonstrations on the mining situation in the country and eventually sent memoranda to Members of Parliament and the Committee on Mines and Energy.^{cvi} In order to adequately influence the mining law the National Coalition on Mining developed its knowledge base on mining issues and set up task forces to study the Bill on mining. For example, TNW set up a group to study the draft Bill and met with the Minerals Commission, the Ministry of the Interior, the Defence Ministry and Environmental Protection Agency over the issues that were raised in the Bill. The coalition also held numerous discussions in the media as part of its strategy to push for the amendments it stood for.^{cvi} Finally, TWN and WACAM submitted a memorandum to Parliament (through the Parliamentary Committee on Mines and Energy) requesting that the mining law address the following issues: 'unrealistic' royalties and compensations for local communities and individuals whose lands are compulsorily claimed; securing 'no go zones' for sacred sites; the pollution of water bodies; cyanide spillage; waste disposal; blasting standards; and adequate re-settlement programmes.^{cix}

Civil Society and the Production and Use of Governance Indicators

The activities of TWN and WACAM are indicative of the desires of CSOs to demand accountability and human rights in the mining industry, as well influence environmental governance. For TWN and WACAM, governance indicators include the payment of realistic compensation to citizens whose lands are compulsorily acquired, the

involvement of communities in the disposing of waste, the protection of sacred places, the provision of 'adequate' re-settlement policies/facilities and environmental protection.

The outcome of the law is mixed and its evaluation depends on who is doing the evaluation. The law stipulates, for example, that compensation should be paid by mining firms to affected individuals, institutions and communities. The law also improved land acquisition procedures and maintained that cultural/sacred lands be respected.^{cx} Whereas Parliament sees its interaction with CSOs as 'fruitful',^{cxii} TWN and WACAM think that Parliament and other Government agencies such as Chamber of Mines perceived them as adversaries rather than supportive institutions regarding mining legislation and so the desired impact of their activities was partial.^{cxiii} Civil society made a catalogue of accusations to suggest that the interaction was adversarial. TWN and WACAM noted that right from the beginning, Parliament had engaged in certain practices which made it impossible for them to make an effective contribution to the debates. For example, Parliament signalled stakeholders of its intention to debate the Bill only a day or two in advance, which made it difficult for CSOs to make the desired impact through advocacy discussions and other means.

So although Parliament engaged CSOs through invitations to workshops and seminars, their contributions hardly had any impact on the legislation. Thus from the perspective of the TWN and WACAM a number of changes proposed by the National Coalition on mining were ignored by Parliament, and they feel that the law does not conform to international standards and needs to be amended.^{cxiiii} For example, TNW and WACAM demanded adequate compensation for land acquisition, but this was not being respected. In one of their recent reports, TWN and WACAM vehemently criticised mining companies for paying as little as 50 Ghana pesewas per cocoa tree, when that tree would have fetched the farmer over 100 Ghana cedis a few years later. They also criticised mining companies for not allowing communities to participate in waste disposal, for paying low compensations; for the continuous displacement of people and the pollution of water bodies and the environment; for the loss of livelihoods and for forced evictions and gross human rights abuses in the mining communities. In their criticisms they noted that parliamentarians 'had passed a law that impoverished already poor and feeble mining communities but enriched already prosperous and powerful multinational mining companies'. They have also described the mining law as 'a perfect example of a neo-colonial law' in the sense that it is a piece of legislation that carries our

resources out of this country.^{cxiv} There is continuous weakness in Ghana's mining regulatory framework because 'it lacks defining certain areas like forest reserves as "No Go Zones" for mining and no provision for "Free Prior and Informed Consent" (FPIC) that can empower community people to say no to mining operations which have grave consequences on communities'.^{cxv}

Although CSOs took great interest in the drafting of the mining law, Parliament simply 'ignored their voices and went ahead to do its wishes'.^{cxvi} Since many issues raised by CSOs were left out in the law, Parliament's dialogue with CSOs seems to have been first and foremost driven by the demands of external powers. 'It was triggered in part by international donors' insistence that Parliament actively engage civil society in its activities'^{cxvii} rather than a sincere desire to be informed by alternative views to enhance governance and protect national interests and the interests of communities in the mining areas. This indicates that donor communities are major drivers of governance indicators. In Ghana, however, governance indicators were being demanded by CSOs, but Government was unable to comply satisfactorily with the standards they expected..

However, these CSOs continue to demand these same governance indicators in the emerging oil industry, and advocate for the rights of communities, as there is evidence that drilling for oil is resulting in oil spillages which are threatening marine life and the livelihoods of fisherfolk^{cxviii} and women fishmongers in the region. Lands are also being sold to investors for a pittance due to ignorance. As a result CSOs such as TWN, WACAM, NETRIGHT, Friends of the Nation, and other NGOs are sensitising the population on their rights.

1.6.6 The Use of Governance Indicators in the National Development Plan

Ownership of Development Plans

The National Development Planning Commission (NDPC) was established in April 1990 to co-ordinate the new national planning effort and to advise the President on development planning policies and strategies. The legislative framework of the National Development Planning is provided by the National Development Planning Commission of 1994 (Act 479), the National Development Planning (System) of 1994 (Act 480), the Local Government Act of 1993 (Act 462), the Civil Service Law of 1993 (PNDC Law 327) and Local Government (Urban, Zonal and Town Councils and Unit Committees

(Establishment) Instruments of 1994 (LI1589), as well as Article 86 of the 1992 Constitution which establishes the NDPC and Article 87 which defines its mandate.^{cxix}

These legal instruments regulate planning in Ghana, defining the planning activities of, and the functional relationships between, the various planning authorities in both vertical and horizontal planning processes. The development planning system describes four planning authorities: (i) two at the national level -- NDPC and Sector Ministries/ Departments/Agencies (MDAs) and (ii) at the local level -- the Regional Co-ordinating Councils (RCCs) and the Metropolitan/Municipal/ Districts Assemblies (MMDAs) -- simply referred to as District Assemblies (DAs). The NDPC is at the apex of the planning machinery and has responsibility for co-ordinating and harmonising sector plans from MDAs and district plans from DAs into a comprehensive, integrated and broad national plan.^{cxx}

Acts 86 and 87 of the 1992 Constitution make the NDPC the statutory body mandated to advise the President on development planning policy and strategy by providing a national development policy framework and ensuring that strategies, and consequential policies and programmes are effectively carried out to enhance the well-being and living standards of all Ghanaians at all levels of society. The NDPC prepares a broad National Development Plan for the country, taking into consideration the needs and requirements of all sectors and districts of Ghana. It is also mandated to make proposals for the development of multi-year rolling plans, and to monitor, evaluate and co-ordinate development policies, programmes and projects.^{cxxi}

As a first step, the NDPC prepared a long-term National Development Policy Framework which shows the strategic direction of national development over a 25-year period from 1996--2020. The main purpose of this framework (which became popularly known as Ghana-Vision 2020) was to provide a consistent framework for comprehensive development planning over the long term, with the aim of transforming Ghana from a poor, under-developed, low-income country into a vibrant, prosperous, middle-income country with a per capita income of US\$4 000 or above within the first decade of the twenty-first century.^{cxxii} Ghana-Vision 2020 framework has to be embraced by all sectors of the society (central and local governments, national security agencies, print and electronic media and information dissemination agencies, private and public sector

operators, including NGOs, rural and urban communities, individuals and groups) in order to achieve the long-term development goal.

The process of developing National Development Plans in Ghana can, to a great extent, be described as based on broad consensus. For example, the Ghana-Vision 2020 policy framework was prepared after extensive consultation with the citizenry and professionals and experts.^{cxixiii} Consultation occurred in phases. The first phase was the National Policy Formulation in which professionals undertook situational analysis of the nation to sets the basis for policy formulation and advised on the specific thematic areas. In the second, phase the NDPC met with public and professional associations to feed their inputs into the specific thematic areas. The third phase involved consultation with cross-sector planning groups. In this process, draft policies were exposed to experts in government institutions such as the ministries, departments and agencies, the Judicial Service, security services and financial institutions, in order to solicit their comments on the process and content of the National Development Plan and to provide the necessary justifications as well. There were also public consultations at the various regional levels with economic and social groups such as traditional authorities (chiefs and queens), farmers, businessmen, academic and research personnel, teachers, and market women and NGOs/CSOs, to collate their views on the draft policy. Political parties were also consulted in this exercise, as was the Parliamentary Committee on Development Planning, and development partners such as NGOs, CBOs, bilateral and multilateral institutions.^{cxixiv} Finally, NDPC sent a draft policy to Parliament for approval and for subsequent development into the National Development Plan. After parliamentary approval, the NDPC prepared a guideline on planning for the sectors and districts so that they could come up with their own development plans which were, in turn, fused into the National Development Plan. At the local level, guidelines for the development of the district plans provided a broad framework for consultations, and sector ministries at the local level, CSOs and citizens in the communities or districts were consulted.

