



PEF

# PRIVATE ENTERPRISE FOUNDATION

*Workshop on*

**"BUILDING PARTNERSHIP WITH PARLIAMENTARY  
COMMITTEES - A PRIVATE SECTOR / LEGISLATURE  
NETWORK ON POLICY & LAWS FOR EFFECTIVE  
GOVERNANCE"**

*Held at*

Coconut Groove Hotel, Elmina

*on the*

25th - 27th February, 2000

*Sponsored by:*

KONRAD ADENAUER FOUNDATION

# CONTENTS

	<i>Page</i>
Introduction .....	
Welcome Address .....	7
Statement by Nana Yeboah Kodie Asare II .....	9
Building Partnership with Parliamentary Committees .....	11
Some thoughts on the Process of Democratization in Contemporary Ghana .....	18
List of Participants .....	32

# Introduction

The Ghanaian private sector has been designated as the engine of growth in the country's new development strategy. This new role of the private sector is no doubt a challenging one. This is because the private sector is expected to play roles hitherto the preserve of the state.

However, in spite of various efforts aimed at engendering an interface between the public sector and the private sector, there appears to be insufficient shift in the perceptions and treatment of policy makers of the Ghanaian private sector. The relationship is still characterized by some misunderstanding, mutual suspicion and lack of appreciation of the basic tenets of state policy and conditions that would ensure unimpeded operation of the Ghanaian private sector in contemporary global business environment.

The legislature, though well-intentioned in its legislative processes and procedures, appears not to fully understand the mechanics and operations of the Private Sector. Some members in the august house are easily prone to dismiss the private sector as not serious and untrustworthy. Channels of communication for purposes of soliciting private sector views are not properly defined and therefore not fully recognized to facilitate the consultative process for the mutual benefit of the partners.

It is for the above reason that the Private Enterprise Foundation and its major collaborator, the Konrad Adenauer Foundation, a German NGO working in the area of democratic governance and social advancement have decided to pool resources to put up a workshop on "Building Partnership with Parliamentary committees- A Private Sector/Legislature Network on Policy and Laws for Effective Governance.

The workshop organized at the Coconut Grove Hotel, Elmina on February 26th, 2000 therefore offered a rare opportunity for Private sector representatives and members of some select committees and the leadership of the house to meet in an unstructured and less formal ambience to: -

- i) Establish acquaintances and map out their own levels of interaction
- ii) define and design their agenda for consultations particularly during the tenure of the present parliament and beyond
- iii) share thoughts on how to lower tensions in the economy and
- iv) use the committee system as a conduit for providing vital research input to members of parliament to enrich their contributions to the enactment of laws in the country

## **Presentation I**

The plenary of the workshop was addressed by two Speakers representing the Centre for Democracy and Development and (COD) and the Institute of Economic Affairs (IEA). Their presentations centered mainly on the need to sustain the relative political stability through effective dialogue among all key stake-holders in the policy formulation process to ensure peace, stability and maintain investor (both local and foreign) confidence in the economy.

In the view of Mr. Buabeng Asamoah of the CDD, interaction between the private sector and the state policy makers has seen a marked improvement, as seen in levels of collaboration at investment fora and missions both local and foreign. He however said that both sides have clearly different perceptions of what propels the engine of growth. Tracing the history of the reasons of the divergence, Mr. Buabeng Asamoah said that during the colonial era the colonial economy was based on a philosophy of exploitation, hence, after independence central planning was superimposed on the colonial legacy. This largely neglected the nascent entrepreneurial class thereby crowding them out. They said further that the military interventions in the governance of this Country did not produce any philosophy which provided any coherent departure from central planning. Thus, by the early 1980's the economy was in shambles necessitating the introduction of the IRP/SAP to salvage the situation.

Mr. Buabeng Asamoah intimated that the root cause of the inability to appreciate the private sectors' needs nor comprehend Government's economic policy is the circumstances both sides have had to deal with each other over the years. He said that if economic stability is to be maintained, then the legislature has to exercise its oversight prerogative more vigorously. Parliament should in this exercise legislate and regulate the use of state resources for political activism, thus politicising the economy. Also, it should be noted that of late, every economic decision has some dollar implication. The Bank of Ghana should demystify the dollar by abolishing the second window, while larger forex bureaux could be licensed into mini banks all in the attempt to enhance the performance of the bureau and thereby bolster public confidence in depositing their foreign exchange in those banks and increase prospects for increased tax revenue to the state.

To curb the perennial inflationary effects on the economy as a whole and the private sector in particular, Mr. Buabeng Asamoah suggested preferential lending to industry as a means of improving capacity utilisation and exports to generate increased forex.

Another way of reducing the pressures in the economy, he recommended, was the need to spread the tax net very broadly, whilst strengthening the collection mechanism. Mr. Asamoah also noted the need to develop manpower needs of the state based on preferential sectorial needs for specific periods at a contributory cost to the end user. He further indicated that to carry forward policy changes and sustain development, partnership must be forged between the state, the private sector and civil society. In this way, the organised private sector will proactively engage Parliament since it may lack the experience and expertise on some policy issues. He intimated that the interaction will provide further opportunity for the Committees of Parliament to learn the weaknesses and strengths of the private sector and participate in the search for common solutions. According to Mr. Asamoah central to the consultation must be the collective determination and desire to build broad consensus on policies and legislation to support local private sector.

## **Presentation II**

In his presentation, Professor Mike Oquaye of the IEA was of the view that there is the urgent need for the private sector to finance Parliament, since the institution is handicapped: He said that since laws passed by Parliament eventually affect the private sector, the sector must be prepared to cultivate Parliament. In this way, the private sector will be able to influence decisions of the legislature. Professor Oquaye further intimated that, the private sector can help in levelling the electoral playing field by supporting the electoral commission, as well as the empowerment of women who contribute about 51% of total national population yet their representation in parliament is under 10%. He was of the view that, since Parliament has a weak position to initiation of law and law drafting that capacity

should be built to enable private member's bills to be drafted independently of the executive. Professor Ocquaye also indicated that, Parliament is weak in the monitoring and follow up on its recommendations, and this is where the Business community could assist the Parliamentary Service. He also forcefully drove home the point that the issue of corruption cannot be linked to any one political party. The private sector should champion its eradication as a national priority.

He also intimated that the power of appointment to various MDAs and the independent institutions is not an issue for only the legislature but also the business community. The business community should be much more concerned with the type of persons being appointed to positions of responsibility. The business community should be submitting memos and making recommendations on appointments before they are made. The Private Sector needs to have the people they can work with. He said that in order for the Country to attract the right investment, the issue of appointment and dismissal of judges counts a lot. In this vein, he advocated the representation of the business community on the legal counsel. The Professor was not particularly happy with the constitutional provision regarding the appointment of judges to the supreme court and the size of the Supreme Court which in his view could be abused by the executive.

In the ensuing discussion it became clear that Parliament has little input into policy affecting the private sector. This position has been attributed to lack of a credible research base to equip Parliament with the necessary data. The situation as at now is that it is only the private sector that should influence the legislature through lobbying in order that their views may influence the formulation of policies that affect the operations of the sector

#### Group Discussions

Participants were divided into the following three groupings and assigned the under-listed topics to guide their discussions.

##### *Group one: financial Committee*

- Vat
- Expenditure Control and Monitoring
- Pension Funds
- Independence Of The Central Bank /Public Sector Borrowing Requirement

##### *Group 'two: Committee' On Trade, industry and tourism*

- Export Development and Investment Fund Bill
- Tariff Differentiation and Competitiveness
- Customs Procedures

##### *Group Three: Committee On Employment and Social Welfare*

- Labour Unemployment
- Pension
- Health Insurance.

#### Finance Committee

The Finance Committee reported that the economic policies of Government including issues on loans are normally presented to the Finance Committee of Parliament for scrutiny after which reports are submitted to the House. It was indicated that though the performance of the Committee had been satisfactory, the technical back stopping is inadequate. This is where there is the need for the



private sector to support the finance Committee of Parliament. Reference was made to the fact that the example of the TUC which maintains a liaison in Parliament could be copied by the PEF. In this way a permanent liaison could be linked with the private sector.

### **Recommendations**

The following recommendations were also made; that PEP should determine Committees in Parliament to deal with on private sector issues Parliamentary Committees' issues should also be brought to the eyes and ears of the Speaker and the leadership; PEP must also have access to the official publication of the house (Hansard) for perusal The Private Sector should frequently meet informally with MPs and lobby them for the desired results. On the issue of the VAT (Amendment) Bill, the PEP is requested to present as a matter of urgency information on the bill to the appropriate Committee of Parliament. The Committee however noted the important need to link the increases in the VAT rate to the enactment of an Educational Fund Act. On the issue of expenditure control, the committee noted that the items of Government expenditure are mainly on development projects whose political benefits are obvious but could lead to the crowding out of the Private Sector. It was unanimously recommended that there should be productive use of resources.

The issue of interest rates and inflation were discussed at length. It was noted that inflation could be from money supply, agricultural production and currency depreciation etc. It was agreed that the spread between the deposit rate and the lending rate is too wide. To keep an eye on inflation, it was recommended that the exchange rate should be watched carefully while priority should be given to agriculture. While some participants hold the view that small scale holdings should be consolidated, others thought that there should be structural transformation in agriculture production. PEF is being requested to prepare a paper on this matter. On the issue of the independence of the Central Bank; the Committee recognised positive developments in this area. Some argued that the independence of a central bank relates to its focus. Whilst in other countries, the Central Bank's role is primarily to control inflation, Ghana's focus is much more than that. It is very divergent and conflicting

### **Committee on Trade, Industry & Tourism**

The following observations and recommendations were made:

#### ***EDIF Bill***

Using the proceeds of divestiture as a source of funding is not sustainable because of the state of the remaining companies on the divestiture list. Nevertheless, the percentage of proceeds from Divestiture towards funding, the EDIF should be increased if this source cannot be done away with. The effective date of application of proceeds from the divestiture should not be retrospective since, practically, it will not be feasible. The proposed 10% deduction should be on the gross and not on the net of the proceeds. The 0.5% levy on imports must be reviewed upward. On the composition of the Board it was agreed that it should be dominated by the private sector as against the public sector so as to do away with certain bureaucratic influences. Appointment of supporting staff should be the prerogative of the Board. The Board should make a clear distinction between fund and credit management. It should concentrate on fund management and leave the credit management to the financial institutions. The Board should also be granted borrowing powers to be guaranteed by the Government. The marketing of exports should never be relegated to the background if the fund is to achieve its desired results.

