

CHAPTER 2

Resurrecting the Police Council in Ghana

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Introduction

Since 1982 Ghana has enjoyed its longest period of sustained political stability since it gained independence in 1957.¹ While several periods of its democratic journey have been interrupted by military incursions (including attempted coups d'état, mutinies and the successful overthrow of democratically elected governments), post-1981 Ghana was transformed from being the 'sick state of West Africa', both economically and politically, to become a reference point for democratic practice and security sector governance processes. In a region beset by security challenges, several aspects of this 'success story' have yet to be documented. This paper addresses this lacuna concerning Ghana's security sector reform processes and how they have influenced security sector governance dynamics, examining some of the changes in the fundamental structures of power and governance behind Ghana's transformation. To this end, the paper analyses a particularly significant policy intervention: the re-establishment of the Police Council under the 1992 constitution and the contradictions in both how the institution has functioned over time and how it has contributed to the manner in which the Ghana Police Service (GPS) is governed. To appreciate the developments that have contributed to what this paper argues are first steps in a genuine case of deepening democratic control of the security sector, it is necessary to examine the history of the incremental changes that brought it about.

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Ghana's political history and national security experiences have shaped the mechanisms and processes for managing its security sector. Understanding how the transformation of Ghana's security sector occurred relies on locating the processes of change within the developmental and historical trajectories of the country's turbulent post-independence politics and advances in security sector management and oversight. The statutory security sector institutions willingly and fully embraced the notion of democratic control. As a result, the governance voids and deficits that characterised periods of military rule have begun to close, though they have not been completely eliminated, as seen in relation to the Police Council.

From the early 2000s, Ghana gradually reversed the militarisation that previously characterised the country's political landscape, instead creating relatively stable security sector governance processes that have contributed to the development of a robust and responsive democracy. However, although several oversight institutions have been established to govern the sector democratically, they are not performing as effectively as hoped: the GPS and the Police Council are typical in this regard.²

The Ghana Police Service was established in the pre-colonial era. It has gone through several iterations, from a 'force' to a 'service', in an effort to improve its performance and deliverables. In this context, the Second Republican Constitution of 1969 recognised the need for a Police Council, which was first established in 1970. Yet a general perception still exists that the GPS has not been able to deliver and satisfy the expectations of those that it serves. Two key factors lie behind this dissatisfaction: the GPS's human resource capacity is weak and political will appears to be lacking in relation to enforcing democratic oversight through the Police Council.³

As a case study, the GPS and Police Council demonstrate how the very idea of the need for change arose, how this was pushed through the policy and bureaucratic jungles of successive military and democratic governments, and the limitations of the resulting structures. The paper begins by examining the political and historical conditions at stake in the policy shifts regarding Ghana's security sector. It then explores the processes that led to the 1992 resurrection of the Police Council, paying particular attention to the key actors involved and the sustainability of various shifts in policy. In sum, this chapter analyses the different facets of the legal and institutional frameworks underpinning the governance and functionality of an important actor within the security sector in Ghana with a view to identifying best practice that might inform wider SSR approaches in West Africa.

Context for Security Sector Governance in Ghana

In the immediate post-independence period, President Kwame Nkrumah's 1957–66 management of the security sector included creating a Presidential Guard and extending the control by his Convention People's Party over the whole

security sector. There are different views on how the security sector either suffered or gained political support and currency during the subsequent regimes of Akwasi Amankwa Afrifa (1966–1969); Ignatius Kutu Acheampong (1972–78) and Jerry Rawlings (4 June–1 October 1979 and 1982–1992) when morale, as well as command and control structures, were severely undermined by political meddling. The end result was a situation where presidents were “able to subtly politicize the leadership of state security institutions resulting in partisanship” (Adu-Amanfo 2014: 99). Such political interference in the professional performance of duties and the delivery of public services culminated in a “demand for reciprocal loyalties, to the detriment of merit and professionalism” (Adu-Amanfo 2014: 100). Thus the “over-politicisation of the leadership of... security institutions has led to a virtual split of their loyalties and hence heightened partisanship among the rank and file” (Adu-Amanfo 2014: 100) contributing to “undue political interference with their routine administration and planning and execution of operations” (Adu-Amanfo 2014: 100–102). Indeed the political interference and meddling was not only limited to the military and police sectors, but also affected the intelligence community (Aning, Birikorang & Lartey 2013: 199–201). Hutchful (1999: 97) characterised the cumulative result as an “endemic process of militarization”.