There is often a discrepancy between theory and practice, however, and even though the NDPC guidelines made adequate provision for broad consultation, consultation was not widely spread. Consultation with some key stakeholders such as Parliament and CSOs was limited, as these institutions were involved only in the last stage of the work of the NDPC, and were given little time to make the necessary contributions.^{cxixv} Likewise consultation with Parliament concerning GPRS I & II was limited, and it was literally at the

point of completion, when the NDPC wanted to unveil the development plans to the public, that Parliament got involved.^{cxxvi} Lack of adequate funds for district level consultations also hampered the consultation process.^{cxxvii}

Notwithstanding the fact that there is a broad consensus on the degree of ownership of the development plans by both the government and the people of Ghana, in terms of conceptualisation and organisation of the process, external influence is discernible in the financial and logistical support of development partners.^{cxxviii} External influence of the development partners started from 2001, when Ghana abandoned Vision 2020 and formulated the Medium-Term Development Plans in response to the declaration from multi-lateral institutions that Ghana was a Highly Indebted Poor Country (HIPC) and that it needed to fulfil certain development conditions to remain attractive to external donors. Following this every development project had to be consonance with particular conditions set by these development partners. However, the preparation of Poverty Reduction Strategies passed through the similar processes to those outlined above. Ghana then adopted Ghana Poverty Reduction Strategy I (GPRS I) (2003--05) and the Growth and Poverty Reduction Strategy II (GPRS II) (2006--09). External pressures still influence policy as 20% of the Ghanaian annual budget comes from development partners who push their own development agendas.^{cxxix}

A major problem with development planning in Ghana is that plans are often abandoned when new governments come to power. It seems that is political parties or governments and not the nation that owns development plans.^{cxxx} Currently, Ghana is in the process of developing a Medium-Term Development Framework 2010--13 – **Ghana Shared Growth and Development Agenda (GSGDA)** -- as a result of the NDC coming to power. The NDPC has developed thematic areas at the local level and these include: Improvement and Sustenance of Macro-economic Stability; Expanded Development of Production and Infrastructure; Accelerated Agriculture and Modernisation and Agro-based Industrial Development; Sustainable Partnership between Government and the Private Sector; Developing Human Resources for National Development; Transparent and Accountable Governance; and the Reduction of Poverty and Income Inequalities. However there are still discrepancies between theory and practice when it comes to development plans, even though the NDPC guidelines make for adequate and broad consultation, consultations are not widely spread. Accordingly, the lack of adequate

funds for district level consultations continues to be a challenge hampering the consultation process.^{cxxxix}

AS the National Development Plans are long-term objectives, medium-terms plans are necessary for the realisation of the long-term goals. Thus in accordance with its mandate NDPC also prepares Medium-Term Development Plans based on the Medium-Term Expenditure Framework (MTEF). The MTEF is a performance-based budgeting tool that spans three years. It was implemented in 1999 when there was a problem with line-item budgeting^{cxxxix} in the previous budgeting system and difficulty in reconciling recurrent expenditures with capital expenditure. The MTEF is based on the principles of a strategic plan and each ministry to required to prepare a strategic plan to ensure the prioritisation of programmes and activities and the effective and efficient use of resources. Thus the National Development Plan is linked to the MTEF.^{cxxxix} However the link between the National Development Plan and the MTEF is quiet weak because of the late submission of the district development plans to the annual budget.^{cxxxix} The National Development Plan goes through Cabinet for approval before it goes through Parliament. The budget is a rolling budget because unaccomplished policies and programmes in the previous year are rolled into the following year's budget.^{cxxxv}

Comment [G8]: CHECK MEANING. Didn't make sense. Rolling plans roll over to following year??

National Development Plans are costed to determine the resources needed for the implementation of policy objectives and plans.^{cxxxvi} The country's annual budget for the sector ministries, departments, agencies and the district assemblies are drawn from the National Development Plan. The NDPC gives the sector ministries and district assemblies guidelines to formulate their development plans; plans from the MDAs are collated by the NDPC which in turn feeds into the annual budget. Policies and programmes of the district assemblies are not linked to the annual budget, however, because of the late submission of these district assemblies' budgets. Local Government Act, Act 462, mandates MMDAs to submit their budget at end of November by which time the annual budget has already been read.^{cxxxvii} It is important that this lapse is addressed. Financial support of the development plan is usually released in tranches based on the performance of the monitoring and evaluation done.

Table 1 Mainstream of the Budget and the Development Plan

Country	NDP Costed	NDP linked to budget	NDP linked to MTEF	Cabinet approves NDP priorities	Special Unit set up to manage preparation/implementation of NDP	M&E date collected and presented regularly	Cabinet reviews progress in implementation of NDP	Unit location
Ghana	Y	Y	Y	Y	Y	Y	Y	Economic planning

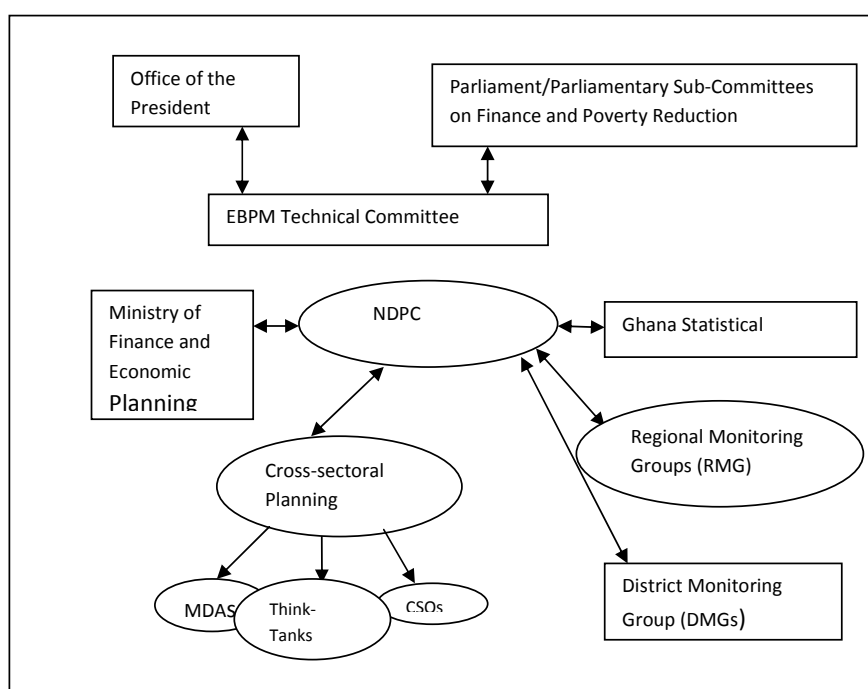
District development plans are not usually submitted to the Ministry of Finance and Economic Planning in time for inclusion in the national budget because of logistical constraints. To remedy this, the Institute of Local Government Studies (ILGS) is working on a framework to get the district plans to feed into the annual budget so that a composite annual budget can be prepared.^{cxxxviii}

Institutional Framework for Monitoring

The NDPC facilitates the preparation and implementation of the development policies in the country but it is not an implementation agency. The implementing agencies include Government Ministries/Departments/Agencies (MDAs) at the national level and Metropolitan/Municipal and District Assemblies (MMDAs). The NDPC does, however, specify indicators on thematic areas to provide a basis for the implementing agencies to assess their performance, although these implementing agencies can provide additional indicators for assessment derived from their particular environments. The NDPC then collates data informed by the thematic areas it has outlined. Independent consultants are also engaged to collate data from all sectors and districts and sometimes from the public to determine the qualitative aspects of the performances. 'Reports from the NDPC and independent consultants are put together; however wherever there are disparities in such reports the citizens assessment reigns supreme.'^{cxxxix} These monitoring and evaluative processes were applied in preparation of the Annual Progress of Reports on the GPRS I & II. These reports are disseminated to the public in all regions and in ministries and districts.^{cxl} Cabinet reviews progress in the implementation of the

development. The NDPC, through its monitoring of the implementation by policies and programmes by the MDAs and the MMMDAs, draws up an annual progress report which informs Cabinet on the policy decisions of a development plan.^{cxlii} Successes of the development plan are also highlighted and weaknesses are addressed. Figure 1 depicts the monitoring and evaluation processes.

Figure 1: Institutional Arrangement for Monitoring and Evaluation



Source: GPRS II, National Monitoring and Evaluation Plan (2006--09).

The institutional arrangement for monitoring and evaluation is made up of several units and mechanisms. These are:

A: Evidenced-Based Policy-Making (EBPM) Technical Committee

This technical committee comprises representatives of NDPC, the Office of the President, the Ministry of Finance and Economic Planning (MOFEP) and Ghana Statistical Service (GSS). Its role and responsibilities are to:

- Promote greater coordination and harmonisation of M&E activities across all levels of government;
- Ensure better information flows to improve the GPRS monitoring and evaluation system;
- Strengthen the capacity of key Central Management Agencies (NDPC, Office of the President, MOFEP, MLGRD, GSS and MDAs) to generate, analyse and disseminate M&E information;
- Improve communication across all levels of government and the wider stakeholder community about M&E processes by addressing the systematic deficiencies in M&E data collection and information flow.

