



ADDIS ABABA UNIVERSITY

THE CHALLENGES AND OPPORTUNITIES OF GOOD GOVERNANCE IN GHANA

BY

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This is to certify that the thesis prepared by Abrham Daniel, entitled: challenges and opportunities of good governance in Ghana and submitted in partial fulfillment of the requirements for the degree of master of Arts (center for African studies) complies with the regulations of the university and meets the accepted standards with respect to originality and quality.

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Acronyms

ACHPR-Africa Charter on Human and Peoples Right

ACP-African, Caribbean and Pacific

ADB- Africa Development Bank

ADB- Asia Development Bank

AFRC-Armed Forces Revolutionary Council

APRM-African Peer Review Mechanisms

AU- African Union

AUC –African Union Commission

CAG-Country Advice Ghana

CHRAJ-Commission for Human Rights and Administrative Justice

CPI-Corruption Perception Index

CPP-Convention Peoples Party

CSOs-Civil Society Organizations

DACF-District Assembly Common Found

DA-District Assembly

DCC-District Chief Executive

DFID- Department For International Development

ECA-Economic Commission for Africa

EC- Election Commission

ECOWAS-Economic Commission for West African States

ECPF-ECOWAS Conflict Prevention Framework

ELSA- Electoral Institute of southern Africa

EU-European Union

GACC-Ghana Anti-Corruption Commission

GDP-Gross Domestic Product

GIR-Global Integrity Report

GPRS-Ghana Poverty Reduction Strategy

GSDGA- Ghana Shared Growth and Development Agenda

HIDC-Highly Indebted Poor Country

IDA-International Development Agency

IEA- Institute for Economic Affairs

IPEA-Independent Panel of Eminent Persons

MDG- Millennium Development Goals

NCA-National Communications Authority

NDC-National Democratic Congress

NDPC- National Development Planning Commission

NEPAD-New partnership for Africa's Development

NGO-Non Governmental Organization

NLC-National Liberation Council

NLM-National Liberation Movement

NPP-New Patriotic Party

NRC- National Reconciliation Commission

NRCD- National Reconciliation Council Decree

NRC-National Redemption Council

NSAs-Non- State Actors

OAU-Organization for African Union

ODA- office of the Development Assistance

OECD- Organisation for Economic Co-operation and Development

PDC- People Defense Committees

PNC-Peoples National Convention

PNDC-Provisional National Defences Council

PNP-Peoples National Party

PP-Progressive Party

SMC-Supreme Military Council

SAP-Structural Adjustment Programme

UDHR- Universal Declaration for Human Rights

UGCC-United Gold Coast Convention

UNDP-United Nations Development Programme

UNECA- United Nations Economic Commission for Africa

UNESCAP-United Nations Economic and Social Council for Asia and Pacific

UNHCRHR- United Nations High Commissioner for Human Rights

UNRISED- United Nations Research Institute for Social Development

UNUDHR-United Nation and Universal Declaration for Human Rights

UN- United Nations

UP-United Party

US- United States

USAID- United States Agency for International Development

WB- World Bank

Abstract

Effective, stable, and accountable governments are essential. It can provide stakeholders at all levels to acknowledge the best alternatives for promoting good governance. This paper examines the challenges and opportunities of good governance in Ghana with special emphasis on accountability, transparency, judiciary, rule of law and human rights enforcement. In order to assess the challenges and opportunities of good governance, qualitative method of data analysis was used. Data was collected from secondary and primary sources and analyzed in order to recommend possible solutions.

Over the years, the Ghanaian government and its institutions lacked the courage and will to enforce the law, procedures, and policies to enhance good governance. As a result in Ghana, until recently governance is characterized by poor institutional performance, weak parliament, and lack of independence of the judiciary, corrupt police force, political instability, abuse and misuse of political offices, insufficient budgetary accountability, and lack of respect for the rule of law and human rights, and corruption. But since around 1990s, there observed significant improvement in respect to good governance in Ghana pertinent to performance of the institutions mentioned above. Finally, this thesis recommends that good governance is an essential prerequisite for any country's development and to make the state and the political system workable and suitable for the people. Besides, it recommends that efficient and accountable institution and, political system; judicial, administrative, economic, and social rules that promote development, protect human rights and respect of the rule of law; and freedom for people to participate in those issues that affect their lives, must be in place in Ghana.

CHAPTER ONE

INTRODUCTION

1.1 BACKGROUND OF THE STUDY

Since the end of the 1980, the issue of good government is dominating the interactional discussion about development and international assistance to Africa. How to improve the Africa governance system and what the international community can do promote good governance, thereby improving the overall development conditions in Africa. Good governance can contribute to a revival of African economies and to a renewal of African states (Wohlmuth, 1998)

The system of public administration is the link between political decisions and the people governed. There cannot be good governance without a functioning system of public administration (Wohlmuth, 1998). However, during the Cold War, much importance was not given to good governance. What was rather given priority was the Structural Adjustment program (Imran, 2009).

The introduction and implementation of the structural Adjustment programs since the 1980s has never changed the lives of the people in developing countries especially in Africa despite the optimism of international financial institutions and leaders of the developing countries who adopted it as a tool to end poverty and misery. The failure of SAPs was faced in most developing countries where the policies were effectively prepared but not implemented properly due to bad governance (Imran, 2009).

The concept of good governance has received increasing attention in Africa at the end of the 1980s; the time coincided with the end of the cold war. Consequently, regional institutions as well as the respective countries have acknowledged its significance. The increasing relevance of the concept for overall development policies, for strategies to speed up development processes for measures to change development institutions and for quality enhancement at sectoral development intervention is accredited. In Africa, where there has been historical records of bad governance, improving the governance environment has been given a central place in the NEPAD – an initiative that represents the latest attempt by African leaders to take the African

continent on the path of sustainable development encompassing good governance and prosperity with a consolidation of peace, security, stability (African Development bank, 1994). NEPAD has listed a number of prerequisite for African countries to move forward in their quest for development. Key among these is the proper adherence to good political, economic and corporate governance (Hope, 2003).

Good governance is crucial for ensuring the effective and efficient provision of infrastructure. This is largely because, firstly, good governance means that resource allocations will reflect national developmental priorities and thus respond to societal demands. Secondly, good governance promotes accountability, reduces corruption and therefore minimizes resource wastage through inefficiency. And finally, good governance ensures stability (economic and political stability) and reduces the level of risk associated with large and lumpy infrastructure investments. This in turn facilitates the mobilization of both public and private sector financing resources that are critical for infrastructure development. However, governance is multidimensional, and the question of its definition and measurement is problematic (Ncube, and Mafusire, 2010)

The historical condition of good governance in Ghana is not an exception to what was prevalent in other African countries even though Ghana is relatively stable country than others. But the question here is that, does Ghana's use this opportunities to strengthen democratic institutions to promote good governance? Ghana has witnessed the widest and longest form of dictatorship and military rule the same to other African leadership. In effect a one party system since its independence, the passing of these acts formalized the autocracy of Kwame Nkrumah. Nkrumah's administration also severely restricted human rights. Under the cloak of common good that supersedes individual rights, the Trade Union Act and the Preventive Detention Act came to power, forbidding strikes, and legalizing imprisonment without due process. The latter act opened the way for predatory bureaucrats to detain opponents and feed on corruption, as the fear from the administration progressed. This led to widespread mismanagement, intimidation and corruption (Zagel, 2010).

Altogether, there were four successful coups. The period of the First Republic lasted from independence in 1957 to the violent military coup in 1966. After a triennial military rule came another relatively short period of civilian rule, the Second Republic (1969-1972). After this, the military again took over the governing of the country until 1979, when another civilian rule was installed, the Third Republic, to last only three years. The described period of 15 years since the first coup which dethroned the independence leader Nkrumah was filled with a multitude of other, less successful attempts of military take over's.

By the end of the 1970's, the country was in high inflation rate, huge budget deficits, and widespread union strikes, which only made bad productivity figures even worse. The culmination of the long-lasting political turmoil was reached with another attempted military takeover of the governing position in the spring of 1979. However, the military elite organized around Rawlings soon began to feel dissatisfaction with new civil leadership of the country, which led to yet another coup in December 1981. Rawlings, following his second seizure of power, formed the Provisional National Defense Council (PNDC), suspended the constitution, dissolved the parliament, and banned all political parties (Zagel, 2010).

The 1960 Constitution of Ghana, drawn up by a *de facto* one-party Parliament, gave wide powers to the first president, Kwame Nkrumah, and in effect seriously restricted the level of popular participation. In 1964, a *de jure* one-party system was superimposed on the Constitution until a coup that took place in February 1966. Like the 1960 Constitution, the one-party system did not engender popular participation. Rather, it imposed limits on the basic freedoms of speech or expression and association. In 1965, the first one-party parliamentary election was never held; instead the president announced the list of new MPs. From 1966 till the start of the Fourth Republic in 1993, Ghana witnessed several coups d'état and long periods of military rule, interspersed with constitution-making exercises and short spells of constitutional rule (from 1969 to 1972 and 1979 to 1981) (AfriMAP, OSIWA, and IDG, 2007).

Also for Ghana a lack of good governance is seen as one of the major causes, four decades into independence, inequalities are pervasive in Ghanaian society. For example, the Akan dominance of the political system has largely persisted from Nkrumah's time to the present, notwithstanding the perception that the Rawlings-PNDC regime had ushered in a new period of Ewe

predominance, especially in politics and in the public sector. And even if the claims of an emergent Ewe dominance were valid for the 1980s and 1990s, the pattern appears to have been reversed with the coming into power of the New Patriotic Party (NPP) government, which is largely perceived as a pro-Akan government (Asante and Gyimah-Boadi, 2004).

Corruption is named as the most prominent factor of the problem as it endangers the success of any economic reforms already from the roots. Also authoritarian government is a decisive co-variable increasing the risks for development, as the political context already is a major obstacle for any project (Ake, 1996). And With regard to “good governance” the APRM country Review Mission CRM found that “corruption is regarded as major governance problem” in Ghana (Mbate, 2005.)

In developing countries, a complex set of deep-rooted causes covering social, political, economic and administrative systems, including the often excessive role of the state bureaucratic approaches to resource allocation and weak accountability and enforcement. Provides opportunity and incentive for corrupt practices (OECD, 1995)

1.2 Statement of the problem

Good governance implies or requires transparency, equity, justice, promotion of and respect human rights, whether civil, political, economic social and cultural, promotion the rule of law, decentralization. Accordingly, good governance can be political, economic, social and corporate and also requires legitimacy of power or democracy (Mangu, 2005)

Good governance in Africa has become a holistic concept closely associated with constitutionalism, democracy and the rule of law and implying the separation of powers and independence of the judiciary (Mangu, 2005). Therefore, good governance and democracy are interrelated and mutually reinforcing. For Africans, good governance is necessarily democratic governance and constitutes prerequisite for African renaissance. The separation of powers and independent of the judiciary as requirements for constructional and democratic rule are also criteria for good governance.

On the other hand, in the absence of these aspects of governance no one can claim to enjoy the fruits that are derived from it. Therefore, every attempt to establish good governance is evaluated in line with these attributes. Until now institutions, also the public ones has been a failure in Africa. Most of the institutions have been captured by elites and serve their interests. The resulting effect has been a lack of ability of the state to provide an institutional framework to support the development of good governance (Hope, 2003).

Like many African countries; Ghana has had a long history of lack of good governance; from the independence of British administration to the political corruption, inefficient rule, single party system of the Nkrumah regime. This is also followed by the military rule of Rawlings and other dictatorships in Ghana. Then there were continuous of military coup and military regime in the country. Those were led to high inflation, wide spread of union, corruption, inequality of society, and socio-economic and political problems in Ghana. Ghana has definitively turned on the constitutional instability that characterized the country for more than a quarter of a century in place of the coups d'états and military regimes from 1966 to 1991. Those problems were causes for lack of good governance in the country. Contrary to this the country now has a more open political system and more stable democratic institutions. Six general elections have been held, including two peaceful change of ruling party.

The 1992 Constitution marked a watershed in Ghana's modern political history. The new highest legal act of Ghana provided for a democratic system within the framework of a presidential unitary republic. The constitution, which is in power to date, also contains guarantees for human and civil rights and political liberties. Since the 1990s election the country become civilian rule, Ghana has made significant progress in achieving a system of good governance compared to the other countries in the sub-region and the continent at large. And also Ghana represents the salient features of a developing country in Africa. So it stands as a good example to study good governance among the developing countries since it is identified with social, economic and political development so far.

So, this study focuses on Ghana because of aforementioned factors. So it stands as a good example to study good governance among the developing countries. Besides, Ghana has made

significant progress in achieving a system of good governance compared to the other countries in the sub-region and the continent at large.

This study therefore, will made an attempt to address those and other related challenges and opportunities faced and look into the present situation of accountability, transparency and rule of law and how they have impacted on the performance of the development programs for people in the country. However, there are some studies which have conducted in region, but they concentrated on decentralization policies and practices, decentralization and the politics of participation, political economy of decentralization in Ghana, civil society and democratic consolidation in Africa (Ghana), and others .Since there is no comprehensive study carried out on the challenges and opportunities of good governance in this region.

1.3 Research Questions

This study, therefore, guided by the following leading questions:

- What is the current situation of governance in Ghana?
- What are the components for good governance that exist in Ghana?
- What are the main challenges to promoting good governance?
- What are the opportunities for good governance in Ghana?
- What are the determinants behind the viability of good governance in Ghana?
- To what extent the democratic institutions are effective in promoting good governance in Ghana?

1.4 General Objective

The general objective of this study will be to assess and identify the major challenges and opportunities for good governance encountered in the study area.

1. 5 Specific objectives

Specifically this study is intended:

- To identify the status of governance in the study area
- To recognize the components good governance
- To describe the effectiveness and their performance of the important institutions those have impact on the nature of governance in line with certain qualities
- To demonstrate the major problems that impedes(hinder) the process of building and consolidating of good governance
- To portray the main opportunities of promoting good governance and democracy.

1.6 The Significance of the study

Good governance is the key for development and prosperity. Effective, stable, and accountable governments are essential in the fight against poverty. It is the critical factor in poverty reduction as well as in achieving development objective in its right. However, the current challenges associated with good governance are unbearable due to factors such as corruption, bad governance, economic crisis, and poor service delivery among others. In developing countries like Ghana the struggle to alleviate poverty and improve the living condition of their people, researches which will conduct on good governance have an imperative place. Hence this study will be significant in many ways. It can provide stakeholders at all levels to acknowledge the best alternatives for promoting good governance. It also provides best advantage for policy makers and administrators to formulate and settle good policies and strategies for economic, social, political, cultural and humanitarian issues of the country to assure good governance. The finding can be used guide for donor community that only good governance will create the pre-condition for more developmental role of international assistance. Finally, this research will give insight information on challenges and opportunities of good governance and the determinants behind in promoting good governance and democracy. At last, this research can be used as an input for who can conduct further research on similar areas by identifying gaps pertinent to good governance in the continent of Africa in general and Ghana in particular.

1.7 Limitations of the study

Lack of well organized secondary sources is a major limitation encountered during development of proposal because the concept of good governance is multidimensional that includes social, economic and political aspects; it is difficult to draw inferences from political and administrative dimension alone. As, this study gives more emphasis to the political and institutional dimensions, there may be the probability of getting biased responsibility from the language.

Finally, the meager fund allotted for this research was one of the major constraint that exerted limitations on the outcomes that the researcher to get primary information from local Ghana people to cross checks with the secondary data.

CHAPTER TWO

2. REVIEW OF LITERATURE

Introduction

The purpose of reviewing literature for study is to obtain relevant information that is available about the research topic. Literature review provides essential background knowledge about similarities and differences between the present study and prior research studies done. In this section of literature topics and sub topics on the issues of good governance and others related with the topic will be included. As mentioned above, the focus of this thesis is on the challenges and opportunities of good governance. The literature review will focus on: the concepts, definitions, principles, elements, characteristics and related issues of good governance. It explains what they mean and how they relate to one another in coherent review schemes.

Sources of major international organizations working in areas related to good governance were also searched. Lists of references from original research publications or reports were also reviewed for additional relevant studies. Finally, the researcher would like to acknowledge the limitation of the review in fullness. The experience and range of problem to good governance may be explained fully and this gap is acknowledged by the researcher.

2.1 Review of literature

2.1.1 Conceptual framework

2.1.1.1 Governance

Governance is the manner in which a government exercises political power; governance is always related to the institutions and structures that are also for exercising power; governance suggests also that all relevant public decision making processes have to be considered. Governance also implies that the implementation capacity for government action in a country is of relevance and government encompasses also the relation between the government and the public (Wohlmuth, 1998).

(Gardon, 1992) conceptualize governance as “the conscious management of public realm.” presupposes existence of civil society which cares how it is governed and civil competence among citizens. Hyden and court (2002) defines governance as the formation and leadership of the formal and informal rules that regulates the public realm, the arena in which state as well as economic and

social actors interact to make decisions. Here governance refers to the quality of the political system rather than technical capacities or distributive aspects, which they argue are a function of policy.

Governance is a product of human organization that helps define the relations and interactions between state and society. Others have adopted a similar or perspective, arguing that governance “involves affecting the frame work with in which citizens and (state) officials act and politics occurs. Rules affect outcome hence the importance of selecting them as institutional framework for the realization of democratic ideas also tallies with the interpretation by public administration scholar in that it recognizes the revision of rules in order to meet the demands of more complex societal system.