### **Tariff Differentiation and Competitiveness**

In protecting our local industries, the quality of their product should never be compromised so as to guarantee the safety of the consumer. Tariff differentiation should aim at ensuring fair competition

to accelerate Growth. On the issue of subsidy, it was agreed that as far as it will benefit majority of the people its abuse by a minority should never in any way distract its good intentions. VAT since its inception has put certain companies in a disadvantaged position. Examples of such companies are the pharmaceutical and the paper producing firms. A second look must be taken with the view to salvaging such firms from total collapse.

#### Custom Procedure

Custom procedures should be reviewed to reduce the constant confrontation between Custom officials and the Business Community. Such procedures should be administered as it is in the law and not what the people in top hierarchy think. In other words, the procedure should be applied in a more business friendly manner.

#### Committee on Employment & Social Welfare

The following observations and recommendations were made:

The Employment Committee in its report recognised the rampant labour unrest in the Country and made an attempt to identify some of the root causes as follows:

- + That the emergence of the revolution and the new democratic dispensation have created a Situation where workers right are more forcefully articulated
- + Disregard for existing laid down procedures by both management and workers
- + Lack of education on workers' rights and responsibilities
- + The general unfavorable socio-economic conditions
- + Outdated labour laws which need to be reviewed to reflect modern situations
- + Delay in response to address workers' concerns
- + Lack of job satisfaction and unfavourable conditions of service coupled with low wages
- + Impact of globalisation on labour movement
- + Educational reforms where more youth are entering the labour market earlier than expected.

Another major issue of concern is the high unemployment rate arising from: economic, education, population increase, urbanisation, improvement in technology leading to hi-tech automation, lack of right policies and implementation e.g. IMP conditionalities, divestiture and redeployment.

#### Recomendations

With regard to pension, the group recommended a review of the existing pension scheme and the introduction of an alternative pension scheme; review the composition of SSNIT Board to cater for stakeholders' interests. With respect to health insurance the group was of the opinion that it is long overdue and recommended the report on the pilot scheme project should be published for public discussion. The group identified another pertinent issue -welfare and agreed that old age and its attendant problems should be seriously tackled. As regards disability, members proposed a review of the present policy. The issue of plural labour unions would pose new challenges and therefore there may be the need for an enabling legislation to deal with the new situation. The absence of labour tribunals to offer specialised adjudication in labour trials and the speedy resolution of labour issues was a matter of great concern. The absence of punitive labour sanctions for breaking labour laws especially illegal strikes were also observed with regret.

It was recommended that the private sector and parliament should co-operate and make the necessary argument for dealing with such issues. The absence of TUC was observed. It was recommended that

in future labour should be involved in such discussions.

**Resolution**

Participants unanimously agreed that a high powered delegation from PEP should seek audience with the Honourable Speaker and the Leadership of Parliament to brief them on the outcome of the workshop and the recommendation arising there from.

**Closing Remarks**

The Minority Leader Mr. **J.H.** Mensah thanked the PEF/KAP collaboration for the incisive workshop. He requested that SSN IT should endeavour to present to Parliament details on the usage of social security contributions. The Chairman on behalf of PEF and KAF thanked the participants for their fruitful deliberations. He was hopeful that more of such Parliament/Private Sector interface will be organised in the future. The Workshop ended at 6.35 p.m.

Welcome Address by The Director- General of the Private Enterprise Foundation  
(PEF), Mr Kwasi Abeasi at the PEF/KAF Seminar  
at Coconut Grove for Parliamentary Committees and their  
PEF Counterparts 25th - 27th February 2000

Good Morning Ladies and Gentlemen

Mr- Chairman,

Honourable Deputy Speaker of Parliament,

Resident Representative of Konrad Adenauer Foundation,

Honourable Members of the Parliamentary Select Committees for Finance,

Members of the Governing Council of PEF

Distinguished members of the business community,

Distinguished members of the Media

Distinguished Ladies and Gentlemen,

On behalf of the Private Enterprise foundation and the Konrad Adenauer foundation, I would like to welcome you all to the Coconut Grove for this networking and bridge building seminar. We will like to thank you sincerely for responding so positively to our invitation in spite of your very busy schedule. Indeed, in planning this seminar, our difficulty was to find a time which would be suitable to a majority of you without making it wait too long into the year because we wanted to make this the start of a regular relationship between the private sector and parliament.

Globally, it is an accepted fact that there is a new development paradigm which recognizes the private sector as the engine of growth. This means that the private sector has a new role to play in the development equation. A proactive role which required that the private sector be reorganized, reoriented and empowered to take on some of the activities that had hitherto been handled by governments.

While some progress has been made in getting the private sector prepared to take up this new role, a lot also remains to be done to empower that private sector. It is in the creation of an enabling environment and the empowerment that we consider the relationship with parliament as very important and crucial. It is our hope that our meeting today away from the hustle and bustle of Accra will rekindle that spirit of co-operation between the private sector and parliament which was started back in 1997 but which we could not nurture for several reasons. This year being an election year brings its own problems but even more importantly we all recognize that this year will be a difficult and challenging one. We therefore could not have met at a better time to establish a relationship which will allow us to develop a relationship that will take full advantage of the synergies between the efforts of the private sector and parliament. We need to establish a mechanism for continuous dialogue and interaction between parliament and the private sector.

Globalization, Liberalization and Privatization are new phenomena that have become important in the development process that we need to understand and deal with together. An old concept which has been given a new and increased relevance in development process is regionalism (i.e. co-operation and integration) and again we have to deal with this together. Indeed, since the end of last year when the two Presidents of Ghana and Nigeria H.E Olusegun Obasanjo and Lt Lt J.J. Rawlings decided to put the economic co-operation and integration of the two countries on a fast track, a lot of meetings and activities have taken place including a meeting of the two private sectors in Lagos and Abuja. All these will put unavoidable pressures on us this year and the coming year that requires a genuine co-operative partnership between the private sector and the legislature or parliament.

Distinguished Ladies and Gentlemen to start this historic process, we have asked you here this morning. For an occasion like this we of course need someone who knows and is part of the private sector, who has been involved in the transformation and the ongoing re-engineering of the private sector to chair the function. It is my pleasure therefore to introduce the chairman for this occasion Nana Yeboa Kodie Asare II known in private life as Mr. Ben Addae. Nana is a lawyer by profession and an accomplished businessman. He is the Managing Director of KIKU Ltd specialists in shrimp exports and an award winner in on Traditional Exports for over four consecutive years causing it to be pensioned two years ago from GEPC 's export Performance Awards. He is also into other areas of business including the processing of Cocoa another critical area for our economy. Nana is the President of the federation of Associations of Ghanaian Exporters (PAGE) but more importantly for this occasion, he is the President of the Private Enterprise foundation (PEP) having been a member of the Governing Council since its inception 5 years ago. Ladies and Gentlemen, I present to Nana Yeboa Kodie Asare II, our chairman for this morning.

...

**Statement by Nana Yeboah Kodie Asare II, President of the Governing Council of the Private Enterprise Foundation (PEF) at the opening ceremony of the workshop on Building Partnership with Parliamentary Committees – a Private Sector/Legislative Network on Policy and Laws for effective Governance held at the Coconut Grove Hotel, Elmina, February 25 – 27, 2000**

Hon Deputy Speakers of Parliament,  
Hon Members of Parliament,  
The Resident Representative of Konrad Adenauer Foundation,  
Colleague Council Members of PEF,  
Distinguished Association Executives,  
Fellow Businessmen,  
Members of the Press,

It is with a great sense of humility and honor that I accept to chair this historic meeting of honorable members of Parliament and business Executives to examine strategies of collaboration in our collective desire to move the democratic process forward.

Exactly three years ago on March 9th, 1997, the Private Enterprise Foundation with sponsorship from USAJD organized a one-day forum at the Volta Hotel, Akosombo for the public sector, business practitioners, politicians, major economic institutions and high profile public sector operators to:

*"deliberate on the economy and the way forward, find a way of achieving a viable public-private sector partnership, and to prepare an agenda for a follow up policy dialogue meeting in the United State of America, in May 1997."*

For the benefit of those honourable members who were not at that forum, discussions were frank and open among people on both sides of the political divide. They also showed a lot of commitment and willingness to co-operate for the good of this country. The same spirit was carried over to North Carolina during the follow-up conference in May, 1997.

The broad consensus that emerged from the Akosombo forum included the following:

*"that there is the urgent need to enhance the interface between the private sector and the public sector through the establishment of both strategic and technical partnership committees to include all stakeholders and people of varying political orientations to constantly dialogue on policy choice."*

Since then and has been our modus operandi, the Foundation has pursued prudent strategies and programmes aimed at establishing and confirming the accolade of the private sector as Engine of Growth and a credible partner of the public sector in accelerating the economic development of Ghana. Indeed, PEF has offered a platform from which the Ghanaian private sector can dialogue with its partners in the public sector with a view to making significant input into broad policy framework and the regulatory environment. In this regard, PEF has built modest network into Government Ministries, Departments and Agencies and has as a result managed in the past 2 years to institutionalise a bi-monthly meeting with the office of the Vice President.