B. Office of the President

This office plays a key role in ensuring that M&E is adequately resourced and taken seriously by Ministries, Departments and Agencies (MDAs). It is also one of the Central Management Agencies and a member of the EBPM Technical Committee.

C. Parliament

The Parliamentary Select-Committees on Finance and Poverty Reduction have an oversight responsibility to make recommendations to Parliament and it influences government policies on poverty reduction through the annual budget and regular interaction with CSOs. Members of Parliament also use the outcome of M&E to influence government policies.

D. Ministry of Finance and Economic Planning (MOFEP)

MOFEP plays a significant role in:

- Ensuring that MDAs are held accountable for resource use;
- Strengthening the capacity of key MDAs to generate, analyse and disseminate financial data; and
- Ensuring that feedback from the M&E system are fed into policy formulation and implementation through the annual budget.

E. Ghana Statistical Service (GSS)

GSS is the main constitutional body mandated to oversee data collection, analysis, compilation and dissemination activities across government institutions, including all surveys and the systematic compilation of statistics and indicators from all major sources of data (i.e. the Census, sample surveys and administrative records). GSS produces the data from which most indicators for M&E of the GPRS II were derived. It also supports the M&E system by helping to design the methodologies, approaches and the instruments employed in collecting data at the national, regional and district levels.

F. CSOs

CSOs serve on the Cross-Sectoral Planning Groups (CSPG) which is part of the framework for preparing the Annual Progress Report. CSOs also collaborate with Regional Planning Coordinating Units and the District Planning Coordinating Units to undertake policy, programme and project assessment of services that affect the poor. Furthermore CSOs undertake social audits of budget releases, the District Common Fund, funds from Development Partners and internally-generated funds targeted for the delivery of services to the poor; they also assist the NDPC, sectors and districts to disseminate the National Annual Progress on the implementation of the GPRS II to stakeholders.

G. Cross-Sectoral Planning Groups (CSPGs)

The CSPGs is made up of stakeholders from ministries, departments and agencies, development partners, private sector and NGOs/CSOs at the national level. CSPGs act as monitoring groups at the national level. They review the performance of the GPRS II thematic areas, with particular attention to the indicators selected, and make suggestions on conducting evaluations, including impact assessments and participatory M&E, and provide relevant input into the policy formulation processes.

Annual budgets of the country are drawn from the National Development Plan. The Public Expenditure and Monitoring Unit (PEMU) in the budget division of the Ministry of Finance and Economic Planning monitors the expenditure programmes of the development plans; the Economic Planning Division monitors the growth of the economy; and the Multi-Donor Budget Support (MDBS) division monitors the disbursement of funds by donors.^{cxliii} The Committee on Government Assurance in

Parliament is mandated to follow up on promises given by ministers in Parliament, particularly on the implementation and the fulfilment of development plans.^{cxliii}

The Policy Evaluation and Oversight Unit is mandated to develop a data bank of the policies and the programmes emanating from the various government ministries, departments and agencies. It also monitors these policies, the cost of their implementation, and the duration of the programmes, providing a monthly account of the work in progress.^{cxliiv}

The evaluation is based on an Evidence-Based Performance Monitoring System which is then analysed. Evaluation is not only based on the completion of programmes but an assessment of the actual impact on the target population. Whereas the NDPC monitors medium- to long-term development plans, the Monitoring and Evaluation Unit evaluates on a daily basis: these two institutions complement each other. The Policy Evaluation and Oversight Unit has a National Evaluation Committee chaired by the Vice-President and supported by eight other sector ministers, including an official of the NDPC.

Parliament engages indirectly with the development plans through interfacing with the budget and the annual reports of the MDAs. Accordingly Parliament measures the goals spelt out in the development plan by monitoring and assessing the development plan of the NDPC over a particular period to see whether or not goals have been achieved. Parliament is in the process of developing its own set of indicators to help it assess its own functions.^{cxlv}

At the local level, the district assembly has the overall responsibility of implementing the development goals of the district because it is the ultimate decision-making body of the district. The district assembly works through a team of technocrats headed by the District Chief Executive. The District Co-ordinating Director is responsible for the management of the district and the various offices responsible for planning and budgeting, while the decentralised departments (District Director of Health, Education, and Agriculture) ensure effective implementation of policies and programmes at the district level. The Municipal Planning and Coordinating Units are responsible for the monitoring and evaluation of the development plan.^{cxlvi}

The Quality of Governance Indicators Used in the National Development Plan

Indicators Used In Monitoring

There are two types of indicators used in the National Development Plan, at the national level and at the sector or district level. The NDPC facilitates the process of the formulation of the national plan by liaising with sectors and districts to define the set of indicators to achieve a particular goal.^{cxlvii} The NDPC prepares the Annual Progress Report based on the indicators used at both the district and sector levels. Indicators used are those on governance, women empowerment, etc., and these indicators serve as inputs into subsequent policy formulation. The indicators used in the monitoring of development plans are either quantitative or qualitative in nature, and these define the data to be collected to measure performance within a specified time-frame. Indicators are disaggregated along various lines, including geographic (urban/rural area, administrative units, etc.), gender, age, and income, as well as socially-defined groupings. The key themes of the GPRS II were the private sector, good governance and civic responsibility; the policies and programmes were therefore defined to achieve the ultimate objective which was to accelerate the income of the average Ghanaian to a middle-income status by 2015. The appropriate type and level of disaggregation is based on the sector conditions and the indicator. In addition to these indicators, Government is committed to report on the implementation of the various country partnership agreements, including Multi-Donor Budgetary Support, the Programme of Action (POA) of the Africa Peer Review Mechanism (APRM), and the Millennium Development Goals (MDGs).^{cxlviii} A set of pre-determined indicators, triggers and targets are used to monitor the implementation of these international partnership agreements.

At the Policy Evaluation and Oversight Unit, the indicators used are defined in the party's manifesto, which makes their indicators less objective.

Some of the indicators drawn by MOFEP include broad projections (Macro indicators) through a macro-economic framework. These include projecting GDP, inflation, interest rates, the budget deficit, and balance of payment for the coming year.^{cxlix} This is usually put together by an inter-agency team, which includes the MOFEP, NDPC, Bank of Ghana, and the Office of the President. This team determines the targets or the policy decisions for the next year. Accordingly four main objectives for the macro-economy: registration of tolerable level of inflation, reduction of unemployment and the registration of sustained levels of balance of payment and growth. Some of these objectives are

conflicting, however. For instance, if a country wanted to grow at a rate of 10% per annum, this would have to be done at the expense of inflation.

The indicators used in the district development plans are located in the guidelines on development provided by the NDPC. The district assesses the problems, the challenges and the financial gaps which could hinder development, and these form the basis for the development plans for the district.^{ci} For example, the health needs of the people are paramount in human resource development and indicators for this could be the eradication of buruli ulcer, or the much dreaded cerebrospinal meningitis (CSM). Indicators used at the local level are not rigid. Districts are encouraged to come up with their own indicators that will enable them to monitor the extent to which intended development plans are achieved. Indicators used in the health sectors are drawn up by health practitioners, community members, development partners and other stakeholders. The District Planning Coordinating Unit is the institution responsible for the development of indicators in collaboration with the people at the district level.^{cii} These indicators are reviewed annually to reflect the current development agenda. They help a district to know how far it has come with its development, and to identify the challenges and failures as well as the way forward.^{ciii} Lack of adequate financial resource and the lack of capacity of the local people to make informed decisions were identified as challenges which bedevil the development and use of the indicators. The indicators used in Ashaiman Municipality, for instance, depend on the particular objectives of the district in terms of a time-frame, employment issues, utility gaps, infrastructural, education, health and sanitation gaps, and issues related to transparency and accountability.^{ciiii}

The Strengths and Weaknesses of the Indicators on Governance Used in the National Development Plan

Indicators used in the sectoral and district development plans help such sectors -- ministries, departments/agencies -- and districts to achieve their development targets. Indicators developed by MDAs also serve as inputs into subsequent policy formulation and implementation, and inform sector ministries and districts on how far they have come, their challenges and successes, and the way forward. One weakness of indicators raised during interviews with key personnel in NDPC borders is the question of processes that affect the quality or determination of these indicators. These are:

- NDPC lacked adequate logistical support and equipment to carry out its monitoring and evaluation activities;
- Lack of monitoring and evaluation capacity (personnel) at all levels, but particularly at the district level;
- Limited time for districts to submit their development plans to the NDPC;
- There is also a capacity/knowledge gap on the part of the people in the districts (at the local level) to be able to make informed decisions on the development plan;
- Lack of adequate financial resources to aid monitoring and evaluation;
- The appointment of political party cronies into official positions undermines the professionalism of institutions;
- The late submission of respondents questionnaires is a major weakness in monitoring and evaluating process;
- Lack of adequate skilled manpower in MOFEP and an effective mechanism to keep the skilled labour;
- Parliament was not seeing many publications on the Committee of Government Assurance, so it is not clear if it is carrying out its mandate effectively;
- There is a major concern about inadequate consultations between stakeholders of the development plan and the NDPC;
- Most inputs by CSOs into the GPRS II were done by urban-based CSOs, neglecting CSOs at the local level;
- Measurements of indicators are sometimes a problem; sometimes there is a clear indicator but the data and analysis to support such an indicator is missing;
- Lack of access to information and commitment from state actors to provide this data and analysis;
- Lack of standardisation of measurement of indicators across MDAs, and many MDAs were unable to write good reports and those that are able, do so very late which prevents the timely finalisation of national reports;
- The current NDC government has created an Evaluation and Oversight Unit which could compete with NDPC in the production and use of governance indicators, unless their respective functions are clearly differentiated and stipulated .