The World Bank makes a distinction between governance as on analytical frame work and governance as an operational framework, heading it to identify three aspects of governance. Firstly the form of political regime, secondly, the process by which authority is exercised in the management of a country’s economic and social resources for development and thirdly, the capacity of governments to design, formulate and implement policies and discharge functions (Hyden G, et al.2010).

Governance refers to the formation and stewardship of the form as an informal rule that regulate the public realm, the arena in which states as well as economic and societal actors interact to make decisions.

According to the World Bank there are six worldwide dimensions of Governance Indicators. These are:

1. voice and accountability, which attempts to measure “perceptions of the extent to which a the country’s citizens are able to participate in selecting their government, as well as freedom of expression, freedom of association, and a free media”; (Zagel, 2010)
2. political stability and absence of violence, focusing on “measuring perceptions of the likelihood that the government will be destabilized or overthrown by unconstitutional or violent means, including politically-motivated violence and terrorism”; (Zagel, 2010)
3. government effectiveness, centered around “measuring perceptions of the quality of public services, the quality of the civil service and the degree of its independence from

political pressures, the quality of policy formulation and implementation, and the credibility of the government's commitment to such policies"; (Zagel, 2010)

4. regulatory quality, with the goal to measure "perceptions of the ability of the government to formulate and implement sound policies and regulations that permit and promote private sector development"; (Zagel, 2010)
5. rule of law, "measuring perceptions of the extent to which agents have confidence in and abide by the rules of society, and in particular the quality of contract enforcement, property rights, the police, and the courts, as well as the likelihood of crime and violence"; (Zagel, 2010)
6. control of corruption, aimed at "measuring perceptions of the extent to which public power is exercised for private gain, including both petty and grand forms of corruption, as well as 'capture' of the state by elites and private interests" (Zagel, 2010)

Lynn, Heinrich and Hill (2007) explain that the concept *governance* is used by "successive civilizations to refer to the exercise of authority, control and direction" by government. With *governance* being a dominant concept in the running of the state "some analysts warn about the state's implied lack of control" in that authority on policy matters is depleted among various actors at different societal levels (Sloat 2003). As conceived by the international financial institutions and most *United Nations* (UN) organizations *governance* is defined as "the manner in which *power* is exercised in the management of a country's economic and social development" (World Bank in Olowu 2003). The United Nations Development Programme – UNDP (Edigheji 2003) is more explicit and comprehensive in defining governance.

Governance is the exercise of political, economic, and administrative authority in the management of a country's affairs at all levels. It comprises the complex mechanism, processes and institutions through which citizens and groups articulate their interests, mediate their differences and exercise their legal rights and obligations...Governance includes states, but transcends it by taking the private sector and civil society. All three are critical for sustaining human development. The state creates conducive political and legal climate. The private sector generates jobs and income. And civil society facilitates political and social interaction-mobilizing groups to participate in economic, social and political activities. (United Nations Development Programme (UNDP, 2003).

Compared to the definitions of the World Bank (in Olowu 2003), UNDP (in Edigheji 2003) and UNECA (1999), that of the Organisation for Economic Co-operation and Development (OECD) is limited to the political dimension of *governance*. For the purpose of this chapter, the political dimension of governance is concerned with exercising political authority. This entails the authority to take political or policy decisions on matters that pertain to the management of public affairs. The OECD defines *governance* as “the use of political authority and exercise of control in society in relation to the management of its resources for social and economic development (Fuhr 2000).

According to (Furubotn and Richter’s 1997) definition of *governance* is predicated on the political and administrative dimensions or facets of *governance*. It is defined as “a system of rules plus the instruments that serve to enforce the rules”. This is similar to Bovaird and Löffler’s (2002), the European Commission’s (2002), and Lynn, Heinrich and Hill’s (2007) definitions of *governance*. Bovaird and Löffler (2002) define *governance* as “the set of formal and informal rules, structures and processes which define the ways in which individuals and organizations can exercise power over the decisions (by other stakeholders) which affect their welfare and quality of life”.

Fowler (2002) defines *governance* as “the acquisition of and accountability for the application of political authority to the direction of public affairs and the management of public resources”. This definition is biased towards the political dimension or facet of the concept. Although the concept of political authority is used in the definition, it is counter-balanced by the imperative of accountability, which appertains to the theory of democracy. The principle of accountability is one of the traditional cornerstones of democracy, which requires that government ought to be held accountable for its act of governing or exercising of authority or control in the management of public affairs. In the context of the theory of democracy, which is premised on the concept of majority rule, *governance* is not just simply about government exercising authority or control. It is also, more importantly, about government being held accountable by those on whose behalf it ought to act in their interests (McLean 1996).

In the United Nations Economic and Social Commission for Asia and the Pacific (UNESCAP) governance is simply defined as “the process of decision-making and the process by which

decisions are implemented (or not implemented)” (1998: on-line). The character of such process is not specified. In a democratic society the process of decision-making and implementation is inclusive whereas in that which is undemocratic the opposite is the case. UNESCAP’s formulation of the definition of governance differs from those of the international financial institutions and most United Nations (UN) organizations, which define governance as the manner in which power, authority or control is exercised in the management of a country’s economic and social development. This is in spite of the fact that UNESCAP itself is one of the UN organizations.

2.1.1.2 Good governance

Good governance is; First, legitimacy of the governance (based on popular sovereignty and international recognition; Second, an appropriate legal framework (to guarantee the rule of law); Third, popular participation (to allow decision making by the people at all levels of the state, on the basis of political and social pluralism); Fourth, freedom of association and expression (to allow the formation of civil society organization and critical evolution of government decisions); Fifth, bureaucratic accountability and transparency (so that impersonality in decision making by officials, and a uniform application of rules by them can be guaranteed); and Sixth, rationality of the governmental organizational structures (incorporating a public administration system that is highly structured and characterized by impersonality and predictable behavior of officials.

Accountability, popular participation or any other characteristic of good governance are however in an ambiguous relation to the nature of the political regime. These characteristic of good governance are generally not part of totalitarian or even of authoritarian regimes, but only of democratic governments (Wohlmuth, 1998).

In contrast, to the above criteria, international development agencies (IDAs) such as the World Bank, the United Nations Development Programs (UNDP), and the Asian Development Bank (ADB) have identified a number of basic components for good governance. Amongst these components four are common and universally recognized: accountability, participatory, predictability, and transparency. By accountability it is understood that the governing authority would be answerable for its delivering of services. By participation the understanding is that

local people and private sectors would be engaged with decision making processes. By predictability it is understood that, governing authority would make a decision implementable by following local laws and regulations. And finally, by transparency the understanding is that all the information that affects people should be available to the people (ADB 2000, Gurung 2000).

As well as setting the criteria for good governance, development agencies also make the establishment of good governance a condition of aid and development assistance for the recipient country (Khwaja 2004; Rajan & Subramanian 2007; Santiso 2001). This approach was started in 1989, after the World Bank first recognized the crisis in Sub-Saharan Africa as a crisis of governance, and identified good public management as one of the major preconditions of the development assistance strategies for developing countries (Kaufmann, Kraay & Mastruzzi 2003). From then, international development agencies (IDAs) have also been helping, in various ways, the potential recipient countries to improve their governance condition. Participatory budgeting, that is, making local plans with the deliberations with local stakeholders, is one of the promising programs, which is led by the World Bank in different developing countries. Similarly, UNDP is helping different poor governments to achieve Millennium Development Goals (MDGs).

Governance can be good or bad. Governance is sound when rule of law is respected, democratic pluralism realized, free and fair election is conducted, human and property rights are granted, powers of three branches of government are separated, freedom of associations and press are enforced, legal frameworks properly worked (Anwar, 2007). It is also a case in which competent, accountable and ethically upright customer oriented civil service is developed; inclusive, consultative and debatable policies are advanced; accountability and responsibility of public officials and politicians are enhanced; women's political base, economic, educational and legal rights are advanced; public services or resources are fairly distributed. The state is at the service of citizens and not the citizens at the service of the state (Balagon, 1998; ECA, 2005; World Bank, 2002).

According to Leftwich (1993, 1994) the concept of “democratic good governance” has the three main aspects which can be classified into systemic, political and administrative. First, from a systematic angle, good governance is government that embraces the formed institutional structure location of authoritarian decision making in the modern state power. In this sense, good governance denotes the structures of political and crucially, economic relationships and rules by

which the productive and distributive life of a society is governed. In short, good governance means a “democratic capitalist” regime presided over by a minimal state which forms part of the wider governance of the New World Order (World Bank, 1989 & 1992).

Second, from a political sense, good governance presupposes a regime or state which enjoys legitimacy and authority, derived from a democratic mandate and built on the traditional liberal notion of a clear separation of legislative, executive and judicial powers. Whether in a presidential or parliamentary system, this presupposes a pluralist polity with a freely and regularly elected representative legislature, with the capacity at least to influence and check executive power (Leftwich, 1993; Leftwich, 1994).

Third, from an administrative point of view, good governance means an efficient, independent, accountable and open audited public service which has the bureaucratic competence to help design and implement appropriate policies and manage whatever public sector there is. It also entails an independent judicial system to uphold the law and resolve disputes arising in a largely free market economy (World Bank, 1992; Leftwich, 1993; Leftwich, 1994).

It should be noted that the different conceptions are neither are exhaustive nor exclusive. Rather they simply show different aspects or differences of emphasis. Whatever is emphasized, consensus is emerging that good governance entails popular participation, equity, access to information, freedom of expression, moral governance, wider participation of civil society, inclusion of women and marginalized groups in political domain, legitimacy, rule of law, pluralist polity, free and fair elections, respect of human rights, accountability of executive, separation of powers, elected legislative, independent judiciary and executive (UNDP, 1997; ECA, 2000; World Bank, 2000).

These are important attributes against which to analyze whether government is good or bad. All the above different aspects of good governance, according to United Nations, multilateral financial institutions and state whose governing apparatus has been captured by elites, are universal. It is these bodies who alternately decide on its form and substance.

Good governance is a very crucial concept in the global and liberal world to govern the general public and development resources, to eradicate absolute poverty especially in developing

countries and brings sustainable development. Good Governance is the process by which stakeholders articulate their interests, their inputs absorbed decision are taken and implemented and decision makers are held accountable (UNDP, 2007). To these indicators of good governance such as transparency about the information, stakeholder's participation accountability rule of law and others are understood to be applied properly. So indicators of good governance are; Consensus oriented, Accountability, Participation, Transparency, Follows Rules of law, Responsive, Effective and efficient, Equitable and inclusive.

According to DFID, good governance centre upon three main concepts (DFID, 2006):

- 1) State capability: the ability to get things done, to formulate and implement policies effectively.
- 2) Accountability: a set of institutionalized relationships between different factors that might help bring about responsiveness.
- 3) Responsiveness: when a government or some other public authority act on identified needs and wants of the citizens.

Similarly, the Asian Development Bank defines the four elements of good governance as accountability, participation, predictability and transparency (Coffey, 2007).

Why is good governance important? Simply put, poor governance will not lead to a society's development. Inefficient use of state resources, corruption and unstable systems will not lead to poverty reduction. Poor governance threatens not only the countries socio political sustainability but also the environmental and economic sustainability. However, good governance is not the sole determinant of sustainable development but it sure makes a difference.

“Good governance” is a normative conception of the values according to which the act of governance is realized, and the method by which groups of social actors interact in a certain social context. The lack of a generally accepted definition of the concept is compensated by the identification of principles that strengthen good governance in any society. The most often enlisted principles include: participation, rule of law, transparency of decision making or openness, accountability, predictability or coherence, and effectiveness. The international donor community generally shares the view that these principles stand at the foundation of sustainable development.

The first characteristic refers to equal participation by all members of society as the key element of good governance, with everyone having a role in the process of decision-making. Secondly,

good governance implies the rule of law maintained through the impartiality and effectiveness of the legal system. Rule of law also means the protection of human rights (particularly those of minorities), independent judiciary and impartial and incorruptible law enforcement agencies. The rule of law involves a variety of conditions, being strongly connected to good administration of justice, good legal framework, verified dispute mechanisms, equal access to justice, and the independence of judiciary workers.

Good governance is also based on the transparency of the decision-making process, which ensures that information is freely available and accessible to those involved or affected by the decisions taken. Transparency therefore means free access to information. Last, but not least, accountability and responsibilities (of the institutions, just as much as of the civil society) are key requirements of good governance, with all of the participants in the political and economic processes being accountable for their decisions to each other.

The concept of good governance emerged mainly because practices of bad governance, characterized by unaccountable governments, lack of respect for human rights and corruption, had become increasingly dangerous, and the need to intervene in such cases had become urgent. Good governance has become an important element of the political and economic agendas, and has meanwhile been better specified along with the proliferation of good practices that take the concept into consideration. Beyond entailing just multiparty elections, a judiciary and a parliament, which have been identified as primary components of Western-style democracies, good governance goes on to address several other central issues: Universal protection of human rights; non-discriminatory laws; efficient, impartial and rapid judicial processes; transparent public agencies; accountability for decisions by public officials, devolution of resources and decision making to local levels from the capital; and meaningful participation by citizens in debating public policies and choices.

The principle of good governance covers different ideals for a better society. First of all, there's a technical dimension of the concept, which refers to the economic aspect of governance, namely the transparency of government accounts, the effectiveness of public resources management, and the stability of the regulatory environment for private sector activity. Secondly, the social dimension, i.e. to build, strengthens and promotes democratic institutions as well as tolerance throughout society. And thirdly, the political dimension refers to the legitimacy of government,

the accountability of the political elements of government and respect for human rights and the rule of law. When it comes to participation, equity, inclusiveness, or transparency, minorities need a specific approach with regard to good governance strategies in terms of their relationship to the major stakeholders, since their position in the society is most often fragile and too minor (Ayee, 1998).

Good governance and human rights are mutually reinforcing. Human rights principles provide a set of values to guide the work of Governments and other political and social actors. They also provide a set of performance standards against which these actors can be held accountable. Moreover, human rights principles inform the content of good governance efforts: they may inform the development of legislative frameworks, policies, programmes, budgetary allocations and other measures. However, without good governance, human rights cannot be respected and protected in a sustainable manner. The implementation of human rights relies on a conducive and enabling environment. This includes appropriate legal frameworks and institutions as well as political, managerial and administrative processes responsible for responding to the rights and needs of the population. This publication defines good governance as the exercise of authority through political and institutional processes that are transparent and accountable, and encourage public participation. The links between good governance and human rights in four areas, namely democratic institutions, the delivery of State services, the rule of law and anti-corruption measures. It shows how a variety of social and institutional actors, ranging from women's and minority groups to the media, civil society and State agencies, have carried out reforms in these four areas.

When led by human rights values, good governance reforms of democratic institutions create avenues for the public to participate in policymaking either through formal institutions or informal consultations. They also establish mechanisms for the inclusion of multiple social groups in decision-making processes, especially locally. Finally, they may encourage civil society and local communities to formulate and express their positions on issues of importance to them (UNHCHR, 2007)

In the realm of delivering State services to the public, good governance reforms advance human rights when they improve the State's capacity to fulfill its responsibility to provide public goods which are essential for the protection of a number of human rights, such as the right to education,

health and food. Reform initiatives may include mechanisms of accountability and transparency, culturally sensitive policy tools to ensure that services are accessible and acceptable to all, and paths for public participation in decision-making. When it comes to the rule of law, human rights-sensitive good governance initiatives reform legislation and assist institutions ranging from penal systems to courts and parliaments to better implement that legislation. Good governance initiatives may include advocacy for legal reform, public awareness-raising on the national and international legal framework and capacity-building or reform of institutions.

Finally, anti-corruption measures are also part of the good governance framework. Although the links between corruption, anti-corruption measures and human rights are not yet greatly explored, the anti-corruption movement is looking to human rights to bolster its efforts. In fighting corruption, good governance efforts rely on principles such as accountability, transparency and participation to shape anti-corruption measures. Initiatives may include establishing institutions such as anti-corruption commissions, creating mechanisms of information sharing, and monitoring Governments' use of public funds and implementation of policies (UNHCHR, 2007).

A good governance system puts further requirements on the process of decision-making and public policy formulation. It extends beyond the capacity of public sector to the rules that create a legitimate, effective and efficient framework for the conduct of public policy. It implies managing public affairs in a transparent, accountable, participatory and equitable manner. It entails effective participation in public policy-making, the prevalence of the rule of law and an independent judiciary, institutional checks and balances through horizontal and vertical separation of powers, and effective oversight agencies. While democracy tends to refer to the legitimacy of government, good governance refers to the effectiveness of government. Consequently, one could in theory be strengthened and promoted independently from the other, as both have value in their own right. Nevertheless, as the legitimacy and effectiveness of government are not always congruent in reality, the relationship between democracy and good governance is laden with controversies. There are still no clear or settled ideas about how effective governance and democratic consolidation should be suitably defined, let alone how they could be supported from abroad (Santiso C, 2001).

Africa's development problem is a crisis of good governance. By governance is meant the exercise of political power to manage a nation's affairs. Because countervailing power has been lacking, state officials in many countries have served their own interest without fear of being called to account.