It is therefore the desire of the Governing Council to nurture a lasting partnership with the

legislature as a means of enhancing the consultative process and thereby assist in fine-tuning pending legislation and broad public policy. We believe that the benefits that would accrue from this initiative are too enormous to recount here.

However, let me mention a few of the benefits that we think we can derive from this partnership. We expect that the business environment would be greatly improved through the passing of acts that have positive impact on the private sector. Again, through this partnership, we anticipate a more private sector friendly legislature supportive and sympathetic to the cause of the private sector. In this regard, we hope your sympathy would find expression in the way you will handle issues dealing with some of the nagging problems of the private sector including corporate taxes, the VAT, labour laws and long term industrial development funds.

As legislators, you require tremendous amount of information and research data to enable you execute your work efficiently. It is however unfortunate to observe that you have serious constraints in that direction and this is where we think the partnership we are forging today can be of immense mutual benefit. Skeptics are likely to dismiss this overture we are making to be too late in the life of the present parliament. On the contrary, I am optimistic of the prospects for your limited period and more importantly, the future parliament. Needless to say, some of you will definitely be returned to the next Parliament and a relationship now will be useful.

On the structure of the workshop itself, as you might have read from the background paper, we intend to keep it as informal as possible. However, for purposes of maximizing the benefits of the time spent here, the directorate has identified some key issues to guide the committees' deliberations. The list provided for each committee is by no means exhaustive. I wish therefore to advise that you are at liberty to add to it or remove topics that are not exciting.

In conclusion, I wish therefore, to thank you once again for making time to honour our invitation to attend this workshop. I hope you would find the time spent here worthwhile and refreshing. We on our part promise with the help of our collaborators like the Konrad Adenauer foundation to keep such meetings regular.

Thank you.

**Building Partnership with Parliamentary Committees -  
a Private Sector/Legislative Network on Policy and  
Law for Effective Governance**

*Presented by: Yaw Buaben Asamoah*

#### OPENING REMARKS

It is with a high sense of privilege and honour that I sit before you today to deliver this brief presentation on behalf of CDD.

I am also extending the thanks of COD to you. Your invitation implies a recognition of CDD's efforts in trying to advance the course of discourse and hence consensus building in our fledgling democracy.

#### INTRODUCTION

CDO is a private not-for-profit think tank devoted to advancing the cause of liberal democracy. It is CDD's belief that in an atmosphere of predictable development, liberal economics should correspond to liberal politics and democratization. Therefore, as an adjunct to CDD's interest in liberal democracy and by extension liberal economics, CDD is interested in the development of the private sector. This is because the private sector may form a better basis for effective economic decentralization which in turn gives real meaning to political decentralization.

In the spirit of the invitation, this presentation, brief as it is, will seek to provoke the minds of honourable ladies and gentlemen assembled here on fundamental issues of policy and the need for strong and novel legislation to enable our economic "engine of growth," take off. Most of it is my personal opinion and not that of CDD as an organization.

By the nature of the task it has set itself, some of the views in this paper might seem unorthodox, but every fundamental change in policy has always been perceived by the policy makers of the day as a risk not worth jeopardizing the status quo for. However, our state of affairs now as a nation, calls for heretical radicalism or gradual atrophy. I prefer radical change with exciting uncertainty any day to quiescent emaciation in comfortable moth balls.

The presentation will cover:

1. Background to the present relationship between the government/state and private sector.
2. Some Policy successes and shortcomings.
3. Effective engagement between legislators and private sector
4. Challenges.

#### BACKGROUND

Undoubtedly, compared to a short while ago, interaction between the private sector and government state policy makers has seen marked improvement. The level of collaboration on investment for and missions both local and foreign, the high points of which have been Akosombo and North Carolina, are symptomatic of the increased access of private sector advocacy groups to state/government policy makers.

Yet, both sides feel that the ongoing level of interaction-though well intentioned-has not yielded the desired sense of wellbeing. Whilst the private sector grumbles that government policy seems designed to increase revenue at the expense of the creators of wealth, government often calls on the private sector to take advantage of the "enabling environment." Clearly, perceptions of what propels the "engine of growth" are different.

Some of the reasons for the divergence of expectation and understanding between the private sector and the Government/State may be found in the historical development of the relationship between the two sides.

## **HISTORY**

Pre-independence, the colonial economy was based on a philosophy of exploitation. Development targeted the then profitable extractive sector and a political/bureaucratic structure designed solely to manage the flow of resources off shore was installed. The colonial economy also encouraged the growth of plantation barons and merchant princes. After independence, central planning was superimposed on the tenuous colonial economy. Marketing Boards were strengthened, and revenues invested in a huge import dependent state led industrial drive which was supposed to lead the nation into modernity.

The command economy neglected the nascent entrepreneurial class created by the colonial economy and even actively crowded them out.

The era of military management with brief interventions of civilian rule did not, I dare say, consciously produce any political philosophy which provided a coherent departure from central planning. Disparate elements of market behaviour were introduced on an ad hoc basis but on the whole, the state sought to tighten its grip on a slowly slipping publicly managed economy. By the late 70's and early 80's the formal economy was on its last legs. The Government of the day decided to bring in the Bretton Woods institutions to help salvage the situation.

In 1983 the Government finally sought to dismantle the dirigist estate by attacking its fundamental plank -state enterprises-through Privatization.

Also, as part of the international imperative to conform, Ghana switched to a liberal political dispensation with representative structures. Law for the people, by the people's representatives. However, our new Members of Parliament have to contend with the political baggage of several years of an Executive used to taking decisions alone.

The private sector, only recently emerging from its' background status, unsure of its internal capacity and under-resourced had not been adequately prepared to take advantage of the move towards privatization nor been in a position to extend its influence on the new democratic structures. Thus the root cause of the present inability to appreciate the private sector's needs nor comprehend Government economic policy is the inauspicious circumstances in which both sides have had to deal with each other over the years. This I believe is where we are now, as both sides feel the way forward through the fog of their earlier experiences.

## **SOME POLICY SUCCESSES AND SHORTCOMINGS**

Before the ERP, high inflation, large deficits and rapidly deteriorating infrastructure had brought the economy almost to a standstill. Government adopted fiscal and monetary reforms and invested in

infrastructural rehabilitation, measures which were largely successful. But the questions pertinent to us today are; whether we have an economic model in place within which to strategies? Should political considerations influence economic goals? How are financial resources to be treated? Is the economy being fed appropriate manpower? At the heart of these questions is the proper role of government in a liberal economy. Who gets what, how, where and when, to use for what, how, where and when. Let's examine three policy areas which affect the enabling environments.

## 1. Political Power Management

### a) Monopoly

The Ghanaian state is the center of wealth. This Wealth, coupled with the use of coercive force, equals power. It is no secret that to keep the power, the state's effective monopoly over resources has been sometimes used to browbeat perceived political opponents into submission. Even though several privately wealthy individuals are not necessarily opposed to the incumbent authority, because control over wealth could possibly translate into ultimate control, the powers that be would hardly take chances. As a result, indigenous private investment has been uneasily driven underground.

### b) Elections

Again, the use of state wealth as a means of power management has resulted in the sacrifice of economic health at elections. As Dr. Duffuor observed in a lecture to the Ghana Academy of Arts and Sciences in 1999, the deterioration in the economy started in the run-up to the 1992 elections and continued in the ensuing years. The little that was salvaged was again lost to the 1996 elections. The Minister of finance has stated that this electoral year no "political football" will be played with the economy.

### c) Bureaucratic Inertia

Due to the immense authority of the executive, the political will to take decisions is very low in the middle to upper reaches of the public services. Vital policy issues are left hanging. This creates delays and missed opportunities. Institutional reform, investments and other benefits are lost because decisions are not taken in time. The operative phrase is "go and come tomorrow."

### d) Politicization

Serious decisions of long reaching import for the nation are sometimes not discussed rationally. The perception is that where Government senses that public opinion is likely to be contrary, it offers up the red herring of "Politicization" to muddy the waters. The phrase "Politicization" confers on the accused a shady air of unpatriotic or worst still, active dissent.

## 2. Economic Management

### a) The Dollar

This economy was born and bred on external trade. Virtually every economic decision touches the dollar. In that wise, any policies which do not inherently generate dollars are likely to fail and the cedi will continue its dehydration from the diarrhea of floating against the almighty and elusive dollar.

A cursory look shows that some dollar inflow sources are; Private foreign direct investment which includes privatization revenues and loans; Donor support; Export of commodities;

Tourism and remittances including N GO grants and private individuals.

Government has direct influence over only two Sources-Commodity export revenues and Donor funds- but both are subject to strong influences well outside the purview of Government. On the other hand, dollar outflow sources are numerous and include capital flight more delicately referred to as repatriation from investors, traders, multinational firms in the extractive sector of the economy oil purchases; consultancy allowances and industrial inputs and merchandise imports. Some of these sources are aided somewhat by the myriad of tax breaks and concessions designed to attract investment.

Government itself consumes a great deal of forex on maintenance at home and abroad, including foreign missions and debt servicing. Individual players also hoard dollars for travel, Medicare, education and actual savings.