Integration of Other Relevant Governance Assessment Instruments in M&E of the National Development Plan

In Ghana, Government is pursuing and reporting on multiple governance assessment processes and integrating these into the M&E of the development plan. These include APRM, fighting corruption and economic crimes, and women empowerment.

APRM

As indicated above the APRM's NPOA has been grafted onto the Growth and Poverty Reduction Strategy (GPRS II) to exploit synergies and ensure targeted use of scarce resources. The four themes of the APRM -- democracy and good governance, economic governance and management, corporate governance, and socioeconomic development -- are mapped onto the three pillars of the GPRS II, which are Private Sector Development, Human Resource Development and Good Governance, and Civic Responsibility. This is to ensure that implementation of the GPRS II would automatically lead to implementation of the NPOA of the APRM. This is also to ensure that the NPOA is not detached from the national development agenda. The implementation of the APRM process had led to the creation of the Northern Development Fund with the responsibility of narrowing the developmental gap between the northern and southern parts of the country. Another aspect of the APRM recommendation is the implementation of the NEPAD School Feeding Programme (SFP) which has led to the provision of at least a meal a day for all school-going children in government schools to alleviate poverty and malnutrition and help to retain children in school, thus improving enrolment and parity ratios for boys and girls, at least at the level of basic schooling. The implementation of the SFP also seeks to improve local food production although evidence shows that not much has been achieved in this direction. Indicators including enrolment in kindergarten, primary school and junior secondary school, the gender parity index, and geographical equity in enrolment are all integrated into the M&E of the development plan.

Fighting Corruption and Economic Crimes

Many laws have been enacted to address issues of corruption in Ghana and among public office holders. These include: (i) Financial Administrative Act, 2003 (Act 654); (ii) Internal Audit Agency Act, 2003 (Act 658); (iii) Public Procurement Act, 2003 (Act 663,

Public Procurement Act, 2003 (Act 663) which requires that all public goods, entities and services are advertised for public bidding so as to minimise corrupt practices among public officers; (iv) Whistle Blowers Act; and (v) Assets Declaration Act which enjoins politicians to declare their assets on ascension to office (although up until now the declarations are not made public for citizens to scrutinise and certify). The Criminal Code of 1960s has been amended to enable the prosecution of public officials who cause financial loss to the State. The M&E reports of development plans report on the performance of the Public Procurement Authority, the Ghana Audit Service, the Public Accounts Committee (PAC), as well as on the Commission on Human Rights and Administrative Justice (CHRAJ).

Women's Empowerment

Finally, as far as the empowerment of women is concerned, there are existing laws to protect women's rights in the national plan and the enforcement of these laws is monitored and evaluated. The Ministry of Women and Children's Affairs continues its programme of empowering women through the provision of micro-finance, logistics and training in various regions, and tracks the number of women in administrative and political leadership positions and analyses the proportion of the national budget devoted to gender-related issues.

1.7 Conclusions and Recommendations

Until relatively recent times, governance has been a highly problematic and contested issue in many African countries. During the colonial period, when indigenous African governing structures were displaced by European colonisers, the people's involvement in governance was highly limited. The process of decolonisation and the quest for nation-building in a context of the Cold War also encouraged postcolonial leaders to centralise power to the detriment of citizens' participation in the ruling process. This often resulted in citizens' questioning the legitimacy of rulers through military coups, and recurrent political instability resulted in the deterioration of the social and economic conditions of many people in Africa. Today, however, good governance is being seen as an important condition for not only establishing the legitimacy of governing structures

and leaders, but also for promoting socioeconomic development and human welfare. Thus many institutions and agencies are interested in governance because it indicates good management practices, good performance, good outcomes and good stewardship of public resources, as well as equity and inclusiveness, accountability and transparency and institutional effectiveness that cumulatively enhance human welfare. Consequently, many entities are interested in measuring governance at different levels of society -- hence the interest in the production and use of governance indicators in African countries in recent times.

The study researched the political economy of the production and use of governance indicators in Ghana with a focus on the implementation of the APRM recommendations, the operation of the School Feeding Programme, judicial reform, the operation of media institutions, the interactions that existed between CSOs and Parliament regarding the passage of the mining law, and the ownership of, and the use of indicators in the National Development Plan. When developing governance indicators it was noted that they should embrace the system of values, policies and institutions by which a society manages its economic, political and social affairs through interactions within and among the state, civil society and the private sector. Developing indicators involves understanding how a society organises itself to make and implement decisions to achieve mutual understanding, agreement and action. It comprises the mechanisms and processes for citizens and groups to articulate their interests, mediate their differences and exercise their legal rights and obligations. It also involves the traditions and institutions by which authority in a country is exercised for the common good and this includes the process by which those in authority are selected, monitored and replaced; the capacity of the government to effectively manage its resources and implement sound policies, and the respect of citizens and the State for the institutions that govern economic and social interactions among them. Governance emerges when concepts of human rights, democratisation and democracy, the rule of law, civil society, decentralised power sharing and sound public administration gain importance and relevance as a society develops a more sophisticated political system. It was also noted that governance indicators can exist at three different levels: (i) the level of input/rights/commitment/*de jure*, (ii) the process/responsibility/*de facto* level, and (iii) the output/outcome/enjoyment/performance/*de facto* level.

Below we summarise the major findings on indicator production and uses on the cases studies:

APRM

As far as the implementation of the APRM recommendations process is concerned, the national secretariat does not seem to be consciously using indicators to monitor its own performance apart from engaging in events such as workshops. There seems to be a weakness on the demand side of internal indicators as the National Secretariat does not seem to be challenged by any higher authority to measure performance or to generate internal indicators for its activities. The demands for, and productions of, governance indicators are weak as far as APRM implementation is concerned. This is mainly because most people in Ghana have limited knowledge about the APRM exercise and the recommendations or their implementation processes. There is a need for greater sensitisation of citizens on the APRM processes. Equally there is a need for the development of governance indicators for monitoring the implementation process and for measuring the performance of the National Secretariat

SEND-Ghana

SEND-Ghana monitored the school feeding programme in 42 districts in Ghana and its key findings, to a large extent, informed the national policy dialogue. In its activities SEND-Ghana developed indicators and monitored the school feeding programme. SEND-Ghana developed indicators on issues of good governance, accountability, equity, institutional collaboration, the School Feeding Complementary Service Assessment (SFCSA) index, quality of work (quality assurance), lobbying, advocacy activities, the research report, the multi-media approach, interface meetings, the use of government treasury systems and project evaluation reports. The monitoring and evaluation process provided empirical evidence on the challenges and constraints which SEND-Ghana used when participating in the National Dialogue. Most of these indicators were generated by SEND-Ghana – that is, domestically. However, in its monitoring activity, SEND-Ghana also adapted CIVICUS Civil Society Index to assess the participation of the various institutions. The application of this index suggests the use of international indicators in monitoring the SFP.

Judicial Reform

Judicial reform grew mainly out of the judiciary's self-awareness of its own shortcomings and public outcry at its poor performance. More specifically reform grew from internal debates on the existence of outmoded, cumbersome and non-user-friendly procedural rules in court, corruption within the judiciary, poor and inadequate physical infrastructure, poor remuneration and other conditions of service, difficult enforcement mechanisms, under-funding, and frustratingly long delays in the resolution of cases. Reform aimed to address these problems and it involved the revision of out-dated court rules; the establishment of the career magistrate programme; the establishment of the Fast Track Courts and Commercial Courts; computerisation of the recording with mechanised and electronic recording systems. The Judicial Service and CHRAJ produce annual reports which contain quantified data that document the number of cases handled each year. The Ministry of Justice has a Monitoring and Evaluation Unit. The reform process so far has been based on qualitative and quantitative indicators. The major qualitative indicators are capacity building and enhancement; procedural revisions and the improvement of adjudication processes; the promotion of accountability; continuous judicial education; the development of a Code of Ethics; greater access to judicial services; infrastructural development; ICT and automation of the courts; and the Chief Justice's Outreach Programme. These indicators are at the process/responsibility/*de facto* level. They indicate the various actions the judiciary is taking to fulfil its responsibility and commitment and make itself more relevant to society's socioeconomic and democratic development. The statistics on the number of cases disposed of in a year, on cases pending at the beginning of the year, on cases filed in the year, etc. at the various courts suggest the production and use of quantitative governance indicators. There is evidence that the judiciary is monitoring these indicators and judging its own performance. The judiciary has many problems: a lack of money, the problem of the retention of qualified staff, work overload for staff, particularly in the CHRAJ. Judicial reform is ongoing, but they need to be supported for the reforms to reach the grassroots levels. More courts have to be built, and more specialised courts and commercial courts developed, and the ADR programmes have to be popularised. Both the judiciary's and CHRAJ's activities need to be expanded to the districts.