Yet, in spite of the negative impact on the professional cohesion and performance of these services, Ghana eventually succeeded in reversing this process. This shift was made possible by decisions initiated by the different military regimes that ruled Ghana from 1966 to 1992: the National Liberation Council (NLC), the National Redemption Council, the Supreme Military Councils I & II, and the Provisional National Defence Council. Although the Provisional National Defence Council was a dictatorship, a decade after it came to power it promulgated the 1992 constitution to restore democratic politics after sustained domestic and international pressure. This ushered in the Fourth Republic. The reversal of militarization was intensified during the Fourth Republic under the National Democratic Congress, which ruled between 1992 and 2000. Between 2000 and 2008, under the New Patriotic Party Government, these multiple processes contributed to improved oversight and the re-professionalisation of the security sector, leading to an increasing and genuine sense of democratic control of the security sector (Hutchful 1999: 109).⁴

The Creation of the Police Council

The Police Council was established after democratic rule was restored in 1970: thus, it was one of the first acts of the newly elected Progress Party (PP) Government, led by Kofi Abrefa Busia. But the initial drive to see the idea implemented was began under the dictatorial regime of the NLC following the first coup d'état (1966). A critical question is why a military-cum-police regime, whose democratic credentials were not entrenched, included such a provision in its 1969 Constitution?

The reason for the establishment of the Police Council lies in the country's history. During the immediate post-independence Kwame Nkrumah era from 1957–1966, the mistrust between Kwame Nkrumah's Convention People's Party (CPP) and the military caused a policy-shift to equip the Ghana Police Force (as it was then known) as a counter-balance to the Ghana Armed Forces: this was intended as a protective measure to forestall any of the security sector services from being able to overthrow the CPP. However, when Nkrumah's CPP became more dictatorial and progressively limited the democratic space, a combined force of police and army personnel collaborated to overthrow the CPP on 24 February 1966. The NLC was established in the aftermath of this coup d'état and was led by a combination of police and military officers.⁵

One of the NLC's first policy moves was to introduce a campaign to re-educate Ghanaians on their civic rights and responsibilities. Between 1966 and the introduction of the Second Republic in 1969, Busia led a number of civic campaigns around Ghana. Key among these was the Civic Education Forum, a civil society forum established by the NLC regime and led by Busia that aimed to inculcate the values of civil behaviour into Ghanaian society. Busia's leadership of the Civic Education Forum exposed him to the wide chasm between the availability and establishment of institutions and their functional ability to deliver. Busia subsequently became Prime Minister (1969–1972): his charisma and idealism was a key driver behind the move to introduce the Police Council. Busia was a scholar as well as a political figure: earlier in his career he wrote the seminal work on the role of chieftaincy in Ghanaian society (Busia 1951), stressing the importance of checks and balances in all institutional processes and procedures. Having experienced actual political power, he sought to fuse theory and praxis by arguing for the creation of an institution to provide oversight of the police's activities. The establishment of the Police Council was thus a novel initiative that sought to provide institutional oversight, simultaneously informing parliament about the performance of the police via an annual report on its activities and a parliamentary discussion of the report submitted by the Police Council.

Using his close affiliation with the NLC Government, when the process for the re-introduction of democratic politics began in 1968, Busia and his cohorts formed the PP, which subsequently won the election in 1969. Inducted into office as the Second Republic, one of their most abiding policy shifts was the introduction of the Police Service Act 1970 (Act 350) based on the 1969 Constitution. The Police Service Act 1970 (Act 350) remains the single most important piece of legislation governing the security sector, especially the GPS, with its intricate set of rules, regulations, checks and balances.⁶ The enactment of Act 350 sought to improve the performance and oversight of the police service as a whole, with parliament performing a critical democratic oversight function. Act 350 is thus imbued with an intricate set of rules and regulations that establishes in detail facets of its administrative and oversight functions. When

the original Police Council was formed in 1970, it was made up of ten members and operated as the constitutional body responsible for advising the president on matters of policy relating to internal security, including the role and operational capabilities of the GPS.⁷ This represented a major and innovative policy shift that can partly be put down to the fact that the leadership of the Second Republic had worked closely with the combined police/military leadership of the NLC and, thus, had a clear vision of why oversight was so important and also how to make it palatable to the security sector and the wider public.

