

**A DECADE OF ACCOUNTABILITY UNDER GHANA'S
PROVISIONAL NATIONAL DEFENCE COUNCIL (PNDC) GOVERNMENT**

By

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SUMMARY

One of the cardinal principles of Ghana's Provisional National Defence Council (PNDC) government, which ruled the country from 31st December 1981 to 6th January 1993, is accountability of not only public officials, but also all Ghanaians, irrespective of their social and financial standing. So high was the tenet of accountability on the agenda of the PNDC that the government contemplated adding it to Ghana's existing motto of "Freedom and Justice".

This paper explores public accountability under the PNDC government. The paper found that accountability was undermined by several factors: namely, the ineffectiveness of the appraisal and sanctioning institutions created by the PNDC government, the authoritarian nature of the PNDC itself, the lack of transparency and candour on the part of the government in the conduct of public affairs and the economic hardship that faced Ghanaians.

Introduction

We may define accountability as holding public officials responsible for their actions. An effective process of accountability usually comprises two relatively distinct, but serially-related sub-processes, which may be undertaken by different agents and through different mechanisms: viz. (i) an appraisal process, through which the performance (effectiveness, efficiency, honesty, energy, etc.) of any public agent/agency is investigated or monitored and judgements are made; (ii) a sanctioning process, through which authoritative action is taken to reward (and thus encourage) good performance and penalize (and thus discourage) bad performance. (Paul, 1991; Paul 1992)

Accountability is generally regarded as a highly abstract concept, sometimes interpreted in formalistic and legalistic and sometimes used in a more concrete way to refer to the social, economic, political, etc. mechanisms through which some agents become responsive to other agents. Its real world manifestations are diverse, differentiated and, in some cases, partially in contradiction with one another. One cannot usefully discuss particular instances of accountability without tackling at least three questions: (a) accountability to whom? (b) accountability through what mechanisms? and (c) accountability to what degree? (Paul, 1991; Paul 1992)

The importance of accountability in shaping the conduct of public affairs and administration cannot be overemphasized. Indeed, accountability has been regarded by some scholars as the cornerstone or the foundation of any governing process. (Kernaghan, 1973; Dwivedi, 1983; Finer, 1981). The effectiveness of that process depends upon how those in authority account for the manner in which they have fulfilled their constitutional and legal responsibilities. In the words of the Report of the Canadian Royal Commission on Financial Management and Accountability:

accountability is the fundamental prerequisite for preventing the abuse of delegated power and for ensuring instead, that power is directed toward the achievement of broadly accepted national goals with the greatest possible degree of efficiency, effectiveness, probity, and prudence. (Canada, 1979: 11)

A breakdown in the process of accountability is liable to lead to ineffective, corrupt, irresponsible and totalitarian rule. Consequently, at the very root of democracy lies the requirement for public responsibility and accountability of politicians and public servants. (Kernaghan and Dwivedi, 1983; Wakefield, 1976; Dwivedi, 1985).

This paper sets out to discuss the factors that have undermined accountability under the Provisional National Defence Council (PNDC) government in Ghana, despite the PNDC's claim to promote and enhance accountability. The burden of the paper is not to point at instances to prove that accountability is lacking under the PNDC but to show in terms of degree whether there has been progress or otherwise in the pursuit of accountability. The paper is important in the light of the fact that the PNDC - the regime that ruled Ghana for eleven years - more than any other regime during the post-colonial period, had sought to show how it regarded accountability as a priority on its political agenda. The paper begins with an examination of the reasons behind the PNDC's emphasis on accountability throughout its rule. Finally, the paper identifies and examines the factors that undermined accountability under the PNDC.

