

The Ghanaian-Danish Partnership 1990-2018:

# PIONEERING DEMOCRACY



# THE AMBASSADOR'S NOTE: A PIONEERING JOURNEY



Ghana was a very different country when Danida came back in 1991. Ghana had embarked on the challenging transition from military rule to democracy, and Danida became deeply engaged in all the steps from 1992, when the new constitution was approved, and the first democratic elections took place.

It's been a pioneering, but also challenging journey, and we are proud to have been a part of it. People, who only knew the country before this transition started, would find it difficult to recognise it. Today, there is a lively democratic debate, press freedom and a vibrant civil society holding politicians accountable to an extent, which is rarely seen in other African countries. Ghana can also be proud of its record of peaceful elections and transitions of power from one party to another.

Denmark's selection of Ghana as a priority country in 1989 was an important sign of our long-term commitment. Danida was seen as a credible and reliable partner that our Ghanaian partners, both in the government institutions, in civil society and the private sector, could count on for a long time.

Our vision from the onset was to contribute towards building a sustainable democracy. Hence, Denmark engaged in activities that were not likely to yield clear and visible results overnight. Den-

mark became involved in what constitutes the pillars of democracy such as Parliament, elections, the Commission on Human Rights and Administrative Justice, the judiciary, decentralisation, civil society, media etc.

These are also sensitive sectors, and while overall progress over the past three decades has been impressive, we have also encountered several bumps on our way. But we have been able to address the challenges together, and we hope that our good partnership will live on even though Denmark's support to good governance and service delivery is being phased out by the end of this year, and Denmark's development assistance to Ghana will be fully phased out by the end of 2020.

Ghana today has significant attributes such as its democratic accomplishments, a stable security environment and a wealth of resources, making it a leading light on the continent. But like any democracy, Ghana also faces challenges such as corruption and the need for reforms to keep its institutions and public sector in good shape to improve services to its citizens. It is my hope that Ghana will prioritise reform implementation to position the country as a leading force on the continent.

*Tove Degnbol*

## E-PAPER, REPORT AND FILMS

The story of the Ghanaian-Danish partnership on good governance and decentralisation is worth telling, documenting and learning from. To highlight some of the challenges, successes, beneficiaries and key players, the Embassy of Denmark in Ghana commissioned international consultant Helene Blensted to write a technical report. Freelance-journalist Jesper Heldgaard was commissioned to produce this e-paper and – together with videographer Bo Illum Jørgensen – 10 short films. All of this is available on [www.ghanaembassy.dk](http://www.ghanaembassy.dk)

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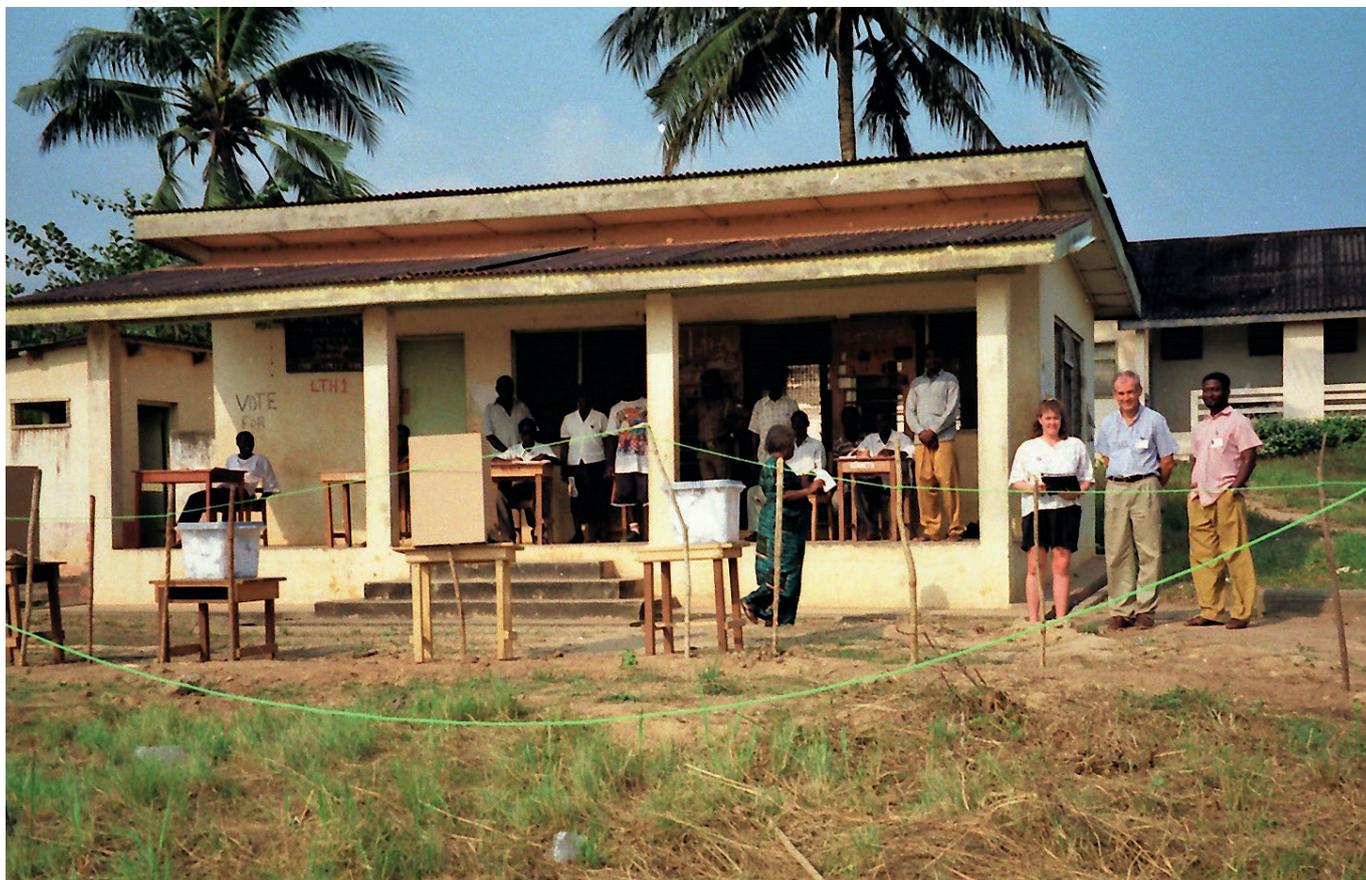
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# GHANA'S MODEL DEMOCRACY COULD HAVE STUMBLED



The transparent ballot boxes were in place for the 1996-election in Ghana. So were international observers, including Lars Elle from the Embassy of Denmark in Ghana.

