

GHANA'S POLICY MAKING: FROM ELITISM AND EXCLUSION TO PARTICIPATION AND INCLUSION?

Abdulai Kuyini Mohammed

ABSTRACT

In its 57 years of nationhood, Ghana witnessed 22 years of military rule, 6 years of one-party government and 29 years of democratic reign. Policy making under the one-party and military regimes was exclusionary with the rulers alone making public policies. Because the military and one-party regimes' approach to policy making was elitist and exclusionary this: left stakeholders with little or no opportunity to make input; failed to consider important constituencies and points of view; created implementation difficulties and raised questions surrounding the legitimacy of public decisions. In contrast, constitutional rule democratizes policy making; increases problem solution options; smoothens policy implementation; and legitimizes public decisions. Two cases: the Review of the 1992 Constitution and the Reform to the Social Security System are used to test this supposition. The evidence shows that a consensual approach to policy-making has emerged since Ghana's return to democratic rule in 1993. This paradigm shift has improved the design and implementation of public policies and programs in Ghana. Nevertheless, the situation is far from satisfactory because marginalized and unorganized groups still suffer alienation; official actors still have a stronger urge over non authoritative players in participatory episodes; and elected and appointed participants still have informational advantage over their non state counterparts. Together these minutiae adversely affect the quality and effectiveness of participation and this throws into question the legitimacy of the democratic governance project in Ghana.

Keywords - Democratic Rule, Exclusion, Ghana, Inclusion, Military Dictatorship, Outcomes, Public Policy-Making

INTRODUCTION

In Sub Saharan Africa, policy choices and outcomes have consistently been disappointing and the lessons from failure stories have often not been learned. The ineffectiveness of policies in Africa is attributed in part to the non-participatory approaches that are adopted in the development and implementation of projects and programs. Many regimes here are either autocratic or in a transition from autocratic to democratic rule, or

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Corresponding Author: zaayura@hotmail.com

in the throes of democratic consolidation. In such systems, few people may make authoritative allocation of values for the rest of society with the consequence that those policies fail to meet the public interest. Ghana, prior to the late 1990s for the most part, experienced successions of military rule where only the governing elite made public policies. For example, the making of the 1960 Constitution was conducted in an elitist and exclusionary manner (IDEG 2007; Gyimah-Boadi 2010). Another example was the "Union Government" concept (an amalgam of military and civilian appointed/elected government) which was proposed by the military government of General Acheampong through a non-consultative process (Frempong 2007; IDEG 2007). Similarly, the Economic Recovery Program (ERP) which was formulated under Ft. Lt. Jerry John Rawlings' military regime was conducted in a non-participatory fashion (Vordzorgbe and Caiquo 2001).

However, since a little over two decades ago Ghana became a young and stable constitutional democracy. Constitutional rule arguably democratizes the public policy-making process by guaranteeing the participation of all stakeholders in all the processes of development. Opportunities are now opening up in Ghana for all and sundry to participate in all the processes of development including public policy-making. In Ghana over the past decade, several major national events were organized to promote public engagement in policy making. These participatory exercises included the development of *Ghana Vision 2020* (which promised to upgrade the country to a middle income status by 2020), National Economic Forum and National Economic Dialogue – to determine the direction of the economy, and Ghana Poverty Reduction Strategies I and II to fashion out ways to reduce poverty, as well as the Structural Adjustment Participatory Review Initiative to assess ways to mitigate the social impact of structural reforms (IDEG 2007; Vordzorgbe and Caiquo 2001).

However, it is not enough to know that opportunities for participation are now being made available in Ghana. The more interesting thing to know is whether there is genuineness and effectiveness of participation. That genuineness and effectiveness is measured by the extent, quality and legitimacy, as well as the impact of participation.

These dimensions of reality about participation (depth, quality and legitimacy as well as impact) then raise important questions about participatory initiatives in Ghana: 1) who can participate and to what extent can they participate in policy making? 2) What participatory techniques or tools are employed? 3) What are the skills, competence and expertise levels of participants? 4) Do participants feel that their input is taken and their contributions shape policy decisions? 5) What are the challenges to meaningful citizen participation in policy-making in Ghana and how can they be resolved? These questions are posed because public participation in representative democracies is meant to supplement, not replace, representative governance (Phillips and Orsini 2002). Hence citizens do not have authority over policy decisions and essentially perform an advisory role (with the exception of binding referendums, which are rarely employed in Ghana). As a democratic tool, participation is therefore a contradictory process. On one hand the state encourages citizens to get engaged. On the other, it leaves them dependent on government officials for access, information and action (Woodford and Preston 2011). The problem of participation is not so much the numbers of persons reached, but the quality

of the deliberations and the credibility of the consultations. The quality of the discussions is determined both by the diversity and knowledge of the participants as well as information parity. Accordingly, in appraising participation it is important to critically examine both process and outcome. Here process refers to citizens having a clear opportunity that provides space for their input, the participatory tools used and the information made available as well as the feedback provided. The outcome means the end result— new or revised policies that reflect, to some degree, citizens' input. In this paper the quality of participation and the influence of stakeholders on policy decisions are the core areas of analysis for what participation might mean. Given the positioning of citizen involvement as an addendum to representative governance, authentic or meaningful participation is important to good policy making and governance. Such participation occurs when the potential exists that citizen involvement will shape policy decisions, which requires that appointed and elected officials should sincerely factor citizen input into policy analysis and decision-making (Woodford and Preston 2011). The cases in this study are assessed according to whether policy making was participatory, and if so, whether the quality of participation was good and whether policies that emanated from the participatory exercises were credible, and whether participation was fraught with challenges and if so, how these could be resolved and avoided in future participatory episodes.. The cases are the Review of the 1992 Constitution and the Reform of Social Security System (RSSS).

I claim that military and one-party regimes' approach to policy making is elitist and exclusionary. Accordingly, it leaves stakeholders with little or no opportunity to make input; fails to consider important constituencies and points of view; creates implementation bottlenecks, and raises questions surrounding the legitimacy of public decisions. In contrast, constitutional rule democratizes policy making; increases problem-solution options; smoothens policy implementation and legitimizes public decisions. This supposition has been tested using the two cases – the Review of the 1992 Constitution and RSSS.