The PNDC and Accountability

Three reasons may be offered to explain why the PNDC made accountability a priority on its political agenda. First is the PNDC's quest for a cleaner administration and improved moral fibre in Ghanaian society as well as the promotion of "participatory democracy". Second is that accountability was linked with development. In the words of the chairman of the PNDC, Flight Lieutenant J.J. Rawlings:

As Ghana stands determined to promote the development of its people and territory,we should be elevating accountability to the same high status as Freedom and Justice and neither will there be justice unless everyone can be made to answer for his conduct. (Republic of Ghana 1989: 2)

And third is that accountability was regarded as a prerequisite for peace, stability and justice:

there can be no peace where there is no justice and neither will there be justice unless everyone can be made to answer for his conduct. (Republic of Ghana, 1989: 3)

In short, the PNDC blamed Ghana's political and economic crises on lack of accountability exhibited by successive governments. Seen in this light therefore accountability was to become an "irrevocable, non-negotiable policy of Ghana". (Republic of Ghana, 1989:5).

The accountability stance of the PNDC may be traced to the coming into power of the Armed Forces Revolutionary council (AFRC) through a coup d'etat on 4th June 1979. The AFRC led by Rawlings, who also became the chairman of the PNDC, proclaimed a so-called "house-cleaning" exercise to rid the country and the army especially, of corruption and malfeasance, as

well as correct injustices in the society. The "house-cleaning" exercise by the AFRC led to the execution by firing squad of three former heads of state and some senior military officers and the incarceration of officials and businessmen for corruption and graft, after having been sentenced by kangaroo AFRC Special Courts. Rawlings' AFRC thought that corruption and graft were the major causes of Ghana's economic and political crises and therefore they provided the catalyst for the army mutiny of 4 June 1979. (Okeke, 1982; Hansen and Collins, 1980; Ray, 1986)

Although the AFRC did not complete its mission of eradicating corruption in its "house-cleaning" exercise it handed over power as scheduled to the popularly elected civilian government of Hilla Limann's People's National Party (PNDC) government, which won both the presidential and parliamentary elections held on 18th August 1979. The AFRC therefore expected the incoming PNP administration to continue the "house-cleaning" exercise and to minimise the re-emergence of corruption. But these expectations never materialised for mainly two reasons. First, the PNP administration failed to improve the economy and the standard of living of the people. For instance, the total debt was on the increase, reaching over 1.4 billion dollars in 1981. The PNP regime was 400 million dollars in arrears on short-term debt payments, and foreign firms were beginning to pull out of the country, allowing external investments to dwindle to a trickle. (Chazan, 1983; Kraus, 1982; Herbst, 1993). Educational and medical services were drastically cut back. Within a year after the return to civilian rule, the cost of poor person's breakfast was double the minimum daily wage. (Daily Graphic, 10 July 1980). Many roads were impassable, and shortages in spare parts disrupted the entire transportation network. Demands that the population abstain from dishonest practices fell on deaf ears in view of the growing discrepancies in living standards and the inability of the government to curb its own excesses. Inflation soared to 70% in 1980 and 100% in 1981. (Chazan, 1983; Shillington, 1992; Herbst, 1993; Daily Graphic, 16 October 1980). The poverty crisis seemed to have been exacerbated by a drop in cocoa prices and output. By June 1980, world prices had plummeted to 1,200 pounds sterling a ton. (Chazan, 1983; Herbst, 1983). Secondly, the regime was also tainted with corruption charges among its top functionaries. In February 1981, the Popular Front Party (PFP) Parliamentary leader, Mr. S.A. Odoi-Sykes accused the government of "amassing wealth for themselves and the party through the allocation of import licenses, the sale of essential commodities above approved prices and the award of contract and tenders to friends of the PNP". (Daily Graphic, 7 February 1981, p. 1). A catalogue of corrupt practices led Mr. Odoi-Sykes to make the comment. First, two million cutlasses and fishing nets imported from China in 1980 to boost the government's agricultural policy were rejected by farmers and fishermen as unsuitable. It was rumoured that top PNP officials were behind that deal which cost the government millions of cedis. Then in May 1981 the Ministry of Agriculture admitted that it lost 13 imported tractors intended for the farmers in the Ashanti Region. The tractors were believed to have been diverted to the farms of top PNP functionaries. (Shillington, 1992). These corrupt activities came to a head during the first week of December 1981 when the chairman of the PNP, Nana Okutwer Bekoe, was implicated in a bribery scandal that involved the receipt of monies from South African sources. (West Africa, 7 & 14 December 1981). The corruption in his own party and the country in general led President Limann to observe in September 1981 that the government was unable to improve the economy because of over-invoicing, under-invoicing, short-loading of goods and evasion of taxes. He therefore cautioned rather ominously that:

unless we change our old habits, we shall fail to achieve our objectives and may even end up in national disaster again. (Limann, 1981).

The PNP's government inability to improve the economy and to continue the "house-cleaning exercise, the hounding by various security agencies of Rawlings and his friend, Kojo Tsekata as well as evidence of corruption in public office goaded Rawlings to stage a coup d'état to topple the 27 month old regime of Limann's PNP. (Chazan, 1983; Ray, 1986; Shillington, 1992).

On seizing power, Rawlings called for a "holy war" against corruption, privilege and inequality and "nothing less than a Revolution" to "transform the social and economic order of this country". (Rawlings, 1981). He also accused the PNP administration of failing to honour its promise to continue the "house-cleaning" exercise of the AFRC and described the PNP government as "criminals that have become respectable in our society". (Rawlings, 1981).

The Provisional National Defence Council (PNDC), which was formed after the coup of 1981 and with Rawlings as its chairman, promised Ghanaians "participatory democracy" and "power to the people". In the view of Rawlings:

.... democracy does not just mean paper guarantees of abstract liberties. It involves, above all, food, clothing and shelter, in the absence of which life is not worth living. ... the time has now come for us to restructure this society in a real and meaningful democratic manner so as to ensure the involvement and active participation of the people in the decision-making process. (Rawlings, 1981).

This populist rhetoric of building a "new" or "real" democracy was to dominate the political agenda of the PNDC throughout its eleven year rule and formed the hub around which its call for accountability revolved.

One of the most pressing tasks of the PNDC when it took over power was to impose a new system of justice by establishing the means not only to bring those guilty of corruption to trial but also to ensure the constant monitoring of public officials. (Pellow and Chazan, 1986; Ray, 1986). In this connection various appraisal and sanctioning institutions were created.

The first of such institutions were the People's Defence Committees (PDCs) and Workers Defence Committees (WDCs), which were established in January 1982 and placed under a nine-member National Defence Committee (NDC). Whereas the PDCs were organised by the community, the WDCs were formed at workplaces. The PDCs were to safeguard the day-to-day interests of the local people, protect tenants from unjust landlords and mobilise the local people for communal labour. On the other hand, the WDCs were to monitor the management of their factories and workplaces, watch out for corruption in the handling and invoicing of raw materials and finished products and participate in the decision making process. (Ray, 1986; Shillington, 1992)

While some PDCs engaged in personal vendetta, molestation, harassment, intimidation, arbitrary assaults and brutalities, some WDCs ousted managers from their offices and took over factories without having the skills to manage these institutions. Some PDCs went as far as to establish "people's courts" and meted out justice with high-handedness. Others acted irrationally. For instance, in June 1983 the PDCs/WDCs of Accra and Tema announced that they had dissolved the Judicial Council and abolished the post of Chief Justice. (Ghanaian Times, 1983). Above all some of the leaders of the PDCs/WDCs engaged in corrupt activities and practices, like illegal access to essential commodities, such as sugar, cooking oil and rice, embezzlement of funds and impersonation. The WDC executive of Juapong Textile Factory, for instance, on

taking over the management of the factory, not only sold textiles to workers of the factory at ridiculously cheap prices but also gave textiles free of charge as yearly bonus to workers at a time when the factory was not breaking even. The corrupt practices tarnished the image of the PDCs and WDCs.

