

Security Sector Reform in Ghana

Introduction and Context of Reform

Ghana has come to be considered one of the most successful examples of demilitarization and democratization, and its experiences with security sector reform have often been noted as a hopeful example and an important factor contributing to the establishment of democracy. In the 1970s and 1980s, Ghana was a state at the brink of collapse, characterized by a legitimacy crisis, shrinking economic and institutional capacity, and what has been classified as an “endemic process of militarization.”¹ Except for a brief two-year period in the early 1980s, military rule was the main form of government directly from 1972 until 1992 and indirectly until 2000. Despite all these obstacles which threatened Ghana into a state of total crisis and violent conflict like many of its surrounding neighbors, Ghana has generally managed to turn around its deplorable state of affairs.² Often seen as a ‘popular revolution’, the 1981 coup provided the basis for establishing new ways of running and administrating the country. Under the military regime of Jerry Rawlings, Ghana commenced a series of macroeconomic reforms, which stabilized the country. What followed was a process of “silent development” where although no specific reforms were announced, certain changes of an increasing democratic nature began to occur in the security sector.³ The process of economic improvement was then followed by the development of democracy that was propagated by a reluctant regime in the early 1990s. Although Rawlings’ party, the Provisional National Defense Council (PNDC) (which later on would transform into the more democratic NDC) was an autocratic military regime – it introduced the 1992 Republic Constitution that reinitiated plural democratic politics. More specifically, the constitution provided the impetus to reform the security sector, with an emphasis on parliamentary and civilian oversight. The first ever-successful change of government, through electoral means since Independence, occurred at the end of 2000 and appointed John Kufuor from the New Patriotic Party (NPP) as Ghana’s new president, a position to which in 2004 he has been subsequently voted into again. This new government has been perceived to be less militaristic and has publicly expressed their commitment to improve the national security structures. There is much hope that Kufuor’s administration will continue to actively work to deepen and appropriate democratic governance principles in Ghana’s security sector and work towards creating a comprehensive, over-arching sector reform approach.

¹ Kwesi Aning, 2004, p. 8

² Although Ghana has generally been stable, there have been some cases of ethnically motivated violence.

³ Hutchful and Fayemi, 2003. p. 41

Military Reform

During the 1990s, Jerry Rawlings initiated many 'quiet' reforms aimed at professionalizing the Ghana Armed Forces (GAF) (comprised of the army, navy, and air force) with the overall goal of ending the debilitating cycle of military coups. There were measures put in place to restore discipline and command, de-link the armed forces from popular movements, and impose greater political control by the government.⁴ The increasing participation in peacekeeping missions contributed to the stabilization of civil-military relations by for example providing a training venue for the armed forces or a way for soldiers to supplement their meager wages.⁵ These measures were combined with efforts to introduce or restore key governance institutions within the armed forces. These were among others, the Armed Forces Council, the Defense Administrative Committee, and the Defense Staff Committee. These reforms contributed to suppressing praetorian tendencies within the armed forces, and producing one of the better-run armed forces in sub-Saharan Africa.⁶

Since 2000 President Kufour has put security issues high on the agenda of his new government. Of particular focus has been the politicized nature of the military and its fondness of intervening in national politics.⁷ While civilian authorities generally maintained effective control over the armed forces, there were some instances in which elements of the security forces acted independently of government authorities.⁸ In 2004, before the presidential elections, serving and retired military personnel plotted a coup, but Ghana's security agencies arrested this group before any further actions could be taken.⁹ The government has also had to face difficult challenges in overseeing and restructuring the military. For instance, there have been some accusations that security-related appointments are being made on the basis of ethnicity.¹⁰ Also some senior generals have been asked to leave the military, which taps into the continued challenge of how to reincorporate into society older soldiers who have been dismissed.¹¹ The GAF continue participating in joint operations with the police in missions to curb armed robbery and violent crimes¹², which sometimes leads to blurred responsibilities and instances of abuse and excessive use of force. Currently, they have been involved in "Operation Cowleg" or "Operation Sit Down Look" which are internal missions to combat the destruction of crops in rural communities, monitor the movement of people, good,

⁴ Hutchful, 2003. p. 85

⁵ Ibid.