This study is different because unlike other research that focused on either processes, or actors or context of participation (see among others Kpessa 2011; Kpessa and Atuguba 2013; Ondik, 2003), it pays attention to the three variables in addition to outcomes. Mapping the performance of participatory episodes in terms of process, actors, and content as well as outcomes makes it possible to understand the multiple dimensions of knowledge, beliefs, and power, as well as meaning and values that frame policy making and implementation.

The paper begins with an exposition on the participatory model as a theoretical framework. This is followed by a description of the contrast between policy-making in Ghana prior to 1993 and policy development since the promulgation of the country's fourth republican constitution in 1993 to date. Next, the evidence of the two cases of participatory policy making is presented. Finally, the paper ends with discussion, recommendations and conclusion.

PARTICIPATORY MODEL OF POLICY MAKING

The World Bank argues that “plural politics and broad based popular participation” are rapidly becoming features of modern governance. The proportion of countries with some form of democratic participation increased from 28 per cent in 1974 to 61 per cent by the end of the 1990s and continues to rise (World Bank, 2000).

Participation defies a single definition and there are many definitions but only three are offered here. According to UNESCO participation refers to a ‘collective sustained activity for the purpose of achieving some common objectives, especially a more equitable distribution of benefits of development’ (UNESCO 1979: 15). To Pearse and Stifel participation is ‘the organized efforts to increase control over resources and regulative institutions in given social situations, on the part of groups and movements of those hitherto excluded from such control’ (Pearse and Stifel, 1979: 1). This definition emphasizes, from the perspective of excluded parties that, the elements of power and control over key decisions remain the core issues of participation.

Participation necessarily raises questions about mutual influence and the control of resources and decisions. And that is the reason why the World Bank defines participation as ‘a process through which stakeholders influence and share control over development initiatives, decisions and resources which affects them’ (cited in Ondrik, 2003: 1).

This study adopts the latter two definitions because they are the most penetrating in terms of promising to empower individuals, groups and associations in civil society to claim their right to jointly make policy, appropriate the resources for putting it into effect, and be co-responsible for its outcomes with state actors (Mohammed, 2013).

As an alternative way of making public policy, the participatory approach gained currency for a number of reasons which are namely: the decline of deference (Caroll and Caroll, 2004); the rise of popular sovereignty (Philips 1999); the pre-eminence of liberal democratic values since the 1990s (Caroll and Caroll 2004); and the concerns over persistent bureaucratic corruption, inefficiency and inequality in resource allocations (UN 2008).

In essence, participatory policy making denotes policy processes that incorporate more than just the ideas, interests and values of politicians and the expert knowledge of bureaucrats. Indeed it also means the engagement of ordinary citizens in the formulation and implementation of public programs (Peters and Pierre 2000). This approach is regarded as one of the best ways of soliciting the input of a broader segment of the population in a fashion that entices social actors to engage with the state on some of its core activities (Ackerman and Fishkin 2004).

On the international arena, the UN has declared participatory policy making as a desired end and has proclaimed its importance in a number of its resolutions on myriad international issues, including economic and sustainable development, the status of women, Action for Peace, Science and Technology for Development, and Development in Africa, just to mention a few. Aside, the UN General Assembly Resolution 50/223 emphasized the participatory approach as critical in policy making during the 2005 World Summit, where leaders across the globe lent support to and expressed enthusiasm in the

approach. Moreover, Resolution 2006/99 of the Economic and Social Council enjoined member states to engender the trust of their citizenry by ensuring public participation in policy development, accountability and service delivery (UN, 2008).

Similarly, the leaders of US and UK have symbolically endorsed the participatory model of public policy-making. For example, in his maiden executive action President Barack Obama in February 2009, issued to all government agencies a *Memorandum on Transparency and Open Government* “to ensure the public trust and establish a system of transparency, public participation, and collaboration” (Obama 2009: 1). Likewise in his 2010 election campaign and subsequently as Prime Minister of the UK, David Cameron advocated ‘a whole new approach to government and governing’ that ‘unleashes community engagement, devolves decision-making and gives public servants much freedom’ (Cameron, 2010).

Criticisms of government participatory initiatives in developed countries have centered on: the neglect of the disposition of citizens to engage; the particular challenges of connecting with marginalized groups; and the mostly experimental nature of participation which fails to endure after pilot episodes (OECD, 2009; EIPP, 2009). Governments in these countries have responded to the criticisms by intensifying efforts to enhance the participation of their people in policy making and service design and delivery (Holmes, 2012). This effort has led to more inclusion in policy development and implementation.

This cannot be said of developing countries particularly those in Africa. Here, executive dominance has encouraged a trend to monopolistic power and abuses of executive authority, and ultimately has been responsible for the cult of the “Big Man” – the unchallengeable leader (Mohiddin 2008, 1). In this scenario, the executive initiates laws, rules and regulations and ensures compliance. The executive also prioritizes issues and policies to be discussed and thus controls the type of laws that are generated by the legislature and how they are implemented (Mohiddin 2008).

Other reasons for the participation deficit are: non democratic means of mobilizing power including violent challenges to government; patronage and coercion are employed to secure compliance; and factional struggles and regime uncertainty are prevalent (Gulhati 1990; Ohemeng 2005). Similar reasons for the exclusionary nature of policy making in Africa have been offered by Edighei (2008) and Mhone (2003). The two scholars, state among others that, the exclusionary character of policy making is due to: state capture by special interests as a basis for primitive accumulation by politicians and state officials; policies being made without regard to economic logic, human well-being and democratic governance; and policy making being dominated by professional politicians and state officials (Edighei 2008; Mhone 2003).

So to infuse participation in government decision making in developing countries the World Bank and other multilateral organizations have required that aid-dependent countries introduce reforms that give opportunities for public engagement in their policy making processes (Williams 2008). The participatory approach represents a paradigm shift from the paternalistic role of the state epitomized by the technocratic perspectives to policy making.