Media Freedom

Media freedom in Ghana has helped to promote democratic governance, the rule of law and fairness, and has also taught people their basic rights -- which they are increasingly demanding. However, there is broad agreement among major stakeholders that media houses are not always responsible, accountable and objective.

Part of this problem emanates from the politicisation of the media, the absence of broadcasting law that should regulate broadcasting in the country and also the weakness of existing regulatory institutions. Media organisations did not directly produce indicators, but a few do conduct polls on elections to assess government performance on economic and social issues. Some media houses also made use of experts to discuss topical issues and so assess the governance situation in the country. Radio and TV broadcasting houses allow citizens to comment on issues affecting them and often public or political figures are called upon to respond directly to the issues under discussion. The Media Foundation of West Africa produces indicators from existing statistics and engages in qualitative analysis of the state of the media in West Africa.

There seems to be 'media anarchy' in Ghana which could threaten national integration and development, or deepening a democratic culture and values. Given this there is a need for a Broadcasting Law to provide guidelines on who should operate media house, what constitutes legitimate and objective content, what is permissible and not permissible to broadcast, and what sanctions will be imposed on violators of these standards. In addition a Freedom of Information Law -- the right to access to information -- is also likely to improve the performance of the media, particularly in its fight against corruption and abuse of office. If these laws were promulgated they would help to identify indicators of governance for the media industry and reduce the tensions that bedevilled the electoral process. Currently, media experts are querying the performance of the media and demanding governance indicators for the media industry, but these are slow in coming. There is therefore a need to examine the call for Broadcasting Law that could enhance the responsibility of the media in the democratic process. There is also a need to accelerate the review process of the Right of Information Bill to make it into law.

Civil Society and Parliament on Mining Law

Civil society organisations, TWN and WACAM demanded that the following governance indicators apply to mining houses: the payment of realistic compensation to citizens whose lands are compulsorily acquired; the involvement of communities in the disposing of waste; the protection of sacred places; the provision of 'adequate' re-settlement; and policies and facilities for the protection of the environment, and other rights. Apart from mining law not incorporating these governance issues, there seem to be an adversarial relationship between TWN and WACAM on the one hand, and Parliament and Government agencies such as Chamber of Mines, on the other. From the perspective of the TWN and WACAM, Parliament ignored a number of proposals put forward by the National Coalition on mining. Hence for them, the mining law does not conform to international standards and should be amended. Governance indicators in the mining sector are being demanded by CSOs, but Government has been unable to supply any that meet the standards set by the CSOs. This illustrates the limited effect CSOs have had on either the laws regarding the mining industry, or in their demands for accountability from mining companies, or for that matter their demands for governance indicators from Parliament or Government. However, these CSOs are continuing to demand similar governance indicators for the emerging oil industry, and to advocate for the rights of affected communities as there is evidence that the drilling for oil is resulting in oil spills which are threatening marine life and the livelihoods of fisherfolk and women fish mongers in the region; lands are also being sold to investors for a pittance due to ignorance. These issues are likely to dominate the discourse on the oil industry in the years to come if the status quo is not changed. There is a need for effective dialogue between CSOs and Parliament as far as oil and the mining sectors are concerned and the concerns of civil society need to be address in the mining law. If this is not done it will be a recipe for tension in the mining and oil industry in the future.

Use of Governance Indicators in the National Development Plan

The National Development Planning Commission (NDPC) is the sole entity to co-ordinate national planning effort and advise the President on development planning policies and strategies for the country. A number of legislative frameworks -- the National Development Planning Commission of 1994 (Act 479), the National Development Planning (System) of 1994 (Act 480), and Articles 86 and 87 of the 1992 Constitution -- establishes and defines the Mandate of the NDPC. Development planning is based on broad consensus as sector Ministries/Departments/Agencies (MDAs) at the national

level and the Regional Co-ordinating Councils (RCCs) and the Metropolitan/Municipal/Districts Assemblies (MMDAs) at the local level, all make inputs into development planning through many forums. There are also public consultations at the various regional levels with economic and social groups such as traditional authorities (chiefs and queens), farmers, businessmen, academic and research personnel, teachers, and market women, NGOs/CSOs, etc. to collate their views on the draft policy. Political parties are also consulted in this exercise, as is the Parliamentary Committee on Development Planning. Development partners such as NGOs, CBOs, and bilateral and multilateral institutions, are also consulted as stakeholders in the National Development Plan. The NDPC also makes proposal for the development of multi-year rolling plans, and also monitors, evaluates and co-ordinates development policies, programmes and projects. However, as plans are prepared when governments come to power and abandoned when new governments take over, it is obvious that political parties rather than the nation owns the development plans. There is a need to develop a National Development Planning culture that is far reaching and transcends the parochial interests of specific political parties.

NDPC also develops sets of indicators along thematic lines that all implementing agencies have to use to account for their performance. The indicators have strengths in that they help ministries, departments/agencies and districts to achieve their development targets. These indicators also serve as inputs into subsequent policy formulation and implementation, as they inform sector ministries and districts on their progress, challenges, successes and their way forward. The weaknesses of indicators lie with the processes that affect the quality or determination of these indicators. The problems include a lack of adequate logistical support and equipment to carry out monitoring and evaluation activities; a lack of qualified personnel to perform monitoring and evaluation activities; citizens at the districts level lack knowledge and capacity to make informed decisions about the development the plan; a lack of adequate financial resources to aid monitoring and evaluation; the politicisation of offices; a lack of access to information and commitment from state actors to provide this information; and a lack of standardisation in the measurement of indicators across MDAs.

As far as integration of other governance assessment instruments into M&E is concerned APRM has been grafted onto the Growth and Poverty Reduction Strategy

(GPRS II) to exploit synergies and ensure targeted use of scarce resources. Fighting corruption and economic crimes is also integrated, as is women's empowerment.

On the whole, the institutions studied did produce some governance indicators although these were not used consistently to monitor performance and outcomes, mainly because there were no effective mechanisms to sanction institutions and entities that failed to produce and use these indicators. The study also revealed that there is a paucity of knowledge about governance indicators among many people, so there is need to popularise governance indicators and empower citizens to demand their production and use at all levels of the Ghanaian society. CSOs could incorporate these recommendations into their advocacy activities. There is a need also to address issues of who monitors governance indicators, who is given authority to produce them, and who sanctions those who fail to produce or use them, and what these sanctions should be. Currently, there is high degree of lethargy and/or complaisance among many institutions and agencies on the production and use of governance indicators in Ghana. These issues among others need to be addressed to increase the demand and supply sides of governance indicators

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1.9 Appendix A: List of Interviewees

Parliament and Civil Society Intervention

1. Hon. Isaac Kwame Asiamah, Member of Parliament, Atwima-Mponua Constituency.
2. Mr Cephas Amevor, Assistant Principal Clerk, Office of the Clerk of Parliament.

3. Mr Mohammed Inusa, former Clerk, Parliamentary Committee on Mines and Energy.
4. Ms Ekua Osei Somoa, Assistant Clerk, Committee on Constitutional, Legal and Parliamentary Affairs.
5. Ms Christiana Asare, Lawyer and Director, Strategic Environmental Assessment Unit, Environmental Protection Agency.
6. Ms Lindlyn Tanufor, Programme Officer, Environmental Unit, Third World Network.
7. Mr Nyamposa, Programme Officer, Environmental Unit, Third World Network.
8. Mr Daniel Owusu-Koranteng, Executive Director, Wassa Association of Communities Affected by Mining (WACAM).
9. Mr Kwasi Pratt Jnr., Committee for Joint Action and Executive Editor of the New Crusading Guide.
10. Mr S. P. Adamu, Policy Analyst, National Democratic Congress.
11. Mr Charles Owiredo, Director for International Affairs, New Patriotic Party.
12. Mr Ivor Greenstreet, General Secretary, Convention People's Party.
13. Mr Bernard Mornah, General Secretary, Peoples National Convention.
14. Mr Jesse Clottey, Growth and Poverty Forum (GPF).
15. Mr Nicholas Adamtey, Head of Budget, ISODEC.
16. Mr Vitus Azeem, Executive Secretary, Ghana Integrity Initiative.
17. Mr Benjamin Addo, Send Foundation.
18. Mr Samuel Cudjoe, Principal Programme Officer, APRM Secretariat.
19. Mr Augustine Acheampong Otoo, Director, Global and Regional Operations, Ghana Investment Promotion Council.
20. Mr Emmanuel Anyimadu, Clerk of Parliament.
21. Hon. Kyei Mensah Bonsu, Minority Leader of Parliament.
22. Mr Mohammed Inusa, First Deputy Speaker and Clerk of Mines and Energy Committee.