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## *Transparent ballot boxes from Denmark helped keep Ghana's young democracy on track.*

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In late 1995, Lene Antonsen, then division manager of the Danish company Panther Plast in the town of Vordingborg, received an unusual request: "Can you, at short notice, design, produce and deliver 41,000 transparent ballot boxes to be used in Ghana for the national elections in 1996?"

Though Panther Plast was mainly producing equipment for fishing trawlers, the request sounded exciting and could contribute towards securing employment, so Lene Antonsen said: "Let us give it a try."

Panther Plast, in close cooperation with Danish International Development Assistance (Danida), the Embassy of Denmark in Accra and the Electoral Commission of Ghana, gave it a try and succeeded: Based on the well-known wooden, Ghanaian ballot box, a special transparent ballot box in plastic was designed. In the process, an extra feature was added: All boxes were clearly marked with consecutive numbers to secure transparency and traceability, before they were shipped off to Ghana and distributed across the country, just

in time for the election day on December 7th.

### **IT COULD HAVE BEEN THE END**

Today, Ghana is hailed as a model democracy in Africa, but in 1996, Ghana's young democracy could easily have stumbled, if the opposition had gone ahead with its threat to boycott the elections:

"Oh, that would have been the end of our democracy," says Charles Mensa, founder and chairman of the Institute of Economic Affairs (IEA). "People were very frustrated, and many people would have left the country, if the opposition had not called off the boycott. Fortunately, it did, and that was mainly due to the transparent ballot boxes, that Denmark provided."

## TIMELINE

### Danida

### Ghana

<b>1958</b> Official Danish aid to Ghana makes a modest start	<b>1957</b> Ghana's independence
<b>1961</b> Denmark opens an Embassy in Ghana	<b>1966</b> Ghana's 1st President, Kwame Nkrumah, overthrown in military coup
<b>1968</b> Ghana is included on the list of priority countries for Danish aid	<b>1979</b> Flight lieutenant Jerry John Rawlings takes power in a military coup
<b>1983</b> The Danish Embassy in Ghana is closed	<b>1981</b> Flight lieutenant Jerry John Rawlings again takes power in a military coup
<b>1989</b> Ghana is chosen as one of Danida's 12 initial programme cooperation countries	<b>1992</b> New constitution introducing a multiparty system. JJ Rawlings is elected President as the candidate of his new National Democratic Congress (NDC)
<b>1991</b> The Danish Embassy in Ghana reopens	<b>1993</b> Ghana Vision 2020: Ghana a middle-income country by 2020
<b>1993</b> A strategy for Danish aid to Ghana is adopted with an emphasis on decentralisation and democratisation and focus on 4 sectors: Water and sanitation, transport, energy and health	<b>1996</b> The New Patriotic Party (NPP) threatens to boycott the elections, but does not. JJ Rawlings is reelected President
<b>1996</b> Phase I of Danish support to District Assemblies starts	<b>2000</b> Rawlings' 2 terms as President expire. Peaceful election and transition of power to the opposition NPP's John Kufuor
<b>2004</b> Phase I of Danish support to Good Governance and Human Rights starts	<b>2008</b> Peaceful transition of power: Opposition candidate John Atta-Mills (NDC) elected president
<b>2009-2013</b> Local Service Delivery and Governance Programme	<b>2010</b> Ghana graduates from the status as a low income to a lower middle-income country
<b>2013</b> Denmark decides to phase out aid to Ghana by 2020	<b>2012</b> John Atta-Mills dies in July. Vice President John Mahama takes over and is reelected in December
<b>2014-2018</b> Right to Services and Good Governance Programme	<b>2016</b> Peaceful transition of power: Opposition candidate Nana Akufo-Addo (NPP) elected President
<b>2018</b> Danish support to good governance is phased out	
<b>2020</b> End of Danish development cooperation. Trade cooperation continues.	

**John Kufuor**, Ghana's president 2001-2009, agrees. He was the presidential candidate of the then opposition New Patriotic Party (NPP) in 1996. Here, his main opponent was the incumbent President and former Flight Lieutenant Jerry John Rawlings. Rawlings had twice taken power in Ghana through military coups, in 1979 and 1981, but under increasing domestic and international pressure, Rawlings reintroduced democracy in Ghana, and in 1992, a new constitution was adopted and national elections were held.

Rawlings, however, did not retire. He formed a political party, the National Democratic Congress (NDC), and ran as its presidential candidate. On November 3, 1992, Rawlings received 58.4% of the votes, but the NPP cried foul and decided to boycott the elections for Parliament a few weeks later. As a result, NDC won 189 out of 200 seats.

"The 1992 elections were fought with opaque ballot boxes. We suspected stuffing of the boxes," explains John Kufuor today. "Our relationship with NDC and Rawlings certainly wasn't warm: Rawlings had governed Ghana as a military dictator for the previous 10 years without tolerating any type of opposition. Now he had converted himself into a supposedly civilian governor, but little had changed."

Charles Mensa was deeply involved in the tense negotiations back then and explains: "The opposition said: Unless we can get transparent ballot boxes, we'll boycott, because Mr. Rawlings'



Ghana's democracy includes local elections.

boys will rig the election again. And that is when the Danish Embassy said: Yes, transparent ballot boxes, we will get them for you. They did, and the election took place. Successfully, successfully."

### THE REST IS HISTORY

While Rawlings was reelected President in 1996 by almost the same margin as in 1992, the opposition party, NPP, won 62 out of the 200 seats in Parliament, so Ghana now had a vibrant opposition. And this time, NPP did not cry foul. Not

### Ghana facts

	1990	2017
Form of government	Military rule	Multiparty democracy
Population	14.6 million	28.8 million
Population growth (annual)	2.7%	2.2%
Area		238.535 km <sup>2</sup>
GDP (current USD)	USD 5.9 billion	USD 47.3 billion
GNP per capita (constant 2010 USD)	USD 824	USD 1.816
Share of poor of total population	51.7 %	23.4 %
Annual GDP growth	3.3 %	8.5 %
Total aid received (current USD)	560 million	1.136 million (2016)

Sources: World Bank, Ghana Statistical Service



**AID CAN BE DEMEANING – DANIDA’S WAS NOT**

“If aid is given like some charity to a helpless, it can be demeaning. When it comes like some loaf of bread thrown at a cripple by the wayside, or to show that you are doing good to otherwise poor people, then the dignity of the individual is violated. But the support from Denmark came from people who showed concern, who believed that perhaps if we did things differently, we could stand on our feet and develop the good, accountable and transparent electoral system that would yield good governance.”

