IMPROVING GOVERNANCE IN THE PUBLIC SECTOR IN GHANA

JOSEPH R.A. AYEE (PhD; FGA; FGIM)

PROFESSOR/ INDEPENDENT CONSULTANT & FIRST EMEKA ANYAOKU VISITING PROFESSOR OF COMMONWEALTH STUDIES, UNIVERSITY OF LONDON
OUTLINE OF PRESENTATION

• Introduction
• Governance: Definition, Forms, Features and Importance
• Definition of Public Sector and Public Sector Governance
• Governance in Ghana: Progress Thus Far
• Governance in Ghana: Challenges
• 18 Strategies to Improve Governance in Ghana
• Conclusion: Some Lessons and Policy Implications
INTRODUCTION

• Governance not a new concept. Recurrent theme in the literature on politics ever since people began to reflect upon how they are being ruled. It can be traced to Plato and Aristotle in ancient Greece and enlightenment thinking in the 18th and 19th centuries in the works of Max Weber and Joseph Schumpeter.

• What is new, however, is the meteoric rise since 1989 of governance as a key concept in the international development debate with the publication of the World Bank report on Sub-Saharan Africa: From Crisis to Sustainable Growth” which identified a serious crisis of governance or the crucial drag on Africa’s long-term development. An intriguing transformation in focus from micro to macro issues.
GOVERNANCE: DEFINITION, FEATURES, FORMS AND IMPORTANCE

• Qualifying epithets of governance such as “good”, “bad” or “better”, “sound”, “effective” or ineffective” governance.

• Three approaches to defining governance—as leadership, multi-organizational problem solving or as the fundamental or regime rules regulating the relationships between rulers and the ruled in any societal or political context.

• Governance may be defined as the exercise of political, economic and administrative authority to manage the affairs of a nation. It embraces all of the methods that societies use to distribute power and manage public resources and challenges.
FEATURES OF GOVERNANCE

• The quality of governance depends fundamentally on institutions. Institutions are the “rules of the game” that shape the behavior of organizations and individuals in a society. Institutions can be formal rules, such as a country’s constitution or informal rules such as the values and norms that drive bureaucratic behavior.

• Good or sound governance is a normative concept and a subset of governance and refers to norms of governance. Some of the norms at the heart of good governance to which there is some agreement in the literature include: trust, reciprocity, accountability, transparency, stakeholder participation, anti-corruption, rule of law, diversity, effective service provision, equity, equality, sustainability and development-oriented leadership.
6 FORMS OF GOVERNANCE

1) Political governance: policy design, marshalling resources, popular participation, democracy, rule of law, fundamental rights, pluralism, consensus and equity.

2) Economic governance: economic and fiscal policies, economic decision-making, industrial policy, role of private sector, globalization and international trade.

3) Social governance: social norms, values and standard setting, role of culture, religion and civil society, the welfare state and institutions to control poverty.
4) Green governance: environmental democracy and sustainable development, green justice, eco-spirituality and environmental Bill of Rights.

5) Spiritual/Morality-inspired governance: moral and ethical leadership to promote public confidence and trust.

6) Global governance – the collective management (institutions, regimes, processes, networks) of common problems at the international level (Dwivedi 2002).
IMPORTANCE OF GOOD OR EFFECTIVE GOVERNANCE

• Encourages better decision making and the efficient use of resources and strengthens accountability for the stewardship of those resources.

• Promotes robust scrutiny, which provides important pressures for improving public sector performance and tackling corruption.
IMPORTANCE OF GOOD OR EFFECTIVE GOVERNANCE

• Improves management, leading to more effective implementation of the chosen interventions, better service delivery, and, ultimately, better outcomes. People’s lives are thereby improved.

• Ensures that entities act in the public interest at all times. Acting in the public interest requires: strong commitment to integrity, ethical values, and the rule of law; and openness and comprehensive stakeholder engagement.
DEFINITION OF PUBLIC SECTOR

- Organizations charged with providing services for the public, although increasingly their roles are being transformed from actual production to provision using a variety of public and private entities. mostly financed with public resources or taxes and such services must be guided by some notion of the wider public interest.