Despite their excesses, however, the PDCs and WDCs were able to curb smuggling in the Volta and Northern Regions of Ghana, clear refuse, enforce price controls, pass political intelligence to the security forces of the PNDC and take part in a number of development projects. (Ray, 1986; Shillington, 1992). One significant point worthy of note is that the PDCs and WDCs lacked the clarity in their functions and were therefore without clearly defined guidelines. This made them to come into conflict with existing structures of power, like the chiefs, the police, the armed forces, managers, the courts and custom officials. It was to bring them under some degree of control and their functions clarified and codified that the PDCs and WDCs were renamed as Committees for the Defence of the Revolution (CDRs) in November 1984. The CDRs were placed under a secretary (minister) of state. Like the PDCs and WDCs, the CDRs were to initiate local development projects, organize voluntary labour for community works, present problems and complaints to the government. However, unlike the PDCs and WDCs, the CDRs became the channel for interpreting government policies and explaining to the people the aims of the "revolution" of the PNDC rather than being agents of ensuring accountability and rooting out corruption.

The Public Tribunal is the second institution established in July 1982 by the PNDC to promote accountability. It was to compete with, if not, replace the traditional court system in Ghana, which was seen as slow, dogmatic, cumbersome, inflexible and inimical to the "people" or the masses, the pillars of the "revolution". The tribunals were established for two reasons. According to Rawlings, first, they were established "to try crimes against the state and would not be fettered by technical rules, which in the past prevented the course of justice and enabled criminals to go free" and, second, they would "promote the democratization of the dispensation or administration of justice". (West Africa, 1982). The tribunals comprised at least three people and not more than five. In tune with the PNDC's populist stance, it was only the chairman of the tribunal that had some knowledge of law; the rest of the members were lay men.

The tribunals, unlike the traditional courts, tried cases that dealt with economic crimes as well as coup plots against the government. Initially, no appeals were entertained against their verdicts. However, protests from the Ghana Bar Association and pressure from Amnesty International over the impartiality of the tribunals led to the establishment of an Appeals Tribunal in 1984.

The tribunals meted out justice expeditiously and often harshly. Lengthy prison sentences (sometimes amounting to 60 years or more)

and large fines sometimes amounting to millions of cedis as well as executions were handed down to those found guilty. (West Africa, 1988).

The independence of the tribunals in ensuring accountability was, however, undermined by the Public Tribunal Law, (PNDC Law 78) of 1984 which structured the tribunals in such a way that they were ultimately answerable to the PNDC.

Consequently, the chairman of the PNDC, Flight Lieutenant Rawlings, intervened in the affairs of the tribunals anytime he felt that his concept of justice was contravened. (Shillington, 1992). For instance, in August 1984, Nii Amoo-Addy, a nephew of Rawlings, on a charge of murder was acquitted by an Accra public tribunal on the grounds that the accused was not familiar with the mechanism of the weapon that he used. Rawlings appeared on radio and television to condemn the decision of the tribunal, pointing out that the reasons for the verdict

were "absurd, an insult to the intelligence of the public". He also accused the tribunals generally as "beginning to take on the characteristics of some of the traditional courts". (Rawlings, 1984). He then ordered the immediate re-arrest of Amoo-Addy and asked the Special Public Prosecutor to appeal against the verdict. Amoo-Addy was convicted by the Appeals Tribunal and subsequently convicted for murder. This intervention of Rawlings may be considered very positive but the fact still remains that the operations of the tribunals were sometimes subject to interference from the PNDC. Consequently, the independence of the tribunals may have been undermined.

Another case that showed the interference in the operations of the tribunals is the one of Kwame Pianim, a renowned economist and a former chief executive of the prestigious Cocoa Marketing Board (CMB). He was sentenced to 18 years imprisonment in the wake of the attempted coup of June 19, 1983 with which he was allegedly implicated on August 2, 1983. One of the five panel members of the tribunal claimed that Pianim was not originally found guilty, but the tribunal was rather directed by political authorities to deliver a guilty verdict against Pianim. (Amnesty International, 1984).