Advocates of the participatory approach acknowledge its strengths and limitations but they hardly illuminate on who initiates it. I claim that the state, donors or CSOs can be the agent. The former two will not be effective as some ideological stands may be valued and so cannot be sacrificed or the government may feel a sense of insecurity in opening up. To achieve effective participation CSOs can play an important role by raising awareness of the issues at stake, helping citizens and communities to organize themselves, and advocating and lobbying for a more participatory policy-making process.

PUBLIC POLICY MAKING IN GHANA

The opportunities and challenges of engendering the kind of participatory policy making explicated above seem to fit the description of the policy making milieu in Ghana. The account narrated of Ghana's policy making since independence seems to reinforce and exemplify both the benefits and the limitations of exclusionary and participatory models of policy making.

One party and military regime periods (1957-1992)

For a greater part of the post-independence period in Ghana between 1957 and 1992 bureaucrats and politicians monopolized public decision making. Public engagement in the public policy making process was virtually absent during this period (Amoako-Tuffour, 2008).

Ohemeng (2005) characterized the policy making setting in Ghana in this period as a "closed circuit network" of politicians and senior bureaucrats with technical assistance sought from multilateral and bilateral donors. Civil society organizations and ordinary citizens had a negligible or no role in the process. The exclusion of the domestic non-authoritative actors was blamed on the nature of the political environment at that time. The succession of military regimes beginning in 1966 did not tolerate dissent or public discussion on government decisions (Ohemeng, 2005). Generally, public opinion was seen not as a resource, but rather as a source of potential problems to be avoided or on occasions to be neutralized for political expediency (Ohemeng, 2005). The short-lived democratic governments installed for the period 1969-1972 and again in 1979-1981 were either unable or unwilling to open up the political space that permitted citizen engagement in public affairs (Amoako-Tuffour, 2008).

New Democratic Dispensation (1993 to date)

Prominent events that led to the new democratic dispensation in Ghana were: the military rulers' decision to return the country to democracy; the lifting of the ban on political parties; the conduct of multi-party elections in 1992; and the start of the Fourth Republic on January 7, 1993 (Frempong 2007). It is important to note that in the new democratic dispensation the structure and practice of the political system from 1993 to 2000 was different from that between 2001 and the present time.

a. Political system and practice, 1993-2000

The transition from successive military juntas to multi-party democracy in 1993 did not broaden access of the public to participation in national affairs. Having transformed itself from a military government (1982-1992) to an elected government, the National Democratic Congress (NDC) administration during its rule (1993-2000) continued its authoritarian behavior in policy development and implementation (Boafo-Arthur, 1999). Although the NDC government was irritated by dissent and public discussion of government proposals and decisions, civil society organizations were emboldened by the clauses on plurality in decision making in the 1992 constitution to stake their claims. In particular, Article 35 (paragraph 6[d]) of the *Directive Principles of State Policy* of the Constitution enjoins the state to make democracy a reality by taking appropriate measures to give ‘possible opportunities to the people to participate in decision-making at every level in national life and in government’. Accordingly, think tanks were not only able to disseminate the results of policy relevant research but also educated the public on policy choices (Amoako-Tuffour, 2008).

b. Political system and practice, 2001 to date

The 2000 elections marked a watershed in Ghanaian politics as the long ruling NDC government was defeated to enable the National Patriotic Party (NPP) alternate power with it. The NPP government under President J. A. Kuffour (2001-2004 and 2005-2007) made initiatives to democratize public policy making. Some of these initiatives included the weekly “meet-the-press” (to let ministers talk about development in their sectors), and “people assembly programs”, designed to provide a platform for direct interaction between the people and the president (Daily Graphic, 2005).

Disagreements on policy choices especially among elected officials across the political divide were discernible over cases such as the adoption of National Health Insurance Scheme and the sale of Ghana Telecommunication Corporation to British Vodafone. The incarceration of NDC government politicians and ministers by the NPP administration exacerbated the acrimony between the two parties (IDEG, 2007). That acrimony has failed to fade away in the two succeeding NDC governments of late President Atta-Mills (2009-2012) and President Mahama (2013-to date) (Mohammed, 2013).

METHODOLOGY

The cases that have been examined in this study are the Review of the 1992 Constitution and the RSSS. The justification for the choice of these cases is that they provide a basis for comparative analysis based on the extent to which public policy was participatory and the outcomes that attended the participatory efforts. The cases exemplify how consultative arrangements and deliberative processes yield more equitable policies, strengthen transparency and accountability, as well as enhance government capacity and legitimacy – which together consolidate democratic governance. They also highlight challenges that confront participatory processes in developing countries like Ghana.

The data for the analysis of the cases was collated from elite and non elite interviews and documentary sources from four districts. Two hundred non elite respondents (50 from each district) were chosen to reflect the urban and rural continuum in Ghana, and to take into account of the different socio-economic characteristics of northern and southern Ghana (see Konadu-Agyeman 2004). The study areas were Accra Metropolitan Assembly (an urban area in the south), Bosomtwe District Assembly (a rural area in the south), Tamale Metropolitan Assembly (an urban area in the north) and Nanumba South District Assembly (a rural area in the north). The sample for the non elite interviewees in each district was derived using a random sampling method. A list of households generated by the Ghana Statistical Service was used as the sampling frame for the selection of the communities and households in each district.

In addition, fifty elite interviews were conducted. The respondents were drawn from government ministries, departments and agencies (MDAs) such as the Ministry of Finance and Economic Planning, Constitutional Review Commission, Social Security and National Insurance Trust (SSNIT), and CSOs, just to mention a few. The respondents were originally identified because of their role connected directly to the development and implementation of the Review of the 1992 Constitution and the RSSS. The interviews provided a means for exploring complexity and detail of process which could not be examined by alternate more structured instruments such as questionnaire or analyzed using quantitative methods (Liamputtong and Ezzy 2005).