Obviously, our collective need is far greater than the economy's ability to generate dollars. But need we throw up our arms in despair, waiting for donor inflows and worrying about external shocks, whilst the cedi fast disappears? I believe radically imaginative policies may be considered. May be as a first step, the dollar should be demystified. Instead of issuing prohibitory edicts which cannot be policed, the Bank of Ghana should seek to become dollar friendly by considering some of the following ways:

- I) Rationalize the forex bureau system by abolishing the second window. When forex is acquired at a uniform price, the immediate incentive to go underground is subdued. Next, harness the potential of the bureau through standards which may lead to more market sophistication. In other words, license the larger volume bureau to the status of mini-banks, insist on a certain caliber of staff, better documentation and tax all transactions. The possible benefits include increased skill employment, deepening financial intermediation, increased tax returns especially on remittance income which is very largely and better control over stray private dollars. I leave the specifics to our imagination but the idea is to bring transactions in dollars into the open and take a cut on every transaction.
  - ii) De-emphasize the granting of investment incentives based on tax holidays Investment decisions in today 's global market place is made not on the basis of tax and incentive breaks alone but on stability predictability and the cost analysis of doing business in terms of corruption, redtapism and general ineptitude and insecurity.
- b) **Inflation**
- Inflationary pressures in the economy have been ascribed to excess money supply and thence demand. Keynesian style open market operations are used to restrict this demand by increasing interest rates to restrict credit. In my opinion, this tactic has over the years slowly strangled the productive private sector., The private sector's problem is not too much money but too little to fund the heavy unpredictable cost of doing business. If we are to accept, however reluctantly, that the inflation is supply sided and may be quelled by adequate supplies as bumper harvests always demonstrate then the logical thing to do would be to support productive industry to increase supply. I would suggest deficit financing of industry or in better language, preferential lending to the sector. The benefits of improving capacity utilization and productivity in industry would be

enormous; covering employment, a slowdown in imports, better resource utilization, increased generation of for ex from exports of value added and of course, higher income. Another way of reducing the pressure in the economy would be to spread the tax net very broadly, strengthen collection mechanism and lower the effective rates.

c) Trade Liberalisation

The extent of liberalization in trade is excessive. Its effects have been felt by the productive sector of the economy most. Fortunately, this year's budget seems set to do something about it. Unbridled liberalization is not healthy and is not practical anywhere.

3. Manpower

The lack of Political will is affecting our manpower development. The truth is that this country does not have a comprehensive manpower needs schedule. The skill needs of the globalised, information technology driven world economy has far outstripped the capacity of our educational system. What stops our policy makers from rationalizing out unwieldy tertiary sector? There is an imperative to develop total manpower need maps based on preferential sectorial needs for specific time periods at a contributory cost to the end user.

In other words, define some sectors, for example, agriculture, and by inference rural development, finance and health as crucial take off needs. Train agricultural economists, engineers, bio-chemists, food technologists, financial analysts, brokers, doctors, nurses and other health personnel for the next five years on a preferential fee free basis. Let other disciplines in on half scholarships and yet still others on full payment terms and open the market for student loans. Whenever the needs of the economy begin to change, then the preferential mix can be altered. The private sector may be encouraged to support areas of specific requirement. The sector would respond because the results would be tangible since the products of the tertiary institutions are likely to come ready to perform instead of having to be trained all over again by their potential employers.

#### EFFECTIVE ENGAGEMENT

To carry through fundamental policy changes and sustain national development, partnerships must be forged between government/state, the private sector and civil society. Of all the institutions of democratic governance, Parliament represents the best chance for citizen groups including private sector representatives and advocacy groups like PEP, AGI, chambers of commerce and mines and so on, to input into the policy deliberative and making process. Even though there may be Parliamentarians with a background in business, historically that has been the exception rather than the rule.

Even where Parliament is determined to understand and work with the private sector, it may lack the experience and expertise to do so meaningfully. This makes it necessary for the organized private sector to proactively engage parliament and especially the relevant committees gathered here.

Pot effective engagement, it is important to identify points of access to Parliament. CDD acknowledges that the crucial first steps have been taken but it is hoped that every opportunity will be taken to secure knowledge of the structure of these committees assembled here, the processes used in their deliberations, the calendar of their operations,

their inherent strengths and weaknesses. This will put the private sector and its representative bodies in a far better position to access the institutions of Parliament. On the other hand, this interaction should provide an opportunity for the committees to learn at first hand the strengths and weaknesses of the private sector and participate in a common search for solutions to overcome weaknesses and enhance strengths. Where the interface between Parliament and the private sector is strong, the use of private members' bill may be enhanced with the technical support of the private sector. Decisions will also be made quickly to enable delivery of effective value to the public.

## **CHALLENGES**

### **Oversight Prerogative**

If economic stability is to be maintained, our august lawmakers may have to sit up and exercise their oversight prerogative more vigorously. This will require dialogue and policies which depoliticize the economy. Depoliticisation of the economy is possible in spite of the interwoven nature of politics and economics in today's world. This is because a liberal economy is not necessarily a function of a liberal political space even though identically the two should move together. In the 80's for example, Ghana promoted free market policies-albeit partial but the policies achieved a measure of success in spite of the stifling political space.

Parliament can and should in exercise of its constitutional mandate legislate and regulate the misuse of state resources for political activism. Note that I did not say stop the use, which is impossible, but gross misuse is what must be toned down. Parliament should also be firm about bureaucratic rent-seeking, abuse of office and corruption.

Above all, Parliament must call executive authority to order irrespective of which party is in power. Under the constitution, the people are sovereign and a constructive abdication of the responsibility to serve them conscientiously in return for the coziness of political reward is a clear breach of the moral responsibility of Parliament.

### **Common Module**

Central to the need for consultation, cooperation and interaction is the forging of a consensus on a common model of development. We should determine the role of government in a liberal economy The Chambers Dictionary New Edition defines "liberal" as "generous, noble minded, broad-minded; not bound by authority or traditional orthodoxy." That means Parliament must be ready to be unorthodox or novel in its crafting of our economy.

Baroness Margaret Thatcher Yergin and Stanislaw, 1991 believes the basis of government in an ideal liberal democracy are as follows:

1. To keep prudent, sound finances
2. Ensure a proper foundation of law so that industry, commerce, services and government itself can flourish.
3. Defence
4. Education, because it is the road to opportunity
5. The social safety net which includes reducing a dependency culture and upholding the virtues of civil society.
6. Infrastructure and
7. Pure research

It is my opinion that given Baroness Thatcher's parameters in order of priority, our government is trying to do too much. In the process government is unwittingly stifling the private sector's ability to contribute to the development process. The closed door system of allocating economic choices which arises as a consequence of Governments intervention may also lead to rent seeking and corruption. Basically, the business of government should not be business.

In conclusion, parliament has a sovereign duty imposed on it by the constitution to legislate a dynamic liberal economy into being. Article 36 (1) of the 1992 constitution provides as follows:

"The State shall take all necessary actions to ensure that the national economy is managed in such a manner as to maximize the rate of economic development and to serve maximum welfare, freedom and happiness of every person in Ghana and to provide adequate means of livelihood and suitable employment and public assistance to the needy."

Sooner or later, Parliament shall have to stand up to the Executive over its prerogatives. The private sector is also duty bound to strengthen its advocacy capacity in the interest of the economy and people of Ghana as a whole. So far its voice within the rest of civil society has not been loud enough.

In any event, the chances of survival of liberal democracy in Ghana in the 4th republic depends significantly on the ability of the private sector to grow, generate employment and income and provide an alternative means of survival and prosperity outside government itself.

Above all, we must make a conscious effort to break with our past political history and take advantage of the Fourth Republic to forge a new spirit of consensus building.

## Some thoughts on the Process of Democratization in Contemporary Ghana. The Legislature, Executive and their impact on society

*By Professor Mike Oquaye*

### Introduction

This paper discusses aspects of the process of democratization in contemporary Ghana with reference to the principal organs of government and their impact on society which should be of relevance to politicians and business people alike. The Legislature, Executive and Judiciary constitute the main urns of government. They respectively make the laws; execute the laws as well as direct national policy and resolve issues of controversy. In the process, they constitute the milieu within which every business organization must operate.

### Parliament

In terms of self-governance and political representation, Parliament may be considered as the basic political institution in modern political thought. Short of a Greek system of direct citizen participation in governance, a representative institution is the gateway to self-governance. Parliament in Ghana, however, has suffered tremendously as an institution because of military intervention in politics. The insipid dissolution of Parliament on the occasion of every military coup (1966, 1972, 1979, 1981) has dissipated the systematic and sustained development of the institution. When the Parliament of Ghana's Fourth Republic was inaugurated in 1993, the institution had been in abeyance from 1981 to 1993. The ruling military government constituted the legislative and executive authority of state. Indeed, there was only one person who had had previous experience as the Member of Parliament. Neither did Parliament have an experienced staff to guide it. To cap it all, because of the boycott of the 1992 Parliamentary elections by the opposition parties which accused Rawlings' National Democratic Congress Party (NDC) of electoral fraud, Parliament lacked a true pluralistic flavour. In 1996, however a viable opposition emerged as a result of elections conducted that year. The trajectories of Parliament in the democratization process is what we now proceed to examine.

The first role of Parliament is that it is a House of Representatives for the people as a whole. In this connection, it is noted that MPs play a vital role in representing their constituents and echoing their interests. MPs have improved tremendously in keeping in touch with their people and serving their interest. This qualitative improvement has come about largely because of the keen competition for each Parliamentary seat available. Regrettably, however, several MPs have informed this writer that they are scared to visit their constituencies because of the incessant demands made upon them in cash and in kind by constituents. It seems that this is the result of abject poverty in the rural areas and the manner in which reckless promises are made by contesting candidates accompanied by monies and gifts at election time which in effect constitute vote buying. Unless this practice is curtailed several rural dwellers will continue to consider MPs as money bags.

In an African Parliament, an MP should vigorously fight for development projects for his/her people to be funded by central government as an integral part of the representative function. Generally, our current MPs are alive to this role. It has been observed, however, that several Districts which did not vote for the ruling party have been deprived of amenities. The first lady, Nana Konadu Agyeman-Rawlings has justified this discriminatory placement of development projects. The President himself and other leading members of his party have echoed this viewpoint giving the clear indication that MPs from opposition parties should not expect their development demands to be heeded. It is

the viewpoint of this writer that an equalitarian system should be devised whereby projects and amenities should be shared by some pre-determined formula. MPs will thus make demands as of right and perform a monitoring role which would ensure compliance by the Executive. This is one way of curbing the current subordination of Parliament to the Executive.