*John Kufuor, President of Ghana 2001-2009, New Patriotic Party (NPP).*

only did the transparent ballot boxes call off suspicions that the ballot boxes had double bottoms, several other measures to guarantee free and fair elections had – with Danida in an active role – been taken: Presidential and parliamentary elections were held on the same day, a new and independent electoral commission had been appointed, and international electoral observers were in place during the elections.

And the rest is history: In 2000, incumbent President J.J. Rawlings did not attempt to have the Constitution changed to run for a third term, but stepped down. Opposition candidate John Kufuor won the elections, and a peaceful handover of power took place in January 2001. Since then, Ghana has had peaceful national elections every 4 years, and peaceful power transitions from one party to another every 8 years.

But this impressive development could have been derailed back in 1996, John Kufuor concedes: “It took the intervention of an outsider like Danida under the leadership of the then Danish Ambassador to work us back into a democratic mood and a gradual improvement in tolerance and dialoguing, in short: to get this country back on the track of democratisation. Here, Danida played a vanguard role.”

**THE CHARISMATIC AMBASSADOR**

In 2016, Charles Mensa’s Institute of Economic Affairs, named their conference hall after the Ambassador of Denmark to Ghana 1994-1998, Birgit Storgaard Madsen, in recognition of her unflinching support to Ghana’s new and fragile democracy:

“Birgit Storgaard came at a period, when Ghana had just been ushered into democratic rule after almost 11 years of military dictatorship. The long years of military rule had left in its wake, weak and in some cases non-existent institutions of state. A culture of silence loomed and there was hardly any open dialogue on pertinent national issues,” Charles Mensa explains.



**DENMARK DOES NOT IMPOSE THINGS ON US**

“In Africa today, we tower above almost all countries if we look at governance, democracy, press freedom and human rights, and we couldn’t have achieved that without the support of countries like Denmark. We listened to Denmark, because of the picture we have of Denmark as a true friend, that does not come to impose things, but listens to us: We also saw that Denmark had useful lessons and experiences to share with us.”

*Alban Bagbin, MP since 1992, National Democratic Congress (NDC).*



*In 2016, Birgit Storgaard had the Conference Hall of the Institute of Economic Affairs named after her in recognition of her support to Ghana’s young democracy as the Ambassador of Denmark to Ghana 1994-1998.*



*This statue of Ghana's first President, Kwame Nkrumah, illustrates Ghana's dramatic history. In 1966, it was vandalised, beheaded and removed by a mob, but can now be seen at Nkrumah Memorial Park.*

“At this critical moment Birgit Storgaard’s message of dialogue, dialogue and – again – dialogue was so important. Her – and Danida’s – message of respect for the opposition and support to strong and independent state institutions helped us lay the foundation for the democracy we celebrate today. It has been a wonderful achievement. Let’s hope it continues.”

### **HUGE CHALLENGES REMAIN**

While there are many reasons to celebrate Ghana’s democratic achievements, Charles Mensa also warns that there is much more work to do: “The 1992 Constitution, that we still have, was designed under military rule and vested too much power in the

President. This led to a ‘winner takes all’-system, where the two dominant political parties’ top priority is to win the next elections. We need a new Constitution and political culture that promotes power sharing and dialogue.”

Manasseh Azure Awuni, a renowned investigative journalist with Joy FM, puts it this way: “Yes, Ghana, has indeed made significant democratic progress, but if we don’t do anything seriously about corruption, our democracy itself will be threatened. Similarly, it can be threatened, if it only translates into development for the well-off. The big majority of Ghanaians, the poor, the jobless, the under-employed also need to see the fruits of democracy.”

### **A MIXED BAG**

**Support to democracy and good governance** has been a cross-cutting issue, since Denmark’s development assistance to Ghana was resumed in 1989. The scope of the support has been very broad, and it includes a wide range of sectors, themes and recipients including:

- Democratic institutions like the Parliament and the Electoral Commission
- The judiciary and justice reforms
- Decentralisation, including local government and service delivery
- Civil society
- Human rights – through e.g. the Commission on Human Rights and Administrative Justice (CHRAJ)
- Anti-corruption
- Media

# KARAGA WAS IN THE DARKNESS

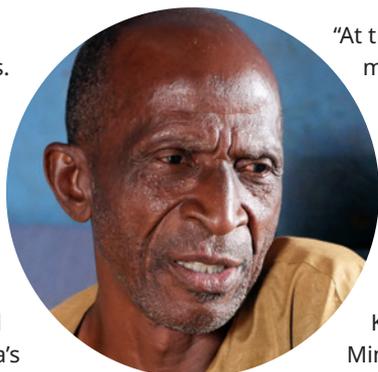
*Decentralisation has brought basic services to Ghana's cut off areas, but there is still a long way to go.*

"We did not have electricity, so Karaga was just in the darkness. If a tractor or corn mill broke down, we would have to go all the way to Tamale to have it repaired, and it would take a couple of days because of the poor road network."

**Musa Isaah**, a 58-year-old farmer, remembers the bad old days in Karaga District in Ghana's Northern Region before 2000. "Now, we have electricity and most repairs can be done locally," he says. "Things are better."

**Mariama Yussif**, a local 34-year-old teacher, agrees: "When I was growing up, we all depended on the dam for water. But sometimes it would dry up, and women and girls would have to walk several miles to get water. Now, we have boreholes and a mechanised water system, so there is always water nearby."

Just some 30 years ago, Karaga District and other rural areas of Ghana were virtually cut off from development.



"At the time, development was centrally driven, and basic services like health, water and education were not available to the local people," says

Kwamena Ahwoi, Minister for Local Government and Rural Development, 1990-2001.

"Take electricity, the national grid only extended as far as to Kumasi, which is in the middle of the country."

## A NATIONAL POLICY

So, in the late 1980s, Ghana – as one of the first African countries – embarked on a process of decentralisation. "The decision was to use the democratised, decentralised system to accelerate the pace of development," Ahwoi explains.

Decentralisation became a national policy anchored in Ghana's new,

democratic constitution in 1992, which also required that a minimum of 5% of Ghana's national annual revenue was earmarked for local development and referred to as the District Assemblies Common Fund (DACF). In 2008, DACF was increased to 7.5% of the national annual revenue.

And the decentralisation effort has made a change according to Kwamena Ahwoi: "The pace of development at local level has accelerated in a way that nobody would have thought possible 30 years ago, when we started the programme."

## RURAL GHANA STILL LAGS BEHIND

In 2010, several years of strong growth enabled Ghana's graduation from a low-income to a lower middle-income country. But this change is yet

to be seen in rural Ghana according to Emmanuel Nuetey Siakwa of Youth and Women Empowerment in Lower Manya Krobo District, just some 80 kms from Accra:

"The lower middle-income status portrays a city situation of Ghana. When you move outside of Accra, you still have a whole lot of old structures in terms of roads, school buildings, clinics, hospitals etc. that we need to attend to. But to do that, we need to see much more funds coming from the central to the local level. We also want to have more say at the local level on how money is spent. Presently, too much is decided at and dictated from central government. So, on the ground, we are still nowhere near middle-income country status."