Two things are worthy of note in the World Bank's apostasy to good governance. First, while the World Bank (and its arch types) preaches good governance, rule of law and human rights in Africa, the Structural Adjustment Programmes it has imposed undermine those noble political ideals. SAPs, rather than empower the civil society, encourages its ruthless repression and dismemberment, rather than promote social security and welfare, contracts them quite significantly, rather than encourage public ethics and accountability promotes declining public morale and fraud with depressing low wages and salaries of public servants (As SAPs emphasis wage freeze and devalued low wages). SAPs reduce the capacity of the state to control and tighten rules governing Government -corporate relations (Szeftel, 1998). In summary, adjustment confounds the logic of good governance in Africa (Adejumobi, 2000).

Secondly, the object of the World Bank "good governance" project is mainly to provide an enabling political environment for the market to function properly, and not because good governance is good in itself and deserved by the African people. Thus "good governance" along With the instant crafting of democracy is often traded the same way I.M.F. and World Bank economists sell neo-liberal market solutions around the globe (Rudebeck and Tornquist 1996). Admittedly, although the World Bank good governance project with its emphasis on rule of law, transparency and human rights, is relevant to the African condition, however, the point being made is that it is a project enmeshed in serious contradictions and not grounded in the African intent, articulation and focus (Adejumobi, 2000).

Good governance refers to state-society relations that are democratic, including respect for human rights and the rule of law. They are developmental and allow for the management of the economy in a way that enables economic growth, structural change and the judicious use of available resources in a sustainable manner; they are socially inclusive, in particular of minorities and ethnic or religious diversity. These relations tend to be captured in constitutional arrangements of the institutions designed to render the transparency and accountability of the rulers and the responsibility of the ruled in the conduct of their civic duties, especially in the exercise of their franchise. Disregard for the provisions of the constitution, which must issue

from the acknowledgement of the sovereignty of the citizens, invariably results in the deterioration of state-society relations, which ultimately leads to political instability.

Today's digital revolution is deepening the cry for freedom and justice, which transcends national boundaries and divisions of race, gender, religion and ethnicity. The current situation in North Africa, with individuals demanding their rights and freedoms, illuminates the extent to which these values have received acceptance in Africa. As Africans become more knowledgeable of their individual rights, they press for more accountable, transparent, inclusive governments. They demand solution-oriented governments to fight poverty, disease, hunger and unemployment (Kufuor, 2011).

To strengthen good governance further, primacy should be given to the adoption of enlightened constitutions in the individual states. Constitutions provide the institutional framework and principles for governance. They therefore should serve as the reference point for good governance and institute the benchmarks for assessing the governance of any polity. Democratic constitutions should be based on the sovereignty of the individual. Representative governments should be accountable and transparent, and the individual must also be a responsible citizen. These attributes are best secured through multi-partyism and the separation of powers in governance – the executive, the legislature, the independent judiciary, independent, fair electoral mechanisms and a free-spirited media (Kufuor, 2011).

2.1.2 Characteristics of good governance

The United Nations Development Programs (UNDP 1997) highlighted good governance as the good exercise of a nation's affairs at all levels. It described that governance is good when it subscribes to nine characteristics, which are:

- Participation is all men and women should have a voice in decision-making, either directly or through legitimate intermediate institutions that represent their interests.
- Rule of law- Legal frame works should be fair and impartially, particularly the laws on human rights.

- Transparency is built on the free flow of information. Processes, institutions and information are directly accessible to those concerned with them, and enough information is provided to understand and monitor them.
- Responsiveness refers institutions and processes try to serve all stakeholders.
- Consensus orientation -Good governance mediates differing interests to reach a broad consensus on what is in the best interests of the group and, where possible, on policies and procedures.
- Equity means all men and women have opportunities to improve or maintain their well-being.
- Effectiveness and efficiency -Processes and institutions produce results that meet needs while making the best use of resources.
- Accountability-Decision-makers in government, the private sector and civil society organizations are accountable to the public, as well as to institutional stakeholders.
- Strategic vision-Leaders and the public have a broad and long-term perspective on good governance and human development, along with a sense of what is needed for such development.

The UNESCAP identifies eight values of good governance. These are: Accountable, Participatory, Transparent, Consensus oriented, Responsive, Follows the rule of law, Effective and efficient and Equitable and inclusive (UNESCAP 2008). The World Bank (WB) defines good governance as good management of a country's economic and social resources for development. The organization identified six criteria such as accountability, participation, rule of law and control of corruption, governance effectiveness, regulatory quality and political stability and absence of violence; that underpin the concept of good governance (Turner & Hulme 1997). Likewise, the Asian Development Bank (ADB) identified four basic components of governance that help a government to operate most effectively and efficiently.

Though these agencies have identified a number of basic components for good governance, four are common and universally recognized amongst these components. These are: accountability, participation, predictability, and transparency. Accountability refers to the imperative to make public officials answerable for government behavior as well as responsive to the entity from

which they derive their authority. The principle of participation derives from the acceptance that people are at the heart of development. People need to have access to the institutions that promote it. Predictability refers to (i) the existence of laws, regulations, and policies to regulate society and (ii) their fair and consistent application. Transparency refers to the availability of information to the general public and clarity about government rules, regulations and decisions (Gurung 2000).

Six components of good governance are identified (UNECA, 2003):

- A political system that encourages broad input from all elements of civil society.
- Impartial and credible electoral administration and an informed and active citizenry.
- Strengthened public sector legislative and administrative institutions.
- Transparency, predictability, and accountability in political, oversight, and regulatory decisions by government and public bodies.
- Effective public sector management with stable macroeconomic policy, effective resource mobilization, and efficient use of public resources.
- Adherence to the rule of law in a manner that protects personal and civil liberties and gender equity, and ensures public safety and security with equal access to justice for all.

Good governance has several characteristics. It is participatory, consensus oriented, accountable, transparent, responsive, effective, efficient, equitable, and inclusive and follows the rule of law. At a minimum, good governance requires fair legal frameworks that are enforced impartially by an independent judiciary and its decisions and enforcement are transparent or carried out in a manner that follows established rules and regulations. Since accountability cannot be enforced without transparency and the rule of law, accountability is a key requirement of good governance. Not only governmental institutions, but also private sector and civil society organizations must be accountable to the public and to their institutional stakeholders (Sharma, 2007).

2.1.3 Good Governance from African Perspective

UNESCAP holds that governance means the process of decision-making and the process by which decisions are implemented (or not implemented). On the other hand, it portrays good

governance as a sort of governance that embodies processes that are participatory, consensus oriented, accountable, transparent, responsive, effective and efficient, equitable and inclusive, and (which follow) the rule of law. While it may not be necessary to dwell so much on the current definitions of good governance, as many other definitions appear to have been derived from the aforementioned, it may be important to note that the term comes with its own controversies. Leftwich (2007) exposed it as one of the three main requirements for contemporary western aid – the other two being promotion of open market, friendly and competitive economies; and support for democratization and improvement of human rights records.

While it is very difficult to speculate on how good the conventional paradigm of good governance (as espoused by the world's major economic and political powers) is for Africa, there is need for African institutions to start addressing its meaning within a localized context.

This is very critical to the future state of the continent because apart from the practical difficulties experienced in practicing western-structured norms in Africa, it brings further “ideological baggage” which may even threaten the “entire gains that have been made in reestablishing significance of governance in the development process” of the continent (Ayen, 2005,). This calls to question on what constitutes good or bad in governance in Africa.

2.1.3.1 ECOWAS and Good Governance

The ECOWAS Declaration of Political Principles in 1991 set out member states' commitment to uphold human rights, democracy and the rule of law. This was taken further in December 2001, with declarations on Child Rights and Human Trafficking, and most importantly, the Protocol on Democracy and Good Governance, which addresses root causes of conflict, such as corruption and instability. This is a supplementary protocol on the Mechanism for Conflict Prevention, Management and Resolution, Peace and Security, and deals with issues such as free, fair elections, civilian control of the military and unconstitutional changes of government (ECOWAS).

The Supplementary Protocol on Democracy and Good Governance (21 December, 2001) was adopted to reinforce the Declaration of Political Principles and the Mechanism. It sets out the constitutional convergence criteria to be fulfilled by Community members based on the

principles of good governance – respect for the rule of law, the separation of powers, the independence of the judiciary, the promotion of non-partisan and responsible press and the democratic control of the armed forces. It also commits Member States to ensure poverty alleviation, uphold, defend and promote international norms regarding basic human rights, including the rights of minorities, children, youth and women.

The Protocol on Democracy and Good Governance also advocates for the strict adherence to constitutional norms in electoral practices that reject unconstitutional accession to or maintenance of power and sets the parameters for the conduct of peaceful and credible elections that are free, fair and transparent. The Protocol further tasks ECOWAS to assist Member States in electoral matters. Without prejudice to other regional and international legal instruments, the Mechanism and the Supplementary Protocol on Democracy and Good Governance provide the principal basis and justification for the ECPF (ECOWAS Conflict Prevention Framework)

The Declaration of Political Principles (1991); articles 2(A), 42-1, 44 (B) and 45 of the Mechanism; and in particular, the provisions of the Supplementary Protocol on Democracy and Good Governance. To this end, the objectives of Democracy and Political Governance shall be:

- i- to create space and conditions for fair and equitable distribution and exercise of power and the establishment and reinforcement of governance institutions;

- ii- to ensure the active participation by all citizens in the political life of Member States under common democratic, human rights and constitutional principles articulated in ECOWAS Protocols, the African Charter on Human and People's Rights, NEPAD principles and other international instruments.

ECOWAS shall assist Member States to promote the professionalization of governance institutions by building and strengthening transparent, non partisan, efficient and accountable, national and local institutions, in particular the civil service. Member States and civil society organizations shall undertake to popularize and educate citizens on ECOWAS Protocols relating to Democracy and Good Governance.

ECOWAS shall facilitate the harmonization of policy and practice with regard to human rights, the rule of law and access to justice across the region through networking and sharing of best practices among national human rights and judicial institutions based on regional and international norms (ECPF, 2008).

2.1.3.2 OAU/ AU, NEPAD, APRM and Good Governance

Good governance, conceived here as a system of administration that is democratic, efficient and development oriented, has remained elusive in the African continent. Legitimacy has been determined not by democratic processes but largely by inscriptive and patron-client relation. This has left damaging consequences for development and progress. In the early 1980s the World Bank attributed Sub-Saharan Africa's lack of development to the absence of good governance. This leads to a combined search by Africans and the dominant International Financial Institutions for the solutions to Africa's persistent crisis of governance (Akokpari, 2004). Although the need for good governance on African continent is an issue that ultimately requires an African solution, a vast volume of western writing has dominated debates about governance in Africa. More generally, undemocratic practice has persisted in Africa notwithstanding the preponderance of multiparty elections, democratic institutions and the presence of the Organization of African Unity. The OAU was formed in 1963 at a time when a good number of African states were emerging from the shackles of colonial rule.

The OAU was formed in 1963 during the initial stages of Africa's independence campaign. Although its objectives included "the promotion of international cooperation, having due regard to the charter of the United Nations and the Universal Declaration of Human Rights" (OAU 1992), its primary objectives were the speedy decolonization of Africa, the unity of the continent and the defense of the territorial integrity of states. Thus, the OAU was not primarily a good governance promotion institution. The silence on good governance was bolstered in the 1960s by the emergence of an "ideology of development" which was associated with the thinking that economic development should be the highest goal of government (Callaghy 1986). This ideology gave prominence to collective welfare rather than individual rights. Implicitly preferred by the OAU, the development ideology led to the proliferation of one-party systems, quasi- and full-scale dictatorships across Africa under which corruption, mismanagement and human rights violations flourished (Nyong'o, 1992).

Yet, equally notable, the OAU imparted deep contradictions in its stance on good governance. Although the organization theoretically professed the respect of human rights, some governments

remained unremittingly brutal in the suppression of basic freedoms. The regimes of Jerry Rawlings of Ghana (especially between 1982 and 1992), Daniel Arap Moi of Kenya, Frederick Chiluba of Zambia, Macias Nguema of Equatorial Guinea, Kamuzu Banda of Malawi, just to name a few, were classic examples in this regard. The OAU did little about these regimes. This failure of the OAU has raised popular expectations on the AU (Akokpari, 2004)

The Lagos Plan of Action was based on classical dependency theory: it focused exclusively on the external causes of the economic and social crisis and neglected internal causes such as lack of political leadership and good governance (Owusu, 2003).

The birth of the AU was rooted in the conviction that the OAU had demonstrated an inability to promote peace and development in Africa. The African charter on democracy, election and governance is the most authoritative expression of the commitment of African union and its member states to a set of shared values and aspiration objectives in good governance, democracy and election. The driving impetus of the charter can be traced to the commitment to governance and democracy within the constitutive Act of the African union and the deliberations at the inaugural summit of the African union in 2002. The charter indicates that it is a step beyond adapted declarations and decision, as it firmly and unequivocally services to fulfill a determination to promote and strengthen good governance through the institutionalization of transparency, accountability and participatory democracy (AUC, 2011).

The NEPAD objective of sustainable development appropriates to good governance a meaning that transcends neo-liberal conception of the concept embedded in economic and political reductionism approaches to development. Good governance in the context of NEPAD is not only about the quality of democracy, political stability, economic growth and corporate prudence, it is also, more importantly, about the effect or impact of those ‘good practices’ in enhancing the quality of life of the citizenry.

The significant strides on the political and economic fronts must translate into qualitative improvements in the lives of the people. This thinking is embedded in a human-centered development paradigm, which propounds that the people ought to be the direct beneficiaries of government’s “good practices” in the pursuit of development. The understanding of *good*

governance in the context of NEPAD as a holistic concept, integrative of political, economic and socio-economic dimensions of development should be located within the context of the African philosophy of humanism. For, subsumed in the African philosophy of humanism, is the concept of social justice, which this study contends is one of the key variables that should inform the conceptualization of good governance in the context of NEPAD.

A partnership programme established between Africa and the G8 countries, NEPAD emphasizes three dimensions of governance; namely economic and corporate governance; political governance; and peace and security. In practice, NEPAD can be seen to represent a moral contract between African countries and the G8 under which the former strive to improve governance and promote democracy by undertaking political reforms and market-friendly economic policies while the latter undertakes to assist African countries committed to good governance, the promotion of human rights, poverty eradication, and economic growth (Akokpari, 2004).

NEPAD recognized peace, security, democracy, good governance, human rights, and sound economic management as conditions for sustainable development (NEPAD Secretariat, 2001).

The APR is a new initiative in Africa, although it has been practised among the OECD countries. For Africa, it presents fresh opportunities for empowering and strengthening institutions of democracy to ensure that the basis of governance transcends the narrow confines of personal rule, patron-client relations or ethno-religious politics. The agreement on the APR provides for the establishment of an Independent Panel of Eminent Persons (IPEP) to be responsible for the review and assessment process. For representatives and balance, the IPEP is to consist of between five and seven members with at least one member from the AU's major sub-regions – Central, Eastern, Northern, Southern and western Africa. In May 2003, six of the seven members were appointed, representing all sub-regions, but North Africa. They include Ms Graca Machel, a Mozambican and wife of former president of South Africa, Nelson Mandela; Adebayo Adedeji, a Nigerian; Ms Marie- Angélique Savane from Senegal; Bethuel Kiplagat, Kenyan; Dorothy Njeuma, a Cameroonian and Chris Stahls from South Africa (*Africa Recovery*, 17(2) July 2003)(EISA, 2003).

The key benchmarks of good governance include democracy, the respect for human rights and the adoption of sound economic policies. The APR is seen as representing a radical departure from previous practices when commitments to good governance were made through the appending of signatures to multilateral agreements as was the case with the African Charter on Human and Peoples' Rights (1981); the African Charter for Popular participation in Development (1990); the African Charter on the Rights and Welfare of the Child (1990); or the Declaration and Plan of Action for the Promotion and Protection of Human Rights (1999) signed in Grand Bay, Mauritius. In contrast, the APR represents the very first attempt by African states to subject their regimes to a monitoring process administered by fellow African states. In this regard, the APR presents fresh opportunities for strengthening democracy to ensure that the basis of governance transcends the narrow confines of personal rule, patron-client relations or ethno-religious politics. It is instructive to note that the APR is a voluntary scheme, completely dependent on the good will of Africa states.

The 1991 Harare common wealth declaration, for example, committed member to the democratic process and institutions which reflect national circumstances, the rule of law and the independence of the judiciary, just and honest government, fundamental human rights, including equal rights and opportunities for all citizens, regardless of race, colour, creed or political being. "As indicated here, good governance is used both as means and as an end in itself. It becomes an end in itself if it addresses as all its major elements satisfactory. This implies that society is generally satisfied with the procedures and processes of arriving at solutions to problems, even if they may not necessarily agree on the methods and conclusions. Good governance is therefore the highest state of development and management of a nation's affairs. It is good that a democratic form of government is the place, that people participate in decision making processes, that services are delivered efficiently, that human rights are respected, and that the government is transparent, accountable and productive (Gillibrand, 2000)

Good governance is therefore participatory, transparent and accountability in order to ensure that political, social and economic priorities are based abroad consensus in society, and that the voices of the poorest and most vulnerable are heard in the decision making processes regarding the allocation of resources.

So, that the key elements of good governance are accountability, transparency, combating corruption, participatory governance and an enabling legal/judiciary framework. Improving, therefore, in the effectiveness and transparency of economic policies and administrative reform can contribute powerfully to the fight against corruption as well as enhance good governance. (Gillibrand, 2000).