Gender balance in our pattern of representation also leaves much to be desired. Whereas women constitute 51 percent of the population, they form only about 10 per cent of MPs. The woman politician faces several constraints. The long campaign before elections, prejudices by society, the poorer career development opportunities which exist for women as a whole, the contorted view that politics should be a man's world etc. militate against women. Nkrumah adopted an affirmative answer to the problem. It is advocated that in the light of past discrimination against women which constitute grave mischief, the law must intensify to provide them with additional representation in gender terms. This should be accompanied with effective public education on women political participation.

The second main function of Parliament is the legislative function which includes formulation of public policy. Parliament is busily engaged in making laws, deliberating over a wide range of public policy issues, ratifying international treaties and agreements etc. The 1992 Constitution imposed certain time frames and schedules upon Parliament in the performance of its functions. To the credit of Parliament, it has met these deadlines in the past. This has meant working deep in the night, at week-ends and being recalled from recess. The sense of duty, therefore, as assessed by this writer, is very high.

Every Parliament is assessed by the quality of debate in its chambers. Considerable improvement has taken place as compared with the current Parliament's immediate predecessor – the first Parliament of the Fourth Republic. The level of debate generally is high and is a large departure from military governance by decrees. Debates are very vigorous indeed with the active participation of the majority NDC party and the minority led by the New Patriotic Party; (NPP). Retroactive laws are also things of the past. In some instances, Parliament has allowed inputs from civil society. In a recent law passed on children, for example, the Government had intended that the age at which a girl may be married without parental consent should be reduced from 18 to 16. Upon persistent arguments against the proposal by several civil society organizations, this idea was abandoned.

Nevertheless, technical deficiencies may be found in many laws. Undue attachment to political party allegiance sometimes detracts from the quality of legislation. If the Political Parties Bill introduced recently by the Attorney General should become law, it will be a great disappointment as it does not satisfy the aspirations of those who seek an even playing field in our political process. The Office Holders Assets Declaration Law suffered from such flaw as members of the government party sought to narrow the parameters of persons who should mandatorily declare their assets. To exclude the spouse of a public officer from declaring her assets is to give such a public officer an avenue to hide corrupt gains. It depicts lack of political will on the part of MPs in the fight against corruption. Neither are military personnel to declare their assets even though military office is public office under the Constitution and despite the increasing number of civilian public offices soldiers occupy in recent times. In the same vein, the Emergency Powers Act passed under a certificate of urgency under a three-line whip directive from the ruling NDC gives the President too many powers which are capable of abuse. What is worse, these powers are not subject to constant judicial review.

Parliament has shown a weak capacity to initiate legislation. Whereas considerable legislation

emanate from the Executive in many modern democracies, nevertheless, Parliamentarians should be able to initiate meaningful legislation. With the exception of a move made by Dr Kuffuor, the Minority Spokesman for Health, no other MP has taken a step in this direction. It shows lack of vision in some cases and reveals the paucity of resources available to MPs to rise to such challenges. Areas such as freedom of information, women's rights, affirmative action, obsolete customs, law reform., environmental pollution, sanitation etc. can be well researched by some MPs and Bills introduced in Parliament regarding same.

The next role is the oversight function whereby Parliament oversees the performance of the Executive so as to ensure responsible and accountable governance. This function is best performed, where there is reasonable autonomy. The Ghanaian Parliament, however, is woefully divided by deep seated distrust grounded on party affiliation. There has not been any major debate in which the majority and minority parties have agreed in basic terms. Two main reasons may be advanced for this development. The system whereby some ministers come from Parliament-as allowed by the 1992 Constitution –tends to subjugate the Legislature to the Executive. Several Parliamentarians, unlike US Senators, have their eyes set on ministerial positions and are primarily anxious to please the Executive. A constitutional amendment in this direction to establish a viable parliamentary career will help. Secondly, contestants for parliamentary seats-especially from the NDC -depend largely upon the leadership in Accra for approval of their nomination and money to finance their campaign which in effect become tailored to the campaign of the presidential candidate. By the end of the exercise, the successful candidate has become glued to the apron string of the president. In this connection, it is recommended that Parliamentary and presidential elections should be held at different times. Furthermore, there should be considerable state support of parliamentary candidates both in cash and in kind so as to negate the dependence on the prospective president in executing their campaign.

Presently, Parliament is considerably eclipsed by the Executive. Certain benefit will ensue if this is removed:

1. It will allow the development of Parliament as a vital national institution. Presently, Parliament appears to have low priority in the governmental budget, for example. There is a shortage of office space, logistics, books, data, research assistants etc. It is noteworthy that MPs in debating issues presented to the Executive have to rely on statistical information presented by government. This in itself weakens the capacity of MPs to make scientific and independent analysis and judgement. A change in this direction will help reduce the tradition of neo-patrimonialism and abuse of office as well as corruption in central government. Furthermore, it will help strengthen the relationship between civil society and Parliament. As Parliament becomes autonomous it will seek allies among civil society organizations and this will help broaden the horizon of participation in governance.

It is worthy of mention, however, that there is some meaningful interaction between Parliament and civil society unknown in the former Parliament- The Institute of Economic Affairs (IEA) has instituted the Speakers Breakfast Forum, for example, by which members of Parliament are able to interact with some leading members of society and share useful views. The Ghana Broadcasting Corporation broadcasts a programme known as "Today in Parliament "which links the public with Parliament. More should be done in this direction in terms of rural penetration and communication in the local languages.

## **The Executive**

The executive arm of government comprises all organs and institutions of state which execute public policy. In this connection, the public service in its entirety forms part of the Executive arm of government. Nevertheless, under the Ghana Constitution, the Chief Executive of the Republic is the president and attention is focused herein on the presidency. It is provided that the executive authority of the president extends to the execution and maintenance of the Constitution and all laws in Ghana. Vital state institutions including the National Development Planning Commission and the National Security Council etc. perform under the general policy framework of the president. A minister of state is not in a "prince inter pares" relationship with the president. Under the Constitution, even the Vice President merely performs such functions as may be assigned to him by the president apart from a few constitutional duties given to him by the Constitution. Indeed, the president may exercise every executive authority either by himself or through officer's subordinate to him. The former holds office entirely at the pleasure of the latter and the government in effect is the president's government. The president is the leader of the nation, the initiator of legislation, chief formulator of policy, the foundation of justice and patronage, the source of all political appointments and director of foreign policy.

The president swears an oath to uphold the Constitution of Ghana. To a very large extent, incumbent president has performed creditably in the sense that he has not openly undermined the Constitution nor overturned or nullified any decision of the Courts. Considering the temperament of President Rawlings, critical observers had reason to believe at the initial stages of the Fourth Republic that the president might violently kick against constitutional rule. However, the president has made a few wishful pronouncements to the effect that but for constitutional rule he (Rawlings) would have been able to deal squarely with certain critics who were undermining his government. Furthermore, there has been extra-legal arrests by the president himself in Accra leading to unlawful incarcerations at the Castle Guard Room. Such acts constitute violent violations of human rights, arbitrariness and disregard for due process. Nevertheless, the arbitrary employment of executive fiat as experienced under the PNDC has abated considerably.

It is noted, however, that whereas direct interference with constitutional bodies such as the Commission for Human Rights and Administrative Justice (CHRAJ), the Electoral Commission (EC), the National Commission on Civic Education (NCCE) is not every common, not enough pronouncements have been made to underscore the autonomy of these institutions. What has often emanated from the president have been veiled threats. In the case of the NCCE, for example, when in 1997, it held a well-publicized symposium on human rights in Ghana, the president came out to decry the effort and say that the NCCE did not need a German foundation to set the tone for human rights in Ghana. The quintessence of fundamental human rights which was expounded was of no relevance to the president. Earlier, when the CHRAJ made adverse findings against a minister of state and other leading members of the government for corrupt acquisition of wealth, the president did not only allow the publication of a White Paper which sought to undermine the work of the CHRAJ but also he allowed the condemnation and ostracising of the Commissioner, Mr. Emile Short. The signals which went out from the Executive were manifest if anyone wanted to remain in the good books of the president, he had to tow the line. Incidentally, on this occasion, the president himself had invited the CHRAJ to conduct an investigation in the light of incessant adverse press comments on: corruption against some of the president's men. The subsequent conduct of the president clearly detracted from whatever good intentions he originally had to check corruption through exposure.

The above is typical of government by exhortation "which is essentially the Rawlings legacy. The president has for two decades majored in making pontification on public morality, anti-corruption,

integrity, patriotism, standing up for the truth and one's rights, accountability, sanitation, environmental pollution and whatever is apparently noble but has minored in actual formulation of meaningful policies which would effectualise his pronouncements as well as systems for real implementation.

The power of appointment can be a useful instrument for good governance. The unwieldy number of ministerial appointments has been the subject of adverse comment. Furthermore, in some instances considerations of personal loyalty have overridden ability to perform. The appointing power of the president is so dense that it can be easily abused. It includes ministers, ambassadors, District Secretaries, one-third the membership of all District Assemblies. The Council of State, for example, which was invented in 1969 to contribute to the checks and balances mechanism under the Constitution, has been undermined and become otiose. Members generally run errands for the president, are seen on NDC platforms and are perceived by Ghanaians as incapable of cautioning or disagreeing with the president if they intend to keep their positions. The Ghanaian perception is that the members are procured by dint of the power of the president's power of appointment and that the members of the Council of State are themselves doing "stomach politics." The only occasion on which they made some attempt to caution the Executive related to Rawlings' penchant for cleaning gutters which has become an embarrassment in view of the lack of actual policy to resolve the sanitation problems of Accra.