⁶ Ibid. p. 90

⁷ Kwesi Aning, 2001.

⁸ US DOS, 2005b

⁹ *BBC News*, 2004

¹⁰ Kwesi Aning, 2004.

¹¹ Kwesi Aning, 2001.

¹² Republic of Ghana. Ministry of Defense, 2005

illegal arms and ammunition.¹³ Vice-President Aliu Maham suggested in 2005 that the Ghana Armed Forces should further integrate into all dimensions of national life in order to improve civil-military relations.¹⁴ This also reflects the fact that the GAF has initiated programs that aim at fostering relations with civilians.¹⁵ Peacekeeping activities also continue to be an important focus and are supported by such agencies as the International Military Education and Training (IMET).¹⁶ In October 2005, more than 1,000 from the GAF and the North Atlantic Treaty Organization (NATO) have engaged in a joint training exercise.¹⁷ These types of activities reflect that in comparison to regional standards, Ghana has managed to create a fairly professional military force and the current government is committed to maintain a highly disciplined and competent force.

Defense Ministry

During Rawlings' period in power, there appear to have been some reductions in military expenditure, although there seems to be contradictory analysis on this issue. Structural Adjustment Programs directed by the IMF and World Bank demanded cuts in the public sector, and hence military spending. Defense spending decreased from 1998 to 1999 and similarly the defense budget decreased from US \$57 million in 1999 to US \$56 million in 2000.¹⁸ However, there is also some evidence that notes that in more recent times military spending has increased.¹⁹ Some of the explanations for this increased spending include a raise in pay and allowances of the armed forces, and the creation of defense committees set up during Rawlings' regime to make the "armed forces more democratic and less authoritarian towards the rank and file."²⁰ These new committees demanded additional resources of the military budget. Also, this divergence of information regarding military expenditure may also be explained with the fact that although military spending has decreased to some extent, this has not meant that 'security' expenditures have decreased as well. The rise of violent crime has resulted in the military becoming actively involved in joint patrols with the police.

More recently, the Ghanaian Ministry of Defense, in an effort to review and adopt necessary reforms launched a Performance Improvement Plan (PIP) with the assistance of a UK Defense Advisory Team. The immediate aim of the PIP is to strengthen the capacity of the civil division of the Ministry of Defense. Furthermore, through this program there is also the goal to work towards eventually

¹³ Essel, 2005.

¹⁴ *Accra Daily Mail*, 2005b

¹⁵ Ibid.

¹⁶ US DOS, 2005a

¹⁷ "Ghana-NATO troops in joint military exercise.", *myjoyonline.com*, 21 Oct. 2005

¹⁸ Institute for Security Studies, 2005.

¹⁹ Omitoogun, 2003. p. 49

²⁰ Ibid. p. 60

adopting a Defense Policy. The first phase of the PIP commenced in February 2003 with a course in Defense Management for civilian staff. This program also plans to assess the capacity needs of the Parliament, although at that point it was unclear as to how this will be carried out.²¹ Other activities in recent years supporting the process of democratic governance of the security sector include the collaboration of civil society organizations with the Ministry of Defense in engaging in civil-military dialogues, and participating in events such as the “South-South Dialogue on Defense Transformation” that took place in 2003.