2.2 The Major Actors in Promoting Good Governance

There are three major institutions that promote good governance. These are the state, the private sector and civil services. Good governance, therefore, encompasses effective states, mobilized civil society and productive private sector. Good governance is facilitated by effective states that create enabling political and legal environments for economic growth and equitable distribution. It is dependent on vibrant civil societies which mobilize groups and communities, facilitate political and social interaction, ensure participatory governance, help generate social capital and foster social cohesion. The promotion of good governance therefore depends up on efficient public sector management, accountability, a legal framework for development, access to information and transparency.

A priority or a critical element in good governance in one country may not be regarded or accorded the same importance in another country. For example, the conduct of free and fair elections may be a priority in one country while the eradication of corruption may be regarded as critically important in another. Good governance is, therefore, a wide subject area that ranges from: economic liberalism which constitutes private ownership, more investment and greater equality, political pluralism, which refers to participation of people in the development process, decentralization of authority from the centre and democracy, Social development which includes human rights, rule of law, independent judiciary and free press and administrative accountability which reforms to transparency, less corruption, economic, efficiency and effectiveness and public sector reforms, strategic planning and management of change (Gillibrand, 2000)

The UNDP has defined good governance as the exercise of political, economic and administrative authority in the management of a country's affairs at all levels. Good governance, according to the definition, has a number of attributes. It is effective, participatory, transparency, accountability, productive and equitable and promotes the rule of law. However, the major

attribute is the exercise of power and authority over the country's affairs. The exercise of power, while shared by many agencies of government, should have checks and balances so that no one part of the machinery has absolute power. One of the ways in which these checks and balances work is to make the systems, structures, organization and staff become accountable for their responsibilities, functions, tasks and behavior in the work place.

Political accountability is one of the dimension accountability generally associated with electoral mandate, which refers to the mandate that citizens give to politicians who constitute the executive and legislative arms of government.

The significance of accountability in public service lies in the strong linkages between it and the goals of administrative efficiency and good economic performance. In some of the countries where political accountability has helped to assure political stability, economic policies have become more credible and stable (for example Benin, Ghana, and Uganda and bilateral and multilateral donors are providing increasing development assistance) (Gillibrand, 2000)

Accountability is the cornerstone of good governance. Unless public officials can be held to account, critical benefits associate with good governance. Citizens are increasingly active in challenging their governers, citing lack of transparency, responsiveness, and accountability as important problems, especially in relation to disadvantaged social groups (common wealth foundation 1999, Narayan and others 2000). The impacts of non responsive and unaccountable governance are perhaps most harshly felt by the people in Africa, where corruption and governance failures are broadly acknowledged as major obstacles to achieving critical poverty reduction and human development goals.

The elements of transparency and accountability are core value in good governance. Transparency is about openness in the conduct of public affairs, the rights of citizens to access public documents and information, raise queries and institute administrative and legal actions in case of officials misconduct by public officials. Accountability, which is the flipside of transparency, is the obligation to answer for the fulfillment of assigned and accepted duties and responsibilities within the framework of the authority and resources provided (ECA, 2005). But in most African countries there is little transparency in government business. Officials' information is often either not available or not easily accessible to the public. Under this system

the government misses an advantage of active exchanges on its policies among others. The underdevelopment nature of some Medias and the heavy handed government action against journalists and media establishment in many countries further erode transparency in government activities (ECA, 2005).

Protection of human rights and support for the rule of law are very essential of good governance. Good governance requires respect for human rights, compliance with accepted standard and norms such as reporting, establishment of requisite institutions (court and human rights institutions) and consistent enforcement. Disrespect for human rights and the rule of law undermine good governance and signify the possibility of conflict, disorder and anarchy in the society (ECA, 2005). African countries have overwhelmingly ratified or acceded to the primary international human rights instruments. And Africa has a strong regional human rights framework that in some instance far exceeds the international instruments in their scope and progressive positions. But these progressive developments also a wide gap between the rhetoric about human rights and their relation on the ground. Most countries have not fulfilled the obligations they have assumed in ratifying human rights treaties by incorporating those treaties in domestic laws, thereby leaving in place a discriminatory and sometimes repressive legal framework. They have not adopted laws and policies to redress discriminatory practice against women and have limited access to justice for their citizens. They have not done enough to support institutions that they themselves have created to protect human rights –in fact, all too frequently they have actually undermined the institutions. There is uncertainty and equivocation about human rights in Africa. Many countries have recently taken important steps toward democratization and the opening political space and have improved the overall human rights situation. But these governments are too few and are often overshadowed by very public setbacks (ECA, 2009).

Furthermore, corruption has been a cause for concern since independence because it diverts already limited funds, undermines economic progress and impedes policy changes required for development. Africa presents a typical case of the countries in the world whose development has been undermined and retarded by the menace of corrupt practices. Officials required bribes before they reached favorable decisions; public resources were misappropriated for private use;

and individuals were employed and promoted on the basis of clienteles rather than merit. In many cases, ordinary people who used public services came to recognize only a minimal difference between bribes, gifts and official fees (Thomson, 2000).

A series of reforms have been carried out in all the African countries so as to make the systems efficient and result oriented. However, the anticipated gains of such efforts or reforms are not visible due to series of factors which include that of corruption. The effects of corruption are felt in the political and social, as well as the economic spheres. Corruption often flourishes where institutions are weak, where the rule of law and formal rules are not rigorously observed, where political patronage is rife, where the independence and professionalism of the public sector have been eroded, and where civil society lacks the means to generate public pressure. Once entrenched, corruption hinders economic performance, increases the cost of public investment, lowers the quality of public infrastructure, decreases government revenue, and makes it burdensome and costly for citizens particularly the poor to access public services (World Bank, 2000)

Corruption is systemic in much of Africa today. It is another of Africa's vicious circles: corruption has a corrosive effect on efforts to improve governance, yet improved governance is essential to reduce the scope for corruption in the first place. The Africa's external debt burden since 1980s has largely been caused by massive corruption by the governing elites. Most of this debts and loans were never utilized for the benefits of peoples in those countries. Instead the loans provided a gold mine for government officials. The result has been a series of debt burden crisis that impoverished many African countries. Leadership in Africa, with few exceptions, is seen as an opportunity to get rich rather than serve the people (Thomson, 2000).

Corruption in Africa is woven deep in to the fabric of everyday life. Though corruption is not unique to Africa, its constitutionalization and glorification in some countries of Africa (are phenomenal and serve as the force behind the gross mismanagement too often witnessed today. According to Transparency international's corruption perceptions index for 2007, corruption and lack of transparency were perceived to be rampant in 36 countries. Namibia, Seychelles, South

Africa, and Swaziland were rated as having improved in their anti-corruption stance (Transparency International, 2007).

The failure of democracy in many societies is due essentially to weak democratic structures and under developed political institutions. The weak governance environment in Africa is characterized by underdeveloped institutions of democratic accountability, and this situation presents an extraordinarily high risk of democracy. Under developed political parties, weak civil society, an over- concentration of power at the center. Non separation of the branches of government and lack of transparency and accountability characterized political life in many African countries (Kondalo and Ejiogu, 2011)

In general, internal deficits, weak constitutions, and strong institutions that are captured by interest groups that undermine public interests all contribute to the problems of poor governance in Africa (Reno 1995, 1999). William Reno (2006) argued that state failure has been a characteristic feature of African politics since the dawn of the neoliberal global order. It is also the view in some circles in the west that weak and shadow states that are characteristically bedeviled by internal conflicts 'can no longer deliver positive goods to their inhabitants' (Rotberg 2003).

CHAPTER THREE

3. Research Methodology

This chapter presents selection of study area, the research design, the participants of the research, procedures of data collection and data analysis techniques. Moreover, data quality assurance and ethical consideration of the research are presented.

3.1 Study Design

The study has assessed and identified the major challenges and opportunities of good governance encountered in the study area. The study employed a case study design using qualitative method in order to answer the research questions (see in the first part of the paper) which are qualitative by its nature. According to Casley and Kumar (1992), qualitative research is useful to describe situations, events, interactions, case studies and to collect information to understand more the views, attitudes, and the perspectives of the study areas. It enables to collect data from diverse sources and strategies to maximize the trustworthiness of research findings. Furthermore, it allows the researcher to select more knowledgeable and experienced participants purposively.

As Casley and Kumar (1992) also stated qualitative research method provides an opportunity to triangulate the information gathered from different sources and methods. According to Creswell (2007), case study is a qualitative approach in which the investigator explores a bounded system (a case) over time, through detailed, in-depth data collection involving multiple sources of information (e.g., interviews, documents and reports) and reports a case description and case-based themes. Hence, the case study design using qualitative research was employed to assess and identify the major challenges and opportunities of good governance encountered in the study area.

3.2 Rational for selection of the Study area

This study will be held in the state of Ghana. Ghana has been selected purposively based on the following reasons: Firstly, Ghana is the first independence in sub-Saharan Africa countries from European colony. Secondly, Ghana represents the salient features of a developing country in Africa. So it stands as a good example to study good governance compared to the other countries

in the sub-region and the continent at large. Thirdly, Ghana has been attempting to introduce good governance since the beginning of the 1990s. Fourthly, Ghana is one of the few countries, with relatively stable government in West Africa where instability and lack of peace is a common political experience. So, among the other West African countries the researcher selected Ghana purposively based on significant progress mentioned above. Its accessibility enabled the researcher to get deeper understanding of the issues through frequent document analysis and literature review regarding good governance. As additional data gathering undertaking interview with the key informants was also held in the available time framework.

3.3 Scope of the study

This study is limited itself to the political and the administrative aspects of good governance which is generally recognized as the most challenging in Africa's governance in Ghana. The researcher there as limit himself to assess the challenges and opportunities of governance in Ghana by taking only certain attributes of good governance such as (transparency, accountability, rule of law, and human rights) and taking only certain governmental institutions which have believed to be more impact to ensure good governance in Ghana .

Accordingly the researcher attempted to analyze information pertinent to the issue under study by making the embassy of Ghana in Ethiopia and the head quarter of the African union in Addis Ababa as his/her area of operation With regard to the selection process, Casley and Kumar (1992) suggests that selecting study participants from different categories of targeted population helps the investigator to collect in-depth and detail information from different angles. All these participants were selected purposefully by assuming their working experience and number of years working on the position. Purposive sampling helps the researcher to select appropriate limited number of study participants based on their knowledge and deep experiences (Creswell, 1994).

3.4 Techniques and sources of Data Collection

This study is conducted by reviewing existing current literatures on good governance and related issues. The study mainly relies on the secondary sources. Primary data was collected

from official in the African union and Ghanaian Embassy in Ethiopia. The necessary data for this study were collected using document analysis and interviews.

3.4.1 Document Analysis

Documents written on the areas of good governance published and unpublished, journals, project, reports and implementation guidelines were analyzed for the study.

3.4.2 Interviews

According to Casley and Kumar (1992), qualitative interviews are not limited to a set of predetermined questions to be asked in a given sequence and it is possible to pursue avenues that open as the interview develops. Besides, the number of participants in a qualitative research is determined by the amount of data collected from informants and other sources of data rather than the number of samples (Creswell, 2007). Hence, in this study the number of participants was determined by the rational that the researcher gets enough data (data saturation) that helps to answer the research questions. Semi-structured interview guide questions which consists of 10 questions for each key informant was prepared to collect the necessary data.

3.5 Data Collection Procedure

In line with evaluating and assessing the major challenges and opportunities of good governance encountered in the study area, different procedures were used to collect necessary data. With regard to the interview time and place, all key informants were scheduled appropriate time and place with researcher. Each interview was held for half an hour. To gather data during interview both tape recorder and note taking were used and detail analysis of document was conducted.

3.6 Techniques of Data Analysis

The primary and secondary data will be analyzed thoroughly to address the research questions. The data collected through semi-structured interviews will be analyzed using descriptive analysis. According to Creswell (2009), the first step in qualitative data analysis is organizing and preparing the collected data for analysis by transcribing the interviews, typing up document

notes, sorting and arranging the data into different types depending on the sources of information. The interview questions were transcribed and organized carefully.

3.7 Ethical Consideration

All participants in this study were decided their participation willingly and the researcher let them know the purpose of the study; give them all necessary information regarding the research. This study is conducted in a manner that is consistent with ethical issues that need to be considered in conducting a research. Accordingly, letter from the center of African studies was written for the concerned bodies. Moreover, a prior consent of informants was requested before conducting interview.

UNIT FOUR

COMPONENTS OF GOOD GOVERNANCE IN GHANA

This chapter presents the analysis and interpretation of data collected from document analysis in line with the identified thematic areas. The major themes are developed in line with the guiding objectives and issues discussed in the literature section. The major findings of the study are presented within the following main categories namely: situation of good governance in Ghana, components of good governance in Ghana, challenges of good governance in Ghana, opportunities of good governance in Ghana, determinants of good governance in Ghana and institutions of good governance in the study area. All efforts are exerted to make careful documents analysis strengthened by the primary data obtained through key informants interviews.

4.1 Political and administrative aspect of good governance

4.1.1 Political Aspects of Good Governance

From, a political sense, good governance presupposes a regime or state which enjoys legitimacy and authority, derived from a democratic mandate and built on the traditional liberal notion of a clear separation of legislative, executive and judicial powers. Whether in a presidential or parliamentary system, this presupposes a pluralist polity with a freely and regularly elected representative legislature, with the capacity at least to influence and check executive power (Leftwich, 1993: Leftwich, 1994).

4.1.2 Administrative Aspects of Good Governance

From an administrative point of view, good governance means an efficient, independent, accountable and open audited public service which has the bureaucratic competence to help design and implement appropriate policies and manage whatever public sector there is. It also entails an independent judicial system to uphold the law and resolve disputes arising in a largely free market economy. The administrative aspect of good governance focuses on four main areas

of public administration in general and public sector management in particular. These four areas are:

- Accountability, which in essence means holding officials responsible for their actions;
- A legal framework for development, which means a structure of rules and laws which provide clarity, predictability and stability for the private sector, which are impartially and fairly applied to all, and which provide the basis for conflict resolution through an independent judicial system;
- Information availability by which is meant that information about economic conditions, budgets, markets and government intentions is reliable and accessible to all.
- Insistence on transparency, which is basically a call for open government, to enhance accountability, limit corruption and stimulate consultative processes between government and private interests over policy development (World Bank, 1992; Leftwich, 1993; Leftwich, 1994).

4.2 History of Development of Good Governance in Ghana

The Rise of Authoritarianism and the Republics

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

Authoritarian regimes are also characterised by single-party organizations, in which leadership is strongly centralized, and often highly personalized. There is no institutionalized competition for public office. There is little scope for expressing public opinion and the media tend to be highly regulated. Such regimes enforce their legitimacy through repressive measures, although some rely on an element of popular support, usually for a charismatic leader. The class base of authoritarian regimes is narrow and they are ideologically inclined towards a capitalist market economy (AfriMAP 2007).

Modern African authoritarianism is characterised by the removal of constitutional rights and protection from political opponents, the elimination of institutional checks and balances, and the centralization and concentration of state power in presidential offices, as well as the termination of open party politics and the regulation and confinement of political participation - usually within the framework of a single ruling party. In other countries the eclipse of democratic rule was much more abrupt and bloody as a result of military intervention. In contrast, in Ghana military intervention in 1966 had the effect of reversing the authoritarian tendency already present in the First Republic, although a subsequent coup in 1972 led to the installation of a repressive military regime (cited, Austin and Luckham, 1975). Many other countries followed a similar path, with military intervention becoming an institutionalized mechanism for political succession (Bienen, 1978). However, by the late 1960s, most of these semi-competitive one party states had become increasingly authoritarian (AfriMAP 2007).

The 1960 Constitution, drawn up by a de facto one-party parliament, gave wide powers to the first president, Kwame Nkrumah, and in effect seriously restricted the level of popular participation. Rather, it imposed limits on the basic freedoms of speech or expression and association.

The national leadership of postcolonial Ghana inherited state machinery that had evolved under British rule and that emphasized strong centralization of power and top-down decision making. Kwame Nkrumah-prime minister, 1957-60; president, 1960-66-unsuccesfully attempted to create a socialist economy in the early 1960s, but his effort merely served to compound the inevitable problems and dangers of administrative centralization and state intervention in the economy. These problems, which survived Nkrumah, included political corruption, self-enrichment, misuse of power, lack of public accountability, and economic mismanagement, leading in turn to economic decline and stagnation and to the rapid erosion of political legitimacy and attendant coups d'état (Madior I et al, 2011,) (AfriMAP 2007).

As a result, in 1966, the first coup by Ghana's armed forces took place, ending Nkrumah's rule and with it the First Republic. The armed forces which seized control from Nkrumah in 1966 did soon the back of assurances that the country would be returned to a democratically elected government as soon as the economic difficulties experienced under the CPP were rectified. A

National Liberation Council (NLC) was established to administer this transfer of power and to rectify the economic difficulties that faced the Ghanaian state. During the NLC's tenure from 1966 to 1969, it pursued economic policies with predominantly short-term aspirations, such as revaluing the currency higher against the US dollar and attempting to curb inflation which had eroded the spending power of the Ghanaian people, but more specifically, the armed forces. These reforms, extremely popular at the time, ultimately established the destabilizing trend of military intervention in government during times of economic recession (Edward and Masterson, 2004).