There are several key sections in Act 350. First, it requires the Inspector General of Police and, by extension, the GPS as a whole to submit annual reports to parliament through the Police Council:

As soon as may be after the 30th day of June in each year, the Inspector-General of Police shall prepare a report giving details of the administration of the Police Service ... during the previous twelve months. The report shall be submitted to the Minister who shall cause it to be laid before the National Assembly.⁸

Under Act 350 the Police Council functions as an advisory body on appointments, welfare, discipline, selection, training, police-public relations and the adjudication of disciplinary appeals from serving officers.⁹ Apart from the statutory demand to report to parliament, the Police Council is also mandated to:

- Review the constitutional and statutory oversight duties of the Police Service;
- Deliberate on the extent to which their mandates have been accomplished;
- Synthesize the rationales for their various successes and shortfalls;
- Identify targeted interventions in order to supply the operational deficit of the service; and
- Agree on a set on concrete re-orientations, programmes and activities for strengthening the oversight functions of the Council.

The Council may also, with the approval of the President, identify regulatory measures for the effective and efficient administration of the Police Service.¹⁰

Atrophy under Military Dictatorships

Although the PP government introduced the Police Council, the fundamental oversight responsibility of informing parliament through annual reports never took place. One can argue that, the Council under the PP government had insufficient chances to develop and institute its working modalities before a return to military rule. The military returned to power through a coup d'état

in 1972 led by Ignatius Kutu Acheampong who then established the National Redemption Council which was followed 1978–1979 by the second Supreme Military Council of Frederick William Kwasi Akuffo. Though both Acheampong and Akuffo were military officers, there seems to have been a ‘soft’ spot for the police and this resulted in the police service being given logistical support and other materiel much more than the armed forces. Several distinctive branches within the police were formed and the GPS was also renamed the Ghana Police Force. Changing the ‘service’ to ‘force’ was a clear indication by the new military rulers to give the police institution the necessary muscle to deal both with the public in times of agitation and to be able to serve as a countervailing force to the military.

Moreover, in 1974, the Police Force (Amendment) Decree 303 (NRCD 303) amended sections of Act 350. This change was critical because the GPS was institutionally removed from the administrative and bureaucratic control of the Public Services Commission. A further major distinctive change was that the Inspector General of Police (IGP) now chaired his own Police Council and was elevated to Cabinet Rank. Such an intrusive intervention meant that the guard became the guardian simultaneously, hindering effective oversight and concentrating too much unchecked power in the hands of the IGP.

Thus, between the coup d’état in 1972 and 1992 there was a democratic lacunae as Ghana’s democratic institutions were hollowed out by one military dictator after another. The genesis of the Police Council was the exception, perhaps because it stemmed from the idealistic beliefs of an individual academic. Yet the intermittent interventions of the military into politics routinely suspended the working of the Police Council. Critical to appreciating these developments is the need to understand how Ghana’s security sector has always been controlled by a complex web of legal frameworks, some of which were suspended at times, while others were overlooked, abrogated or left in abeyance depending on the political dispensation at the time. When the legal framework governing the country was suspended following coups that established new coercive institutions, those already serving in the security sector felt unable to question their new leadership, not least because they were unsure from how high up the chain of command new orders were emanating. This proved especially problematic when new decision-making procedures created during military regimes sought to undermine the effectiveness of established institutions.¹¹ As such, during military regimes, when the current constitution was suspended, the armed forces and the GPS maintained their internal administrative and disciplinary regulations and procedures; however, these were kept in place for command and control purposes, as well as to create the impression of continuity in the case of the GPS. The Police Council – under whose remit these internal regulations were expected to be implemented in the interests of democratic oversight and accountability – was itself left in limbo and allowed to atrophy. It was only after the long hiatus between 1979 and 1992, when constitutional rule

was reinstated, the Police Council saw a renaissance under the constitution of the Fourth Republic.

A key factor behind the Police Council's present form was the gradual opening of political space within which other non-traditional 'securocratic' institutions came to play critical roles in reshaping the sector (Aning 2008b). Gradually, Ghana's security sector has changed towards more inclusive and transparent governance processes. This provides:

“an instructive study of security sector governance in West Africa, if only for the fact that an apparently endemic process of militarization appears to have been arrested and finally reversed in the late 1980s and 1990s, facilitating a transition to a fairly robust democracy. And while in some respects, 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 sense of democratic transition. Evolving stable security sector governance has been central to this experience.” (Hutchful 2004: 1 – 2)

Hutchful's analysis demonstrates the extraordinary nature of Ghana's successful transition from largely autocratic military regimes following its independence in 1957 to the establishment of the democratic Fourth Republic in 1992. Despite the diverse nature of the regimes in power during this period, and the different changes and agendas that shaped the security sector, there has generally been a pragmatic approach to its management and administration. Even before the Second Republic in 1970, there were moves to reform, deepen and strengthen democratic governance mechanisms in Ghana with respect to the security sector, with institutional mechanisms for oversight gradually being accepted and their effectiveness enhanced.