And former minister Kwamena Ahwoi agrees: "We have a mismatch between the functions that have been transferred to local authorities, and the resources required to deliver those functions."



*The small district of Karaga now – like most Ghanaian districts – has a hospital.*

# THE MAYOR WHO WANTS THE PEOPLE'S MANDATE

*In Ghana, mayors are still appointed by the President – but this may soon change.*



*To improve interaction with local communities, Lower Manya Krobo Municipal Assembly moves some assembly meetings from the usual town hall to other places like churches.*

In early 2017, Simon Kweku Tetteh took office as the Municipal Chief Executive – or Mayor – in Lower Manya Krobo in Ghana's Eastern Region. He was not elected by the local voters, but appointed by Ghana's newly elected President, Nana Akufo-Addo.

Though Ghana is a frontrunner when it comes to decentralisation in Africa, Metropolitan, Municipal and District Chief Executives – in short mayors – are still appointed by the President. So, when Ghana has a new President, as was the case in January 2017, the more than 200 mayors throughout the country are also replaced. On top of this, the President also appoints 30% of the local assembly members. Only 70% are locally elected.

And that undermines the very idea of decentralisation and local democracy, says Emmanuel O. Akwetey, Executive Director of the think tank, Institute for Democratic Governance (IDEG):

"This system has turned local government into the monopoly of the ruling

party. Local government has become a patronage system with local leaders feeling more loyal and accountable to the President than to the local people, they are supposed to serve."

## CHANGE MAY BE COMING

For years, IDEG and others have pushed to have the Constitution changed to allow for locally elected leaders along party lines, and in early 2018, President Akufo-Addo announced a referendum on the issue in late 2019.

"30 years after we embarked on decentralisation, we think we should take the next step and work towards getting voters to elect their local leaders. This will make the leaders feel more accountable and responsible to the people," says Hajia Alima Mahama, Minister for Local Government & Rural Development. "And I think, Danida is happy about this."

"We certainly are, and we are currently supporting key activities leading to the election of district chief executives

as part of our support to local governance reforms," says Tove Degnbol, Denmark's Ambassador to Ghana.

Another hot issue is whether political parties should be allowed to contest local elections. "When we had our first local elections in 1988, political parties were not allowed, and while the 1992 Constitution made Ghana a multi-party democracy, candidates at local elections were – and are – not allowed to run on a political party ticket," explains Emmanuel O. Akwetey.

"Everybody knows that most local candidates are partisan, but they cannot be open about it, and that creates non-transparency. Our multi-party system at national level has developed more successfully than in most other African countries. Why don't we allow it at local level, too? It does not make sense to restrict political parties from actively taking part in the local democracy."

In Lower Manya Krobo, Simon Kweku Tetteh welcomes the idea of locally elected leaders. "It will make us more accountable to the people. When you don't perform they will see it, and when you perform, they will see it."

If the Constitution is changed, he has already decided that he will run as a candidate: "Definitely I'll run. And that's why I'm trying to perform well so that when I go back to the people, they will vote for me in 2021."



*Mayor – or Municipal Chief Executive – Simon Kweku Tetteh.*

# DANIDA HAS BEEN WITH US THROUGHOUT



*Denmark is seen in Ghana as a very long-term, reliable and trusted partner in decentralisation.*

"I must indicate my profound appreciation for the support of Denmark to the decentralisation process in Ghana. Danida has been with us throughout," says **Hajia Alima Mahama**, Ghana's Minister for Local Government & Rural Development. "I became Deputy Minister in this Ministry in 2001, and by that time we were already working closely with Danida and the Danish Embassy, which supported us in various ways to make decentralisation work."



Support to decentralisation has indeed been a focus area of Danida from the outset in Ghana – as in many other countries: "Decentralisation is so important for Danida, because it is about bringing services out to where people live," as Denmark's Ambassador to Ghana, Tove Degnbol, puts it.

This includes making sure, that the poor, remote and deprived areas also benefit from improved services and

development. This is a specific goal, that Danida has pursued through its support to health, education, roads, water and sanitation in Ghana. A major part of Danida's early support to these sectors was earmarked to Ghana's poorer regions like Upper West, Upper East and Northern.

And the effort has worked and made an impact: "I happen to come from the Upper West Region and here, Danida is a household name because of its support to that region in the health sector and other areas," says Alban Bagbin, Member of Parliament since 1992.

Osman Musah, Coordinating Director, Karaga District Assembly in the Northern Region, puts it this way: "I have worked in a number of districts in this region, and in all of them, Danida's support and intervention has been a key part of the districts' development."

## MORE THAN MONEY

Though Danida's support to decentralisation in terms of funding over the years has been substantial, Nana Agyekum Dwamena, Head of Civil Service, Office of the Head of Civil Service, stresses other characteristics of Danida's support:

"Danida allowed us to experiment and to use the Government of Ghana's own systems rather than building parallel structures, which is what many other donors do. We could pilot new ideas and build local capacity that remains after the support comes to an end and thus has a lasting impact. Danida involved us in the planning and design of new initiatives. We were the owners. And if things were not successful, we are to be blamed, not Danida."

Nana Agyekum Dwamena also emphasizes Danida's support to streamlining local administration: The setting up of works departments at district level

## A FUND TO ENHANCE EQUAL RIGHTS TO SERVICE DELIVERY

The gap between the demand for services at local level and the funds available to provide these services has been a constant challenge in Ghana. In 2008, the joint donor District Development Facility was established to help bridge the gap, in particular in the poor districts of Ghana. Several donors, including Danida, put money into the facility, which is administered by the Government of Ghana.

Danida also supported the establishment and capacity building of the DDF Secretariat and the development of an assessment tool (FOAT) to make sure that funds are allocated to the districts based on performance. The results of the FOAT assessment are published and that has contributed to increased transparency and accountability.

that brings together separate departments: Roads, water and sanitation, building etc. and the composite budgeting at local level, that in 2014 replaced the 'silo-budgeting' with each sector ministry having its own budget in the districts.

## A CHALLENGING ENDEAVOR

For Ghana it has been difficult to attract funding for decentralisation from other donors, and even for Danida, the involvement has been challenging: "It has not been an easy endeavor to support decentralisation in Ghana," says Tove Degnbol. "This is really one of the areas, where we have to tell ourselves, that we are in it for the long run and it will take years, before we see visible results."