- Four types of organizations –
  - the civil service,
  - regulatory agencies,
  - public enterprises or parastatals, and
  - regional and/or local governments.
According Chapter 14 of the 1992 Constitution, the Public Services of Ghana shall include:

(a) Civil Service; Judicial Service; Audit Service; Education Service; Prisons Service; Parliamentary Service; Health Service; Statistical Service; National Fire Service; Customs, Excise and Preventive Service; Internal Revenue Service; Police Service; Immigration Service; Legal Service;

(b) Public Corporations other than those set up for commercial ventures;

(c) Public Corporations established by this Constitution; and

(d) Such other public services as Parliament may by law prescribe.
Public sector governance refers to how the state acquires and exercises the authority to provide and manage public goods and services.

Fundamentally, public sector governance is about the nature and quality of three principal relationships between:

(i) citizens and politicians;
(ii) politicians as policy makers and the bureaucracy as policy implementers (those responsible for providing public goods and services); and
(iii) the bureaucracy as delivery agents and the citizenry as clients.

- Complexity of the relationship should be underscored. This makes public sector governance a Herculean and challenging venture.
1) Some progress in governance in the creation of the legal and institutional framework. The 1992 Constitution. Fifteen of its chapters are devoted to governance either directly or indirectly while Chapter 24 is on Code of Conduct for Public Officers. Chapter 6 Directive Principles of State Policy.


3) Laws have been passed for the protection of rights. They include the Public Order Act, 1994; Children’s Act, 1998; Criminal Code (Repeal of Criminal Libel and Seditious Laws – Amendment Bill], 2001; Labour Act, 2003; Disability Act, 2006; Whistleblowers’ Act, 2006; and the Domestic Violence Act, 2007.
GOVERNANCE IN GHANA: PROGRESS THUS FAR

4) Laws have been passed to promote transparency and accountability. They include the *Financial Administration Act* (Act 654); the *Public Procurement Act* (Act 663); Internal Audit Act, Act 658 – all of 2003.

5) Codes of conduct have been developed. They include the Code of Conduct for the Ghana Civil Service; Guidelines on Conflict of Interest of the Commission on Human Rights and Administrative Justice (CHRAJ) of 2011 to assist public officials in identifying conflicts of interest; Code of Ethics for Ministers and Political Appointees in Ghana of 2013; Code of conduct for Political Parties, 2000; 2012.

7) Some policies have been implemented to strengthen governance. They include decentralization which has been recognized by Chapter 20 of the 1992 Constitution. IMCC formed to oversee decentralization.
GOVERNANCE IN GHANA: PROGRESS THUS FAR
(Cont’d)

• Institutional framework for the promotion of good governance can be divided into two, namely, state and non-state institutions.

• The state institutions include Parliament, the Judiciary, the Auditor General, Electoral Commission, Commission on Human Rights and Administrative Justice (CHRAJ), Electoral Commission, National Commission for Civic Education, Media Commission, Internal Audit Agency, Procurement Agency, Economic and Organised Crimes Office (EOCO) (set up by Act 804 of 2010) and the Legal Aid Board.

• Constitution Review Commission (CRC) and Constitution Review Implementation Committee (CRIC).
• Ghana is the first country in Africa to undergo the African Peer Review Mechanism (APRM) - the “Mecca” of democracy and good governance.

• Political Stability and Peace in spite of six turbulent elections.

• APRM led to design of social interventions, eg., LEAP, SADA.


CHALLENGES

• Constitutional deficits
  (i) Appointment of Ministers from Parliament;
  (ii) Decoupling the position of Minister for Justice and Attorney General;
  (iii) The vexed issue of the Mode of District Assembly Elections;
  (iv) Mode of Selecting Metropolitan, Municipal and District Chief Executives (MMDCEs);
• Proliferation of Institutions Resulting in Duplication of Functions and Inadequate Coordination (CHRAJ; EOCO).
• Weak Capacity of the Public Sector.
CHALLENGES (Cont’d)