The key to understanding Ghana's security sector dynamics is the combined power of the domestic demand for reform of the sector and the role of bilateral and multilateral institutions. Critically, most of these international institutions sought reform in the context of the “provision of a limited set of public services at the lowest possible cost”: thus, there was a broad drive to make ministries, departments and statutory agencies more efficient and accountable as an essential part of improving overall efficiency in the public sector (Brzoska 2002: 1). In spite of demands from Ghana's international partners to reform the security sector as part of general public-sector reforms, the Rawlings administration of 1982 – 1992 resisted these pressures throughout the series of extensive reforms starting in the 1980s. These public-sector reforms, which benefitted from substantial external funding, resulted in the establishment of the National Institutional Renewal Programme but largely excluded security institutions.¹²

Only since 1996 has the idea gained ground that security sector institutions require extensive reform – and perhaps even to a greater extent than the rest of the public sector.

Resurrecting the Police Council

In 1992, after a sustained period of domestic agitation for the re-institution of democratic governance, a constitutional review process was undertaken. As a result, the political space opened up and a constituent assembly was tasked to design a new constitution. Following the introduction of democratic governance mechanisms with the inception of the Fourth Republic, the idea of a Police Council was reinserted into the constitution. Thus, the 1992 Fourth Republican constitution enjoined the reconstituted Police Council, under Article 203,¹³ to advise the president on matters relating to internal security, including the conditions of service for personnel of the police service, budgeting, pensions, salaries, and finance for the effective and efficient administration of the GPS.

Thus, similar to the original version, by law the reconstituted Police Council is an advisory body to the president. Although the GPS is now institutionally located under the administrative purview of the Ministry of Interior (now a member of the Police Council), the Police Council itself is an independent body. At the headquarters level, the Police Council has two advisory bodies: the Police Appointments and Promotions Advisory Board and the Police Management Board.¹⁴ While the former advises on appointments and promotions at all levels, the latter advises on major policy issues and decisions regarding the service's general administration and operations. Both are subject to the Police Council, so all GPS activities fall within its remit and responsibility. The issue remains whether these bodies have the effective authority to exercise their functions adequately. Despite these problems, there is general consensus among critical observers of Ghana's security sector landscape that the continued existence of the Police Council is necessary and welcome.¹⁵

The new constitution made particularly significant changes to membership of the Police Council itself, making the vice president a member and, subsequently, the chair.¹⁶ Under the new constitutional provisions, Police Council now comprises:

1. The Vice-President, who shall be chairman;
2. The Minister responsible for the Interior;
3. The Inspector-General of Police;
4. The Attorney-General or his representative;
5. A lawyer nominated by the Ghana Bar Association;
6. A representative of the Retired Senior Police Officers Association;

7. Two members of the Police Service, appointed by the President, acting in consultation with the Council of State, one of whom shall be of a junior rank; and
8. Two other members appointed by the President.

These changes reflected broader ones in the country as a whole and the GPS in particular. First, the addition of members of the retired Senior Police Officers Association recognised the immense expertise that was available in this body and its value to the work of the Police Council. Second, a police officer of junior rank was included to bring to the fore problems faced at this level of policing. However, it is unlikely that this move has had the intended effect as the hierarchical nature and institutional culture of the service makes it almost impossible for a single junior officer to bring the concerns of his or her colleagues to the fore without fear of being victimised.¹⁷ This nominal inclusion of the junior ranks can be considered a legacy of the 1981 revolution during which junior ranks briefly took over the reins of government.

Regional police committees were also included in the new legislation to replicate some of the advisory functions of the Police Council on a smaller scale. However, these bodies have never been formally established. As such, all the developments regarding the Police Council since the advances accomplished under Busia can be considered technical adjustments and additions.

Despite the potential and intentions behind its establishment, the Police Council continues to suffer from a long history of close presidential control. The vice-president's position as chair was revoked, for example, in the aftermath of the potentially dangerous security crisis between President Jerry Rawlings and the late Vice-President Ekow Nkensen Arkaah.¹⁸ Although progress was made insofar as the vice-president's position as chair of the Police Council has since been reinstated,¹⁹ even in a democratic era membership of the Police Council remains biased towards the political executive and insufficiently independent. Out of the ten members, eight are appointed by the president, the exceptions being the member from the Bar Association and the retired police representative. Ideally, membership would reflect the three arms of government and also include civil society representation to make the Police Council more responsive to the public; instead, it is generally considered to fall largely under the control of the president. Moreover, most of the Police Council's since 1970 have worked and reached decisions by consensus with very little of their deliberations brought into the public domain.