In 1969, a newly elected government under the leadership of Kofi Busia's of the Progress Party (PP) assumed control of the government. In contrast to Nkrumah's nationalist right-wing policies, Busia's embarked on more progressive liberal economic reforms, in large part due to the encouragement of international investors and the IMF. Busia's also promised to regularize debt repayments, implement tighter fiscal policies and became widely known for his 'austerity policies'; policies which aimed at keeping government spending tight in order to control the country's rising debt repayments. Busia's policies isolated him from the constituency that had elected his PP in 1969, but it was a combination of other factors that would prove fatal to his regime. Some elements of the armed forces, particularly among the officers, resented this order. It was when Busia became aware of this sentiment that he made his second error of judgment, by attempting to purge the army of some of the older officers (Grant Edward and Thomas Masterson, 2004) However, the Second Republic was short-lived. The Busia's government's inability to eradicate the rampant inflation that followed currency devaluation decided in December 1971, the army seized power again in a non-violent coup on 13 January 1972 (Madior I et al, 2011,). This was the last straw for the military and in 1972, after only three years in charge of the country; Busia's was ousted in Ghana's second military coup since independence. The coup, lead by Colonel (later General) Ignatius Kutu Acheampong established an administrative bureau through which to administer the government, called the National Redemptive Council (NRC). Unlike the previous military government, however, Acheampong made no commitment to return power to the people.

The Acheampong regime was plagued by mounting corruption, administrative inefficiencies, a strong centralist tendency and lack of good governance which undermined the Ghanaian desire

for federal government (Edward and Masterson, 2004). Led by Colonel Acheampong, the authors of the coup formed the National Redemption Council (NRC), which was transformed in 1975 into the Supreme Military Council (SMC). But, unable to end the economic crisis and bring down the high cost of living, the SMC was faced with rising discontent expressed through strikes and street protests organized by students and professional associations throughout 1977 and 1978. In July 1978 General Acheampong (as he had become) was overthrown by his Chief of Staff, Gen. Frederick Akuffo, who reinstated political party activities, but this did not ease popular discontent or eradicate widespread corruption; neither did it solve the economic crisis (Madior I et al, 2011).

In 1979, Flight-Lieutenant Jerry Rawlings implemented a junior officer military coup which successfully overthrew the NRC, ending its seven-year military rule. Rawlings and his Armed Forces Revolutionary Council (AFRC) restored democratic procedures and attempted to revive decaying political activity in Ghana. The AFRC had grown disillusioned with the militaristic and bureaucratic state which the NRC had established, as well as the centralized chain of command. In accordance with a pre-prepared initiative, the AFRC handed power back to the Ghanaian people, who elected the People's National Party (PNP) to form a new government.

Dr Hilla Limann, leader of the PNP, became the prime minister of the Third Republic, but his administration would hold power only briefly before yet another military coup would overthrow him. Limann inherited a Ghanaian state already in complete disarray, with clear disparities now evident between the rural and urban populations, as well as increasing competition between the various chiefdoms and ethnic groups for scarce resources, in particular land. His government also fatally coincided with the commodities crash of the 1980s. During his tenure, Limann was unable to establish the most basic tenets of a working government, marking the final collapse of any vestiges of the political and economic institutions inherited in 1957 (Edward and Masterson, 2004).

After only two years of a democratic regime, President Limann was overthrown in December 1981 by Flight Lieutenant Rawlings, who used as an excuse the Limann government's inability to eradicate corruption and stabilize an economy in dire straits. Both executive and legislative powers were concentrated in the hands of a Provisional National Defence Council (PNDC) (Madior I et al, 2011).

The second coup carried out by Rawlings was ostensibly for similar reasons to the first coup he had carried out three years earlier – to establish a workable, grassroots democracy which would curb both the excesses of poor and inefficient leadership and rebuild the economic and political institutions in a way that would prove beneficial to Ghana. It is unclear just how committed Rawlings was to democracy as a form of government. During his 22 years in charge he was responsible for human rights abuses, political manipulation and corruption. However, Rawlings was at the same time able to stabilize the Ghanaian economy after more than 20 years of turbulent fluctuations; a feat which endeared him to many of the Ghanaian people.

4.3 The current Situation of Good Governance in Ghana

Ghana is one of the most stable democracies and has one of the lowest corruption rates in Sub-Saharan Africa since 1990s. It has also managed to remain relatively stable since the promulgation of the 1992 constitution. There is not much tribal or ethnic conflict in the country since independence compare to the rest of African countries. Ghana is a unitary state governed by common law. It has remained politically stable through six presidential elections (1992, 1996, 2000, 2004, 2008 and 2012) and each poll has generally been considered an improvement over the previous once. Ghana has also undergone two electoral transfers of power from one party to another (2000 and 2008) making unique among African democracies.

The 1992 constitution the country's longest lasting created a very progressive rights regime for the protection of civil society. It guarantees freedom of speech, freedom of thought, conscience and belief, freedom of press and other media, freedom of religion, freedom of assembly freedom of association freedom of information and freedom of movement.

4.3.1 The 1992 constitution

The 1992 Constitution of the Republic of Ghana that came into effect on January 7, 1993, provides the basic charter for the country's fourth attempt at republican democratic government since independence in 1957. It declares Ghana to be a unitary republic with sovereignty residing in the Ghanaian people. Drawn up with the intent of preventing future coups, dictatorial government, and one party state, it is designed to foster tolerance and the concept of power-

sharing. The document reflects the lessons drawn from the abrogated constitutions of 1957, 1960, 1969, and 1979, and it incorporates provisions and institutions drawn from British and United States constitutional models.

The 1992 constitution, as the supreme law of the land, provides for the sharing of powers among a president, a parliament, a cabinet, a Council of State, and an independent judiciary. Through its system of checks and balances, it avoids bestowing preponderant power on any specific branch of government.

The 1992 constitution has the desire to establish and strengthen the democratic state, based on the ideals and principles of freedom, equality, regional and gender balance, justice, probability, accountability, transparency and competence; eradication of corrupt practices and abuse of power; institution building and reforms; establishment of a sound and healthy economy, with a reduction in the role of the state in the economic life of the country through the shifting of more responsibility to private sector and environment that encourages investor confidence; decentralization of administrative and financial machinery of government to the regions and districts; development of 'value for money' public services (Republic of Ghana 1992 constitution).

4.3.2 Political leadership and Elite consensus in Ghana

The neoliberal environment has assisted the performance of Rawlings and Kufuor. It brought political competition, greater input from civil society, consensus and legitimation, 'increased accountability and scrutiny of fiscal and development policy and government budgeting and spending' (Hutchful E, 2002) Ghana adjustment experience; the paradox of reform (Geneva: UNRISD)). The two leaders (Rawlings and Kufuor) therefore, have a freer environment with in which to work. There was limited government which had little effect on the management style of both leaders. In addition, through structural Adjustment programmes and the highly indebted poor countries (HIPC) initiative pursued by Rawlings and Kufuor respectively, they had/have financial resources for infrastructure development to reduce the pressure brought by expectations of and agitation from communities for basic services (Kwame Boafo-Arthur, 2007).

Elites, according to (Burton and Highly, 1987) are people who are able, by virtue of their authoritative position and powerful organizations and movements of whatever kind, to affect national political outcomes regularly and substantially.

Political elite beliefs and norms are usually important because, first, they are more likely to have elaborate systems of political beliefs; more likely to be guided in their actions by their beliefs and have more influence over political events. Second elites also play a crucial role in shaping political culture and in signaling what kind of behavior are proper. Third, elites lead party by example, good or bad; when they are contemptuous of the rules and norms of democracy their followers are more likely to be as well (Dimond and Plattner 1996).

The Kufuor government displayed an excellent record of good governance. The separation of powers and the independence of the Judiciary and Legislature were respected. Kufuor is seen as media friendly and the Media never experienced such freedom. The Rule of Law prevailed and fundamental human rights were respected (Kwame Boafo-Arthur, 2007).

The second coup carried out by Rawlings was ostensibly for similar reasons to the first coup he had carried out three years earlier – to establish a workable, grassroots democracy which would curb both the excesses of poor and inefficient leadership and rebuild the economic and political institutions in a way that would prove beneficial to Ghana. It is unclear just how committed Rawlings was to democracy as a form of government. During his 22 years in charge he was responsible for human rights abuses, political manipulation and corruption. However, Rawlings was at the same time able to stabilize the Ghanaian economy after more than 20 years of turbulent fluctuations; a feat which endeared him to many of the Ghanaian people (Edward and Masterson, 2004).

4.3.3 Political Parties

Political parties became important as instruments in Ghana's democratic practice as early as the 1950s when the country was in transition from colonial rule to an independent sovereign nation-state. As many as 8 political parties emerged between 1954 and 1957 to participate in the struggle for self-determination against British colonial rule. Between 1969 and 1972 when the country freed itself from the first military regime, between 5 and 12 political parties were formed

to join hands in the agitation to restore democratic rule in the country. In 1979 when the country had to reclaim her government from the military and place it on a democratic basis there was an explosion of political parties: 11 political parties mushroomed; by 1981 the scramble to form political parties had simmered down reducing the number to 6 that existed at various levels of engagement in the political process until the last and longest military regime usurped power from December 1981 to December 1992.

To varying degrees these parties expressed different identities: especially in the transition from colonial rule to independent nationhood. Some of the political parties were formed to express sub-national or ethnic, regional, religious or supra-national identities. Invariably however, all of them were guided by a single dynamic logic: namely, the burning desires to exercise the democratic rights which people all over the world cherish: namely, the right to free choice, to self-determination, to association, and the right to associate freely. Invariably also, the emergence of political parties was linked to elections through which the core values of democracy were affirmed. That is, the struggle for the franchise was linked closely to the struggle for political and civil rights – of freedom and self-determination (Abdulai, 2009).

These struggles resurged in 1986-1992 culminating in January 1993 when Ghana was ushered into constitutional rule with a democratic system of government. The 1992 Constitution under which democratic rule was restored guarantees various political and civil rights, including the right to form political associations, assembly, choose who to govern the country, and the right to participate in the government of the country in other forms. Like their predecessors, the political parties that currently exist have been driven by the core values of democracy. The country's history of military dictatorship and abuse of human rights were compelling reasons for insisting on the freedom to form political parties which, from experience, are regarded as the byword of the basic freedoms that are core to democratic political practice. The language of the social movements that struggled against the PNDC affirmed the belief of the Ghanaian political class in these democratic principles, which ultimately formed the core of their demands for democracy, self-determination, and an end to the military regime (Abdulai, 2009).

Since the restoration of multiparty democracy in 1992, however, Ghana has witnessed a stable period of political party development. The 1992 Constitution not only proscribed the

establishment of a single party state; it also criminalized the unconstitutional overthrow of democratically elected governments. It must be noted, however, that the constitutional entrenchment of a multiparty political system in Ghana has been overshadowed by the practical institutionalization of a strong two party system in the country. Although a multiplicity of parties have contested four sets of elections during the Fourth Republic, only the NDC and NPP have been very dominant, with these two parties alone currently controlling 222 of the 230 parliamentary seats (Abdulai,2009)

However, Ghana's political parties have largely functioned as vehicles for contesting elections and capturing state power. In addition, they suffer weak organizational, policy and program development capacities (especially, below the national and regional levels). In addition, levels of internal democracy remain weak- despite improvements in recent years in especially the NPP; and above all, financing arrangements remain opaque. Furthermore, the body charged with monitoring their activities – the Electoral Commission, is largely unable or unwilling to adequately perform this task.

Following the return to a constitutional democratic system in Ghana in 1992, political parties were revived. Thus, according to the 1992 Constitution, all citizens of Ghana who are qualified to vote have the right to form a political party through laid down procedures. The Constitution also permits both party sponsored and independent candidates. As a result, in 1996 all parties were allowed to participate in the elections. With the new Constitution, the simple majority (or First Past the Post) voting system is used in Ghana's parliamentary elections (ECA, 2010/2011)

The fourth republican government has been the longest. Under the fourth republic there have been six elections, the first two won by Jerry Rawlings (1992, 1996), and the second two by John Kufour (2000, 2004) and the fifth by John Atta Mills (2008) and sixth by John Dramani Mahama(2012) (Ghana election commission).

4.3.4 Political stability

The political transitional in Ghana took a quantum jump forward on 3 Jan 1993 when the authoritarian military –based regime was replaced with a new one based on the 1992 constitution. “According to Diamond 1994; 7 the first and most basic democratic functions of

civil society is to provide the basic for the limitation of state power; hence for the control of the state by society, and hence for democratic political institutions as the most effective means of exercising that control' (Ninsin, 1998).

Public anger and corruption at time of economic hardship can snowball in to mass action as seen in a number of Arab countries in recent years. Such as a level of instability in unlikely in Ghana, democracy is much more firmly established; the entrenchment of the democratic process is the most powerful mechanism available for preventing popular unrest. Indeed, Ghanaians faith in the democratic process was reaffirmed in 2013 by the peaceful conclusion to the legal challenge to the December 2012 presidential election. The Supreme Court found some issues with the vote, but determined that these were not serious enough to have affected overall result, thus confirming the victory of John Mahama of the National Democratic Congress (NDC) and re-enforcing his mandate to lead Ghana. The leader of the opposition New Patriotic party (NPP), Nana Akuffo Addo, was quick to voice his acceptance of the court's judgment, which defused tensions (Ghana Country Report 2013).

4.4 Determinants of Good Governance in Ghana

4.4.1 Governing institutions

They are the way structures of governance are created, leaders chosen, and the extent of constituents' confidence and support. These 'institutions' are made up of both formal mechanisms (such as policies, rules, regulations, constitutions, legal and judicial systems) and informal ways of doing things (such as taboos, gender norms, religious beliefs, values, kinship and marriage systems) (Hunt and Smith 2006). Characteristics of good governance include clearly articulated vision, values, and goals, and the structures, processes and programs to achieve them; the legitimacy and authority of those with decision-making power; sound dispute resolution processes; and adequate capacity (Governance and leadership, 2011).

In Ghana governing institution are like human rights and the office ombudsman, the office of anti corruption commission and others. Ghana has also their rules, regulations and the constitution of 1992.

4.4.2 Leadership

It has been described as ‘the process through which an individual influences group members to attain group or organizational goals’ (Smillie and Hailey 2001).

Leadership is closely related to other determinants of good governance. Effective leadership depends on governing institutions that provide leaders with legitimacy and authority. In turn, effective leaders contribute to communities’ and organizations’ scope for self-determination.

Sustained leadership also requires capacity building to build leadership skills, and is reliant on adequate resources for implementing decisions. Formal capacity building is required to build up leadership attributes such as accountability and administration; communication; consultation and representation; negotiation; mediation and conflict resolution; interacting with authorities and all levels of government; integrity; strategic policy and evaluation skills and cross cultural awareness (Governance and leadership, 2011).

After independence Ghana has been ruled by a system dictatorship and experienced coup’detata. This is a result of corrupt leadership, violation of human rights, economic crisis and poverty in the country. Since the multi party democracy and 1992 constitution, in Ghana effective visionary and leadership emerge started to emerge.

4.4.3 Governance capacity

There are two important aspects to capacity building. The ‘public management’ approach emphasizes the need to develop a community’s ability to meet accountability requirements, and has strong links with the ‘governing institutions’ and ‘leadership’ determinants of good governance. The ‘community development’ approach emphasizes empowering communities to take responsibility and control over their own futures, and is closely linked with the ‘self-determination’ aspect of good governance (Hunt and Smith 2007). Governance capacity also refers to government staff engaged in whole of government initiatives having the skills and knowledge to do whole of government work (Governance and leadership, 2011).

4.4.4 Economy and Resources

Resources are the economic, cultural, social and natural resources, and information technology necessary to underpin successful governance. ‘Resources’ has close links to the ‘self-determination’ aspect of good governance (Governance and leadership, 2011).

In Ghana poverty reduction strategy(GPRS) published in 2002, the government aims to ‘create wealth by transforming the nature of the economy to achieve growth, accelerated poverty reduction and the protection of the vulnerable and excluded with in a decentralized, democratic environment’. This goal is going to be achieved by ensuring sound economic management for accelerated growth; increasing production and promoting sustainable livelihood; direct support development and the provision of basic services; providing special programmes in support of the vulnerable and excluded; ensuring good governance and increased capacity of the public sector; the active involvement of the private sector as the main engine of growth and partner in national building (Republic of Ghana 2002)

4.4.5 Decentralization for Good Governance

Different scholars define decentralization in different ways. According to Mawhood; in Kassahun, 2009), decentralization takes place when a national government shares some of its powers and functions with lower level sub-national actors and agencies. Decentralization measures can be prompted by a wide array of factors, which includes the quest for effectiveness, participation, stability, efficient planning and generating resources; sharing the burden of carrying out activities and shouldering responsibilities; and acquisition of more accurate information with regard to the prevalent state of affairs in peripheral localities (Kassahun, 2009).

Effective decentralization can provide exciting opportunities for democratic change at the local level and can help improve national democracy as well and it improves the efficiency and responsiveness of public sector while accommodating potentially explosive political forces. Decentralization becomes a source of democratic vitality when it gives people experience of democracy. It can serve democratic consolidation by removing barriers to participation, strengthening the responsiveness and accountability of government. Aid donors emphasize three major benefits, which is derived from decentralization to local government institutions: first democratic decentralization should be more effective way of meeting local needs than centralized planning. The second major aim of decentralization is to maintain political stability and thirdly it helps the poor by positioning power at the local level where they have a chance of capturing it (Smith, 2007).