Although the tribunals enjoyed the confidence of some of the "down-trodden" in Ghanaian society for imposing some order on the near anarchy in which all kinds of "revolutionary justice" had been meted by PDCs and WDCs their legitimacy was damaged by the widespread perception that they were instruments to serve the political ends of the PNDC government. The tribunals also failed to promote accountability because some of their chairmen and members were removed from office for engaging in corrupt practices, (although the reasons for their removal were mostly not made public) from their inception in 1982 to January 1993. (People's Daily Graphic, 1982-1993).

Another institution established to promote accountability is the Citizens Vetting Committee (CVC), renamed in 1984 as the Office of the Revenue Commissioners. It was established in 1982 by PNDC Law 1 Section 4 to:

investigate persons whose life styles and expenditures substantially exceeded their known or declared incomes and other related matters.
(Republic of Ghana, 1982a).

The CVC investigated the lifestyle of the wealthy, especially large-scale traders and professionals, especially lawyers. Many of them were found to have either engaged in corruption or evaded tax.

The committee also took a census of the ownership of houses, offices and warehouses and kept a record of those who travelled by air, since travelling by this means in Ghana connotes the status of wealth and affluence. (Ray, 1986; Shilington, 1982). The CVC's operation during its three years of existence resulted in the growth of tax-consciousness among Ghanaians, increase in tax collection, by over 500 percent and the revamping of revenue which led to the creation of the semi-autonomous Internal Revenue Service (IRS) from the now defunct Central Revenue Department. (Republic of Ghana, 1984b).

A final body created to oversee accountability is the National Investigation Committee (NIC) by PNDC Law 2 of 1982. The NIC investigated corruption in public office. In this regard, the office of the Special Public Prosecutor was created to be responsible for prosecution arising from those investigations. A bizarre provision under the law that created the NIC is the one which stipulated that those being investigated had the right to confess their guilt or "sins" and offer "reparation" to the state in atonement for their crimes. (Ray, 1986). Former politicians who fled the country as well as those imprisoned paid reparations that enabled them either to

return to Ghana or get released from prison respectively. The NIC also reviewed cases of persons whose assets were confiscated by the state during the three month rule of the AFRC. In one of such reviews, the NIC found that the confiscation of all the assets of the late J.K. Siaw, owner of the former Tata Brewery Limited, on the grounds that he engaged in over-invoicing and under-invoicing during the Acheampong regime, 1972-78 was a travesty of justice. This is because Siaw acquired some of his assets lawfully and genuinely prior to his corrupt practices and association with the Acheampong regime.

The review of cases by the NIC, it must be pointed out, may be seen as an attempt by the PNDC to reverse the excesses and crude attempts to curb corruption during the AFRC period which according to Rawlings had its "errors especially as the often explosive character of its events did not allow for balanced judgement". (Republic of Ghana, 1989: 2). Admitting the excesses of the AFRC period for the first time, Rawlings stretched out a:

"hand of reconciliation and sympathy ... to those who as mothers and wives or children or relations of innocent people as well as wrongdoers who have died, and may have felt isolated in these last ten years. (Republic of Ghana, 1989: 5).

The structures created by the PNDC to promote accountability, it must be emphasized, did not replace existing institutions of accountability, like the press, the ombudsman and the Auditor General Department, whose reports on malfeasance, corruption and abuse of power went unheeded by the government. Together, the PNDC institutions established an alternate and "dualistic system of supervision and adjudication", and constituted a not too insignificant check on corrupt practices". (Pellow and Chazen, 1986: 80). In spite of this, the accountability orientation of the structures may have been compromised, possibly because they were not independent scrutiny mechanisms. Most, if not all, operated as annexes of the PNDC. The promotion and enhancement of accountability depend on the integrity, impartiality and independence of institutions for the purpose. And it is these qualities which the PNDC institutions lacked.

Accountability to what degree?