CRITERIA OF EVALUATION OF CASES

The criteria adopted for the analysis of the cases included the opportunities for participation, the depth of participation, and the quality, as well as the credibility of participation and the impact of inclusiveness on policy. The presence and absence of these elements in the cases studied enabled the author to either state that the processes were participatory or exclusionary.

EVIDENCE OF PARTICIPATORY POLICY MAKING IN GHANA

The examination of the two cases relates to whether the development of these policies was participatory, and if so, whether the quality of participation was good and credible. The assessment used the criteria identified earlier.

CASE 1: REVIEW OF THE 1992 CONSTITUTION

Ghana has had episodes of participation in public policy making in the recent past. However, none had been most inclusive in terms of the number and diversity of participants, widest in regard to geographical coverage, numerous in respect of the participatory tools used, longest in relation to the duration of the participatory exercise, and richest on score of outputs and outcomes generated, than the review of the 1992 Constitution. Another feature that added glamour to the constitution review process was that unlike previous constitution amendment exercises, it solicited input from hitherto ex-

cluded constituencies such as voiceless individuals and groups across the length and breadth of Ghana as well as Ghanaians living abroad.

The Constitution Review Commission (CRC) – which was given the mandate to handle the participatory project, adopted an iterative approach to engender participation that enabled it to switch strategies or tactics to meet shifting demands and circumstances and to circumvent limitations that characterized earlier exercises (Constitution Review Commission, 2011). The strategies the CRC employed appeared to have been informed by its remit which is namely to: 1) ascertain from the people of Ghana, their views on the operation of the 1992 Fourth Republican Constitution, and in particular, the strengths and weaknesses of the constitution; 2) articulate the concerns of the people of Ghana on amendments that may be required for comprehensive review of the 1992 Constitution; and 3) make recommendations to the government for consideration by drafting Bills for possible amendments to the 1992 Constitution as stipulated in the Constitution Review Commission Inquiry Instrument, 2010 (Government of Ghana 2010). The commission respected all submission and this enabled it to collect and analyze historically unprecedented volumes of input from which useful recommendations were made.

Opportunities for participation

To determine the opportunity for participation, respondents were asked how they became included in the review of the 1992 Constitution process. A majority of the respondents (72 percent) said an array of opportunities were offered for all and sundry to participate. Respondents from rural districts said that the participatory approach to the review of the 1992 Constitution was quite distinct from previous episodes of engagement. For them this was the first time opportunity to participate in public affairs was brought to their doors. For example, one interviewee from Wulensi in the Nanumba South District said, ‘we heard of participatory exercises that were organized in the big cities and towns in the past’. He added, ‘but this was the first time we saw officials from the capital in our midst giving us the chance to express our views about an important issue like what needed to be amended in the 1992 constitution’.

Think tanks like the IEA, Institute of Democratic Governance (IDEG), and CEPA as well as the Center for Democratic Development (CDD) were invited to make submissions by the CRC. Professional and business associations like the Ghana Bar Association, Medical Association of Ghana, and Ghana Chamber of Commerce were sent invitations to make submissions and to participate in forums. Civil society organizations such as IMANI Ghana, Ghana Federation of the Blind and Deaf, and the Ghana Private Road Transport Union (GPRTU), were also invited to make input either face-to-face or by written submissions (Constitution Review Commission 2011).

Special invitations were given to former presidents to meet face-to-face in close doors with the CRC to make their input. Also members of parliament and members of the bench were also granted special audience with the CRC to make their submissions (Constitution Review Commission 2011). The space for participation was furthered broadened by a five day “National Constitution Review Process” which was held in Accra, the capital and attended by 2,998 participants made up of representatives from

each district, government officials, legislators and delegates of CSOs as well as international observers (Kpessa and Atuguba 2013).

Depth of Participation

To assess the depth of participation in the constitution review process, informants were asked to indicate the stage(s) of the policy making process they participated in. Twenty eight percent of the respondents said they were involved at the agenda setting stage. These informants were then asked to state the nature of their involvement at the agenda phase. A member of UTAG submitted that, "I reiterated at a number of forums that the confrontation between the first president and the first vice president under the 1992 Constitution challenges some constitutional provisions". He said for example, "the altercation offended the constitutional provision that made the vice president the automatic chairperson of the Ghana Armed Forces, the Police and Prisons Councils". He added, because the vice president's position was no longer tenable, "I recommended the amendment of the constitution so that the chairmanship of the security agencies will be conferred on the president".

A respondent from the IEA said he was much involved at the agenda setting stage because "we at the IEA initiated the Presidential Transition Bill because we envisaged it would de-politicize the transition process, and engender accountability and good governance". A Member of Parliament for the Sissala West Constituency said, "I was involved in the adoption stage of the constitution review process because I voted in support of the adoption of a number of changes to the 1992 Constitution". Examples of these changes are "Presidential Transition Bill, change of the vice president as the automatic chairperson of the security agencies, and provision for Ghanaians to hold dual citizenship".

Quality of Participation

The ingredients of quality of participation are the diversity, knowledge and skills of the people around the table, information parity, and mechanisms of participation. These are examined in turn below.

Diversity of Participants

An overwhelming majority (89 percent) stated among others, that participants came from myriad backgrounds such as academia, the private sector and faith based organizations, CSOs as well as think tanks and public sector organizations, and former presidents. According to a respondent from the Association of Ghana Industries (AGI), "the diversity of participants in terms of background, specialization, sex and other characteristics enabled multiple dimensions of reality of the issues to be brought to the table" Yet, as some critics charge, participatory processes have their own legitimacy problems (Bridgman and Davis 2004). For example, a respondent from the Ghana Association of Farmers and Fishermen (GAFF) queried that, "the marginalized, unorganized and vulnerable and youth groups still encountered barriers to meaningful participation". Another informant from Wulensi in the Nanumba South District said "because we are a masculine society, women who had insightful input hesitated because they did not want to

be seen as assertive in the decision-making arena as this is perceived as a male space”. Other women, he added, “delayed their submissions until their male colleagues had had their turn – a reflection of the nature of our inequitable society”. This undermines empowered participatory processes which call for “relative equity of power and effectiveness, with real opportunities to have a say” (McCoy and Scully 2003, 118).