The Police Council is generally perceived by observers – and, indeed, by members of the GPS – as primarily concerned with “promotions, demotions and dismissals”.²⁰ Yet, although this is meant as a derogatory epithet, these are key mechanisms for enforcing accountability and ensuring professionalism. Thus, the Police Council's credibility has been called into question, including in relation to apparently unwarranted promotions that attracted resent-

ment among the rank and file. However, in the last twenty years there have been instances where the Police Council has made capricious decisions. For instance, under the Kufuor Government in 2001 many senior police officers who had attained the compulsory retirement age, including the then IGP, were asked to retire. These officers still occupied positions as senior police officers as some had been given extended contracts by the government and others had remained for other reasons. While this decision was within the law and the GPS' regulations and procedures, many of those concerned were unhappy.²¹ On the surface this decision was a show of strength by the Police Council; however, it later bowed to executive authority. Similarly, in a 2003 move attributed to the Police Council one senior police officer was promoted over the heads of many more senior personnel, creating agitation in the GPS. This was only one of a number of promotions and appointments that surprised many. The appointment of a retired officer as an IGP while serving officers were not considered was another example. The Appointments and Promotions Advisory Board claimed they were not consulted in all instances.²² If so, the question remains as to who is advising the Council and how are these decisions made?

Immediately after the inauguration of the Police Council in November 2013, the chair, Vice President Kwesi Bekoe Amisshah-Arthur, revealed that a new procedure for the appointment of IGPs would be instituted to avoid the ongoing instability that previously accompanied appointments: this primarily arose from associated political wrangling within the GPS causing tension across the ranks (Joy Online 2013a). However, just weeks after the vice president's public statement, the president renewed the appointment of the present IGP without consulting the Police Council, leading to serious consternation within the service (Joy Online 2013b).

The current barriers to improvement are two-fold and are both rooted in the Constitution. First, the mode of appointment of the IGP and the members of the Police Council make the GPS prone to the whims and caprices of the executive without adequate democratic control. The nature of the Police Council's work must not be seen to be in the control of the executive as this offers the possibility of illegitimate use for political advantage. The GPS should serve the people, so the populace must have a clear view of how the GPS is set up and controlled. Second, the office of the IGP is perceived to hold a great deal of influence. While the powerful nature of the office, including perceived tacit support from the executive, is primarily for operational reasons, a weak Police Council will be unable to provide checks and balances, especially where the GPS operates as a unified command institution. As a result, in practice the office of the IGP decides what to let the Police Council know and what to let it decide: provided the Police Council has the impression that the executive concurs, whatever is presented will be accepted, even if there is opposition. Thus, the performance of the Police Council ultimately depends on what the executive desires, not least because it is the executive that appoints the majority

of its members. Every officer is aware of the current deficiencies and difficulties in the performance of the GPS but few raise their voices about these glaring inadequacies. In the past, more complaints were made when the situation was far better than it is now.

The sustainability of change

In Ghana's case, several key actors were involved in the most significant policy shifts regarding the Police Council. Busia, a long-term opposition leader, academic and human rights campaigner used his strong democratic credentials to institutionalise processes to bring about transparency. Although he established the Police Council, governmental difficulties and expectations prevented him from following through on ensuring that the Council functioned effectively.²³ Since the inception of the Fourth Republic, the usual constraints facing the Police Council – especially the lack of human resources, financial resources and executive control – have been offset by the opportunities, which have increased over time, to expand civil-society expertise and engagement within the security sector, though these opportunities are still too often adversarial. Nevertheless, the improvements in this arena have also been accompanied by opportunities to build capacity and deepen the interest of political parties and parliamentarians in security issues. In the immediate post-authoritarian period in 1992, the relationships between parliament/political parties and the security sector were full of distrust,²⁴ but since the inauguration of the Fourth Republic there have been attempts at widespread reform, including in relation to security sector institutions.

In analysing the effectiveness of the Police Council with regard to its mandate there is a close correlation between the effectiveness and accountability of the GPS as a whole and the performance of the Police Council. When the Council is perceived to be hands-on and engaging closely with the IGP and the headquarters management team, there is a positive effect on the general performance, effectiveness and service delivery of the GPS (Salia 2015).