Decentralization processes are sustainable when some amounts of democratic rule exist. It needs power sharing with local authorities. Decentralization provides more opportunities for civic space and citizen participation, public policies to become more responsive, democratic stability, poverty alleviation and, consequently, for independent groups to emerge, for political opposition to develop and for individuals to practice and experience the exercise of free choice in democratic governance. For all these reasons, decentralization does represent a significant strategy in efforts to democratize societies. Decentralization is widely thought to improve democratic or good governance by bringing government closer to the people and thereby increasing state responsiveness and accountability (Oyugi, 2000)

4.4.5.1 Types of Decentralization

Decentralization is defined as “any act in which a central government formally cedes powers to actors and institutions at lower levels in a political-administrative and territorial hierarchy” (Ribot 2001: v., citing Mawhood 1983 and Smith 1985). Three main types of decentralization are commonly identified:

- Administrative decentralization or de concentration i.e. the re-location of branches of the central state to local areas, entailing a transfer of powers to locally-based officials who remain part of, and upwardly accountable to, central government ministries and agencies;
- Fiscal decentralization i.e. the transfer of fiscal resources and revenue-generating powers, inclusive of authority over budgets and financial decisions, to either de concentrated officials and/or central government appointees or to elected politicians;
- Political decentralization or democratic decentralization or devolution (of power) i.e. the transfer of powers and resources to sub-national authorities which are “(a) largely or wholly independent of the central government and (b) democratically elected” (Manor 1995)

4.4.5.2 Decentralization in Ghana

The history of decentralization in Ghana is traced back by Ayee (2000) to the introduction of indirect rule by the British colonial authorities in 1878, lasting until 1951.

During this period the colonial administration ruled indirectly through the native political institution (i.e. the chiefs), by constituting the chief and elders in a given district as the local authority, with powers “to establish treasuries, appoint staff and perform local government

functions” (Nkrumah, 2000). Nkrumah also makes the interesting observation that, under indirect rule, downward accountability of chiefs to the people was replaced by upward accountability to the colonial authorities: “the democratic ideals underlying chieftaincy in Ghana, which made chiefs accountable to their peoples, began to suffer as the recognition by the central government was more crucial to the chief than the support of his people” (Nkrumah, 2000).

Thus, there are some echoes here, as well as obvious differences, with relations in the contemporary period between central and local government in Ghana, dispelling any enduring notions of a necessary association between decentralization and democracy, and confirming how decentralization can be used as a political mechanism by ruling political elites to reinforce their control.

In the post-independence period from 1957 onwards, local government was generally weak and subject to the centralization of power that was typical of the post-colonial state in Africa (Tordoff 1997, chapter one). Attempts at decentralization reforms were introduced at different times, for instance in 1974 under the military regime of Lt. Col. Acheampong, generally characterised by deconcentration, and aimed at strengthening central government control at the local level (Nkrumah 2000).

A historical aspect was the decentralization reforms introduced in the early period of Rawlings’ populist military rule (1981-92). In 1983, Rawlings’ PNDC government announced a policy of administrative decentralization of central government ministries, alongside the creation of People’s Defence Committees (PDCs) in each town and village. The PDCs, made up of local PNDC activists as self-identified defenders of the ‘revolution’, effectively took over local government responsibilities, though often limited to mobilizing the implementation of local self-help projects (Nkrumah 2000), while the deconcentrated ministries played a more significant role. According to Ayee (2000) notes that despite the PNDC’s populist rhetoric, its interest in decentralization reflected that of previous regimes, which is, an interest in the administrative decentralization of central government and not the devolution of political authority to the local level.

Ghana’s current programme of decentralization was initiated prior to the national democratic transition in the early 1990s. In 1988, the PNDC government introduced a major piece of legislative reform, the Local Government Law (PNDC Law 207). This created 110 designated

districts within Ghana's ten (10) regions, with non-partisan District Assembly (DA) elections held initially in 1988/89 and subsequently every four years (1994, 1998, and 2002). The stated aim of the 1988 Local Government Law was "to promote popular participation and ownership of the machinery of government... by devolving power, competence and resource/means to the district level" (Crawford G, 2003).

4.5 Institutions of Good Governance in Ghana

4.5.1 The Independent Constitutional Bodies

A. Electoral commission

With the inauguration of the Fourth Republic the life of the largely discredited INEC officials came to an end; a new seven member electoral commissions was inaugurated in august 1993. Its composition and powers were provided for in the constitution and amplified by statute. Apart from its responsibility for conducting elections, delimiting electrical constituencies, compiling and updating of voters' register, vote education and registration of political parties, it was empowered to make regulations by constitutional instrument for the effective performance of its functions (Gyimah-Boadi, 2013).

B. Commission on Human Rights and Administrative Justice (CHRAJ):

The constitutional independence of CHRAJ gives it a major advantage over all other state institutions with human rights, anti corruption and ombudsman functions (E Gyimah-Boadi, 2013) The Constitution of Ghana outlines the functions of CHRAJ in Articles 218 and 219. The Commission has a three-pronged mandate: the promotion of human rights, administrative justice and anti-corruption. This combination of mandates (Ombudsman, anti-corruption agency, and human rights agency) is quite unusual for a national human rights institution. CHRAJ has powers to investigate complaints of violations of human rights and freedoms, abuse of power and probe alleged corruption cases. It however cannot initiate investigations without having first received a complaint (Asibuo, 1996).

Beyond investigations into alleged abuses, CHRAJ is also charged with the responsibility to seek remedies for rights violations or halt and reverse violations where possible. Appropriate remedial actions include mediation and preferring legal charges against alleged rights violators.

In order to fulfill this mandate, article 219 of the Constitution grants CHRAJ the power to issue subpoenas for persons to appear before its committees or provide relevant documents. The Commission also has powers to file contempt proceedings against persons refusing to honor its subpoenas and can swear witnesses to oath. The constitution however places a curious limitation on the remedial powers of CHRAJ: the Commission has no powers to directly enforce its decisions. Instead, the Commission must go through the Attorney-General (AG) in order to prosecute offenders or enforce its decisions. This arrangement presents a serious risk of conflict of interests when CHRAJ looks into abuses linked to the executive branch, because the AG is part of the government and typically a leading member of the ruling party.

Finally, CHRAJ has the mandate to educate the public on human rights and freedoms through regular publications, symposia, and other means of information dissemination available to the Commission (Gyimah-Boadi, et al, 2011).

C. Anti corruption

Corruption is one of the causes of bad governance while bad governance also leads to corruption. That inevitably means that fighting corruption contributes to good governance. All the work within the mandates of the Anti Corruption Agencies has to do with accountability, effectiveness, efficiency, adherence to the rule of law, established procedures and regulations all of which are elements of good governance (Matembe, 2010).

CHRAJ is one of the constitutional bodies established under the 1992 Constitution with anti-corruption as part of its mandate. Its anti-corruption powers stem from Articles 218(a) (e) and 284 to 288 of the 1992 Constitution and Section 7 (1) (a), (e) & (f) of Act 456 that established it. The Commission investigates and works to prevent corruption. It is mandated to investigate abuse of power and “all instances of alleged or suspected corruption and the misappropriation of public monies by officials”.

It also investigates allegations of Conflict of Interest under Chapter 24 (Articles 284 to 288) of the 1992 Constitution.

As an anti-corruption agency to provide free advice and services on corruption prevention in Ghana; work to reduce opportunities for corruption in corruption-prone sectors by assisting to implement corruption prevention measures and putting in place robust systems for checking corruption; and finally, sensitize the general public about corruption and enlist public support to fight corruption at all levels of society.

D. Other institutions

Other institutions which are to implement decisions like the National Development Planning Commission (NDPC), the National Communications Authority (NCA), the Ministry of Justice and Office of the Attorney General, the Ministries of Women and Children's Affairs, the Ghana Audit Service, the Political Parties are all meant to ensure that good governance is enhanced in the country.

4.5.2 The Role of Non- State Actors on Governance

Non-state actors can include a wide range of actors such as non-governmental organizations (NGOs), trade unions, employers' organizations, private businesses, consumer organizations, academic and research institutions, citizens' groups, cooperatives, women's and youth organizations, church and religious associations and communities, independent foundations, organizations representing indigenous peoples, organizations representing national and/or ethnic minorities, organizations representing economic and social interests, organizations fighting corruption and fraud and promoting good governance, civil rights organizations and organizations fighting discrimination, local organization involved in decentralized regional co-operation and integration, cultural, research and scientific organizations, the media and others (Kironde, 2007).

The primary role of civil society with respect to poverty alleviation is to force accountability and transparency upon the government. Civil society organization (CSOS) often work in

conjunction with media, acting as a thorn in the side of government and constantly prodding the government to account for its actions and expenditures. These activities require the political environment in which they operate to allow CSOs sufficient space to function. CSOs require sufficient capacity to provide real pressure for accountability and transparency with in government (Ndulo, 2006).

Civil society can make a significant difference in improving governance – as innovators in service provision, developers of pro-poor policy, investigators of state abuses, monitors and administrator of state institutions, and advocates with and for poor people. A strong civil society contributes to an effective state that can protect people’s human rights, support economic growth, tackle corruption and provide security and basic services like education and health care.

There are three overlapping principles for good governance: capability, accountability and responsiveness. All three characteristics are needed to make states more legitimate, effective and inclusive, to tackle poverty and to improve people’s lives. And all three characteristics reflect the need for state and citizens to work together to build effective states, to strengthen what is already in place and to develop new institutions where necessary. Civil society organizations (CSOs) and networks are important players in national political life, with the potential to strengthen governance and transform state-society relations.

Having no power and no voice is described by poor people around the world as a central characteristic of poverty. Poor people may sometimes have the opportunity to articulate their needs and priorities individually, but their impact and power is usually only felt when channeled through a ‘collective’ civil society organization. So that civil society organization is vital for good governance (DFID, 2007)

The role of civil society as key stakeholders/ partners in the development process is very crucial to achieving transparency and accountability. Civil Society Organizations (CSOs) have not been actively involved in the decision-making process in the country for various reasons. This is attributed to either lack of interest or that they are not well informed on the democratic process to enable them participate. Their active participation in the governance process would enhance grass-root participation, as well as a “bottom-up” approach to governance, as most civil society

organizations are located within communities and are well placed to articulate the views of the local citizenry on governance issues. Their participation also ensures accountability and transparency in governance processes (NDPC, 2010)

The 1992 constitution guarantees freedom of association. This has contributed to the healthy environment for civil society formation and operation in Ghana.

The civil society in Ghana has been very dynamic and critical in the country's fight against corruption. Since its emergence or re-emergence in the early 1990s, the CSOs have gradually moved from minimal to greater engagement in serving as the watchdog in the society and have advocated for more transparent governance. Their activities have involved media campaigns against corruption, and educating the public on the negative effects of corruption. They are also engaged in the policy making and legal framework process. The work of Ghana Integrity Initiative, a national chapter of Transparency International, which was established in 1999 with the sole focus of fighting corruption for instance, is considered as being very influential in the political economy of addressing corruption in Ghana (Johnston, 2005).

The CSOs in Ghana therefore has been undeniably an essential agent in the fight against corruption, individuals and institution to lobby and advocate for policy reforms, sensitization and public education without their participation the fight would not have gone far (Agbele ,2011).

4.6 Components and challenges of Good Governance in Ghana

4.6.1 Transparency and Accountability

Good governance implies accountability to the citizens of a democratic polity and their involvement in decision making, implementation and evaluation of projects, programmes and public policies. In this perspective, transparency and accountability become in valuable components of good governance as well as of good administration.

Transparency makes sure that people know exactly what is going on and is the rationale of the decisions taken by the Government or its functionaries at different levels. Accountability makes sure that for every action and inaction in government and its consequences there is a civil servant responsible and accountable to the government, the society and the people (Tiwari, 2004).

Transparency is regarded as a key feature of good governance, and an essential prerequisite for accountability between states and citizens. Transparent governance signifies an openness of the governance system through clear processes, procedures and easy access to public information for citizens promoting ethical awareness in public service which ultimately ensures accountability for the performance of the individuals and organizations handling resources or holding public office (Suk Kim et al 2005). According to Transparency International, transparency is a ‘characteristic of governments, companies, organizations and individuals of being open in the clear disclosure of information rules, plans, processes and actions’ (Transparency International 2009). An underlying assumption is that transparency produces accountability. However, how information accessibility affects accountability and improves the quality of governance is still poorly understood (Bellver and Kaufmann 2005).

Accountability refers to the process of holding actors responsible for their actions and executing their powers according to certain standards (Tisne, 2010). Thus accountability is a key requirement and cornerstone of good governance; not only for governmental institutions but also for the private sector and civil society organizations which must be accountable to the public and to their institutional stakeholders. Unless public officials can be held accountable, critical benefits associated with good governance such as social justice, poverty reduction and development remain elusive. Lack of accountability not only result in corruption and waste of precious development resources but also seriously compromised the quality and effectiveness of public policy making, planning and the provision of services to meet basic needs. It also denies citizens their inherent rights to influence decisions that directly affect their lives and to hold state officials accountable for the public resources with which they are entrusted. By general consensus, accountability ideally involves both answerability – the responsibility of duty-bearers to provide information and justification about their actions – and enforceability – the possibility of penalties or consequences for failing to answer accountability claims (Goetz & Jenkins 2005).

Accordingly, without accountability ‘the rule of the people’ is emptied of all meaning for it is through this process that citizens ensure that all those who make decision for the whole community are able to justify those decisions as being in the interests of the community (Baker,2000).

Public service accountability and transparency in governance have therefore become important global issues which have attracted the attention of the international community in recent times. This is partly due to the linking of transparency and public accountability to good governance. Indeed, good governance has become one of the most important considerations or conditions of the world's financial institutions and the donor communities for granting aid, loans and other forms of development assistance to third world countries.

In Ghana interest in public service accountability can be attributed to the country's espousal of and admiration for democratic ideals. This can be gleaned from some statements in the preamble to the 1992 Fourth Republican Constitution. It is stated *inter alia* that "...And in solemn declaration and affirmation of our commitment to Freedom, Justice, and Accountability". In addition to this, Article 35 (8) under the Directive Principles of State Policy also states that "The State shall take steps to eradicate corrupt practices and the abuse of power" and at Article 37(1) which states that: the state shall endeavour to secure and protect a social order founded on the ideal and principles of freedom, equality, justice, probity and accountability.

It is clear that accountability is so dear to the goals and aspirations of the government and people of Ghana. The objectives of the Government of Ghana to develop and move from low income to middle income status through private sector participation and development as well as foreign investment require an accountability of public service (Asibuo, 1996)

Ghana has almost all the governance principles and mechanisms, in terms of organizations, structures, policies, legislations, values and systems, which ensure citizens' participation and the operation of the rule of law.

However, the question to ask is: is the public service of Ghana effectively practicing good governance? Despite the fact that Ghana has almost all the requisite internationally-prescribed governance structures in place, the essential conditions for public governance to produce results are weak. Institutional and technical elements, such as organizational structures, operative processes, managerial competences, analytical and operational skills of public servants, as well as their ability to deliver quality service to the public do not, largely, meet the required standards. For example, many public service organizations do not have well-designed organizational structures depicting clearly-defined roles and responsibilities based on their mandate and specific functions. Job descriptions, rules and regulations are not clearly defined. Where they exist, the

employees are either not aware of them, or they are totally ignored. In some instances, there are overlapping functions between two or more organizations that makes it very difficult to hold any one organization accountable.

There is little investment in capacity development of the leadership in the public service and the promotion of a strong leadership culture. Over the years, the leadership of the Ghana Public Service has been weakened and rendered somehow ineffective through political patronage a situation from that of political considerations, instead of sound professional and management principles that take into account organizational development and the need to be accountable.

There is a serious leadership gap in Ghana's public service. Many leaders are not seeing beyond their own parochial interests. They are, therefore, not developing the tools and skills that could inspire, excite and motivate subordinates to give of their best. This weakness tends to manifest itself in some public service institutions not showing clear signs of accountability and good governance.

There is no doubt that funds and personnel are critical to organizations achieving the set goals and objectives to meet the aspirations of the citizens. However, even without these in the required quantities, a whole lot could be achieved using various systems and mechanisms that exist.

For example, how many state Institutions have credible and objective performance monitoring and evaluation systems which allow them to assess the performance of the individual public servant, and the performance of their organizations? The Performance Management System (PMS) is a critical mechanism for promoting accountability. The absence of a credible and objective PMS by which individuals including the leadership are held responsible for their stewardship is indicative of weak governance (Katsriku, 2012).

Accountability is about giving credible answers to issues such as how one has spent government allocated funds, exercised power and control, mediated rights, and used discretions vested by law in the public interest. It is fundamental that those to whom such powers and responsibilities are given should exercise them in the public interest, in a fair and transparent manner and according to the law. They must be made to give an account for their stewardship: if they fail, they should expect to be sanctioned; and be rewarded if they perform creditably.

Even though there exist in the public service, values, ethics and codes of conduct, it is regrettable to mention that not much attention is paid to them. Most Public servants do not know them, let alone practice them and the leadership is not keen in ensuring compliance.