A respondent from the Ghana Bar Association charged that, “spurious outcomes are to be expected from a process where illiterate and lay segments of the population are to make proposals to amend a legalistic document like Ghana’s constitution”. This criticism is valid when viewed against the backdrop that about 50 percent of Ghana’s population is illiterate and a great many people have no legal background to comprehend the constitutional provisions let alone propose changes to them. This criticism corroborates Boon and Meilby’s observation that, mere participation does not necessarily mean equal consideration of the ideas, equal influence, or equal satisfaction of all participants (Boon and Meilby 2000).

Participants’ Knowledge

A majority 70 percent confirmed that their perception of issues had changed after the participatory exercise. For example, a member of the Ghana Association of Teachers (GNAT) in the Tamale Metropolitan Assembly said, “I really could not think of an issue needing constitutional amendment apart from the controversial issue of electing or appointing mayors”. He said, “By listening to other peoples’ proposals I now have a repertoire of issues in the constitution that I think should be amended”. These include, “the fusing of the legislature and the executive, the president rather than the legislature having the power to create local governments, first past the post voting system instead of the proportional system, among others. Another interviewee admitted that, “I didn’t know that impeachment procedures can be brought against a sitting president”. A third informant submitted that, “I didn’t know that unlike in the US, in Ghana the president cannot veto legislation”.

Analysis of the overall responses suggested that apart from a fair idea of the defined roles of the three arms of government, fewer than 52 percent of the informants reported having “above average” knowledge of any of the main policy issues presented to them such as whether there should be strict separation of powers and the state’s role in the socio-economic and environmental spheres. A little over half of the respondents (51.7 percent) revealed they had above-average knowledge of the president’s power to appoint mayors and one-third of councilors of local governments, initiating and implementing policies and entering into agreements with bilateral and multi-lateral partners. This is not surprising because of the controversy that usually surrounds for example, appointment of mayors; and news of the president’s foreign trips on the television screens.

Participants’ Skills and virtues

Interviewees were asked to indicate whether their skills and virtues had increased through their participation in the constitution review process. Fifty eight percent answered in the affirmative, 27 percent could neither confirm nor deny that their skills and

virtues had increased, with the remaining 15 percent agreeing that those competencies were not gained. A respondent from GNAT who confirmed that his skills and virtues increased through the 1992 Constitutional Review process stated that, "It provided me (and I believe others too) with the opportunity to deliberate with others". He added that, "Undoubtedly I felt a positive experience through discussing issues with other citizens in an in-depth way, noting a sense of accomplishment and a feeling of respect". These accounts corroborate Romanow's (2002, 65) 'transformative effect' of participation.

Access to Information

Respondents were asked whether there was easy access to the requisite information they needed to help in deliberations. Fifty five percent answered in the negative, while 29 percent responded in the affirmative, with the remaining 16 percent unsure whether or not there was information parity. A respondent from the Association of Ghana Industries (AGI) stated, "The CRC information policy was satisfactory, with information often arriving in good time and invitations for workshops sent well in advance". Another interviewee praised that, "resource persons did their best to explain concepts in the lay-person's language and this facilitated understanding of issues". Yet others thought that documents were too technical and legalistic particularly the strong language and legal framing of articles and provisions of the constitution. According to a Ghana Private Road Transport Union (GPRTU) respondent, "it was difficult for people outside the national capital, Accra to access key materials in a timely fashion".

Mechanisms of Participation

The tools that were adopted to solicit input for the review of the 1992 Constitution included written submissions; phone calls; face-to-face meeting; email, and short message service (SMS) as well as contemporary social networks such as Face Book and Twitter (Constitution Review Commission 2011). Other instruments that were employed included town hall meetings; focus group discussions, special consultation sessions (modeled like court sessions); consultation sessions with functionaries of constitutional bodies; consultation sessions with political parties. Others were meetings with members of the legislature, executive and the judiciary; public forums organized in foreign countries for Ghanaians; and a grand national consultation to climax, finalize and epitomize the end of the participatory exercise (Constitution Review Commission 2011).

A respondent from AGI agreed that, "the information campaigns of CRC increased public awareness of the Review of the 1992 Constitution and garnered their support for it". An interviewee from the TUC confirmed that, "workshops and forums were held at the national, regional and district as well as sub district levels". He said the workshops were "meant for participants to gain ownership by addressing concerns of stakeholders, sharing information and providing feedback", A Third World Network informant revealed that, "the final blue print of the suggested amendments was serially presented in all the news papers for public consumption and comment". He explained that, even though public comment "is a late stage activity in policy making, it is useful for testing public and legal support for a decision for which agencies have already invested substantial time and resources to develop detailed proposal". This view is consistent with West's

(2004) idea that comment procedures can at least in theory be used to: mitigate informational disadvantages and increase transparency between agencies and politicians or the public; and enfranchise important constituents in agency decision-making, assuring that agencies are responsive and accountable to the public. However, a representative of the Nanumba Youth Association queried that, “the government promised to put the catalogue of proposed amendments to a referendum for ratification but this promise seemed to have been renegeged upon”.

Impact of Participation on Policy

Interviewees’ views were sought on what their impact on policy was. A majority 63 percent agreed they impacted policy meaningfully, while 27 percent thought they did not and 10 percent was unsure whether or not they influenced policy. A respondent from GNAT who agreed that participants influenced policy stated that, “Ghanaians got assurances from government that it would be committed to the outcomes of the deliberations and this encouraged us to fully express our views”. In the end the process “culminated in 83,161 usable submissions, 90 percent of which was accepted by the government”. Some of the accepted changes included the introduction of the Presidential Transition Bill, change of the position of the Vice President as the automatic chairperson of the security agencies, and provision for Ghanaians to hold dual citizenship, a review of the gratuity payable to members of parliament, prohibition of leading members of political parties from serving on the National Media Commission, extension of time within which to hold parliamentary by-election upon the death of a sitting parliamentarian.