23. Mr Victor Brobbey, Research Fellow, Centre for Democratic Development (CDD).

APRM and Political Parties

1. Mr Kofi Gyan, Administrative Officer, National APRM Secretariat.
2. Mr Bernard Monah, General Secretary, People's National Convention (PNC).
3. Dr Vladimir Antwi-Danso, Senior Research Fellow, Legon Centre for International Affairs.
4. Mr Asiedu Nketia, General Secretary, National Democratic Congress (NDC).
5. Mr Kojo Asante, Research Officer, Governance and Legal Policy, CDD-Ghana.
6. Mr Owusu Amofa, Public Relations Officer, Ga-East Municipal Assembly.
7. Mr S. S. Agbeve, Municipal Development Planning Officer, Ashaiman Municipal Assembly.
8. Mr Anthony Nyamiah, Senior Economic Officer, Ministry of Finance and Economic Planning.
9. Mr Ivor K. Greenstreet, General Secretary, Convention People's Party (CPP).
10. Mr O. Ntow, General Secretary, National Patriotic Party.
11. Mr Charles Owiredu, Director, International Affairs, National Patriotic Party (NPP).
12. Mr S. P. Adamu, Policy Analyst of the National Democratic Congress (NDC).

SEND-Ghana and the School Feeding Programme

1. Mr Lambert Abusa, Deputy Director, Policy Planning, Monitoring and Evaluation, Ministry of Food and Agriculture.
2. Ms Levina Owusu, Focal Person, School Feeding Programme, Ministry of Local Government, Environment and Rural Development.
3. Mr Isaac K. Asare, Financial Controller, Ministry of Local Government and Rural Development.

4. Mr Bawah N. Bukari, Principal Economic Officer, Ministry of Finance and Economic Planning.
5. Mr Seth Offei, Regional Coordinator, Greater Accra, Ghana School Feeding Secretariat Programme.
6. Ms Vivian Adams Nabie, Field Officer, SEND-Ghana.
7. Mr Benjamin Addo, Programmes Officer, SEND-Ghana.
8. Ms Hannah Obeng, SHEP Coordinator, Ghana Education Service, Ajumako-Enyan-Essiam District.
9. Mr Ebenezer Agotse, School Feeding Coordinator, Agona West Municipality.
10. Mr Felix J. Obeng, Municipal Chief Executive, Agona West Municipality.
11. Ms Georgina Yeboah, Caterer, School Feeding Programme, Agona West Municipality.
12. Mr Light P. Koomson, District Chief Executive, Ajumako-Enyan-Essiam District.
13. Mr J. K. Kussachin, District Coordinating Director, Ajumako-Enyan-Essiam District.
14. Mr Solomon Badu, District Finance Officer, Ajumako-Enyan-Essiam District.
15. Ms Jane Yankson, Headteacher, Ajumako-Enyan-Essiam District.

Judiciary and Judicial Reform/ Judiciary and Administration of Justice

1. Nii Osa Mills, Legal Practitioner, Ghana Bar Association.
2. Hon. Ebo Barton Odro, Deputy Minister and Attorney General.
3. Mrs Estel Appiah, Chief Legal Draftsperson, Ministry of Justice.
4. Mr Justice Alex Poku, Judicial Secretary.
5. Ms Anna Bossman, Acting Commissioner, CHRAJ.

6. Ms Quao-Kumey, Deputy Director of Public Prosecutions, Attorney Generals Department.
7. Kofi Frimpong, General Secretary, National Lottery Receivers Union.
8. Robert Sarbah, Deputy Chairman, GPRTU.
9. Justice Akamba, Justice of the Court of Appeal, Appeal Court.
10. Ms Anderson-Yeboah, Legal Practitioner, Former District Magistrate.
11. Justice Atuguba, Justice of the Supreme Court.
12. Prof. Quarshiga, Dean of the Law School, University of Ghana.
13. Mr Abdul Bassist Bamba, Lecturer, Legon Law School.
14. Rowland Atta-Kesson, Legal Officer, Legal Resource Centre.
15. Confort Akosua Adu, Public Relations Officer, CHRAJ.
16. Mr Sam Bosompem, Legal Officer, CHRAJ.
17. Mr Joe Whittle, Director, Legal Investigation and Prosecutions Unit of CHRAJ.
18. Mr Ampong-Fosu, Deputy Director, Judicial Reform Project Development Implementation Unit.
19. Ms Sandra Coffie, Director, Judicial Reform Project Development Implementation Unit.

Media

1. Mr George Sarpong, Executive Secretary, National Media Commission.
2. Mr Bright Blewu, Executive Secretary, Ghana Journalist Association.
3. Mr David Newtor, Director, Ghana Institute of Journalism.
4. Kofi Owusu, Programme, Director, JOY FM.
5. Mr Christopher Asiedu, Programmes' Coordinator, Ghana Broadcasting Corporation.

6. Mr Ben Ephson, Editor-in-chief, *Daily Dispatch*.
7. Ms Caroline Boateng, Senior Reporter, *Daily Graphic*.
8. Mr Issa Monnie, Editor, Peace FM.
9. Mr Fortune Alimi, Editor, *Daily Guide*.
10. Mr Fred Chidi, News Editor, Citi FM.
11. Prof. Kwame Karikari, Executive Director, Media Foundation for West Africa.
12. Mr Paul Sanziri, Administrative Officer, NMC.
13. Mr Jerry Tsatro Mordy, Asempa FM Radio Station.
14. Mr Benjamin Appiah-Acquaye, Editor, VIBE FM Station.
15. Dr Audrey Gadzekpo, Director, School of Communication Studies, University of Ghana, Legon.
16. Mr Bernard Mona, General Secretary, People's National Convention.

National Development Planning Commission and Institute of Local Government Studies

1. Head, Administration and Human Resources, Institute of Local Government Studies.
2. Jonathan Azasu, Senior Planning Officer, National Development Planning Commission.
3. David Osei-Owusu, Head, Administration and Human Resources, Institute of Local Government Studies.
4. Mr S. S. Agbeve, Municipal Development Planning Officer, Ashaiman Municipal Assembly.
5. Mr S. O. Amofa, Public Relations Officer, Ga-East Municipal Assembly.

6. Dr Alhassan Iddrisu, Acting Director, Economic Planning Division, Ministry of Finance and Economic Planning.
7. Mr Kenneth Owusu, Senior technical Assistant, Office of the Director-general, Ghana National Development Commission.
8. Mr Herbert Anto, Deputy Director, Ministry of Local Government and Rural Development.

Academic Institutions

1. Prof. E. K. Quashigah, Dean, Faculty of Law, University of Ghana.
2. Prof. Kwame Frimpong, Dean, School of Governance, Leadership and Public Administration, GIMPA.
3. Prof. K. Bofo-Arthur, Head, Political Science Department, University of Ghana.

List of Acronyms

ADR	Alternative Dispute Resolution
AGF	African Governance Forum
APRM	African Peer Review Mechanism
AU	African Union
CDD	Centre for Democratic Development
CHRAJ	Commission on Human Rights and Administrative Justice
CPJ	Committee on Protect Journalist
CPP	Convention People's Party
CSIR	Council for Scientific and Industrial Research
CSM	Cerebrospinal Meningitis
CSOs	Civil Society Organisations
CSOs	Civil Society Organisations

DCD	District Coordinating Director
DICs	District Implementing Committees
DFO	District Finance Officer
DOCs	District Chief Executives
DSICs	District Schools Implementation Committees
EBPM	Evidence Based Policy Evaluation
EU	European Union
FBOs	Farmer Based Organisations
GDP	Gross Domestic Product
GES	Ghana Education Service
GHS	Ghana Health Service
GPRS II	Growth and Poverty Reduction Strategy II
GPRS	Growth and Poverty Reduction
GSFP	Ghana School Feeding Programme
GSGDA	Ghana Shared Growth Development Agenda
GSS	Ghana Statistical Service
GTZ	German Development Foundation
IDEG	Institute for Democratic Governance
IEA	Institute of Economic Affairs
IMF	International Monetary Fund
ISODEC	Integrated Social Development Centre
ISSER	Institute of Statistical, Social and Economic Research
M&E	Monitoring and Evaluation
MDAs	Ministries, Departments and Agencies
MDBS	Multi Donor Budget Support
MDCE	Municipal District Chief Executive
MDGs	Millennium Development Goals
MDGs	Millennium Development Goals
MLGRD	Ministry of Local Government and Rural Development
MMDAs	Metropolitan Municipal and District Assemblies
MOFA	Ministry of Food and Agriculture