Weak accountability mechanisms breed corruption and corruption is the biggest threat to good governance. The perceived prevalence of corruption in Ghana may be attributed to weak accountability mechanisms, despite the existence of organizations that are expected to provide checks and balances in our governance structure.

Within the sub-Saharan African region, corruption has been considered as one of the key factors undermining development (Uneke, 2010). In the case of Ghana the situation is not any different; the political history of the country shows that corruption got rooted since the early days after independence or even before independence, and since then it has become systemically entrenched in the politics of Ghana. Virtually any government that takes office tends to use the system of patronage among other things as a way of rewarding its supporters. The situation unfortunately has not changed in spite of the use of several means both radical and civil to address it.

The Nkrumah's regime from 1957 to 1966 for instance was an epitome of a regime with closed access to power. Nkrumah having gained access to power after independence established a socialist system of governance where power was monopolized. Subsequently, all other political parties were outlawed and prohibited from engaging in any political activities moving the country a one-party system. Heidenheimer (2009) cited in Agbele, 2011 argues that the ruling Nkrumahist party became the instrument for structuring patterns of access and exclusion; indicating that people who aligned themselves with the ruling party enjoyed a preferential access to influence.

Additionally, rents seeking activities flourished among those within the circle of the ruling party the Convention Peoples' Party (CPP). Mukum Mbaku (2004) wrote that commissions set up to investigate the ousted Nkrumah government revealed that "kickback of 5 and 10 percent were expected to be paid in return for government contracts. The Convention Peoples' Party garnered about 90% of its income in this ways amounting to over \$5million between 1958 and 1966 which Nkrumah used freely for his own purposes. There is also no distinction at all between public and private assets; Smertin (1987) argues that Nkrumah for instance made no distinction between

State apparatus and the ruling party. He even advocated for party leadership of the state which implies that all State organs were subjected to the CPP. A case in point was when all key post within the state apparatus was filled up by party officials. Additionally, the administration of the Convention People's Party administration treated public funds as both party and personal property; this Smertin said became a national disease. After Nkrumah was ousted in the coup of 1966, Krobo Edusei, a cabinet minister and perhaps the most loyal of Nkrumahist told a commission of inquiry that he personally carried gold bars to Cairo for Nkrumah; gold bars which were state property" (Awoonor, 1990, cited in Agbele, 2011).

The above cases presented above show the personalization of the state by individuals in power. And one also sees that these forms of governance do exhibit the lack of incumbent accountability since these acts go unpunished (Agbele F, 2011).

In 1972, the early days of the Acheampong coup that overthrew the democratic civilian governments of Busia (1969-72) and when the new military rulers Acheampongs SMC government had become excessively corrupt and autocratic regime (Owusu M, 1989).

The last two military interventions (in 1979 and 1981 by the Armed Forces Revolutionary Council headed by the Flight – Lieutenant Jerry John Rawlings) in the politics of the country were all partly done to end corruption (Ayee, 2000). The Limann's government was for instance ousted in a coup two years after taking office due to allegations of corruption (Ayee, 2000). However due to the already entrenched nature of the phenomenon in the political system, the governments that took office after the coups ended up being corrupt themselves. The Provisional National Defense Council (whose leadership conducted both coups), which took over after the 1981 coup was later found not to have been corruption free.

Moving to some popular surveys carried within the country, one of which is the Afro- barometer survey. This survey would help to assess the citizenry's corruption perception not only within the executive, but also within other parts of the government; like the legislature and the judiciary (Agbele, 2011).

Promoting citizen's participation in local governance will necessarily require accelerating the process of devolution of political power to the district and sub-district structures. Strengthening local governance within the concept of democratic principles implies getting the people involved in decision-making, especially grassroots participation to ensure a bottom-up approach to

governance. This is necessary to nurture, uphold and entrench the principles of transparency and accountability in governance processes. This additionally implies the need for an effective coordination, communication and harmonization between and of the different levels of Government i.e. national, regional, and district, in terms of development planning, implementation, monitoring and evaluation, and funding. This will ensure that the elected representatives of the people are both visible and audible.

According to the US Department of State reported in April 2011 that corruption exists in all branches of government in Ghana, including the judiciary and the police force. Although criminal penalties can be imposed for official corruption, the law is not implemented effectively, and government officials continue to engage in corrupt practices such as extortion and bribery. Police officers have also been rumored to collaborate with criminals.

A 2009 profile on Ghana by the Business Anti-Corruption Portal stated that the Ghana Police Service is widely perceived as “one of the most corrupt and dishonest agencies in Ghana”. Police officers engage in extortion and bribery, and are rarely prosecuted or disciplined. Limited reporting of corruption, due to lengthy procedures and a lack of legal protection for witnesses meant that no cases of police corruption were prosecuted in the 10 years prior to 2009.

A 2007 report by the Commonwealth Human Rights Initiative found that 92 per cent of Ghanaians had paid a bribe to police at some point. Cases reported to police stations are reportedly seen as an opportunity to collect bribes.

In 2010, the Public Accounts Committee, responsible for auditing government spending, “uncovered numerous cases of embezzlement and misuse of funds by government ministries, departments, agencies, and district assemblies...The committee forwarded all cases to the attorney general; however, no prosecutions had been reported at year’s end”. Additionally, critics have questioned the ability of the Commission on Human Rights and Justice to independently investigate cases of high-level corruption brought by individuals against government agencies.

So that, Weak guidance and management of conduct in the public service essentially means weak control of such conduct. The lack of clear policies and mechanisms and systems in the country to has weak management of conduct in the public sector. Such the lack of accountability

and transparency or system from proper check and balances on governments create a field day for corrupt agents. Since the independence of Ghana public services has been weakened and ineffectiveness through different political situations. Corruption is also the result of weak accountability and transparency.

A started observation about the issue of corruption in Ghana reveals that corruption started since independence (Adomako, 2005: Owuso, 2011). In the Ghana corruption began as early day after independence during Nkrumah's regime. According to Heidenheimer (2009), Mukum Mbaku (2004), Nkrumahist party (CPP) personalized of freely the income of the country. After Dr.K.A.Busia government overthrow by coup in 1972 and Acheampong SMC government had also corrupt. In Ghana has significantly weaker institutional structure that provides opportunities for corruption (Adomako, 2005).

Similarly, the data obtained from key informants stated that, Since 1990s Ghana has relatively at better condition in terms of the various components of good governance. Amongst these, transparency and accountability of successful governments those ruled the country one after the other was to be mentioned. Thus, according to key informants for this research, the last 20 years saw openness to public on what governments are performing on different sections of government organs. As those decisions were touching the lives of millions of peoples in the country, I was informed that the bases were laid for having independent institutions who promote the interests of the country at first than that of an individual leader or political party at power. In this regard, I learnt that private media as well as civil societies were appeared as a major controllers to enforce the prevalence of transparency on the day- to- day duties of governments in power. Similarly, as part and parcel of good governance, accountability had to be seen inseparable from transparency. That is to say if the government or individuals who occupied important positions in leadership had to responsible for all the wrong actions they carry out in the name of their offices in both governmental and non-governmental. In this manner, informants told me that there is a considerable shift in recent years whereby governments and non-government officials were taken accountable for their actions.

4.6.2 The Independent Judiciary

The first principles of the Independence of the Judiciary flow directly from the Judiciary's constitutional mandate. Constitutional democracy depends upon the limitation on government imposed by the Constitution through separation of powers between governmental institutions.

The Constitutional doctrine of Separation of Powers calls for a division of the functions of government under the three institutions of the executive, the legislature, and the judiciary. The Rule of Law upon which the principle of constitutionality is founded depends on an independent judiciary to authoritatively interpret and enforce the law. The principle of rule of law means: that disputes as to the legality of acts of government are to be decided by judges who are wholly independent of the executive (Gicheru, 2007).

The maintenance of an independent and accountable judiciary is fundamental to ensuring accountability for human rights violations, the rule of law, constitutionalism and the protection of human rights and the constitution. Judicial independence is recognized in many international and regional human rights instruments as constituting one of the cornerstones of the rule of law and good governance. The courts are charged with the task of reviewing government's acts for performance with the bill of rights and the constitution in democratic states. Only an independent judiciary can effectively review governmental acts and ensure the rule of law and the constitutional guarantee of human rights. Review of governmental acts by an independent body in the interests of maintaining the effectiveness of the constitutional guarantee of individual rights is an essential and important mechanism of good and democratic governance (Ndulo, 2009).

The main pillars of judicial independence are institutional and financial autonomy. These encompass the need for an appropriate appointment procedure, security of tenure, satisfactory conditions of service which the executive cannot adversely affect, the provision of adequate financial resources and appropriate terms and conditions for all those involved in the administration of justice (Ndulo, 2009).

Judiciary is the protector of the laws, the legal system and societal integrity. It is an important institution that has the responsibility to uphold good governance principles. The judiciary's prime roles are to uphold the law and ensure that those who violate the laws are punished. The Judiciary ensures the protection of fundamental human rights and freedoms often violated by corrupt individuals.

The benefits of justice and the utility of the concept of the rule of law to a country are in large part determined by the integrity and viability of its Judiciary. If the Judiciary lacks a coherent structure and independence, it makes no sense to expect justice and the enforcement of constitutional norms. If its jurisdiction, its appointment and dismissal procedures, and its composition are not subject to robust constitutional protection, then judicial impartiality and independence would be an illusion. In any case, a comprehensively organized and constitutionally protected Judiciary guarantees democratic politics of the benefits of good governance, rule of law and justice.

Democracy without an independent judiciary would fail and turn into tyranny, as in Ghana; whereas tyranny would inevitably collapse in the face of an independent judiciary. Even political competitors must be able to achieve mutual respect for the independence of the judiciary, rather than get stuck with mutual violations of the independence of the judiciary (Mzikamanda, 2007).

The judiciary already showed signs of a growing degree of independence during the Rawlings era. This independence has in general been retained and stabilized. There is no apparent evidence of government meddling in judicial procedure, but the use of the civil libel law against critical journalists by important government politicians is questionable. Corruption is the single most important problem affecting the effectiveness of the judiciary.

Although high-ranking officials and politicians do enjoy a higher degree of protection against prosecution, this has not put the independence of the judicial system in question. It has to be reiterated, though, that measures to tackle corruption still have to prove their effective (BTI, 2008).

The Judicial service of Ghana is also an anti-corruption institution with a mandate to bring peoples to justice and accountability. This therefore implies that the independence, competence and professionalism of the judges in Ghana are critical for the success of the country's anti-

corruption efforts. On the issue of independence; the Judiciary in Ghana is reasonably independent (IEA). Article 127 of the Constitution of Ghana says no person who so ever shall interfere with the judges or judicial functions. However, there has been a history of executive interference with the judiciary. This to some extent could be traced to the way judges are appointed. According to the Global Integrity Report, although in law there is a transparent procedure for appointing national level judges; in practice these are not very clear and accessible. The president has the mandate to appoint national-level judges on the recommendations of the Judicial Council, and they are then confirmed by Parliament. However, with the ruling party having the majority in Parliament, these appointments are always confirmed (GIR). More significantly, at independence the Judiciary was purposely designed to serve the interests of the government of the day. This assignment of a narrow role to the Judiciary was achieved through the establishment of constitutional rules that enabled the Executive to control the Judiciary, rules which remained in place until the promulgation of a radically different Constitution in 1992. Ghana has had long running problems with the independence of the judiciary since independence. The constitution declares Ghana a multiparty and provides for the principles of separation of powers between the executive, legislative and judiciary, supposed by a system of checks and balances. This system worked fully well in the first few years it was adopted after independence, but over time, the presidency has evolved to become the most dominant arm of the government (Agbele, 2011).

The Judiciary has also been perceived by some section of the citizen as being corrupt; a quick look at the Afro barometer survey shows that this corruption perception is high. In 2008 while close to 60 percent of the respondent felt some members of the judiciary is corrupt, a little over 20 percent felt most of the judiciary is corrupt. Justice Atuguba however said that although the ordinary citizen perceives the judiciary as corrupt, he would not say it is that intense. According to him, corruption within the judiciary takes various forms and affects people of various categories. For instance, the administrative staff of the judicial service is the essential part of the service that the ordinary person deal with, and it is these people who are likely to either demand for unofficial fees, or would be bribed to carry out their services; which Justice Atuguba attributed to the low salaries. Similarly, the executive member of the Judicial Service Associated lamented that the perceived corruption in the judicial service is due to the poor remuneration (Agbele, 2011).

Wide spread of corruption undermines the rule of law and justice system; endemic and ubiquitous corrupt threatens, personal security and individual rights and freedoms because those who are sufficiently well connected and/or wealthy can circumvent justice. Corruption creates instability and unpredictability in governance, undermining a nation's overall economic health because individuals and corporations are hesitant to invest under such conditions (Ndulo, 2006).

Another indicator assessing the Judiciary is judicial accountability. The judicial service of Ghana cannot be said to be up to the task of ensuring accountability within itself. According to the Global Integrity Index on Judicial Accountability, the judiciary performed poorly; in 2006 and 2008 for instance the country scored 35 and 39 respectively. An instance of the lack of proper judicial accountability is with regards to the Asset Declaration Law. Although the judiciary is required by Article 550 of the country's Constitution to declare their asset, this has been not properly enforced within the Judiciary. Even in cases where assets are declared, there is no independent verification of the assets that are disclosed. Auditing according to the Global Integrity Report is only done when a case comes up for investigation (GII, 2006). This shows the poor checks and balances works within the system (Agbele, 2011).

So, independent judiciary is one of the main components of good governance. After independence of Ghana Kwame Nkrumah, the country first presidents worked quickly amend the constitution to abolish opposition parties, gave him the power to over ride acts of parliament and dismiss judges. Because of his actions, Ghana becomes a single-party state and no separation of power between Executive, Legislative and judiciary.

The control over judiciary funds allows the executive branch to exert influence over the action of the judiciary, often fueling corruption and further reducing the independence of the judicial system. The influence of executive or legislative on the duty of the judiciary, may further the ineffectiveness and inefficiency of the judiciary system.

So that, enhancing good governance entails ensuring the effective separation of power. It thus requires addressing the factors under pinning the political independence of the judiciary, guaranteeing the impartial administration of justice and reducing the opportunities for corruption by cutting back on discretionary. A judiciary independent from executive meddling is vital to

ensure that the legislative and executive remain fully accountable under the law, and to interpret and enforce the terms of the constitution.

Similarly, the research finding obtained from key informant revealed that, the other aspect of good governance that progress has been observed was the segment of the rule of law in recent years in Ghana. According to my informant(s), there were independent legal institutions in centralized administrative units of the country in the last 15 to 20 years. Clearly putting, informants described me that, Ghana had owed independent judiciary that advocates the main principles of good governance in the country, especially after the 1990s. The courts are given independent power by democratic constitutions to interpret law for the betterment of Ghana as their primary role. Thus, it is possible to say that there was a room for everyone, to have been witnessed practically as equal before the law, even including government officials.

4.6.3 The human rights and rule of law in Ghana

According to United Nation Human rights Council (UNHRC), Human Rights are “basic rights and freedoms” that all people are entitled to regardless of nationality or ethnic origin, race, religion, language or other status. These rights are conceived as universal and may exist as natural rights or as legal rights in both municipal and International law. Governments everywhere have a moral, legal and political responsibility to protect the rights of their citizens by ensuring that their legal, administrative, policy and programmatic frameworks serve this ideal.

Kwame Nkrumah has been described by author Peter Omari as a dictator who "made much of elections, when he was aware that they were not really free but rigged in his favor." According to Omari, the CPP administration of Ghana was one that manipulated the constitutional and electoral processes of democracy to justify Nkrumah's agenda. The extent to which the government would pursue that agenda constitutionally was demonstrated early in the administration's life when it succeeded in passing the Deportation Act of 1958, the same year that ethnic, religious, and regional parties were banned. The Deportation Act empowered the governor general and, therefore, subsequent heads of state, to expel persons whose presence in

the country was deemed not in the interest of the public good. Although the act was to be applied only to non-Ghanaians, several people to whom it was later applied claimed to be citizens.

The Preventive Detention Act, passed in 1958, gave power to the prime minister to detain certain persons for up to five years without trial. Amended in 1959 and again in 1962, the act was seen by opponents of the CPP government as a flagrant restriction of individual freedom and human rights. Once it had been granted these legal powers, the CPP administration managed to silence its opponents. Dr. J.B. Danquah, a leading member of the UGCC, was detained until he died in prison in 1965. Dr. Kofi Abrefa Busia, leader of the opposition United Party (UP), formed by the NLM and other parties in response to Nkrumah's outlawing of so-called separatist parties in 1957, went into exile in London to escape detention, while other members in the country joined the ruling party. On July 1, 1960, Ghana became a republic, and Nkrumah won the presidential election that year. Shortly thereafter, Nkrumah was proclaimed president for life, and the CPP became the sole party of the state. Using the powers granted him by the party and the constitution, Nkrumah by 1961 had detained an estimated 400 to 2,000 of his opponents. Nkrumah's critics pointed to the rigid hold of the CPP over the nation's political system and to numerous cases of human rights abuses (Gyimah-Boadi, et al, 2011).