It is noted that under Article 89 of the Constitution the president dominates the appointment of members of the Council of State. The 1969 Constitution of Ghana which introduced the idea of a Council of State provided for the inclusion of the Leader of the Opposition, former heads of government, Chief Justice or Speaker who did not leave office in disrepute etc. Nevertheless, under the present dispensation, actual institutional representation is limited to a retired Chief of Defence Staff, a retired Chief Justice and a retired Inspector General of Police nominated by the President. Only the President of the National House of Chiefs comes to the Council as right. Whereas the Constitution provides for one representative each from the ten regions of Ghana, the process is manifestly slanted in favour of the President who nominates one-third of the members of the District Assemblies and who also appoints the District Secretaries who direct such appointments in reality. Our studies show that apart from about a dozen Districts in the Ashanti Region, the NDC machinery had control generally over the entire process of electing the ten representatives of the Regions. In addition to the above, the president has the right to appoint eleven other persons as members of the Council of State entirely at its discretion.

This slanted state of affairs is contrary to our traditional perception of the Chief Council. The latter has the function of advising, cautioning and admonishing the chief. It may even initiate destoolment proceedings against a recalcitrant chief. The members of the Council could act effectively because of the nature of their appointment which they held not by nomination by the chief but as of right being heads of the various lineages which make the village or town. It is this writer's view that the nomination process should be so institutionalized that discretion will be totally eliminated. Members could come from established institutions such as the Universities, churches, judiciary, Military, Police, etc. What is more, appointees should not be people who are in the president's employ in one way or the other and who must please him to remain employed. In November 1999, for example, the president nominated Mrs. Victoria Addy, a member of the Council of State as Chairman of the Ghana Airways Corporation. She was formerly Chairman of the Lands Commission. There can be real conflict of interest if a member of the council of State has to advise on a matter which emanates from a department which he/she also heads.

The president has not become a source of liberation and promotion of human rights. There is the need for a freedom of information law. The Official Secrets Law and the Criminal Libel Law continue to be employed to harass journalists by officials of state. The media should be considered a key factor in the fight against corruption and the promotion of accountability. Secondly, Ghana should have an anti-trust law which would promote the private sector. It is important that the chief executive should build the capacity to lead the nation in this direction. The political will to combat corruption, for example, should emanate from the president.

In terms of the economy, the president has taken some steps to fulfil his duties as provided under the Directive Principles of State Policy of the 1992 Constitution. In this connection Vision 2020, as been duly submitted to Parliament for approval. The president has also been active in promoting foreign investment through a number of personal trips abroad and elaborate receptions for potential foreign investors. In July 1991, the president launched the first private sector export processing zone enclave to be initiated in Africa at Tema, Ghana industrial capital. The enclave which is being developed by a Malaysian company will provide industrial lots as well as detached, semi-detached and terrace factories for export-oriented firms. The aim is to promote the processing and manufacturing of goods and to encourage the development of commercial and service activities at factory locations.

It cannot be gainsaid, however, that since economic mismanagement is central to our national decadence, the top leadership cannot escape blame. The economy is certainly not growing. There is considerable waste in the management of scarce national resources; there is a lack of fundamental change as the nation remains the producer of raw materials and importer of finished products. Such importation has become so scandalous that Ghana imports most of the rice and sugar it consumes and even ground nuts as well.

### Judiciary

The experiences of Ghana's Judiciary under the Provisional National Defence Council (PNDC) Government were tragic. The revolutionary Committees for Defence of the Revolution set up their own People's Courts to rival the traditional Courts at the grassroots level. At the national level, the Public Tribunals were established to duplicate and upstage the Courts. At one stage the cadres of the Revolution raided the Supreme Court building and took all those present hostages; offices were ransacked and the post of chief Justice was abolished. The worst came when three High Court judges were captured and murdered by people who were ostensibly acting on behalf of the revolution. Judges on the whole held their offices at the pleasure of the revolutionaries of the day.

A number of provisions have been made until: The Constitution to enable the Judiciary act with the autonomy expected of it (Article 127). First, in the performance of both its judicial and administrative functions, including financial administration, the Judiciary is subject only to the Constitution and it cannot be subject to the control or direction of any person or authority.

Second, neither the President nor Parliament nor any authority or person shall interfere with judicial officers, judges, tribunal panelists, or any person exercising judicial power. These are far reaching powers which cover any person who belongs to the adjudication department of state, including administrators.

Third, the Judiciary is given jurisdiction and authority over "all matters, civil and criminal, including matters relating to the Constitution"-Article 125 (5) -and that this jurisdiction cannot be altered or diminished by Parliament. This means that the Legislature (often controlled by the Executive) and

the Executive cannot undermine the Judiciary through selective measures which would oust the Judiciary of jurisdiction. The government, for example, cannot establish People's Courts or military tribunals to try civilians under this new dispensation. These Special Courts had in the past been used as instruments of repression and elimination of political opponents.

Fourth, it is provided that every organ or agency within the Republic of Ghana is obliged to provide every assistance which the Courts may reasonably require to protect the independence, dignity and effectiveness of the Courts. This means that anything which is inhibitive in any manner whatsoever towards the Judiciary in the performance of its duties, is unlawful and may call for sanction.

Fifth, Judges and persons exercising judicial power cannot be liable to any action whatsoever-whether criminal or civil or whether at the instance of the state or an individual-for the exercise of the judicial power.

Sixth, decisions of the Courts cannot be reversed, nullified or rendered nugatory by any law passed by Parliament. Article 107 states that Parliament has "no power to pass any law" that has the purpose or effect of retroactively altering the decision of any Court. This is actually a check on the Executive which invariably prompts Parliament in such cases. During the Nkrumah regime, Parliament passed such a law after the famous trial of Ako Adjei, Tawia Adamafio and others. Rawlings ordered retrials during the PNDC era. In the future, if the Government is dissatisfied with the construction of any statute or application of any law, it can request the Legislature to amend the law to meet the real intention of the Executive (the initiators of the law) and the Legislature (who actually passed the law). Nevertheless, the amended law cannot have retrospective effect. Of course, if by the amendment, the new law infringes upon the Constitution in any way whatsoever, then a citizen may bring an action in the Supreme Court to declare null and void the amendment so made within every material particular of its unconstitutionality.

Seventh, the administrative expenses of the Judiciary, including all salaries, allowances, gratuities and pensions of persons serving in the Judiciary is to be charged on the Consolidated Fund.

Ninth, funds for the judiciary should be released in quarterly instalments so that the Judiciary will not have to go cup in hand to the Executive always begging for money.

Tenth, the salary, allowances, pension etc. of any judge or any judicial officer cannot be varied to his/her advantage.

Eleventh, the citizen is given a right to pursue any matter in Court against the Government without obtaining the fiat of the Attorney General-Article 293 (1). This means also that the Court shall be the determining authority with regard to all disputes and the recourse of the citizen to the Courts cannot be hampered by the Executive even if the latter is the object of the Court action.

Issues concerning the appointment, retirement and removal of judges are fundamental to the relationship between the Judiciary and the Executive and of this the 1992 Constitution is happily aware. Inter alia, the constitution provides as follows:

list, whereas the Chief Justice is appointed by the President in consultation with the Council of State, the appointment should receive the approval of Parliament. Whereas it appears that the supreme law is willing to give the Executive some reasonable leeway regarding the appointment of the chief

Justice, it is rather stiff when it comes to the appointment of other Judges. Hence, Supreme Court judges are appointed by the President acting on the advice of the Judicial Council, in consultation with the Council of State and with the approval of Parliament. Appeal Court judges, High Court judges and chairmen of Tribunals are appointed by the President on the advice of the Judicial Council.

Second, a Supreme Court judge shall retire on a pension equivalent to the salary payable for the time being to a Justice of Superior Court from which he retired subject to certain provisions on length of service.

Third, a Superior Court judge cannot be removed from office except for stated misbehavior or incompetence or on ground of inability to perform the functions of his office arising from infirmity of body or mind. A lengthy procedure is then provided for what may be seen as an impeachment process to begin.

In the light of the above, it might seem that judges are completely insulated from the Executive. This is not the case in reality. The appointment of the current Chief Justice, His Lordship Mr. Justice A bban, serves as a useful guide. The President, on this occasion, having consulted the Council of State quickly got Parliament to sit in an emergency session to approve of the nomination with the excuse that with the departure of the previous Chief Justice the position had become vacant and that situation could not be allowed to continue for long. This excuse was lame. At all material times, the Government knew when Chief Justice Archer would retire. Furthermore, the most senior Judge in the Supreme Court, could have acted for a period for a substantive Chief Justice to be appointed. It was obvious that the Government was anxious to make the in-coming Chief Justice owe the Government a debt of gratitude and thereafter make the Chief Justice malleable to executive control. The controversy surrounding the case has led to the suggestion that a two-third majority should be required for the approval of a Chief Justice in Parliament.

Another area which gives cause for concern is the actual dynamics of the appointment process. Even though judges of the Superior Courts are appointed on the advice of the Judicial Council, a practice is developing which has given cause for concern. A number of people are presented to the Judicial Council by the Chief Justice from among whom judges are appointed. The composition of the Council is such that members of the Ghana Bar Association can hardly push a nominee and may only make protestations about a proposed appointee. These protestations often do not hold. The composition of the Judicial Council explains the problem. The composition of the GBA is nebulous. It comprises 7 judges, 2 lawyers, the Judge Advocate of the Ghana Armed forces, the Head of the Legal Directorate of the Police, the Editor of the Ghana Law Reports, one representative of the Judicial Service Association of Ghana, a representative of the National House of Chiefs, and 4 persons who are not lawyers nominated by the President.