MOH	Ministry of Health
MTEF	Medium Term Expenditure Framework
NAPRMGC	National African Peer Review mechanism Governing Council
NCA	National Communication Authority
NDC	National Democratic Congress
NDPC	National Development Planning Commission
NEPAD	New Partnership for African Development
NMC	National Media Commission
NPA	National Programme Action
NPOA	National Programme of Action
NPP	New Patriotic Party
PEMU	Public Expenditure and Monitoring Unit
PME	Participatory Monitoring and Evaluation
PNC	People's National Convention
PNDC	Provisional National Defence Council
PTR	Pupil Teacher Ratio
RCCs	Regional Coordinating Councils
SAP	Structural Adjustment Programme
SEND	Social Enterprise Development Foundation
SFCSA	School Feeding Complementary Service Assessment
SHEP	School Health Educational Programme
SICs	School Implementation Committees
TWN	Third World Network
UNDP	United Nations Development Programme
WACAM	Wassa Association of Communities Affected by Mining
WB	World Bank

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- ^{xvii} Interviews with Dr Antwi Danso Senior Research Fellow, Legon Centre for International Affairs (LECIA); Mr Asiedu Nketia, General Secretary of National Democratic Congress; Mr K. Asante, Research Officer, Centre for Democratic Development (CDD); Mr Kofi-Gyan, Administrative Officer of APRM Secretariat.
- ^{xviii} Interview with Mr Kofi-Gyan, Administrative Officer of APRM Secretariat.
- ^{xix} Interview with Mr S. O. Amofa, Public Relations Officer, Ga-East Municipal Assembly.

^{xx} Interview with Mr Kofi-Gyan, Administrative Officer of APRM Secretariat.

^{xxi} Interviews with Mr Ivor K Greenstreet, General Secretary of the Convention People's Party; Dr Antwi Danso Senior Research Fellow, Legon Centre for International Affairs.

^{xxii} NARRMGC, Manual for District Oversight Committees, February 2008.

^{xxiii} Interviews with Mr Bernard Mornah, the General Secretary of the Peoples National Convention; Mr Charles Owiredu, Director for International Affairs of the National Patriotic Party; Mr S. P. Adamu, Policy Analyst of the National Democratic Congress and Mr Ivorr Greenstreet, General Secretary of the Convention People's Party.

^{xxiv} SEND-Ghana (2008). *'Whose Decision Count?, A monitoring report on the Ghana School Feeding Programme.*

^{xxv} School Feeding Programme Manual.

^{xxvi} 2005 World Summit Outcome, *'Quick-impact initiatives'*, item 34, p. 39

^{xxvii} SEND-Ghana (2009). *'Challenges of Institutional Collaboration: An Assessment of the state Complementary Services in the Ghana School Feeding Programme'*, p. 2.

^{xxviii} SEND Foundation of West Africa, Proposal for monitoring School Feeding Programme of the Ghana Government 2007--2010, p. 6.

^{xxix} SEND-Ghana (2008). *'Whose Decisions Count?, A monitoring report on the Ghana School Feeding Programme.'*

^{xxx} SEND Foundation-Ghana (2007). *Community-based Peace Building and Conflict Management in Ghana's Eastern Corridor.*

^{xxxi} SEND Foundation of West Africa, *Proposal on School Feeding Programme of the Ghana Government, 2007--2010.*

^{xxxii} SEND-Ghana, *Strategic Plan 2008--2012: Celebrating 10 Years in Policy Advocacy and Service Delivery.*

^{xxxiii} SEND-Ghana normally depends on officers of NGOs already operating in the districts/regions. These officers and their NGOs are the Focal Non-Governmental Organisations.

^{xxxiv} SEND Foundation of West Africa, Proposal for monitoring School Feeding Programme of the Ghana Government 2007--2010, p. 8.

^{xxxv} SEND-Ghana (2008). *Whose Decisions Count?, A monitoring report on the Ghana School Feeding Programme.*

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- ^{xxxvi} Interview with Senior Official, GSFP National Secretariat.
- ^{xxxvii} Ibid, SEND-Ghana (2009).
- ^{xxxviii} SEND-Ghana (2009). *Challenges of Institutional Collaboration: An Assessment of the State Complementary Services in the Ghana School Feeding Programme*, p.10.
- ^{xxxix} Interview with the District Coordinating Director of Ajumako-Enyan-Essiam. For example a 'Miniature Focus- Group Discussion' was held at the office of the DCE on 7 September 2009, involving the District Coordinating Director, the District Chief Executive and District Finance Officer.
- ^{xl} Interview with a caterer at Agona Municipal Assembly.
- ^{xli} Interview with a Senior Official of the Ministry of Local Government and Rural Development. August 2009.
- ^{xlii} Interview with a Senior Official of the GSFP National Secretariat,. August 2009.
- ^{xliii} SEND-Ghana (2009). *Challenges of Institutional Collaboration: An Assessment of the State Complementary Services in the Ghana School Feeding Programme*, p. 8.
- ^{xliiv} Interview with a senior official at the National Secretariat, GSFP, August 2009 .
- ^{xli v} Interview with a senior official at the Ministry of Food and Agriculture, August 2009.
- ^{xli vi} Bibiani-Anhwiaso-Bekwai District Assembly (2009). 1st and 2nd quarter report (January--June 2009) submitted to the Ministry of Local Government, Rural Development and Environment.
- ^{xli vii} SEND-Ghana (2008). *Annual Report*, p. 22.
- ^{xli viii} Ibid, p. 22.
- ^{xli ix} SEND-Ghana (2009). *Challenges of Institutional Collaboration: An Assessment of the state Complementary Services in the Ghana School Feeding Programme*, p. 6.
- ^l Ibid, p. 8.
- ^{li} Interview with a District Coordinating Director.
- ^{lii} SEND-Ghana (2009). '*Challenges of Institutional Collaboration: An Assessment of the state Complementary Services in the Ghana School Feeding Programme.*' p. 9.
- ^{liii} *Ajumako-Enyan-Essiam Distrat HIPC Monitoring Committee Report, 2007.*
- ^{li v} SEND-Ghana (2009). '*Challenges of Institutional Collaboration: An Assessment of the state Complementary Services in the Ghana School Feeding Programme.*'
- ^{li v} See Georgina Wood, 'Judiciary has no Choice but to Change' in *Daily Graphic*, 10 April 2010, p. 13.

^{lvi} West Africa International 'Ghana: Who is Afraid of Justice Acquah's Judicial Revolution' Vol. 8, No. 48 April, 2006.

^{lvii} Interviews with Justice Akamba of the Appeal Court and Mr Ampong –Fosu of the Judicial Services.

^{lviii} See Forward to Tracy Smith, *Judicial Reform and Its Impact on the Administration of Justice: Case Study Focused on Court Reforms in Accra* (n.d.).

^{lix} 2005 Judicial Services Report, p. 45.

^{lx} West Africa International 'Ghana: Who is Afraid of Justice Acquah's Judicial Revolution' Vol. 8, No. 48 April 2006.

^{lxi} The Commonwealth Principles on the accountability of and the relationship between the three branches of government was agreed by Law Ministers and endorsed by the Commonwealth Heads of Government Meeting, Abuja, Nigeria, 2003.

^{lxii} Justice Mrs Goergina Wood. Message in Judicial Services Report, 2007–2008, p. 3.

^{lxiii} Raymond A. Atuguba, Lecturer Faculty of Law in Forward to Tracy Smith, *Judicial Reform and Its Impact on the Administration of Justice: Case Study Focused on Court Reforms in Accra* (n.d.).

^{lxiv} Interview with Mr Ampong-Fosu, Deputy Director of the Judicial Reform Project Development Implementation Unit.

^{lxv} Interview with Mr Ampong-Fosu, Deputy Director of the Judicial Reform Project Development Implementation Unit.

^{lxvi} Interview with Mr Sam Bosempem (Legal Officer of CHRAJ) also 2005 Annual CHRAJ Report.

^{lxvii} Interview with Mr Joe Whittle, Director of Legal investigations Unit of CHRAJ..

^{lxviii} Interview with Mr Joe Whittle, Director of Legal investigations Unit of CHRAJ..

^{lxix} Interview with Justice Akamba of the Appeal Court.

^{lxx} Interview with Sandra Coffie, Director of Judicial Reform Project Development Implementation Unit.

^{lxxi} Interview with Sandra Coffie, Director of Judicial Reform Project Development Implementation Unit.

^{lxxii} Judicial Service Report 2005—2006.

^{lxxiii} Interview with Mr Ampong-Fosu, Deputy Director of Judicial Reform Project Development Implementation Unit.