Actually, Danida stalled its funding for the District Development Facility for a couple of years after 2014: "We were happy to support, but we would like to see more government commitment to contribute their share. We have recently seen a positive change, and funds have been released, but this has been an area where patience has been required, maybe more than in any of the other areas we have been working in," the Ambassador of Denmark notes.



## CAPACITYBUILDING IN DENMARK

In 2013, Abukari Baba went to Denmark on a 3-month Danida Fellowship course on result-based management. Today, he is the planning officer in Karaga District in Northern Region. "My job is to ensure that we use the limited resources that we have as effectively as possible and according to the priorities of the people and here, the course's focus on results was extremely relevant."

More than 400 Ghanaians from local administration have over the years attended Danida Fellowship courses in Denmark. This has not only improved their skills, but has also proven extremely motivating for public servants working in remote areas.



Danish support to water and sanitation (opposite) and health has focused on bringing basic services to remote areas and thus supported decentralisation.

# THE BUMPY ROAD TO JUSTICE



The Martyrs of the Rule of Law memorial statue illustrates the weak position of Ghana's judiciary a few decades ago. It commemorates the lives of three judges who were assassinated in 1982, while Ghana was in the grip of military rule.

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*Danida has been the main – and at times only – donor to Ghana's justice institutions for decades.*

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In 2015, a documentary by Ghana's renowned investigative journalist Anas Aremeyaw Anas sparked off what was to become one of the country's biggest corruption scandals ever. The film captured judges allegedly taking bribes and documented that sentences could be bought, documents could be made to disappear etc.

The film dealt a serious blow to an already suffering institution. Ghana's justice sector, which has received substantial Danida support from the early 1990s, has for years suffered from a poor image. But actually, the Ghanaian government's reaction to the 2015 scandal illustrates, that things are improving, says Greg Moran, a legal expert based in South Africa. He has been on

several missions to Ghana since 2008 and has intensive experience from a number of other African countries: "Yes, corruption in courts is a challenge, but the government's reaction to the 2015 scandal was prompt. Several of the implicated judges and magistrates were either sacked or suspended."

"That illustrates a positive trend of a judiciary that is – as far as I see it – increasingly independent and competent. You must remember that only a few decades ago, the justice situation in this country was appalling. Under the military dictatorship, 3 High Court judges were hauled up in the middle of the night and murdered. The judiciary was under complete control of the then government, and that takes years to change."

## **SPECIAL GENDER-BASED VIOLENCE COURTS**

Cases involving gender-based violence (GBV) are difficult to handle in mainstream courts all over the world, also in Ghana. To improve the handling of such cases – and access to justice for women and children in general – Danida is supporting the establishment of GBV Courts in all regional capitals in Ghana. This involves refurbishment of courts to ensure that victims and witnesses can be heard in camera. It also involves training of judges and magistrates on e.g. legal provisions, gender-based discrimination, conflict mediation, social psychology and the use of court procedural rules to render better services to women and children. GBV Courts have been established in all 10 regions – 9 with support from Danida and 1 supported by UNICEF.

### “EXPENSIVE AND SLOW”

In April 2018, Professor Philip Alston, United Nations Special Rapporteur on Extreme Poverty and Human Rights, visited Ghana, and toured the country for 2 weeks. Based on this, Alston issued a strong-worded statement, as this quote on criminal justice illustrates:

“The President has acknowledged that justice is perceived to be “expensive and slow” in Ghana, and information presented to me by various stakeholders confirmed that the costs of the system fall overwhelmingly on the poor. They are the ones who cannot afford the lawyer guaranteed to them by the Constitution and by Ghana’s international human rights obligations. They are the ones who cannot pay the petty bribes so often demanded in this context, and thus end up in prison.”

### DANIDA ALL OVER

Danida’s focus has not only been to support the judicial system and reform implementation, but also more broadly access to justice for the poor and vulnerable as illustrated by the long list of Danida-supported activities, projects etc. in the justice sector.

Danida has supported the new con-

struction or refurbishment of dozens of court buildings throughout Ghana, furniture, computers, automation of courts etc. Danida has also supported training of judges and judicial service staff on corruption and ethics. A substantial number of judicial staff has been to Denmark and received training at Danida Fellowship Centre, and at times when Ghana’s own government did not provide any funding for The Judicial Training Institute, the institute basically survived on Danida funding. Furthermore, Danida has supported the establishment of special courts like commercial courts, gender-based violence courts and Alternative Dispute Resolutions-connected courts.

“Danida’s support has been tremendous. We appreciate the long-term partnership which has ensured sustained and stable funding,” says Alex B. Poku-Acheampong, Judicial Secretary. “With the support of Danida, we have established several district courts, and that is the court where the average Ghanaian accesses justice, and I would say that access to justice has improved tremendously for the average Ghanaian since the mid-1990s.”

### VALUE FOR DANIDA’S MONEY?

But, as a recent evaluation notes, even more progress could have happened,



if the governments of Ghana over the years had given more priority to the justice sector. Allocations have not only been low, but quite often also delayed. This has made planning and implementation difficult and resulted in poorly maintained courts and equipment – some of which have been funded by Danida.

In 2015, the Embassy of Denmark commissioned a Value for Money-study of Danida’s support to the justice sector. The team was led by Greg Moran and made a tour covering 8 out of Ghana’s 10 regions:

“We visited pretty much every court that Danida had supported to find out, whether Danida-funded court buildings and equipment were in use and well maintained,” explains Greg Moran. “We left with the expectation that we would find a lot of wastage, but in fact we found that the courts and facilities were very well used and valuable to the communities. We did, of course, also find problems. But as a general rule, there was value for money, so that was very encouraging.”



Outside of Accra, like in Koforidua, court infrastructure is dilapidated.

# 8 YEARS AND 5 MONTHS ON REMAND



*A Danida-funded programme helps decongest overcrowded prisons – and illustrates poor access to justice.*

“8 years, 5 months,” **Kojo Obeng** keeps saying. That is the time he had to stay in remand prison, suspected of causing bodily harm to what he claims was an armed assailant breaking into his house at a time where he was not even at home. But year after year he languished in prison, as no charge was ever brought against him, and his case was never taken to court.

“Life in prison was very bad. We were 85 inmates in one room sharing just one bathroom which had been divided into two. We had to take turns to sleep, because there was so little space. The food, we had, was always the same and very bad. I was sick most of the time in prison,” Kojo says.

But on November 2017, the 72-year-old farmer was eventually released, thanks to the Danida-funded Justice for All Programme, which was launched in 2007 by Ghana’s Judicial Service – not to release criminals, but to decongest the prisons and to ensure justice for remand prisoners like Kojo Obeng.