Intelligence Services

One of the most significant developments under the increasingly democratic Ghana was the passing of the Security and Intelligence Act, which for the first time established a legislative basis for the operation and regulation of the national intelligence agencies. The Security and Intelligence Agencies Act (Act 526) passed in 1996 has been considered one of the most progressive and transparent legislation in the security sector, and it limits reforms initiated in the 1980s to the intelligence agencies.²² Some of the reforms as highlighted in the law include the subjection of the intelligence agencies to the authority of the National Security Council, as well as to Parliamentary and Judicial oversight; the centralization of the three existing intelligence services under the control of one body; the empowerment of the president to appoint a Minister for National Security; an annual report to parliament on the operations of the intelligence agencies and the ensured ‘political neutrality’ of the functions carried out by the intelligence agencies.²³ The reforms and adoption of a new security structure were seen as a fundamental priority in order to address and ensure the end of military coups.²⁴

Police Force

The police are governed by the Police Service Act of 1970 (Act 350) which is one of the most important pieces of legislation governing the Ghana Police Service, outlining in detail several aspects of administrative control. Act 350 has been noted for its innovative aspect of trying to define among other things, a framework for regulating non-statutory bodies like private security companies.²⁵ In fact in accordance with this law, the Minister of Interior in November 2005 has pledged to publish a list of all licensed security agencies in an effort to sweep-away the growing number of unregistered private security companies that have been involved in

²¹ Hutchful and Fayemi, 2003. p. 44

²² Hutchful and Fayemi, 2003. p. 42

²³ Hutchful, 2003. p. 89

²⁴ Higazi, 2004.

²⁵ Kwesi Aning, 2004. p. 11-12

dishonest activities.²⁶ However, beyond this important piece of legislation on police control, as indicated by a Presidential Commission on the Police in 1997, the force has been generally neglected with poor conditions of service and equipment. There also continue to be reports of human rights abuses, such as the excessive use of force and the arbitrary detention of people.²⁷ In 2001 the new government that came into power announced its intentions to strengthen the police (especially given the rising crime rate) and has pledged to reequip it. In August 2002, official plans for the reform of the Ghanaian police were publicly announced. The reforms have been envisioned to support the already defined role of the police in crime prevention and ensuring peace, stability and security in the country. Through the Police Improvement Team (PIT), the agent to lead the reform process, the reform project seeks to develop appropriate institutional capacities to improve service delivery, public accountability and credibility, and improve the overall governance and operations of the police (especially in the area of human rights and community policing). The reform has been supported by the Government of Ghana, the UNDP, and with the technical cooperation of the African Security Dialogue and Research (ASDR), a non-governmental security research organization.²⁸ A project associated with judicial reform also proposes to implement a training program in policing public events, expand the women and juvenile units, and entrench human rights law and practices in the police-training syllabus.²⁹ In August 2005, the Inspector-General of the Ghanaian Police, along with the police headquarters Management Board announced that soon policies would be implemented to make the police more effective and disciplined. In the same period, under the umbrella of 'community-policing' in order to help the police in their task to reduce the high rate of crime, neighborhood watch groups were created to combat criminal activities and build closer relationships between communities and the police force.³⁰

Since the NPP's ascendance to government they have initiated other related programs to address the public security concerns and the increasing episodes of low level violence. For example, the government launched a 'weapons-for-reward' program and established the Ghana National Commission on Small Arms (GNCSA) in order to retrieve excess and unlicensed weapons from society.³¹ This has been a joint military and police operation.

Judicial Reform

The NPP government has taken the initiative to address the problems of the justice sector that has been notoriously under-resourced and undermined. Lack of security

²⁶ Ackah Nyanzu, 2005.

²⁷ US DOS, 2005b.

²⁸ Republic of Ghana, 2002.

²⁹ Utstein Anti-Corruption Resource Centre, 2005.

³⁰ Boateng, T., 2005.

³¹ Owusu, 2004.

and access to justice have been two key concerns for Ghanaians. The Government of Ghana demonstrated their commitment to improving the reform process through the creation of a Legal Sector Reform program and by including a justice sector in the National Institutional renewal program.³² These efforts have been supported by programs such as the “Security, Safety and Accessible Justice (SSAJ)” project with the assistance of DFIF, DANIDA, GTZ, and the World Bank. The goal of this program, initiated in 2002, has been to improve access to justice and public safety and support the development of the Ghanaian-led justice sector reform program. The activities of this project for example, are targeted to support better communication, coordination and cooperation between justice agencies. Despite these attempted reforms there continue to be backlogs in the criminal system, and there are cases of suspected criminals being held in remand for years and then later released without receiving a trial.³³ A more positive development to Ghana’s distrusted judicial sector includes the release on April 2005 of the final report of the National Reconciliation Commission mandated to investigate past human rights abuses. The report recommends reparations for victims and institutional reforms.