Legitimacy of Participation

Respondents were asked whether they thought the constitutional review process was credible. Those who answered in the affirmative were the majority (75 percent), while those who could neither confirm nor deny that the process was credible made up the remaining 25 percent. For example, a respondent of GAFF said, “the process was authentic because the CRC was able to successfully organize a prolonged participatory exercise on a politically divisive issue as the amendment of a constitution”. An AGI informant hailed the process as legitimate because “the CRC conducted the countrywide participatory exercises without being accused of favoritism to or bias against certain individuals, groups or political parties and this enhanced the credibility of the process”.

CASE 2: REFORM TO SOCIAL SECURITY SYSTEM (RSSS)

The criteria used in the evaluation of the Review of the 1992 Constitution are also applied in the assessment of the RSSS. They include opportunities for participation, depth of participation, and quality of participation as well as the impact of participation on policy and the legitimacy of participation.

Prior to the recent reforms, Ghana’s social security system with respect to old age income provision consisted of fragments of institutions inherited from the colonial system and others established in the years immediately following independence. By early

1990s, these included both partially funded and unfunded pay-as-you-go pension schemes, mostly for individuals employed in the formal sector of the Ghanaian economy (Kpessa, 2011). Although several attempts were made in previous years, and by almost every post-independence government, to reform the social security system, series of challenges, including (a) institutional fragmentation with its differential treatment of workers; (b) inadequate retirement benefits; (c) high administrative expenses; (d) limited coverage and exclusion of informal sector; and (e) mismanagement, political interference, and abuse of pension funds, persisted into the 2000s (Kpessa, 2011).

Concerned stakeholders and beneficiary groups and individuals waited for an opportunity to kick start a process of social security reforms. This came in the run up to the presidential and parliamentary elections in 2004 when the worker fraternity led by the Ghana Association of Teachers (GNAT) and the Trade Unions Congress (TUC) embarked on industrial action. The government under President John A. Kuffour set up an ad hoc Pension Reform Commission (PRC) to engage with stakeholders and the public on ways to reform social security to make it adequate, equitable, transparent and effective (Government of Ghana 2006).

The response was good with a total of 209 stakeholder institutions and individuals presenting papers that analyzed the Ghana's pension system from various dimensions (Government of Ghana 2006). Key among the civil society actors that submitted policy papers and directly participated in the reform deliberations were the Ghana Health Service (GHS); the Ghana Education Service (GES); the Ghana Chamber of Mines (GCM); and Ghana National Association of Teachers (GNAT) (Ghana Government 2006).

Opportunities to Participate

Respondents were asked how they got the opportunity to participate in the RSSS process. Sixty seven percent revealed they got invitation to participate from the PRC. Those who said they received information through the media made up 23 percent, with the remaining 9 percent querying that the question as to who to participate was determined by the PRC rather than left at the discretion of the public. According to a representative of the PRC the RSSS process was intended to be participatory so the commission made effort to "enlist as diverse and as many stakeholder individuals, groups and organizations as much as possible". He said, "The PRC invited participants from both the state and non-state sectors and targeted particularly groups that traditionally have been excluded from decision making process such as farmers". A representative from GCCFA agreed, saying that, "we as farmers saw our chance to participate as unprecedented and signaled a new era and an approach to public decision that is gradually becoming inclusive". Yet community-based groups, youth organizations, artisans charged that like all other important national affairs they were excluded from the RSSS process.

Depth of Participation

Interviewees were asked to state the stages in the entire RSSS process they were involved in. A majority 79 percent of the respondents confirmed that the social security reform agenda was initiated by disgruntled public sector worker groups such as the GNAT and the TUC. The remaining 21 percent charged that even though CSOs initiat-

ed the agenda this was later edited, refined and even amended before being put in the public domain for discussion. This implied that government determined the focus of the consultations and the questions asked and thus circumscribed the scope of citizen input.

An employee of the Social Security and National Insurance Trust (SSNIT) confirmed that participants from his outfit were involved in almost all the stages of the of the RSSS exercise. Representatives from the GES and GHS also testified that they were involved in at least three stages of the process. They revealed that even when they could not be present at some stages or forums because of scheduling conflicts, the PRC arranged separate seminars and workshops to make up. This could not be said of other groups as a councilor from the Bosomtwe District Assembly argued, “The participatory episodes got to the district capitals but did not reach out to the sub-national levels”.

Quality of participation

The quality or genuineness of participation, as already indicated, is appraised along dimensions of diversity, knowledge and skills of the people around the table, information parity, and mechanisms of participation.

Diversity of Participants

Information was solicited from interviewees on the characteristics of participants such as background, profession and interests. A respondent from the GES said that, “participants came from diverse persuasions such as academia, business, civil society, labor unions, farmer associations and groups hitherto excluded from public decision making processes”. For instance, the GMA, and the GIA, among others, had, until the recent reforms, not been able to participate directly in decisions affecting the old age income security (Kpessa 2011). Yet, as one respondent from a farmer group pointed out, “the marginalized, unorganized and vulnerable groups were excluded from the process”. Another respondent agreed, saying, “women, artisan and youth groups were starkly absent from the entire process, so too were community-based organizations”. This means the views of these groups, which could be insightful, were not captured. This raises questions surrounding the representativeness of consultative processes in young democracies like Ghana.

Participants’ Knowledge

Participants’ knowledge was gauged according to whether the knowledge they had about issues before the engagement had increased after the participation process. Sixty-one percent confirmed that their knowledge had increased, 23 percent answered in the negative, and the remaining 16 percent could neither confirm nor deny increase in knowledge. A GNAT representative admitted that before participating in the RSSS he had little “understanding of how retirement benefits and pensions were calculated”. Another informant said, “I have never comprehended the existing social security scheme, nor understood the cumbersome arithmetic that went into the determination of benefit fairness/unfairness, adequacy/inadequacy and transparency/ opaqueness”. He added, “After participating in the RSSS exercise these issues are now much clearer to me and I

can now appreciate why workers were agitating for reforms – the weaknesses of the previous scheme outweighed its strengths”.