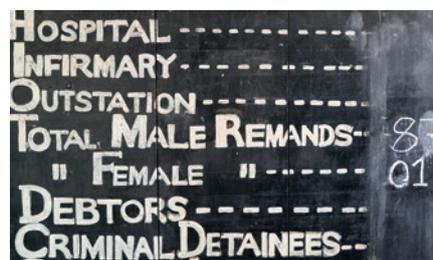
“The programme has achieved tremendous success. It has helped reduce the share of prisoners on remand from about 33 per cent of Ghana’s total prison population in 2007 to around 12

per cent in 2017. We have had the case of people who were locked up in prisons and were almost forgotten,” says Judicial Secretary Alex B. Poku-Acheampong.

## **AN ODD, BUT EFFECTIVE PARTNERSHIP**

The Justice For All Programme is implemented in a partnership between the Judicial Service in Ghana and POS Foundation, an Accra-based NGO, with POS Foundation’s activists playing a key and very hands-on supportive role:

“We get the lists of remand prisoners from the prisons, visit the prisons, where we meet and interview the prisoners,” explains Jonathan Osei Owusu, CEO of POS Foundation, which is made up of lawyers and paralegals. “We come as an external and neutral player and act as a defense team for the remand



prisoners. We hear their side of the story, get the facts and prepare their cases to be heard by a special court that is set up in the prison on a fixed date. Here, more than half are released on bail, another third are released unconditionally, while less than 10 per cent are convicted. But even the convicted benefit, because their case is finally settled.”

While Denmark’s Ambassador to Ghana, Tove Degnbol, welcomes the results of the Justice for All Programme, she adds a word of concern: “The programme speaks volumes about a justice system that does not work. If it did, we would not need to have the programme.”

Jonathan Osei Owusu of POS Foundation can speak at length about horrific cases from Ghana’s prisons: “Through the programme we have been able to have prisoners released after more than 20 years on remand. And there are numerous examples of prisoners who have been on remand for even longer than the prison sentence they would have had if found guilty.”

The success of the programme has made Danida fund the setting up of permanent prison courts in Tamale and Kumasi. There are also on-going efforts underway to export the programme to other African countries with similar challenges of congested prisons and delayed court procedures.

## **COMPENSATION TO REMAND PRISONERS?**

In the town of Akim Oda, 150 kms north of Accra, Kojo Obeng is still struggling to get back to normal life as it was before his time in remand. His health suffers from the more than 8 years in prison. He has no home of his own but is staying with relatives and depends on his family to survive. He left Koforidua Prison with no money whatsoever, and he was not paid any compensation for the time he had languished in prison.

“A bus ticket to the nearest town was all I got. I had to take a taxi the rest of the way. I still owe the taxi driver for the ride.”

# ALTERNATIVE, BUT EFFICIENT ACCESS TO JUSTICE

*Danida-supported alternative dispute resolution has improved access to justice for the poor and vulnerable in Ghana.*



"I bought a small piece of land about two years ago, but the seller did not come up with the document to prove it. So, I brought the case to the court and was referred to the Alternative Dispute Resolution office. They took on the case and quickly settled it: I had my documents without having to pay any fee," says Vivian Essel Armah from Koforidua in the Eastern Region. She is one out of thousands of Ghanaians, who have benefitted from quicker and cheaper access to justice through Alternative Dispute Resolution (ADR), which – with Danida-funding – has been rolled out to all courts in Ghana.

With ADR, the formal court setup is replaced by a more informal setup, where the opponents sit together with trained mediators to try to settle their dispute out of court.

"We do not sentence anybody, only help them to resolve the issue that they have brought to court. It's a win-win situation. You need to compromise so, at the end when you reach the agreement, it means that you have worked it out yourself, so you will be happy with it. And the settlement is adopted as court ruling and signed by the court as a legal document," says Christiana Puorideme, ADR-coordinator, Koforidua.

In the Tamale District Court 1, Judge Anthony Asaah, welcomes ADR: "It has

reduced our case load drastically, because most of the cases that are simple in nature are being resolved through court connected ADR. Furthermore, ADR is quite expeditious as compared to the court system, where cases can drag on for years."

## LASTING IMPACT

International legal expert Greg Moran has done Value for Money studies of Danida's support to Ghana's justice sector and mentions ADR as one of the success stories: "It is perhaps one of the best ways to provide access to justice. Not only is it a free service, but the final agreement also has to be put before the court and signed, so it is given authority and can be enforced."

Greg Moran adds that the ADR success is likely to be sustained: "Here, Danida leaves a legacy. A number of mediators have been trained and will continue to provide these services for many years after the end of Danish support."

Tove Degnbol, Denmark's Ambassador to Ghana, agrees: "On Alternative Dispute Resolution, Ghana is outstand-

ing on the African continent and can be of inspiration. Many other countries have been trying to establish something similar, but in Ghana it is there and well-functioning, with some challenges, though. The Government of Ghana takes time to transfer money to the mediators, without whom the system does not work."

## NO SETTLEMENT IN TAMALE

Almost half of the cases referred to ADR are successfully settled, but there are cases where mediation does not work. Like in the district court of Tamale, where two siblings – in a heated atmosphere – are trying to settle a case about a piece of land out of court through ADR. One says they should sell the land to share the proceeds, the other one says it should not be sold. Eventually, the siblings and the mediators give up.

"Neither of them were ready to change their positions. We have tried, we have used all the ADR-mechanisms and tools, but realising they were not cooperating, we have to refer them back to court," explains Justina Abasitimi, ADR-coordinator, Tamale. She regrets the outcome, and it is likely that the parties will regret it as well:

"A court case will take 12 months if not more, unlike ADR. We would have been able to settle it within a couple of weeks."



*In this case in Tamale, the alternative Dispute Resolution did not work, though the mediators tried their best.*

# THE WATCHDOG THAT LOST ITS TEETH

*Ghana's Commission on Human Rights and Administrative Justice has lost some of its former strength.*

When Ghana's Commission on Human Rights and Administrative Justice – commonly known as CHRAJ – was established in 1993 as an independent body to keep a sharp eye on not only human rights and administrative justice, but also corruption, it was faced with a tall agenda:

"We were just out of almost 25 years of military rule, which denied people their basic human rights. We were used to a situation with a lot of oppression and no freedom of speech. There was a culture of silence, and this did not change overnight with the new democratic constitution in 1992," says Justice **Emile Short**, who became the first Commissioner of CHRAJ and remained in that position up to 2010, though he was on leave 2004-2009 to work for the



United Nations International Criminal Tribunal for Rwanda.