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- ^{boxiv} Interview with Mr Ampong-Fosu, Deputy Director of Judicial Reform Project Development Implementation Unit.
- ^{boxv} Tracy Smith, *Judicial Reform and Its Impact on the Administration of Justice: Case Study Focused on Court Reforms in Accra*, (n.d.) pp. 42--43.
- ^{boxvi} Interview with Mr Nii Osa Mill of the Ghana Bar Association.
- ^{boxvii} Tracy Smith, *Judicial Reform and Its Impact on the Administration of Justice: Case Study Focused on Court Reforms in Accra* (n.d.).
- ^{boxviii} Judicial Services Report of 2007--2008.
- ^{boxix} Judicial Services Report of 2007--2008.
- ^{boxx} Judicial Services Report of 2007--2008
- ^{boxxi} See Georgina Wood, 'Judiciary has no Choice but to Change' in *Daily Graphic*, 10 April 2010, p. 13.
- ^{boxxii} Interview with Paula Sanziri, Administrative Officer, NMC.
- ^{boxxiii} Interview with Ben Ephson, Editor of *The Daily Dispatch*.
- ^{boxxiv} Interview with Jerry Tsatro Mordy of Asempa FM Radio Station.
- ^{boxxv} Interview with Mr Benjamin Appiah-Acquaye, Editor, VIBE FM Station.
- ^{boxxvi} Interview with Mr David Newton, Rector of Ghana Institute of Journalism.
- ^{boxxvii} Interview with Mr David Newton, Rector of Ghana Institute of Journalism.
- ^{boxxviii} Interview with Mr David Newton, Rector of Ghana Institute of Journalism.
- ^{boxxix} Interview with Mr David Newton, Rector of Ghana Institute of Journalism.
- ^{xc} Interview with Chrsitopher Asiedu, Controller of Programmes, Ghana Broadcasting Corporation.
- ^{xcⁱ} Interview with Dr Audrey Gadzekpo, Director of School of Communication Studies.
- ^{xcⁱⁱ} Interview with Christopher Asiedu, Ghana Broadcasting Corporation.
- ^{xcⁱⁱⁱ} Interview with Mr David Newton, Rector of Ghana Institute of Journalism.
- ^{xc^{iv}} Interview with Prof. Kwame Karikari, Executive Director of Media Foundation for West Africa.
- ^{xc^v} Interview with Bright Blewu, General Secretary for Ghana Journalist Association
- ^{xc^{vi}} Interviews with Ben Ephson, Editor-in Chief of *The Daily Dispatch* and Dr Audrey Gadzekpo, Director of School of Communication Studies.
- ^{xc^{vii}} Interview with Ben Ephson, Editor of *The Daily Dispatch*.

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- ^{xcviii} Interview with Dr Audrey Gadzekpo, Director of School of Communication Studies.
- ^{xcix} Interview with George Sarpong, Executive Secretary, National Media Commission.
- ^c Interview with Mr David Newton, Rector of Institute of Journalism.
- ^{ci} Interview with Prof. Kwame Karikari, Executive Director of Media Foundation for West Africa.
- ^{cii} Interview with Dr Audrey Gadzekpo, Director of School of Communication Studies.
- ^{ciii} Media Alert West Africa 2008: Annual State of the Media Report of media Foundation for West Africa.
- ^{civ} <http://www.wacam.org>
- ^{cv} <http://www.twnafrica.org>
- ^{cvi} Interviews with Ms Linda Tanufor and Mr Nyamposa, Programme Officers of the Environmental Unit of TWN.
- ^{cvii} In an interview Mr Mohammed Inusa , First Deputy Speaker and Clerk to Mine and Energy Committee, noted that civil society had sent numerous memoranda.
- ^{cviii} Interviews with Ms. Lindlyn Tanufor and Mr Nyamposa, Programmes Officers of the Environmental Unit of the TWN.
- ^{cix} Interview with Mr Daniel Owusu-Koranteng, Executive Director of WACAM.
- ^{cx} Interviews with Ms Lindlyn Tanufor and Mr Nyamposa, Programmes Officers of the Environmental Unit of the TWN.
- ^{cx i} Interview Mr Mohammed Inusa , First Deputy Speaker and Clerk to Mine and Energy Committee.
- ^{cx ii} Interviews with Ms. Lindlyn Tanufor and Mr Nyamposa, Programmes Officers of the Environmental Unit of the TWN and Mr Daniel Owusu-Koranteng, Executive Director of WACAM.
- ^{cx iii} Interviews with Ms Lindlyn Tanufor and Mr Nyamposa, Programmes Officers of the Environmental Unit of the TWN.
- ^{cx iv} See article ‘ CSOs Advocate the Review of Mining Act’ in *Resource Watch Agenda*, Edition 2, October 2009; also interview with Mr Daniel Owusu-Koranteng, Executive Director of WACAM.
- ^{cx v} *Resource Watch Agenda*, Edition 2, October, 2009 p. 3.
- ^{cx vi} Interview with Mr Bernard Mornah, the General Secretary of the People’s National Convention.
- ^{cx vii} Interview with Mr Charles Owiredu, Director for International Affairs of the National Patriotic Party.
- ^{cx viii} *Daily Graphic*, 19 May 2010 reported that Cosmos Energy, a United State oil company had spilled about 584 barrels of LTOBM in its exploration area and also into the sea, contrary to its environmental regulations.

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- ^{cxix} Ghana Vision 2020: The First Medium Term Development Plan (1997--2000) p. 8.
- ^{cox} Ghana Vision 2020: The First Medium Term Development Plan (1997--2000) p. 8.
- ^{coxi} 1992 Constitution of the Republic of Ghana.
- ^{coxii} Ghana Vision 2020: The First Medium Term Development Plan (1997--2000) pp. 2--3.
- ^{coxiii} Interview with Jonathan Azasu, Senior Planning Officer, National Development Planning Commission.
- ^{coxiv} Interview with Jonathan Azasu, Senior Planning Officer, National Development Commission.
- ^{coxv} Interview with Victor Brobbey, Research Fellow, Centre for Democratic Development (CDD).
- ^{coxvi} Interview with Mr Cephas Amevor, Principal Assistant Clerk, Parliament of Ghana.
- ^{coxvii} Interview with David Osei-Owusu, Head, Administration and Human Resources, Institute of Local Government Studies.
- ^{coxviii} Interview with Dr Tony Aidoo, Head, Policy Evaluation and Oversight Unit.
- ^{coxix} Interview with Victor Brobbey, Research Fellow, Centre for Democratic Development (CDD).
- ^{coxx} Interview with Jonathan Azasu, Senior Planning Officer, National Development Commission.
- ^{coxxi} Interview with David Osei-Owusu, Head, Administration and Human Resources, Institute of Local Government Studies.
- ^{coxxii} Budget in which individual financial statement items are grouped by cost centres or departments. It shows the comparison between the financial data for the past accounting or budgeting periods and estimated figures for the current or a future period.
- ^{coxxiii} Interview with Dr Alhassan Iddrisu, Acting Director Economic Planning Division, Ministry of Finance and Economic Planning.
- ^{coxxiv} Interview with Jonathan Azasu, Senior Planning Officer, National Development Commission.
- ^{coxxv} Interview with Dr Alhassan Iddrisu, Acting Director Economic Planning Division, Ministry of Finance and Economic Planning.
- ^{coxxvi} Interview with Kenneth Owusu, Senior Technical Assistant, Office of the Director-General, National Development Commission (NDPC).
- ^{coxxvii} Interview with Jonathan Azasu, Senior Planning Officer, National Development Commission.
- ^{coxxviii} Interview with David Osei-Owusu, Head, Administration and Human Resources, Institute of Local Government Studies.
- ^{coxxix} Interview with Jonathan Azasu, Senior Planning Officer, National Development Commission.

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- ^{cd} Interview with Jonathan Azasu, Senior Planning Officer, National Development Commission.
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- ^{cdiv} Interview with Dr Tony Aidoo, Head, Policy Evaluation and Oversight Unit.
- ^{cdv} Interview with Mr Cephas Amevor, Principal Assistant Clerk, Parliament of Ghana.
- ^{cdvi} Interview with Herbert Antor, Deputy Director, Ministry of Local Government and Rural Development.
- ^{cdvii} Interview with Jonathan Azasu, Senior Planning Officer, National Development Commission.
- ^{cdviii} GPRS II, National Monitoring and Evaluation Plan (2006--2009).
- ^{cdix} Interview with Dr Alhassan Iddrisu, Acting Director Economic Planning Division, Ministry of Finance and Economic Planning.
- ^{cd} Interview with David Osei-Owusu, Head, Administration and Human Resources, Institute of Local Government Studies.
- ^{cdi} Interview with S. S. Agbeve, Municipal Planning Development Officer, Ashaiman Municipal Assembly.
- ^{cdii} Interview with David Osei-Owusu, Head, Administration and Human Resources, Institute of Local Government Studies.
- ^{cdiii} Interview with S. S. Agbeve, Municipal Planning Development Officer, Ashaiman Municipal Assembly.