Overall, there remains room for improvement in the activities and operations of both the GPS and Police Council. Moving forward, the GPS must clearly identify goals and set standards; there must be an agenda setting out major policy issues and also standard operating procedures for both administrative and operational matters. Some policies exist but enforcement is inconsistent, including with regard to eligibility requirements for recruitment. Publicly the police enforce these criteria, but there has been an emerging trend of 'protocolism' driven by persons of influence, especially the government, that has started to entrench incompetence across Ghanaian state institutions. Regulations and laws must be reinforced by the Police Council as provided for under Article 203(2) of the 1992 Constitution to ensure enforcement across the GPS. To

improve the GPS, the Police Council must lend weight to the relevant regulations, laws and procedures or the improvements will be deprived of legitimacy. Similarly, if appointments to the Police Council are made more transparent without accompanying improvement in the GPS, this would be mere window dressing: the two are interlinked and intertwined in all respects.

Transparency on budgetary issues is key. The current administration seems to be concentrating its efforts on the creation of Formed Police Units: equipment has been procured and 170²⁵ officers will soon be sent on a mission to South Sudan. However even the Police Management Board seems to know nothing of the source of funding for this equipment. If the Police Management Board, which is supposed to advise the Police Council on policy decisions, lacks this knowledge, then who has it? This is especially important given that resource gaps are having a significant negative effect on the GPS' capabilities. Vehicles are not being serviced and some units and stations do not have the requisite staffing and equipment to carry out their duties. The popular strategy of ensuring police visibility has taken able officers away from stations to intersections, leaving other core duties unperformed or underperformed. In Accra alone, it is estimated that about 1000 officers perform these duties daily while stations lack investigators and officers to perform essential duties. This has a knock-on effect on policing across whole districts, divisions and regions.²⁶ The low level of investigated cases and commensurately high level of cases under investigation means that Ghana's prisons are full with remand prisoners. If the Police Council put more pressure on the IGP and the Criminal Investigative Department team, this problem could be reduced.²⁷

Another area where the Council has so far failed concerns the appointment of the IGP and other critical headquarters staff. The existing job descriptions and specifications must be reviewed in is order that the persons appointed may be monitored and assessed according to clear criteria. This, in turn, would ensure adherence to the relevant laws, procedures and protocols, as well as conformity to performance requirements. Further on the subject of enforcing regulations, the fact that the rank and file of the Police Service do not understand the ethos of the GPS must be addressed. Since the GPS generally instructs commands, units and the rank and file through service orders, instructions, signals and circulars, the Police Management Boards could use the same avenues to clarify the GPS' mission statement and philosophy. This would make use of the extant system to ensure relevant information and documents are widely circulated to the command level and, in turn, cascaded downwards, creating conformity and a solid basis for measuring the efficiency and effectiveness of the GPS as a whole.

In sum, the reinstatement of the Police Council during the Fourth Republic represented a major and sustained policy shift in terms of re-establishing oversight of the GPS. The Police Council continues to be recognised as a necessary institution with good long-term prospects for strengthening the effectiveness and performance of the GPS even if much room for improvement remains.

Conclusion

Applying a historical perspective sheds new light on the under-analysed but critical issue of the Police Council's trajectory and the wider implications of this institution for security sector governance. In general, democratic oversight of the security sector in Ghana has improved since the 1990s. Nonetheless, in subtle ways the legacy of military control remains. In particular, parliamentary authority remains weak relative to the executive. To alter this balance, parliament will need to be endowed with better institutional capacity to exercise its mandated oversight functions; it must also have the resources necessary to enable and sustain such changes. Moreover, aspects of existing legislation, enacted to regulate the activities and performance of key security sector institutions, have come to limit rather than facilitate democratic oversight: these must be reviewed and amended. Frequent shifts in personnel and excessive politicisation of key oversight and accountability institutions have undermined an already weak human resource base. Even if all these issues were addressed, to be truly effective oversight institutions like the Police Council need to be complemented by more input from civil society actors. Ghana's civil society must become more active in networking, dialogue and advocacy if the country is to widen democratic space within the security sector and more generally.