Participants' Skills and virtues

Interviewees were asked whether their skills and virtues had increased after participating in the RSSS process. Those who supplied “yes” answers represented sixty-six percent, while 19 percent could neither confirm nor deny their skills and virtues had increased. The remaining 15 percent admitted they actually did not follow proceedings and the technical wording of discussion papers made it difficult to comprehend the issues.

One of the respondents who attested to the increase in skills and virtues stated that “the workshops, town hall meetings and deliberative forums enabled participants to generate more well-considered opinions after they had the time and the opportunity to become more informed, and thus acquired more knowledge about the issues”. Participants in deliberative forums believed the exchanges and interactions enabled them to become more politically engaged and that their political interest had increased.

Access to Information

Respondents were asked whether state and non-state actors had equal access to information in the course of formulating the RSSS. A majority 70 percent of the interviewees disagreed, 18 percent supplied positive answers, and the remaining 12 percent was unsure of the response to give. A representative of the PRC revealed that, “to enable Ghanaians in the Diaspora to be included in the RSSS process, the commission ensured that the full text of its report was published on the government’s Website”. It also “made 1,200 copies of the report available for free distribution to ordinary Ghanaians and other stakeholders”. Yet a respondent queried that, “participants outside the national capital could not access important discussion material in advance”. Another proffered that, “government agencies appeared to have more information than CSOs as this reflected in their possession of up to date information that was not readily available to societal actors”.

Mechanism of Participation

Interviewees were asked to state the techniques or tools of participation that were used in the RSSS process. A majority of the respondents (80 percent) identified participatory tools such as workshops (at national and regional levels), electronic media (radio and television) information campaigns, public forums and focus group discussions, plus town hall meetings and public comments. Seventy-four percent proffered that electronic and print media increased awareness of the RSSS process and allowed for live discussion of the issues. This was confirmed by the commission which stated that the exercise gave people residing outside Accra the chance to participate in decisions that affected old age income security. These meetings and face-to-face town hall meetings were often preceded by series of extensive radio and television discussions of issues such as the rationale for the reforms, the mandate of the commissioners, and the role of the public in formulating a sustainable social security plan. The media discussions afforded oppor-

tunity for individual citizens to phone into live programs and seek clarifications, ask questions, or make suggestions about the reforms. This shows that control of the media discussion processes was shared by both state and non-state actors. Such shared control processes can help stakeholders analyze problems; describe local situations, and rank preferences or options according to perceived importance. The PRC published an interim report which was made available for public comment. The public comment led to the revision of the report that captured and addressed CSOs concerns.

Through the examination of the techniques of participation identified by respondents, it can be deduced that the RSSS exercise had both strong and weak participatory mechanisms. Some instruments such as workshops, interest group meetings, radio and TV phone-ins as well as public comment had stronger participatory elements than instruments like print and electronic media campaigns. Information campaigns are a one-way process that educates the public about some policy initiatives and objectives but do not permit client input to a choice (Bridgman and Davis 2004). In contrast, workshops phone INS and interest group meetings, involve opportunities for public input. This implies if the input is opposed to the policy proposal, decision makers may find it wise to withdraw. They are not obliged to do so; consultation offers input but not a veto for individual or interest groups on policy. Thus, even though policy makers involved civil society groups in virtually all the stages of the RSSS process, they did not hand over control of policy making to them. Yet, because civil society groups continue to be invited to subsequent episodes of participatory exercises, they may be gradually gaining experience and expertise in many policy areas. With time, the experience and knowledge gained may enable them to develop into policy communities—regular meetings of the key interests in a policy field—with an opportunity to broker agreements (Sabatier and Jenkins-Smith 1993).

Impact of participation on Policy

Participants' impact on policy was determined by assessing whether their input reflected in policy content and actually brought about policy revision. Sixty-six percent of interviewees confirmed it did. For example, a representative of the PRC proffered that, "the process created a platform for tapping the views of the public in the framing of final policy options". The PRC said although differences existed between stakeholders as to the exact form the new pension scheme should take, they were unanimous in recommending a supplementary social security system to help diversify retirement income. The major differences among the actors centered on the differential treatment inherent in the existing programs (Government of Ghana 2006). For instance, CSA and NAGRAT argued that one of the existing schemes (social insurance scheme) should be phased out for all Ghanaian workers to participate in existing alternative plans such as the CAP 30 plan. However, the GEA, the GIA, the TUC, and GMA insisted that since CAP 30 was also a drain on the national economy, it rather should be abolished to allow for the social insurance scheme to be reformed in order to include some of the features of the CAP 30 scheme. Officials from major government ministries and agencies like the SSNIT weighed into opposing sides of the argument.

To resolve these differences, the commission organized a problem-solving workshop for all the civil society groups and individuals who had major differences on the definition of the social security problems and options for reforms. Recommendations from the workshop informed the interim report which the PRC later made available for public comment. The opportunity for public comment enabled informal sector organizations such as the GPRTU and the AGI as well as the National Association of Garages (GNAG) to point out that, the options recommended for reform could not address the income security needs of the bulk of Ghanaians who work in the informal sector. The final report addressed and reflected the concerns from the public.

Legitimacy of Participation

Interviewees were asked whether they supported and accepted the processes and the outcomes of the RSSS exercise. A majority of the respondents (71 percent) reported they were satisfied with the level of openness demonstrated by the PRC at the workshops and town hall meetings. One interviewee applauded that, “the PRC did not hijack the process rather it allowed open exchange of ideas among participants”. Another praised that, “the fact that the final RSSS draft document was made available for public comment implied the PRC valued the opinions of non-state actors”. However, other respondents such as those from the TUC queried that information and essential documents were not readily available in a timely fashion to aid discussions. A former participant regretted the “exclusion of marginalized and unorganized groups such as community-based organizations from the RSSS process so it was unlikely those groups endorsed the outcomes of the exercise”.