Emile Short is widely acknowledged for the very positive image CHRAJ developed, both nationally and internationally. Under his leadership CHRAJ took on corruption cases involving high profile politicians. CHRAJ also made noise about the poor conditions in Ghana's prisons: "I went into the prisons with the media, where we highlighted the horrific conditions," Emile Short remembers.

As importantly, CHRAJ opened offices all over Ghana to enable the ordinary Ghanaian to file complaints about human rights abuses, corruption, public administration malpractices etc. – free of charge. "Mostly what we do is to try to settle issues by mediation. Most of the times we succeed in doing that," explains **Stephen Okpoti Mensah**, who heads CHRAJ in the Eastern Region.

But a strong and outspoken CHRAJ was not popular with all: "Government felt that we were painting a negative picture of the situation in the country," says Emile Short, and from around 2000 government funding to CHRAJ went down, and CHRAJ lost a lot of its competent staff.

## **"DANIDA MADE CHRAJ WHAT IT WAS"**

Right from its establishment in 1993, CHRAJ received massive Danida-fun-

ding, to the extent, that Emile Short today says: "Danida made CHRAJ what it was. It was also with the support of Danida, we were able to hold our ground during difficult times."

CHRAJ received Danida-funding for training, equipment, establishment of regional and district offices, activities etc. In 2011, CHRAJ received 89% of its budget from Denmark. In 2014, though, Danida stopped its funding to CHRAJ. Ironically, it was due to a corruption case involving CHRAJ's Commissioner at the time and to Danish dissatisfaction with CHRAJ's poor record on pursuing corruption in general. Danida-funding has not been resumed.

Although now retired Justice Short deplores this development, he maintains that CHRAJ over the years has contributed to a markedly improved human rights situation in Ghana.

Richard Quayson, Deputy Commissioner of CHRAJ agrees: "CHRAJ came to represent access to justice for people in rural communities. We took the institution to the doorstep of the ordinary Ghanaian."

He concedes that the public image of CHRAJ is not as strong as it used to be, in particular when it comes to the fight against corruption: "But CHRAJ paved the way for others, so today we are not a loner. You have civil society actively fighting against corruption, involved in promoting human rights and fighting violations of rights."



# CORRUPTION REMAINS A CHALLENGE

*Anti-corruption legislation and institutions have failed to solve the problem of corruption.*



Adam Issah and other youth activists have confronted Tamale Teaching Hospital with allegations of corruption.

“We have confronted Tamale Teaching Hospital several times on issues concerning corruption. In particular, illegal charging of pregnant women who are made to pay for services that they are supposed to get for free,” Adam Issah, an activist from Tamale League of Youth explains. “We went on radio with the evidence, and the Manager of the hospital took action to stop the illegal charging of fees.”

The case from Tamale illustrates the petty corruption that is wide-spread in Ghana. But it also illustrates that things can change, when people on the ground stand up against it.

“Corruption in Ghana is on the rise,” says investigative journalist **Manasseh Azure Awuni**, Joy FM. “In the past, you’d be able to successfully apply to join the Ghanaian army, the police or prison service. Today, you would have to either bribe somebody or to know an official who can facilitate your recruitment. To get a passport as a Ghanaian today,

you’d also have to pay a bribe or be tossed around.”

As a journalist, Manasseh Azure Awuni has exposed several cases of grand scale corruption in Ghana, and while he is happy about Ghana’s freedom of expression, which allows him to do his job, he deplores the fact, that action is very rarely taken when corruption is exposed: “There is a common joke in Ghana, that if you want to steal, don’t steal small, steal big. If you steal small, you’ll be jailed.”



## A KEY-FOCUS OF DANIDA

Danida has since the early 1990s supported a wide range of anti-corruption institutions, legislation, plans and activities, but the Ambassador of Denmark to Ghana, Tove Degnbol, concedes that the impact has been limited: “There has been a reluctance by government to actually sanction and follow up on corruption cases,” she says.

Manasseh Azure Awuni agrees: “We never lack the policy initiatives, we don’t lack the expertise, nor clear definitions of our problems. What we lack is implementation.”

In the campaign leading up to the December 2016 national elections, corruption was hotly debated and Nana Akufo-Addo of the New Patriotic Party, who was voted President, promised to take prompt action against corruption. He has established the Office of the Special Prosecutor with the specific mission of investigating corruption cases. While this has created some optimism, the office is only operational on a limited scale, and it therefore remains to be seen, if it can live up to the political promises.

The present Ghanaian government has also presented a vision of a ‘Ghana Beyond Aid’, realising that aid from development partners is reducing as Ghana has reached the status of a lower middle-income country.

“This only makes the fight against corruption even more important,” says the Ambassador of Denmark. “Ghana has so many attractions like the political stability, the security situation and the generally conducive business environment, but there, corruption is on the negative side.”

## LOW SCORE ON INDEX

Transparency International’s Corruption Perception Index confirms that corruption is an increasing problem in Ghana. In 2017, Ghana was ranked 81 out of 180 countries, scoring 40 out of 100 points. This is lower than many African countries, such as Rwanda and Senegal, but better than that of Kenya, Tanzania and Uganda. It is also a significant drop from rank 69 in 2007 and rank 61 in 2014 (scoring 48 out of 100 points) and from a record high of rank 50 in 2002.

# TURNING SPECTATORS INTO ACTIVE CITIZENS



Lukman Adams and Emmanuel Nuetey Siakwa of YOWE inspect the construction of new public toilets.

*Ghana boasts a vibrant and vocal civil society. But challenges lie ahead.*

“A building like this can last up to even 100 years, but if the contractor uses too little cement and too much sand to save money, you’ll see the building collapsing in just a few years,” says Emmanuel Nuetey Siakwa of a local civil society organisation, Youth and Women Empowerment (YOWE) based in Odumase Krobo in Ghana’s Eastern Region. Together with a colleague from YOWE, he is closely monitoring the construction of new public toilet facilities in town.

“Before, it was only local government authorities doing this kind of monitoring, and much too often the monitoring was poor, so contractors could get away with whatever they liked. Now, we assist local government to make sure

that public money is not wasted. We also keep a close and constant eye on whether local government delivers on their policies and programmes.”

And the local mayor, or Municipal Chief Executive, of Lower Manya Krobo, Simon Kweku Tetteh, claims that he is happy with being scrutinized by YOWE and other local organisations: “They are doing well, it’s fantastic. It’s always good that what we are doing is measured. It keeps us on our toes.”

**Mabel Viviey** also welcomes the work of active civil society organisations like YOWE. She is the Communications and Learning Manager at STAR. STAR is an acronym for Strengthening Transparency, Accountability and Responsiveness in Ghana. It was established in 2010 as a multi-donor (including Danida) pooled funding mechanism mainly to increase the influence of civil society in the governance of public goods and service delivery in Ghana.