It was not until 1992 that parliamentary processes began to impact on the security sector. The on-going failure of parliament to demand an annual report from the Police Council demonstrates that work remains to be done, though there have been important improvements in the legislation and constitutional provisions governing the security sector. Successive parliaments have been hampered by limited research on the security issue, party influence and the turnover of members of parliament as a result of elections. An efficient and functional Police Council, and appropriate oversight by parliament, must be guided by pragmatism and political realism rather than by party and individual interests. Despite the extremely limited literature about the Police Council and security service in Ghana, several general conclusions can be drawn. First, there is a need for a better fit between rhetoric and praxis. While the statute books recognise the important role that the Police Council can play, it has been rendered largely ineffective – wheeled out to make statements when Ghana's institutional credentials need to be shown to civil society and the rest of the world. Second, while the Council is given broad strategic functions and roles to play, it has generally limited itself to the more mundane tasks of listening to complaints from officers, and shying away from the more sensitive political issues of providing strategic guidance as stipulated by the constitution. Irrespective of its present weaknesses, there is consensus among Ghana's political and civil society that when properly resourced and led, the Police Council can and will contribute to the oversight and regulatory functions envisaged by the drafters of the 1969 Constitution and the Police Service Act in 1970. However,

sustaining progress requires that the Police Council's statutory roles and powers be strengthened so that its decisions cannot be overturned by the executive or through the replacement of its members.

What implications does this have for governance-driven reforms in the West African region? In Ghana, the rhetoric of reform is not always backed by institutional independence, drive and effectiveness; thus, Ghana's ability to initiate and sustain governance-driven reforms are hampered. A more disturbing situation is to be seen across West Africa with the initial enthusiasm and optimism for such reform in the early 2000s replaced by lethargy and, in some countries, the reversal of advances in this arena.

Three issues remain outstanding. First, how can policy shifts to improve the effectiveness and efficacy of the Police Council be introduced? Second, how can such shifts be sustained over time? Third, what is the most effective and sustainable way to build a human resource base for maintaining intellectual and civil society engagement in these processes? Academia in particular must play a role not just in knowledge-creation but promoting access to other stakeholders and raising the profile of views different from those of the GPS. However, at present it is difficult to analyse and discuss the Police Council's work as, apart from short messages issued after formal meetings, there is no documentary evidence of its decision-making processes and the nature of its discussions. Improving civil society engagement with the Council requires innovative leadership to deliberately seek outside expertise to enrich and improve its knowledge base.

Ghana's institutional and legislative framework seeks to create an environment for democratic governance, including of the security sector. However, as law enforcement deteriorates in Ghana, with an antagonistic and potentially violent election expected in 2016, the future is not assured. There is the urgent need for a reinvigoration of the ethos behind the creation of the Police Council focused on creating a proactive and responsive police service that can resist an increasingly hostile political environment to ensure the continuation of democratic processes. As Ghana's democratic processes and mechanisms deepen, the Council's work will continue to be important: its strategic direction can and should play a crucial role as the GPS struggles to respond to public expectations.

The challenges ahead do not diminish Ghana's achievement in overcoming the political instability of the 1970s and 1980s to restore its democratic institutions, including the Police Council. Ghana has managed to provide at least a semblance of administrative oversight for the police and this is a major achievement that offers opportunities for improvement.

Notes

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- ² See, for example, the controversies surrounding the Ghana Police Service recruitment policy in which the GPS convinced the Police Council that it could investigate itself by establishing a Special Investigation Taskforce (Salia 2015: 32 – 33). See also Daily Graphic (2015a; 2015b; 2015c).
- ³ For a discussion of the historical developments of the Ghana Police Service, see Aning (2002).
- ⁴ See also Aning (2008a)
- ⁵ The National Liberation Council was a military-cum-police administration, headed by Lieutenant General Joseph Ankrah. The other members of the NLC were Commissioner of Police JWK Harley, Deputy Chairman Colonel EK Kotoka, General Officer Commanding the Ghana Armed Forces BA Yakubu, Deputy Commissioner of Police Colonel AK Ocran, Assistant Commissioner of Police JEO Nunoo, Major AA Afrifa and Deputy Commissioner of Police AK Deku (Barker 1979: 177 – 179).
- ⁶ Other legal frameworks that have regulated the Ghana Police Service, include, but are not limited to, the 1963 Security Service Act (Act 202), the 1965 Police Service Act (Act 284), Ch. XIII of the 1969 Constitution of the Republic of Ghana., the 1970 Police Service Act (Act 350), the 1974 Police Force (Amendment) Decree, Ch. XVII, s 172 – 175 of 1979 Constitution of the Republic of Ghana and the 1992 Fourth Republican Constitution.
- ⁷ See therefore the relevant provision in the Constitution of the Republic of Ghana (1992: Art. 203[10]).
- ⁸ Police Service Act (1970: Art. 36[1]).
- ⁹ See therefore Police Service Act (1970: s 10 – 16). Boyes (1971: 241 – 243) relates to this section in his 1971 Report.
- ¹⁰ See Art. 203 (2 – 3) of the 1992 Constitution. See also Act 350, Part III, sections 10 – 16. For how this relates to the Boyes Report of 1971, see Boyes (1971: 24 – 26). Article 201 of the 1992 constitution makes the vice president chair of the Police, Armed Forces and Prison Councils. However, the 1992 constitution was amended with Act 527 in 1996 to forestall a president and vice president from different parties in a coalition government not resolving relevant disagreements (Quantson 2000: 292 – 308).
- ¹¹ In several interviews with senior police officers, mention was made of a politically-connected appointee from the revolutionary era (1981 – 1992) who contributed to undermining the sanctity of recruitment procedures by filling positions with party affiliates. Interview by the author in Accra, 7 March 2015.