The degree of accountability could be measured by the increase or otherwise of corruption, abuse of power and injustice under PNDC rule vis-a-vis previous governments. This exercise, however, is an uphill task because of the paucity and unreliability of data. This notwithstanding, we can say that corruption, injustice and abuse of power were still pervasive under PNDC rule by examining reports of Auditor-General and the ombudsman as well as speeches of government functionaries. However, whether these have been on the ascendancy is difficult to prove. Corrupt practices existed under the PNDC in various forms; viz. moonlighting, misuse and abuse of power, embezzlement, bribery and nepotism, speculation, fraud, theft and misuse of government property by PNDC functionaries. For instance, in May 1985 three people were executed for their part in the embezzlement of 56.8 million cedis (about £56,000) from the Ghana Commercial Bank. In June 1985, the Bank of Ghana estimated that a sum in excess of 100 million cedis (about £100,000) had been plundered from public corporations and banks. (People's Daily Graphic, 1985). Although the PNDC introduced stringent measures to suppress fraud, an increase in the number of such cases indicated that some Ghanaians were prepared even to risk capital punishment in a quest for high living standards. The Auditor-General's Reports of 1992 and 1993 express concern over lax financial management in the public sector. It noted that the accounts for the stated periods in some of the institutions and depart-

ments examined did not reflect a true and fair view of the state of the accounts of the country. The accounts "have been characterised by weaknesses, lapses and omissions and lack of strict adherence to generally accepted accounting standards as laid down in the existing financial regulations". (West Africa, 1993: 2260) The reports also reveal that fraud was rampant in the Ghana Education Service (GES), the Ministry of Works and Housing, the Ghana National Trading Corporation (GNTC), the District Assemblies (DAs) and other public bodies. For example, billions of cedis were embezzled in almost 560 educational institutions while Accra Metropolitan Assembly (AMA) lost over 700 million cedis (over £700,000) through falsification of accounts and misappropriation. The Minister of Finance and Economic Planning had persistently repeated that the Customs, Excise and Preventive Service (CEPS) was unable to achieve its revenue targets because of corruption and embezzlement of funds. Again, the Ministry of Works and Housing operated a research account between 1985 and 1986 which was never audited because the PNDC Secretary (Minister) in charge did not allow it to happen. (West Africa, 1993:2260). In an era of accountability, most government institutions and departments failed to stick to the provisions of the Financial Administration Decree of 1979 that called for yearly submission of accounts for auditing. It must, however, be pointed out that the revelation of corruption on the part of public office holders, especially if the revelation is done through official information channels, rather than media scoops, investigations and rumours seems a display of positive commitment to the ideal of accountability, and not a negative score.

The annual reports of Ombudsman showed cases of abuse of power and injustices, like wrongful dismissals and arbitrary arrests. Reports of Amnesty International between 1982 and 1991 showed evidence of abuse of human rights under the PNDC government. Flight Lieutenant Rawlings himself had acknowledged that:

there is still injustice and corruption ... we remember the events of 10 years ago, when the repressed anger of the people of this country finally erupted and cried out for the cleansing of this nation of its accumulated filth ... the unleashing of that anger would in itself have achieved nothing, if we have not learned in the past 10 years how to build a just and decent society in which every patriotic Ghanaian can find avenues to exercise his or her responsibility and moral authority. I am not saying that we have done so. Indeed, it is quite intimidating to recognise how much there is still to be done. (Republic of Ghana, 1989: 6)

What are the obstacles to the PNDC's pursuit of accountability? The answer to this question is the subject matter of the next session.

Constraints to Accountability

Apart from the ineffectiveness of the appraisal and sanctioning institutions, which we have already discussed, one main obstacle to accountability under the PNDC is the authoritarian nature of the regime itself. The PNDC had both executive and legislative powers, and sometimes judicial ones. It therefore, was not accountable to either the electorate or to the people of Ghana. Apart from this, although the PNDC seemed to be a collective body, its chairman, Rawlings, had enormous and unlimited powers. For instance, PNDC Law 42 which defined the executive powers of government, stipulated that any decision taken by the chairman of the PNDC and one other member constituted a decision of the PNDC. (Republic of Ghana, 1982b).