The populist approach to the composition of the Council which has led to certain appointments critics consider unsatisfactory appointments is best seen by reference to the 1979 Constitution. Article 119 therein provided that the Judicial Council should comprise the Chief Justice, the most senior Justice of the Supreme Court, the most senior Justice of the Court of Appeal, the most senior Justice of the High Court, the Attorney-General, three practicing lawyers and one other person appointed by the President. A cardinal principle is the high level of professional representation in the 1969 Constitution. Furthermore, the 1969 Constitution provided that the most senior judge in the various tiers should become members of the Council. This avoided the politics and jockeying which have underpinned recent nominations. The presidential appointment in 1969 which was not restricted to

non-lawyers constituted one-ninth of the membership. The lay representation constitutes one-quarter in the present dispensation. This populist drive which the PNDC caused to be placed in the Constitution is posing a serious threat to judicial autonomy and a qualitative Bench.

Issues relating to removal of Judges are equally tricky and a lot of Judges are scared of the Executive in a manner akin to the PNDC days. Indeed, judges may be removed by the Executive under the present democratic dispensation, far more easily than is perceived by many. The case for Justice Amua Sekyi illustrates the point vividly. In 1995, one George King Mensah of Accra presented a petition to the President for the removal of Mr. Justice Amua-Sekyi as a justice of the Supreme Court for misconduct under Article 146 of the 1992 Constitution. The petitioner stated that his case was based on a report in the Ghanaian Times under the caption "Judicial Scandal at the La Beach hotel". It was alleged in that publication that Mr. Justice Amua-Sekyi misconducted himself by discussing a case pending at the Supreme Court- the fensa-Bonsu Case - on which he was sitting as a panel member, with Justice Lamptey who was an Appeal Court Judge. Mr. Justice Amua-Sekyi is supposed to have made derogatory remarks about the then Chief Justice, Mr. Justice Archer and Mr. Justice Abban. Mr. Justice Abban reported the letter to the then Chief Justice and the latter "received" a petition from Mr. Mensah on the letter from the President. When a panel was set up to examine the case, Justice Amua-Sekyi decided to retire honorably. This was not without good reason. The learned judge had got to know in no uncertain terms that the panel had been carefully packed to disgrace him. The Executive was desperately playing the political card by manipulation of the process.

A Superior Court judge can be removed from office only on the ground of stated misbehavior or incompetence or for inability to perform his/her functions because of forcibly or mental infirmity. Article 146 of the 1992 Constitution lays down the following procedure for the removal of judges: If the President receives a petition for the removal of any judge, he should refer the petition to the Chief Justice. If the latter determines that basically there is a case to answer, he/she should set up a Committee of three Superior Court judges and two other persons to investigate the complaint and make recommendations to the Chief Justice. The latter shall forward the recommendations to the President for action: The two other persons provided for should not be lawyers nor members of the Council of State or Parliament. Where the petition is for the removal of the Chief Justice, The President shall, in consultation with the Council of State, appoint a committee to make a recommendation, either the judge should be removed from office. The Committee comprised two judges of the Supreme Court (one of whom shall be chairperson appointed by the President), and three other persons who are not members of the Council of State, nor members of Parliament nor lawyers. The President has power to suspend a judge pending the determination of such case.

It is submitted that the provisions under review are too weak to protect a judge whom the Executive is determined to besmear and remove. Once the Chief Justice (a political appointee) is roped in, and ANY three judges are obtained (who may be recruited from among a range of Tribunal chairpersons, High Court, Court of Appeal and Supreme Court judges), any two persons who are members of the President's political party may be added to determine the matter. From the Constitutional provisions, a simple majority of the committee will be enough. This means if the two outsiders obtain the support of only one "procured" Judge (who could be a High Court judge appointed the day before the empaneling, and for that purpose), a judge of the Supreme Court could be removed by a simple majority. My submission is that a Chief Justice who has compromised himself with the President for any reason whatsoever, could be used by the President at any time to remove a judge from the

Supreme Court for any "political" reason whatsoever. Notably, no right of appeal whatsoever is provided for. It is recommended that these provisions should be radically revised in view of the tendency in Ghanaian politicians to control the Judiciary and the human failing perceived in Ghanaian Justices to lean towards the appointing authority - the Executive. It is submitted that a panel of seven persons comprising two retired judges of the Supreme Court nominated by the roll of retire judges called for that purpose, two senior lawyers nominated by the Ghana Bar association at a meeting called for that purpose and three other persons nominated by the Christian Council of Ghana, the Catholic Secretariat and the Muslim Council, could be depended upon to be more impartial and to do justice in the removal of a Supreme Court judge than the present arrangement. Among other things, none of the persons this presentation has suggested will owe his/her appointment to the Chief Justice or the President; but each will sit out of a right that emanates from the Constitution and by independent appointment. In the alternative, a trial by one's own peers could be adopted as being less risky than the system provided under the Constitution. Any recommendation for removal should be supported by a two-third majority. If care is not taken, the tenure of a Superior Court Judge will be weaker than what is provided for other judicial officers - and indeed, public officers in several semi-autonomous institutions. Notably, Article 151 states that a judicial officer (Magistrates, Registrars of the Superior Court etc.) may be removed from office only on the grounds of stated misbehavior, incompetence or inability to perform his/her functions arising from infirmity of mind or body and upon a resolution supported by the votes of not less than two-thirds of all members of the Council of State.

The size and composition of the Supreme Court raise issues of "packing" of the Court and the manipulation of composition in such a way that the government in effect may become a judge in its own cause. Under Article 128 (1) of the Constitution, "the Supreme Court shall consist of the Chief Justice and not less than nine other Justices of the Supreme Court". Hence, there is no maximum as to the number of judges which may be appointed to the Supreme Court. The Executive can add limitlessly to the membership of the Supreme Court. This has the effect of allowing the Executive, through the Chief Justice, to have a standing army of judges from whom it can choose a panel at any given time. It also means that the moment a judge's judgements go against the Government the judge can be sent to Siberia and may not see the courtroom? of the Supreme Court in relation to any case of consequence. In effect, the executive can neutralize the Supreme Court at any time, if the latter proves "uncooperative". By loading the Court with a fresh crop of judges which will bend to the Government's fiat. This is very defective and must be rectified.

The fear expressed above becomes more deeply ingrained if we consider that under Article 128 (2) of the Constitution, the Supreme Court is "duly constituted for its work by no less than five Supreme Court Justices". It is only when the Court sits to review its own earlier decisions that a minimum of seven justices is required. It is clear that where the business of the Court can be done with less than half of its composition, then there is room for whoever has "the discretion to empanel the Court to manipulate the process. This is further underscored by the fact that Article 128 (2) does not provide any rational and mandatory principle for constituting the Court from the number of judges available. The practice is that it is the Chief Justice who selects a five-member panel at any given time. The panel system is virtually turning the Court into a situation whereby informed observers can simply take a glance at the panel at any given time and tell with exactitude, how the voting would go. Even if the law provides that the panel at any given time should be constituted by the toss of a coin - random selection - that could lead to a better administration of justice than the present arrangement. We need a predetermined system of rotation among judges. In this connection, it may be useful to let the Supreme Court always sit as a full bench in all constitutional cases as is done in the USA. The

eminent jurist, Atiyah has observed in relation to the power of the Lord Chancellor in the UK to allocate cases to judges, that "the power to choose which judges will hear which cases is plainly one which can be misused because it will often be known that a certain judge has at least a *pama facie* view on the point of law to be decided upon on appeal". If such powers are suspect even within a British setting, then abundant care must be taken in our context.

Very recently, aspects of the private media complained about two appointments to the Supreme Court. One was the former Chairman of the Electoral Commission when President Rawlings won the 1992 elections. The other had handed down a harsh decision in favor of the Executive and indeed, is soon to retire from the Bench. The Media complained that these two gentlemen were being rewarded as "yes men" who had done the bidding of the Executive. Not long after, a High Court judge slapped a colossal fine against the Ghanaian Chronicle for libeling a Minister of State. It was opined that the judge was playing to the Government in the hope that he might be noticed for future promotion. These developments tend to undermine the independence of the Judiciary which is vital to democratic governance.

The ability of the Courts to uphold human rights is a vital indicator in the measurement of democracy in a state. Article 1 (2) of the Constitution makes the Constitution the supreme law of the land and states that any other law found to be inconsistent with any provision of the Constitution will be null and void. Article 2 gives the Supreme Court original jurisdiction to interpret and enforce the Constitution. The idea of original jurisdiction means that the Court acts as a Court of first instance in all such matters and not in an appellate capacity. In this connection, any person or body who is satisfied that any enactment or act is inconsistent with a constitutional provision, may bring an action in the Supreme Court for a declaration to that effect. It is important to review the Courts' action in promoting human rights.

It should be noted that apart from the provisions above mentioned, the Constitution, having guaranteed a number of human rights-political, civil, economic, educational, cultural, women's rights, property rights, children's rights and the rights of the disabled and the sick, -gives the High Court the power to enforce these under Article 33 (2). In this regard, the Court may issue directives in the form of habeas corpus, certiorari, mandamus, prohibiti and quo warranto.

The Supreme Court has had the occasion to pronounce on settled cases with far reaching implications for human rights whether the rights of individuals or association. First, we have the case of *New Patriotic Party v. Ghana Broadcasting Corporation* which touched upon the rights of a political party to air its views to the public through the state media. The case also concerned the freedom and independence of the media. The Constitution provided under Article 163 that the state-owned media shall afford fair opportunity and facilities for the presentation of divergent views. Recognizing the special role of political parties in the formulation of alternative public policies and to ensure that all political parties have adequate opportunity to articulate and present their different viewpoint to the public, the Constitution provided certain media related rights to political parties and candidates. Article 55 (11) provides that the State should give every political party a fair opportunity to present its programs by ensuring equal access to the state-owned media. Article 55 (12) provides that every presidential candidate should be given the same amount of time and space on the state-owned media to present his program to the people. After the national budget had been read in January 1993, the Minister of finance was granted air space on television for two days to express his viewpoint on the budget to the people. The opposition party, the NPP also organized a symposium on the budget and expressed contrary views on the budget and invited the GBC to cover the event. This invitation was treated with contempt. The NPP issued a writ invoking the

original jurisdiction of the Supreme Court to interpret and enforce the Constitution and claimed the following reliefs:

- (i) a declaration that the NPP had the right to, and the GI3C had a duty to provide, fair opportunity and facilities for the presentation of the NPP's views;
- (ii) a declaration that the GI3C had failed to discharge its constitutional obligations thereby violating the rights of the NPP; and
- (iii) an order enjoining the GI3C to afford the NPP fair and equal opportunity to present its views on the budget.