- ¹² For a detailed discussion of these processes, see Aning and Lartey (2008). These reforms were variously described as ‘public sector reform’, ‘national institutional renewal’, ‘public order’ and ‘rule of law’ reforms. They were carried out in the 1980s within the context of the Economic Recovery Programme and the Structural Adjustment Programme. Under these programmes, a National Institutional Renewal Programme was set-up to see to the reform of several Ghanaian institutions. See also Atuguba (2007).
- ¹³ These duties are familiar, with the notable exception of disciplinary oversight: they can be seen as a reinvigoration of the 1969 Police Council duties, with an extension to the original mandate.
- ¹⁴ This structure is established by the Police Service Regulations (2012: reg 8, 10).
- ¹⁵ Interview with senior police officer, Accra, 10 March 2015.
- ¹⁶ See therefore the relevant section of the Constitution of the Republic of Ghana (1979: Ch.XVII, s 173[1a]).
- ¹⁷ See, for example, Avuyi (1995); Assistant Staff Officer of Ghana Police (1990). See also Interview in Accra, 11 March 2015. According to the officer interviewed, the inclusion of a junior rank officer on the Council was “just for the numbers”.
- ¹⁸ In an interview with former Vice President, and later President, John Atta-Mills, he explained in detail the touchy nature of the problems raised by the split between President Rawlings and his vice president: the latter formally left the governmental coalition to head another party coalition, but retained his vice presidential position.
- ¹⁹ See Ghana Web (2013). According to the report, “President John Dramani Mahama on Monday, November 11, 2013 inaugurated a new Police Council to be chaired by Vice President Paa Kwesi Bekoe Amisshah-Arthur. The members of the Council are: Minister for the Interior, Kwesi Ahwoi, Inspector General of Police Mohammed Alhassan, Deputy Attorney General, Dr. Dominic Ayine, Commissioner of Police Ms. Rose Atinga Bio, Commissioner of Police Kwasi Nkansah (Rtd.), Inspector Charles Obiri Yeboah, Mrs. Nancy Amarteifio, Rev. Dr. Lartey Lawson and Alhaji Salifu Osman.”
- ²⁰ Interviews with several stakeholders between January and September 2014 and January-March 2015.
- ²¹ During the course of the research for this chapter, one of the most vexed political issues to emerge was the constant meddling of the executive in the functioning of the Police Council. As one officer retorted, ‘check whether a new PC was composed by President John Kufuor (2000 – 2008) before the abrogation of the extended contracts. If no, then what did the PC do as its homework before approving the so-called extension of contract which it took the President to stop? There is also lack of consistency once again from the political leadership because Kuffour’s government also extended the

appointments of some officers under the guise of contracts. As was expected, those contracts were cancelled or not extended when President John Mills (2009–2012) took over the presidency.²² Telephone interview, Accra, 10 March 2015.

²² Interview, Accra, 8 March 2015.

²³ For an alternative critical view, see Asamoah (2014).

²⁴ Interview, Accra 13 December 2012.

²⁵ Daily Guide News of Thursday, 23 October 2014.

²⁶ A commissioned study is needed to assess the impact and effectiveness of this overt police strategy and to explore its implications. Has it reduced crime? Has it made the police more productive? Could the resources required for this level of visibility be entrusted to stations or the districts to police their own beat? What is the visibility team doing that the stations, if well equipped, would not do? According to an interviewee, “it is just depletion of resources if not misuse and or public sympathy winning activity”. Interview, Accra, 15 March 2015.

²⁷ Interview with senior police officer, Accra, 8 March 2015.