DISCUSSION

The analysis has shown the involvement of myriad organizations both formal and informal in public policy-making in Ghana under the new democratic dispensation. The cases demonstrate that the spaces of participation have increased and have become much more open, with improvements in the design and implementation of public policies. Nevertheless, the situation is far from satisfactory because marginalized and unorganized groups still suffer alienation; official actors still have a stronger urge over non authoritative players in participatory episodes; and elected and appointed participants still have informational advantage over their non state counterparts. Together these minutiae adversely affect the quality and effectiveness of participation, and this throws into question the legitimacy of the democratic governance project in Ghana.

The genuineness and effectiveness of participation of citizens was tested in a range of areas including opportunities for participation; depth of participation; quality of participation (diversity of participants, participants' knowledge, participants' skills and virtues, access to information, mechanisms of participation); impact of participation on policy; and legitimacy of participation.

Government identification rather than self identification of participants alienated certain constituencies particularly in the RSS process. Such restricted access prompted Woodford and Preston (2011) to declare that as a democratic tool, participation is a contradic-

tory process. On one hand the state encourages citizens to get engaged. On the other, it leaves them dependent on government officials for access.

In regard to the depth of participation officials actors (appointed and elected officers) were involved in more of the stages of the Review of the 1992 Constitution and the RSSS processes than non authoritative players. But theory predicts that engagement will be continuing and will involve all stakeholders throughout the policy process (Sheedy, 2008). Moreover, because citizens are most commonly not empowered with policy-making authority, they were certainly not part of the final policy stage.

The quality of participation was assessed along a number dimensions including diversity of participation, participants' knowledge, participants' skills and virtues, access to information and mechanisms for participation. There was a spurious relationship between number and diversity of participants, and quality of participation. As the evidence showed, although participants in the Constitution Review Process were much diverse and disproportionately bigger in number than their counterparts in the RSSS, the latter had better capacity to deliberate and influence each other as well as the direction of policy than the former. This is consistent with Boon and Melby (2000) reflection that mere participation does not necessarily mean equal consideration of the issues, equal influence or satisfaction of all participants.

Other variables that were negatively related to quality of participation and were experienced to different extents in the Constitution Review and RSS processes were discernible. The variables were participants' knowledge (52 percent versus 61 percent); participants' skills (58 percent against 66 percent); access to information (55 percent versus 16 percent); mechanisms for participation (narrow range compared to a wide range) for the former and latter respectively. Yet in relation for example, to the different ranges of the mechanisms of participation and access to information in the two cases studied, theory fails to acknowledge that the way participation is conducted and its impact on participants will vary according to the characteristics of different policies.

Also the ability to deliberate and justify stands, the positive feeling derived from involvement, and the sense of accomplishment that led to more political engagement, were greater for participants in the RSS process than in the Constitution Review process. Thus, the superior experiences of participants in the former more aligns with the literature which posits that citizen involvement impacts democracy in that it increases public engagement and encourages people to listen to diversity of opinions (Michels, 2011).

Likewise, although participants in both the Constitution Review and RSSS processes said they impacted policy, the proportion was slightly bigger in the latter (66 percent) than in the former (63 percent). Yet unlike the RSSS process where participants had near equal influence and capacity to deliberate to impact policy, the suggested reforms in the former were drawn disproportionately from elite and well organized individuals and groups. This is contrary to theory which opines that empowered participation processes require relative equity of power between citizens, and imply voice and agency, a feeling of power and effectiveness with real opportunity to have a say (McCoy and

Scully, 2002: 118). Thus, legitimacy concerns were higher in the former than in the latter.

RECOMMENDATIONS

The paper has shown that opportunities for participation for marginalized and unorganized groups are extremely limited or unavailable. Efforts should therefore be made to expand access to all and sundry rather than privileging some individuals and groups over others. This recommendation is made even though Bridgman and Davis (2004) acknowledge that access to participation is seldom distributed evenly. They argue that it is always easier to deal with interest groups who can speak authoritatively for their members. However, there is a risk such groups will eclipse other representative but less organized interests, or fail their members by not being representative at all.

Individuals and groups outside government expect involvement in the entire policy making process. But stakeholders, mostly non state actors, complained of alienation from many stages. So politicians and bureaucrats must find ways to discuss with relevant communities of interest and draw them into the policy process, while avoiding unreasonable delays, simple vetoing by unrepresentative groups and abrogation of responsibility to vested interests.

The quality of participation can among others be improved through addressing information asymmetry between state and non state actors, enhancing people's capacity to participate and prioritizing stronger participatory mechanisms over weaker ones. In reference to information asymmetry for example, policy makers and bureaucrats should move away from the assumption that, 'engagement dilutes one's power and control of information' (Institute on Governance, 2005: 16). Fostering awareness and education are suggested ways of realizing such change (Watling, 2007). Also depending on the nature of the policy, stronger participation mechanisms like town hall meetings, focus group discussions and TV and radio phone-ins which allow client input should be emphasized over information campaigns which create awareness of the issues but do not satisfy those looking for more meaningful interaction.

Participation offers input but not a veto for individuals or interest groups on policy choices. So in order for citizens to know whether they have impacted policy they should be given feedback about how their input was utilized in the policy process as well as the rationale for the final policy decisions (Phillips and Orsini, 2002). Yet such complete disclosure will encounter problems. In particular, many high-level policy processes in government (for example, cabinet deliberations) are confidential (Turcotte, 2010), and hence transparency is limited. These barriers should not be minimized in anyway. However, in some cases like the Constitutional Review process where the government promised to put the proposed amendments to a referendum for endorsement or otherwise but reneged on that promise is unacceptable. It denied citizens the opportunity to know how

Abdulai Kuyini Mohammed is a lecturer at the Department of Political Science, University of Ghana. Emails: mkabdulai@ug.edu.gh, zaayura@hotmail.com

their input was used. As Bridgman and Davis (2004) note, this does not build trust and credibility in participatory processes and in government.

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ISSN 1662-1387