## FROM SPECTATORS TO CITIZENS

“The individual Ghanaian has a very, very significant role to play to hold leaders accountable in between elections. Like our President has said: ‘We need to be citizens and not spectators!’ That is the only way you can ensure that local and national government delivers on its mandate,” she says.

Ghana does boast an active and vocal civil society. In the past, the role of civil society organisations was mainly to deliver services. Not long ago, national and local government in Ghana was unable to deliver even basic services, in particular in the rural areas, and civil society played the role as gap fillers – often supported by donors like Danida. But over the past 10 years, civil society has increasingly taken on a different role, doing advocacy and holding government accountable. This shift has also been supported and



encouraged by donors including Danida. As a result, a multitude of think tanks and modern, urban organisations like Occupy Ghana are mushrooming and using social media for mobilisation, in many cases quite successfully.

“The long-lasting and long-term support from Danida has been instrumental in developing a strong civil society in Ghana. It has enabled us to build the capacity of civil society organisations, including the smaller organisations and the community-based organisations, and it provides stability for the organisations,” says Mabel Viviey of STAR.

She, however, sees challenges ahead: “It is becoming more difficult to attract long-term core-funding from donors and thus build and sustain the capacity of the various organisations. On top of this comes the fact that several donors like Danida are now pulling out of Ghana, and we have to find out how to not only survive, but to keep up the momentum in this new context.”

# MIGHTY MEDIA



*Freedom of speech and hundreds of private radio stations contribute to keeping Ghana's democracy alive.*

In a squeezed studio of the private radio station 'Might FM' in the small town of Savelugu in Ghana's Northern Region, a local youth group is airing their weekly phone-in programme: 'Youth Speak Up.'

"Radio has become a very powerful tool for mobilisation. If a radio station talks about the local people's problems, I can assure that you'll get a lot of listeners calling in, and that the duty-bearers will also respond to them. They simply cannot afford to ignore it," says Clement Boateng, Communication Officer at Ghana Developing Communities Association, a civil society organisation based in Tamale.

## DANIDA'S MEDIA SUPPORT

Danida has over the years supported media in Ghana in various ways, both indirectly and directly. A key element has been training and capacity-building to address the problems of low quality media and low professional standards of some journalists, many of whom are poorly paid and susceptible to bribes and self-censorship.

Ghana today boasts several hundred private radio stations like Might FM, and they provide a very useful platform for youth groups and civil society organisations to attract the attention of both local and national authorities. "Before the proliferation of the radio stations, it was very difficult for such interaction to take place," Clement Boateng notes.

In Accra, investigative journalist Manasseh Azure Awuni, Joy FM, while critical of many things in Ghana – also praises the freedom of speech: "As a Ghanaian I'm particularly proud of two things: We have peaceful elections, and we have a free press, and I must give a lot of credit to the governments we have had in recent years, because they have ensured that we have a lot of freedom to practice as journalists."

Manasseh Azure Awuni, though, calls on his colleagues to make better use of this freedom: "Take the fight against corruption. If more media and journalists would engage in exposing the wide-spread corruption, we could really

make a difference. When we don't, we become part of the problem."

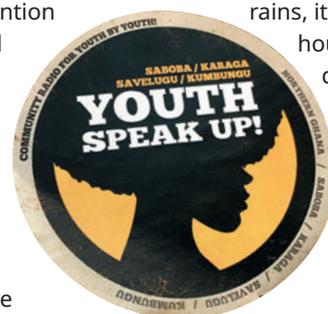
One of the pioneers of democratisation in Ghana, Justice Emile Short, agrees that the free media and freedom of speech are one of the success stories of Ghana's young democracy: "We are able now to express our views and to criticise the government. This was not possible before the transition to democracy and constitutional rule.

## COMMUNITY JOURNALISTS AROUND

In Karaga District in Ghana's Northern Region, Nath Abukari, is doing his best to keep the local authorities on their toes. He is one of the numerous community journalists in Ghana working together with civil society organisations and making use of the private radio stations:

"Look at this filthy water all over right here in the middle of town. It is waste water leaking from the public toilets. It smells, it attracts flies, it is full of mosquitoes, and when we have heavy rains, it even flows into private houses. Local authorities must do something about it," he says. "My role as a community journalist is to make sure that problems like these are addressed and solved. One cannot just sit back."

Nath Abukari does not sit back. Indeed, he has a tall agenda, he would like local authorities to address: "There is no maternity ward in our hospital. The hospital also lacks water and an ambulance. We have so many challenges and we shall keep on advocating and speaking about them on the radio."





*A woman casts her ballot during the elections in Ghana in December 2000, using a Danish-funded and -produced transparent ballot box.*

*Photo: Issouf Sanogo*

## **WATCH 10 SHORT FILMS ON THE DANISH-GHANAIAN PARTNERSHIP FOR DEMOCRACY:**

### **PIONEERING DEMOCRACY**

In just 3 decades, Ghana has made an impressive transition from military to democratic rule – with Danida as a key partner.

### **GHANA'S MODEL DEMOCRACY COULD HAVE STUMBLERD**

Ghana is hailed as a model democracy in Africa, but in 1996 it could have stumbled. Transparent ballot boxes from Denmark played a key role in solving the crisis.

### **BRINGING DEVELOPMENT TO CUT OFF AREAS**

Decentralisation – heavily supported by Danida – has boosted local development in Ghana, but there is still a long way to go.

### **TAKING DECENTRALISATION THE LAST MILE**

Ghana is a frontrunner when it comes to decentralisation in Africa. Yet, local mayors are still appointed by the president – but this may now change.

### **ALTERNATIVE, BUT EFFICIENT ACCESS TO JUSTICE**

Danida-supported alternative dispute resolution has improved access to justice for the poor and vulnerable in Ghana.

### **8 YEARS, 5 MONTHS ON REMAND**

Kojo Obeng spent more than 8 years as a remand prisoner, before being released through the Danida-supported Justice for All programme.

### **BREAKING THE CULTURE OF SILENCE**

The Danida-supported Commission on Human Rights and Administrative Justice played a key role in the early days of Ghana's transition to democracy, but the watchdog has lost some of its former strength.

### **ONLY ONE THING WORKS: SAY NO!**

Corruption remains the major challenge to Ghana's democracy and development.

### **TURNING SPECTATORS INTO ACTIVE CITIZENS**

An active civil society is critical to sustain democracy and development in Ghana. Meet some of the activists.

### **WE CAN SPEAK UP – AND WE DO**

Freedom of speech and hundreds of private radio stations contribute to keeping Ghana's democracy alive and kicking.

The films are available on [www.ghana.um.dk](http://www.ghana.um.dk)