- Mismanagement of State Resources: reports of the Auditor General and the public hearings of the Public Accounts Committee.
- Debilitating contextual variables such as the challenge of meeting expectations (getting the basics right in addition to service delivery) with meagre resources, the need to grapple with continued dependence on an unfavorable international economic order, the need to incorporate a diverse population into a workable whole and to establish the guidelines for a distinctive Ghanaian path of not only constructive change but, also, socio-economic development.
- Growing politicization of the public service.
CHALLENGES (Cont’d)

- The Culture of Excessive Partisanship.
- Discontinuation of some Policies and Programmes by Governments.
- The Culture of Neo-Patrimonialism or Patronage.
- The Lack of a Comprehensive and Long Term Development Plan.
- Little or no Integration of Political Party Manifestoes into the Directive Principles of State Policy.
- Weak National Integrity System.
- High Perception of Corruption.
- Inadequate Governmental Accountability and Transparency.
- The Global Recession and Weak Economy.
18 STRATEGIES TO IMPROVE PUBLIC SECTOR GOVERNANCE

- Effective and Efficient Leadership.
- Fixing the Economic Downturn.
- Greater and Improved Accountability, Transparency and Openness.
- Good Record Keeping.
- Emphasis on Pockets or Centres of Excellence.
- Curb the Phenomenon of the Winner-Takes-All.
- Effective or Improved Policy Implementation.
- Improved Service Delivery.
- Improved Recruitment, Promotion and Placement in the Public Service.
- Improved Management of Human Resources Through Ministerial Reshuffles and Appointments.
- Promote Humane Governance: Behavioral and Attitudinal Change.
STRATEGIES TO IMPROVE PUBLIC SECTOR GOVERNANCE (Cont’d)

• Improved Sound, Pragmatic and Consistent Policies.
• Improved Management of State Resources.
• Improved Coordination and Effective Information Sharing.
• Strengthen Parliamentary Leadership.
• Coordinated and Relevant Capacity Development for the Public Sector.
• Deepen Decentralization for Inclusion and Improved Service Delivery.
• Learn from the Experience of Implementing Public Sector Reforms.
CONCLUSION: SOME LESSONS AND POLICY IMPLICATIONS

• Improving governance is a Herculean task because of the combination and multiplicity of factors, institutions and officials that are involved.

• Openness is key since “Sunlight is the best disinfectant”.

• Right and pragmatic policies to deal with the weak economy.

• Adequate capacity is needed if accountability is to work.

• Auditing, performance evaluation, reporting, investigations, and prosecution require information.

• The nature of the compact between policy makers and bureaucrats critically determines the outcomes of policies.

• Reduce the winner-takes-all and exclusion through addressing inequalities, redistribution of income and resources and developing a culture of inclusion, tolerance and patriotism.
CONCLUSION: SOME LESSONS AND POLICY IMPLICATIONS (Cont)

- Adequate public and private sector support and commitment for promoting and enhancing good governance.
- Strengthen and streamline legislation on the key principles of good governance.
- Enforce consistently and fairly codes of ethics or conduct.
- Resource and strengthen key good governance institutions through the creation of an enabling environment, allocation of adequate funds and capacity development of their human resources.
- Consistent application of sanctions to those public officials who have been found to have acted unethically and without due regard to good governance principles.
CONCLUSION: SOME LESSONS AND POLICY IMPLICATIONS (Cont’d)

• Provide a practical framework of reference for reviewing and modernising existing policy solutions in line with good practice.
• Promote a public service culture in which trust, openness, integrity and the public interest are the key centre-piece.
• Support partnerships between the public, private and civil society sectors in promoting and enhancing.
• Coordinated public education in governance by the National Commission on Civic Education (NCCE), Commission on Human Rights and Administrative Justice (CHRAJ) and Civil Society Organizations.
• Build governance into the curricula of primary, junior and senior high schools.
CONCLUSION: SOME LESSONS AND POLICY IMPLICATIONS (Cont’d)

• Promote a healthy economy and redistribute income and wealth through credible and viable social interventions.

• Implement and practice an all-inclusive participatory, transparent and accountable good or smart governance.

• Appoint persons with the necessary competence and expertise to be in charge of monitoring, evaluation and periodic review of all policies, programmes and institutions responsible for the promoting good governance.

• Promote effective checks and balances for national integration and integrity.
THANK YOU