Institutional Framework and Oversight

During the years of Rawlings’ rule, the parliamentary defense committee of the legislature functioned erratically. Increasingly, and with the establishment of the 1992 constitution, many oversight mechanisms have been created with the goal to democratically manage security-related institutions. Under the 1992 constitution, some of the security oversight institutions that were created include: a National Security Council (responsible for overall coordination of security); service councils for the Police, Armed Forces, and the Prisons; and the Parliamentary Committee for Defense and Interior (although its role has been limited to discussing the armed forces and police budgets).³⁴ Since 1995, the parliament has taken a more active role specifically discussing defense and military expenditure. This type of involvement with security-related oversight functions, have been noted by experts as an “evolving” activity.³⁵ The 2001 edition of the Parliamentary Debates (which is the official record of the discussions in parliament) differed from the previous year, not only by providing the breakdown of military expenditure but also for example, by offering official explanations for decisions taken.³⁶ The President and Vice-President also have important functions in managing the security sector. According to the constitution, ultimate coordination of national security policy falls under the responsibility of the National Security Council, which then acts in an advisory

³² Owusu, 2004.

³³ Accra Daily Mail, 2005a

³⁴ Hutchful and Fayemi, 2003. p. 43

³⁵ Omitoogun 2003,. p. 51

³⁶ Ibid.

capacity to the President. The functions of the National Security Council include, among others: considering and taking required measures to safeguard the internal and external security of Ghana; coordinating information related to security across the different security services and departments so that they operate efficiently.

Despite the creation of these oversight mechanisms, civilian supervision has been limited by the lack of expertise and funding.³⁷ Despite the important role granted to the National Security Council, it has not been very effective in terms of its mission in providing a security policy framework.³⁸ Furthermore, it is dominated by the security services that provide more than half of its members.³⁹ While it is unclear whether a Defense Policy has been enacted in present-day Ghana, it has also been noted that the lack of such a policy in the past has been a reason for the ineffective framework for oversight and control.

Conclusion: An overview of Ghana's SSR process

Although Ghana appears to have undertaken a generally well-intentioned program of SSR, it is also important to highlight some of the limitations of the reform process.

First, it should be noted that Rawlings' reforms were problematic, because they were not originally envisioned as a way of democratizing Ghana, but rather as a means to preserve political power. Rawlings' creation of formal institutions did not replace his personal and informal controls over the security agencies. In fact, in what has been noted as a somewhat controversial move, in 1996 the 1992 Constitution was amended to reduce the influence and role of the Vice-President on the Service Councils (comprising of the Armed Forces, Police & Prison Councils), technically making the President the Chairman of these councils.⁴⁰

Secondly, in the 1990s, priorities were placed on restructuring the intelligence agencies, and to a lesser degree the armed forces.⁴¹ The reforms have not been part of a comprehensive plan, and have therefore resulted in uneven developments. Furthermore, legal and judicial reform lagged behind, and impunity continued as security officers were not held accountable for their crimes. There is also the issue that Ghana is comprised of traditional chieftaincy institutions that hold power particularly at the local level. Local chiefs appear to have some responsibility for the maintenance of law and order in the communities.⁴² However, although there appears to be collaborating and programs with agencies such as USAID in strengthening district assemblies' capacity for democratic governance, it is unclear whether security sector reform activities have been included or incorporated into

³⁷ Hutchful & Fayemi, 2003. p. 43

³⁸ Ibid. p. 44

³⁹ Hutchful, 2003. p. 91

⁴⁰ Kwesi Aning, 2004. p. 9

⁴¹ Hutchful. p. 90

⁴² Boateng, M, 2005.