Ghana independence from colonial rule was ushered in with much hope; the post-colonial era is notable for its strong-handed leaders and military coups. Independence leader Kwame Nkrumah had used the media, in the form of his own newspaper, to fight for independence from Britain and to galvanize public support for his party and leadership. However, upon becoming president after his democratic election into office, he quickly curtailed freedom of the press (National Reconciliation Commission Report 2004) Successive leaders, both military and civilian, clamped down on freedoms, and human rights abuses such as arbitrary detentions, political killings and unlawful seizure of property became part of the fabric of Ghana's post-independence years.

But it was under the second military regime headed by Flight Lieutenant Jerry John Rawlings (December 31, 1981-January 6, 1993) that human rights abuses became the most widespread. Amnesty International cites political imprisonment without trial, torture and executions among the most common human rights violations of the Rawlings era and notes that between 1983 and

1993, there were more than 260 official executions, of which 23 were for political offences. The organization says the real figures are likely far greater since death sentences were not always announced and exclude the hundreds who were reportedly extra-judicially executed in the early 1980s by the armed forces or supporters of the government (Amnesty International, 1991)

Not dismissing individual human rights violations under Rawlings, Haynes argues that the extension of electricity to remote areas in the north and the construction and repair of roads and other national infrastructure, “may be said to enhance ‘human rights’.” (Haynes 1991) Oquaye, on the other hand, states that Rawlings “maligned and exploited’ the notion of traditional African human rights, which prioritized group rights over individual rights and instead of enhancing the human rights of Ghanaians, he “introduced a politics of violence that shattered civil society” (Oquaye 1995).

The PNDC era (1982-1992) was unquestionably the most repressive period in Ghana’s post-independence history. This regime introduced and for the next 11 years presided over the so called “popular revolution” and a culture of silence featuring kangaroo trials, cruel and unusual forms of punishment (such as making convicted and suspected offenders carry human excreta, stripping citizens of their citizenship and banishing them from Ghana). Courts routinely imposed penalties far in excess of the crime committed, subjecting suspects to torture and other forms of trial by ordeal, confiscating private assets without assigning a cause, and of course, imprisoning without detention, with detention orders sometimes backdated. Amnesty International reports that over 300 people were allegedly killed extra-judicially or proclaimed missing during the tenure of the PNDC.

There is at least anecdotal evidence suggesting the existence of pro-government ‘death squad’ operations, suspected to be responsible for the kidnap and murder of three senior judges and a retired army officer in 1983 as well as other gruesome murders in the period. Summary execution of military personnel and civilians suspected of coup plotting and other political offences became relatively common place, with at least one instance in which the head of state extracted a ‘confession’ from a person condemned to die by a tribunal and tied to the stakes for execution by firing squad (Gyimah-Boadi, et al, 2011).

The Rawlings-PNDC regime was also characterised by the arbitrary exercise of state power (with the head of state frequently revoking the rulings of public tribunals and courts unilaterally; routinely dismissing/interdicting/suspending public officers; introducing and applying nebulous crime categories such as ‘acts with intention to sabotage the economy’); verbal lynching’s of perceived opponents of the regime in the state media. It also featured highly ubiquitous security personnel (Civil Defence Organization/People’s Militia, Committees for the Defence of the Revolution, Commandos) and a proliferating array of extra-legal adjudicating bodies (some of which were operated by outlaw military and police personnel (such as ex-warrant officer Nkwantabisa, Salifu Amankwaa, and ex-police officer Jack Bebli) functioning as ‘musclemen’ and ‘enforcers at large’ and running their own jails. The PNDC government also imposed strict censorship over the media and severely curtailed associational freedoms. The order proscribing the Mormon Church, the Jehovah’s Witnesses and two local charismatic Christian sects as well as the attempt to impose strict official regulations on religious organizations through a decree in the late 1980s highlighted official attacks on religious freedom even at the onset of the post-cold war global and African political liberalization.

The end of the cold war and the emergence of an international consensus on democracy and human rights, however, forced the hands of many of Africa’s strongmen, including Ghana’s Jerry Rawlings, to open up their regimes. The transitional constitutions, many being adaptations of Western liberal constitutions, created space for the institutionalization of human rights protection. The adoption of the African Charter on People and Human Rights in 1986 and the Paris Principles in 1993 also provided strong moral support and institutional guidelines for the creation of human rights bodies. It is in this context that Ghana’s CHRAJ was formed in 1993.

Ghana had returned to constitutional rule in the previous year. By the year 2000, twenty four (24) African countries had legal or constitutional provisions for the establishment of national human rights bodies (Gyimah-Boadi, et al, 2011).

Notwithstanding the fact that Flight Lieutenant Jerry John Rawlings and most of his officials (including the PNDC era security chief and minister for justice and attorney general) remained in power after the first democratic elections in 1992 elections, the human rights situation in Ghana under the Rawlings-National Democratic Congress (NDC) civilian administration saw dramatic improvements. Media censorship continued to be relaxed, private newspapers began to flourish

again, and the right to hold public meetings without an official permit was explicitly restored by a Supreme Court ruling in July 1993(Gyimah-Boadi, et al, 2011).

Throughout the 1990s, Ghana's human rights situation continued to improve, though human rights abuses largely transformed into formats more acceptable in a democracy such as the use of the courts to harass journalists began to subside.

Nature of the Ghanaian state in the 1990s, the progress Ghana has made in the enforcement of human rights has been remarkable. Undoubtedly, one of the factors that were instrumental in bringing about this change has been the work of CHRAJ (Gyimah-Boadi, et al, 2011).

The aim of rule of law is limit, there by checking the arbitrary, oppressive and despotic tendencies of power, and to ensure the equal treatment and protection of all citizens. It implies a legal framework that is fair, that is enforced impartially (particularly in regard to human rights, public security and safety) and that legitimizes state actions. Authority is legitimate if there is an established legal and institutional frame work, and if decisions are to be taken in accordance with the accepted institutional criteria, processes and procedures (Ndulo, 2006).

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

Rule of Law in Ghana is the extremely low capacity of the state to enforce the law at the local level in many parts of the country, especially in rural areas (USAID/GHANA, 2011).

On the other hand what, I held discussion with my informants was the other pillar of good governance in any country that is human rights. In strikingly, similar fashion to what I referred from secondary sources as data for this research, it was clear that Ghana had experienced dramatic improvements on the aspect of human rights since 1990s. Accordingly, this is in line with having not only democratic constitution in nature but due to the practical protection of freedoms endowed to all human beings universally. Therefore, as having fully fledged good governance is a process, one can argue that Ghana is currently in good track in terms of prevalence of transparency and accountability, rule of law and human rights for the benefit of its citizens according to the informants I talked to.

4.7 The Opportunities of Good Governance in Ghana

The opportunities of good governance in Ghana have provided multi angle service in accordance with rule of law in the state constitution of Ghana.

Political Context of Ghana has continued to consolidate democratic rule, and now enjoys a more open society, with a vibrant media and strong public dialogue. As a result of these and other political achievements, Ghana outperforms most countries in West Africa and in the continent on measures of civil liberty, political rights and political stability (ADB, 2011).

Ghana is one of the few countries in Africa that has had significant experiences with democratic political life. On 7 December, 1996, the Ghanaian politics went through the democratic exercise of choosing an Executive President and Parliamentary representatives. The 1996 presidential and parliamentary elections in Ghana are extremely important in the process of democratic consolidation for two reasons. First, this is the very since independence in 1957 that the country had a democratic election under democratic rule. Second, and more importantly, the elections became a test of the durability of the democratic transitions which were established under the 1992 Constitution Ayee, 1998).

Since 1992, an independent media was born in Ghana (Ayee, 1998). The Fundamental Human Rights and Freedoms” of the 1992 Ghanaian Constitution seeks to create a favorable

environment for the evolution and operation of pluralist civil society in Ghana under which the fundamental rights and freedoms of individuals and groups is recognized.

The Economic Context of Ghana, is West Africa's second largest economy after Nigeria, and Sub-Saharan Africa's twelve largest. As is typical of developing countries, and also reflecting slow structural transformation over the past decades, the services sector (comprising mostly of non-tradable services) contributes the largest share of GDP, followed by agriculture, and industry. Despite raising the size of the economy by more than 65%, the recent rebasing of Ghana's national accounts did not change this structure. Other structural features of the economy include high dependence on a few commodities (gold, cocoa, and more recently oil) for export earnings, a still nascent manufacturing sector, which contributes about 6.8% of GDP, and a labour market characterized by a significant gap between demand and supply leading to high levels of disguised unemployment and underemployment(ADB, 2011).

Also, Ghana is currently among the most promising economies in West Africa and in the continent, and has recently been growing faster than the average of these two groupings. After a slowdown of economic activity in 2009, the economy picked up in 2010 and grew in real terms by 7.7% and, in 2011, real GDP is estimated to have increased sharply by 13.7% (7.5% excluding oil) aided by oil revenues and strong export performance of cocoa and gold in volume and prices. Ghana, on the 15th of December 2010, joined the league of oil producers. Ghana's oil reserves amount to about 490 million barrels, compared to Nigeria (37,200 million barrels) and Angola (9,500 million barrels). Ghana's oil potential is, therefore, relatively modest when compared to other major oil producers, although additional drilling and tests are still being conducted (ADB, 2011).

Ghana has demonstrated its commitment to strengthen governance. The country's good performance is reflected in most governance assessments carried out recently, including the Mo Ibrahim Index of 2011 where Ghana ranked the 7th best performing country after Mauritius, Cape-Verde, Botswana, Seychelles, South Africa and Namibia. Ghana has maintained or improved its rating on most governance indicators including participation and human rights, public management, and human development (ADB, 2011).

The opportunities of good governance will be consolidated in advance to enhance the public participation of Ghana people in political development, Multi party system, and human power empowerment.

And also human right advocacy, Establishment of human right commission and anti corruption commission, social justice fairness, development and improvement in different infrastructures, institutions and focus should be stressed on the main constitutional elements to bring comfortable dynamic change on good governance.

CHAPTER FIVE

5. CONCLUSION AND RECOMMENDATION

5.1 Conclusion

The main theme of this study is to examine the major challenges and opportunities of good governance in Ghana. It attempted to examine and assess the historical point and political dynamics that the country experienced since independence. The study eventually revealed the following findings and conclusions from the analysis.

For a long period of time since independence there are several challenges that militate against the entrenchment of good governance in Ghana. Among others the democratization process is delayed by historical, socio-cultural, political and economic conditions that prevent the development of ensuring good governance citizens strive for many decades. After the independence Ghana has personal and autocratic rule. The single party or de facto party system was established by personal rule and dismissed the political party and multi party system. And also continuous military interventions and military coup' detata has another challenges for democratic governance in Ghana.

The origin of trample democracy a foot in Ghana and the onset of dictatorship stemmed from Kwame Nkrumah consolidating power in the executive and turning the country into a de facto one-party state and eliminating the devolved system.

The 1966 economic crisis and rumors of cuts in the military's resources prompted Ghana's first bloodless military coup by conservative generals, who formed the National Liberation councils (NLC). They handed over power to the laissez-faire progress party (pp) after election in 1969. The pp led by Kofi Busia's, continued the NLC's economic reforms. However, a fresh economic crisis brought another military coup in Jan 1972. The younger left wing colonies of the NRC, led by Ignatius Acheampong, reversed the PP's policies in favored of quasi socialist programmes. The Acheampong regime was corrupted and violation of human rights in Ghana. So the regime in July 1978 Acheampong was removed by another military coups.

The widespread lack of public accountability and transparency in governance in Ghana certainly undermines economic development and provision of public services. The beginning of these serious problems in the governance can be traced to the rise of the autocratic regimes and repeatedly coup'detata in the country in the early times of independence. The public service became a platform where the rulers advance their personal interest. The lack of accountability and transparency or system from proper check and balances on governments create a field day for corrupt agents. Since the independence of Ghana public services has been weakened and ineffectiveness through different political situations. A major problem affecting Ghana's economic growth and economic development can be said to be corruption which all boils down to lack of respect for human dignity. Throughout Ghana's political history, any time there is military takeover in the country the reason used by the military usurpers is that the then administration was corrupt. So Corruption is also the result of lack of accountability and transparency.

During his rule, Kwame Nkrumah eliminated the system of checks and balances by removing the power of judiciary. The judiciary bodies who were appointed by the president serve higher officials rather than the people. Ghana's governmental officials witnessed a number of repressions and human right violations.

However, after the 1992 constitution of Ghana, the country turned in to multi party system (through a dynamic democratization) process that entailed public accountability, transparency, respect for human right and the rule of law were beginning to be improved. Thus, it is upon Ghana's to constantly demand accountability and transparency from their governments through different mechanisms that their time allowed. They have also zero corruption strategies in Africa and decreased corruption in governmental office of Ghana. The introduction of multi party system allowed the existence of many political parties throughout the country since 1990s.

In the general elections which were held in 1992 and 1996, Jerry Rawlings elected with other strong political opposition. The 1992 and 1996 general elections come with the hope and improvements for Ghana democracy; development, well governing institutions and good governance in general. Transformation process is not only accompanied by elections but also peaceful transfer of political power b/n the incumbent and opposition in 2000 and 2008.

In Ghana since the introduction of a multi party democracy, civil societies were instrumental in the areas of promoting human rights, democratic development, gender and social awareness. So, they play important role in governance, political stability, and poverty reduction, improvement of human rights, democracies and social development.

Ghana completed its first country self-assessment process in the scheme of African Peer Review Mechanism (APRM), in February 2005. Subsequently, the assessment has been reviewed by the group of African eminent persons. Preparation of the final report on the independent country review is in progress and opportunities of good governance were under way.

Since the 1992 constitution of Ghana improvements were observed in the field of human rights, the rule of law, accountability and transparency (i.e. good governance). However, the problem of corruption remains persistent in political offices and public administrative apparatus. Nevertheless Ghana's democracy is relatively among the few good continental political experiences.

5.2 Recommendation

Based on the results of the study, the researcher drawn the following recommendations

Thus, to maintain good governance in Ghana, the following recommendations mentioned based on the following findings of the study: There is a clear consensus that good governance is indispensable for socio-economic development. It implies efficient and accountable institutions, political system, judicial, administrative, economic, and social rules that promote development, protection of human rights, respect of the rule of law, and ensure that people are free to participate in those issues that affect their lives.

Obviously, good governance is essential prerequisite for any country's development and to make the state and the political system workable and suitable for the people. After independence the problem in Ghana as well as other African countries may not be the ignorance of this fact but it is lack of political willingness and often lack of ability to make practical at grassroots what they talk and write on their own country's law. Working to reduce the challenges that the county faced is the responsibility of all concerned bodies. After the end of cold war Ghana has remarkable improvement in human rights, in the rule of law, in justice, public services

accountability and transparent (good governance). So, Ghana has success story and role model in good governance in Africa since 1990s.

The opportunities of good governance in Ghana have provided multi angle service in accordance with rule of law in the state constitution of Ghana. The opportunities of good governance will be consolidated in advance to enhance the public participation of Ghana people in political development, human power empowerment, human right advocacy, social justice fairness and networking, development and improvement in different infrastructures and focus should be stressed on the main constitutional elements to bring comfortable dynamic change on good governance.

- To bring good governance in Ghana different government organization should empower economic, social and political development in networked way, by making healthy communication from top to bottom accordingly in hierarchy of the power distribution.
- All stakeholders should work on the challenges of good governance by providing different training, research, advocacy, consulting on opportunities and challenging issues of good governance and giving support in the form of material as well as non material to reduce challenges and to exercise opportunities more by ensuring accountability, rule of law, and transparency of different government organs.
- Empowering different stakeholders (i.e. civil societies, political parties, governmental and nongovernmental institutions, pertinent to promoting good governance.
- Promoting the indigenous values identified with governance practices in Ghana.
- Lastly, the following stakeholders such as AU and ECOWAS should work cooperatively to see advanced good governance and minimized challenges of different aspects in good governance.
- So, the government organs and concerned bodies should seek and encourage transparency, accountability and rule of law in different government institutions to reduce corruption.
- Finally, the government of Ghana, civil societies, human right commission, non state actors, anti-corruption commission and the other stake holders' commitment, participation on the challenge of corruption day and night in advance to assure good governance in Ghana

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Appendices

1. What are the current situation of good governance and the components of good governance that exists in Ghana?
2. Are the rules and decision making at all levels of government sufficiently known /transparent and accountable / to the concerned public?
3. Do you think that human rights institutions and judiciaries are strong enough to protect human right abuses?
4. Is election process free and fair since independence?
5. Is the electoral system build on consensus among political parties, so that it is perceived to be inclusive and representative?
6. To what extent that the democratic institutions are effective to promoting good governance?
7. What are the major attempts taken by governments of Ghana to implement and opportunities of good governance?
8. What role do non – state actors play in strengthening good governance?
 - a. Civil society (NGO)... Media ...Churches, and others.....?

Appendices II

List of informants

No.	Name of informants	sex	age	Place of interview	Place of work	Date of interview
1	Paul Koranteng	M	40	AU	African Union	28/03/2014
2	Missa Martin	M	38	Embassy of Ghana	Embassy of Ghana	19/03/2014

Declaration

I declare that this paper is my original work and all sources are appropriately acknowledged.

Name Abrham Daniel

Signature _____

Date _____

This thesis has been submitted for examination up on my approval as university advisor.

Advisor: Yasin Mohammed (PHD)

Signature _____

Date _____