The GBC contended that it was not obliged to give the NPP the same amount of time it had given the Minister and that it was not obliged to give equal opportunities to political parties. The Supreme Court unanimously upheld the claim of the NPP and ordered the GBC to offer the NPP the same opportunity it had. Given the Government. In the opinion of the Court, "fair opportunity" in terms of the Constitution required objectivity, impartiality and an absence of bias, ill will or affection towards any particular group in the society, be it political, economic or social. Justice . mancois spelt out the constitutional determination of the requisite environment for civil society operations in these words: "The Constitution demands that a broad and liberal spirit of democratic pluralism should prevail in this country. It in effect accepts previous failures in the constitutional experiment and consequently an all-embracing liberal framework that would include all possible shades of freedom not specifically or expressly mentioned but which are essentially cogs to enhance the driving capacity of a truly free-wheeling democracy".

Another case of great importance surrounded public order and freedom of assembly. The strength of civil society organizations rests to a considerable extent on their capacity and freedom to hold public meetings, rallies, marches and demonstrations on issues they consider vital. Such demonstrations draw public attention to events and issues and also help in the formulation of public opinion on relevant matters. It was British colonial policy in African countries to prevent marches and rallies without police permit, in the interest of "public order". This draconian policy was adopted by successive Ghanaian Governments and ultimately translated into the Public Order Decree, 1972 (NRCD 68). The decree made it an offence to hold a public meeting or demonstration without permit and also failing to disperse when asked by the Police to do so.

As the Fourth Republic took off, a number of events occurred which made the NPP believe that the Police was using its power to grant permits for rallies and demonstrations against the Party. On 3. February, 1993, the Sekondi Police granted the NPP permit to hold a rally only to withdraw it at the last minute. A bout two weeks later, the Kibi branch of the Party suffered the same fate. On 16. February 1993, the Police broke up an N PP demonstration against the 1992 budget and arrested several of the demonstrators, some of whom were charged with offences under the Public Order Decree. The NPP decided to test the validity of the Decree and to set straight, what should be the domestic policy on the matter. In the ensuing case - NPP v. Inspector General of Police – the Supreme Court adjudged unanimously that the Public Order Decree was inconsistent with the freedom of assembly given to individuals and organizations under the 1992 Constitution and therefore pull and void and that demonstrators, in exercising their constitutional rights, did not need prior police permission. The Police were ordered to permanently display copies of the judgement at all Police Stations throughout Ghana. As Justice Wirede echoed, "Police permit has no place in the 1992,4 the Republican Constitution".

Judicial autonomy is vital to free and vibrant civil society and it is a thermometer by which the health of the domestic policy environment may be measured. In this connection observers of the Ghanaian political scene were very hopeful of the evolution of a truly pluralist system. These hopes were raised further by a case which went to the root of the relationship between the Judiciary and the Government. –NPP V. Attorney General (the 31 December Case). In this action, the NPP sought an order to stop the celebration of 31 December (the date of the Raw Lings Revolution) as a public holiday. The Attorney General argued that the case was an attempt to declare the Resolution illegal. This offended the transitional provisions of the Constitution that prevented the Courts from inquiring into the legality of matters springing from the Revolution. The Court ruled that it had power to issue an injunction against the President, Parliament or any institution or person whatsoever, under the new dispensation. Second, constitutional interpretation was the exclusive preserve of the Judiciary and this is not curtailed by the subject matter whether it is political, religious or otherwise. Third, in the Court's understanding, the Court was not interested in determining the legality or otherwise of the 31 December Revolution, but merely to determine whether the event, whether it is legal or illegal, should be celebrated after the coming of the Constitution as a public event and from public funds. By a 5-4 majority, the Court upheld the claim of the NPP and held that it was unconstitutional-against the letter and the spirit of the Constitution-that public funds should be employed to celebrate the violent, unlawful and unconstitutional overthrow of a constitutionally elected Government. François JSC said: "The 1992 Constitution is a severance with the immediate past in that it attempts to bury by prohibiting the exhumation of any aspect of it that could recall bitter memories, resentment or revenge. an indemnity connotes a perception of a bright future with all past errors consigned to the archives of history. There is a tacit implication that it may not augur well for the country, if it were to be perpetually embroiled with the rights and wrongs of the past and the vengeful posit of the pound of flesh. With that setting, it is clearly unjust to exacerbate old wounds by permitting echoes of the past to reverberate and shatter the tranquility the Constitution sought to promote with its reconciliatory arrangements".

The Supreme Court did not, during the first half of the Fourth Republic, however, always rule against the Government. In the case brought by the Ghana Bar Association against the Government as to who should swear in the Judges and whether the Chief justice has wrongly sworn in certain Judges, the Court held that the Constitutional provisions applied only to Judges appointed after the coming into force of the Constitution, and that under the Transitional Provisions of the Constitution, the oath being called planned of had been properly administered by the Chief Justice.

The second phase of the track record of the Supreme Court has been shrouded in controversy. The case on the celebration 31 December as a holiday sharply divided the Judiciary at a time when it was believed that Mr. Justice Abban was being sought as Chief Justice by the Government. Justice Abban did not only support the Government standpoint but he also went further to make critical remarks about Dr Busia which were unnecessary for the purposes of the judgement he had on hand. Mr. Mensa-Bonsu, a lawyer and writer, drew Justice Abban attention to some incorrect statements he had attributed to Dr Busia on page 28 of his judgement and when Justice Abban would not correct his position, Mensa-Bonsu wrote a rather scathing article on the conduct of Justice Abban in an opposition newspaper, The free Press. Mensa-Bonsu was then arrested and charged with contempt of the Supreme Court. One day before judgement was given in the case, the Government made Justice Abban Chief Justice under a certificate of urgency. The GBA protested against Abban appointment to no avail. The GBA alleged that Abban was unqualified to be Chief Justice and that the President had forced his nomination through Parliament without sufficient time for debate or

public hearings. Critics saw the manipulative hands of Government seeking to muzzle the private press by having Mensa-Bonsu jailed while pushing a favorite to the position of Chief Justice. Three Supreme Court Judges said they heard Abban utter the words attributed to him and that Justice Abban had lied about page 28 and fiddled with the Court judgement after the event. By a 4-3 majority, however, the Supreme Court convicted and jailed Mensa-Bonsu for contempt. One Judge said tragically that truth is no defense when a person is being tried for contempt. Following the above case, two of the judges who ruled against the Government were forced to retire. New appointments were made to the Supreme Court, not only in replacement of the retired judges but purposely to enlarge the Court so as to dilute it.

The judiciary as a whole is hampered by several other factors. Judges still take notes of Court proceedings in handwriting; accommodation and transportation for administrative staff and magistrates remain unsatisfactory. Record books often get missing and the overriding poor conditions of work for Judicial Service personnel as a whole have resulted in nostalgia, incompetence and corruption.

### Conclusion

Good governance is pertinent to good business. We have discussed aspects of the work of the main organs of government so as to show how far we are progressing in the search for democracy. The journey is long and the path is thorny. It requires the conscious effort of all including the business community to attain our goals. Unless there is peace and stability, they labour in vain who seek to attain the commanding heights of economic power. It is pertinent therefore, that politicians, business people and aspects of civil society should unite to promote good governance.

## LIST OF PARTICIPANTS

NO.	NAME	ADDRESS
I.	Hon. Victor Nortey	PARLIAMENT HOUSE
2.	Hon. Nana Asante-Frempong	"
3.	Hon. Kan Daapah	"
4.	Hon. Theresa A. Tagoe	"
5.	Hon. Freddie Blay	"
6.	MS Janet Frimpong	"
7.	Hon. J H Mensah	"
8.	Mr. SAwudu	GNCCI
9.	Hon. Asabo Simon	PARLIAMENT HOUSE
10.	Hon Malik a Yakubu	"
II.	Hon. John K Gyasi	"
12.	Hon. Christine Churcher	"
13.	Hon. Fuzzy Torbay	"
14.	Mr. Evans Asiedu	"
IS.	Ms. Peace Fiawoyfie	"
16.	Mr. Cephas Amevor	"
17.	Hon. Evans Ahorse	"
18.	Hon. D Y Mensah	"
19.	Hon. C K Asante	"
20.	Hon. YawOsafo-Maafa	"
21.	Hon. M Y Z Ahiable	"
22.	Hon. Kwakye Addo	"
23.	Hon. F K Nyarko	"
24.	Hon. A Boakye-Yiadom	"
25.	Hon Kenneth Dzirasah	"
26.	Hon Osei-Adjei	"
27.	Sal. Doe Amegavie	GNCCI
28.	Mr. S Abam Quartey	"
29.	Mr. Jesse Clotey	PEF
30.	Nana Yeboa-Kodie Asare II	"
31.	Dr. J A Addison	"
32.	Mrs. Elizabeth Villars	"
33.	Dr. J K Richardson	"
34.	Hon. Michael Nyanu	PARLIAMENT HOUSE
35.	J B Oduro	PEF
36.	Yaw B Asamoah	COD
37.	Sophia Akushie	KAF
38.	Martin Wilde	"
39.	Mr. T K Gyau	AGI
40.	Mr. Cletus Kosiba	AGI
41.	Ms. Cecilia Asiedu	FAGE
42.	Prof. Mike Ocquaye	IEA
43.	r. Hariy Owusu	PEF
44.	Mr. Kwasi Abeasi	"
45.	Mr. Ato Ampiah	GNCCI