this type of programming.⁴³ Other uneven developments include the failure to include a gender perspective and female input into the reform process of the security agencies.⁴⁴

Thirdly, governance of the security sector has also been problematic. The 1992 constitution was a remarkable step forward and established civil supervision. Inadequate funding, infrastructure and technical expertise, and a general lack of clarity regarding responsibilities have hindered the civilian supervisory functions.⁴⁵ Oversight functions have been limited not only by the lack of resources, but also by the 'politicization' of key oversight institutions. The Ministry of Defense continues to be characterized by weak ministerial control and a tradition of military autonomy.⁴⁶ It is unclear whether a national defense policy has now been put in place, but the lack of clear policy is an obstructing factor in the ability of the ministry to address defense related issues. Furthermore, civil society groups in Ghana have been generally identified as having the potential to decisively participate and provide diverse inputs into the security sector reform process in Ghana.⁴⁷ While the fight against militarism also worked to unite and strengthen civil society in Ghana, bringing together student, the professional middle classes, the churches and even unions in a campaign against military rule, many of them lack the sustained interest to engage in security issues.⁴⁸ Political control over the military and changes to the structure of the armed forces and security sector have not yet been fully institutionalized. The relationship between the military and the state therefore remains a problematic issue.

Despite these continued challenges, Ghana's transition towards democracy has been impressive and has allowed the creation and reform of many institutional and legislative mechanisms that seek to promote an ethos for democratic governance of the security sector. Reforms to the military and other security services have been noted as an important process of the democratic political and institutional reconstruction of Ghana. Some of the strengths of Ghana's SSR process include a generally tight legal framework, specifically the 1992 constitution, which outlines the responsibilities of different actors and institutional bodies, and in theory creates comprehensive civilian mechanisms with the task of overseeing the security agencies. Furthermore, the NPP has been acknowledged for its active commitment in security sector reforms, attempting to consolidate government control over the security structures of Ghana by removing the undemocratic elements installed by Rawlings regime. External inflows (through grants and long-term concessional loans) has been noted as an important factor in facilitating the overall reform

⁴³ Boateng, M., 2005.

⁴⁴ Kwesi Aning, 2004. p. 25

⁴⁵ Hutchful, 2003. p. 91

⁴⁶ Ibid.

⁴⁷ Kwesi Aning, 2004. p. 18

⁴⁸ Hutchful and Fayemi, 2003. p. 45

process. For example, The UNDP in Ghana has been an important partner collaborating to SSR through the “Consolidating Democratic Governance Programme (CDGP).⁴⁹ Other donor agencies include World Bank, IMF, UN agencies, UK, US, Canada, and the EU. The Republic of Ghana has also been a priority partner country of Germany, and the GTZ has supported ‘good governance’ programs with a focus on rule of law and decentralization.⁵⁰

Security sector reform in Ghana, despite its lack of coherent framework, was an important way of reducing insecurities and political stability. Eboe Hutchful, an expert of SSR in Ghana, notes that “restoring [the security sector’s] professionalism and efficiency also allowed the state to restore its own credibility as the primary source of security for its citizens.”⁵¹ Ghana’s security sector has managed to reconstruct itself along more democratic lines, and if it can overcome and continue to fortify some of the limitations to its reform program, it will then continue to contribute to the overall process of democratization. In conclusion, Hutchful further argues, “... Ghana’s experience is representative of many transitions from military authoritarianism to electoral democracy in West Africa, and shares many of the limitations and ambiguities of these transitions, it departs from most in that Ghana’s initial exercise in regime rearrangement appears to be deepening into a genuine case of democratic transition. Evolving [security sector governance] SSG has been central to this experience and marks the essential fragility of this.”⁵²

⁴⁹ UNDP, Year?

⁵⁰ GTZ., year?

⁵¹ Hutchful, 2003. p. 90

⁵² Quoted in Kwesi Aning, 2004. p. 4

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