And this was a Council which had 10 members! The stipulation no doubt, in practice, gave Rawlings virtually sole executive authority, since it was rare for a single member of the PNDC to challenge his decision. A classic example of Rawlings' use of sole authority was when in October 1989, he dismissed Mrs Aanaa Enin, who at the time was the longest serving member of the PNDC without consulting the other 9 members of the PNDC, on grounds of what Shillington referred to as "purely personal rather than policy issues" (Shillington, 1992: 89).

The authoritarian nature of the PNDC is also buttressed by the passing of certain repressive laws most often than not with retroactive effect, like the Preventive Custody Law (PNDC Law 4), the Habeas Corpus Amendment Law (PNDC Law 91) and the Newspaper Licensing Law (PNDC Law 211) which were inimical to the promotion of an enabling environment for accountability. For instance, the Preventive Custody Law empowered the PNDC to incarcerate indefinitely at the pleasure of the PNDC without trial, any person whose activities were considered a threat to the security of the state. The authorities were under no obligation to inform detainees of the reasons for their detention neither were the courts allowed to review the legal basis for detentions. Most of the detainees were accused of involvement in coup attempts. Their continued detention was justified on two grounds. First, to prevent certain individuals from plotting against the government; and second, for exemplary purposes to discourage other likeminded individuals from attempting to subvert the government. The Law undermined the human rights record of the PNDC. Amnesty International, for example, reported that by 1984 over 100 people suspected of plotting against the government had been executed, although some of them were not convicted before any court. (Amnesty International, 1984). Also the Newspaper Licensing Law gave wide ranging powers to the PNDC to close down any press house whose publications may lead to defamation of the government and thereby bring it into contempt and ridicule. Exercising this power given to it, the PNDC banned the Catholic Standard, a virile Catholic newspaper, in 1985 for publishing an editorial which PNDC thought was defamatory and injurious and likely to lead to public hatred and ridicule of the government. The ban on the Standard was lifted in 1990 after repeated appeals by the Catholic Bishops Conference of Ghana, the Bar Association and the National Union of Ghana Students. The passing of laws with retroactive effect also negates one of the cardinal principles of the rule of law, which in itself promotes accountability; that is, the existence of regular laws as opposed to arbitrary ones.

Apart from the authoritarian character of the PNDC, the regime lacked transparency in the conduct of public affairs. The PNDC as a body itself, was not able to make public, when it came to power on 31st December 1981, a code of ethics, which an editorial of the People's Daily Graphic claimed "has actually been in operation for sometime now but which was made public for the first time last Friday, 21st November 1986". (People's Daily Graphic, 1986: 2). It is a serious indictment on a regime which preached accountability and yet took almost five years to come out publicly on a code of ethics for its officials.

Another lack of transparency on the part of the PNDC is the fact that most of its functionaries failed to declare their assets on time until a wave of criticisms and rumours surfaced before the government came out with a face-saving statement in mid 1986 that its officials had declared their assets and lodged them with the Auditor General's Department.

The fact that the life style of some PNDC functionaries, who before they entered public office lived in a state of penury, changed overnight is an open secret, although it is hard to prove. Some functionaries acquired property which they will not have acquired were they to remain in their chosen professions. In fact, some secretaries (ministers) of state, their deputies, regional and district secretaries, regional and district secretaries, regional and district and zonal organizing assistants of CDRs lost their jobs as a result of either abuse or misuse of power or

embezzlement. This point is well emphasized by an editorial of the **People's Daily Graphic** (a state-owned paper):

It would be unreasonable to expect that all PNDC appointees, past and present, are angels in all aspects of their personal and private lives. There have been some who have fallen by the wayside because of serious ethical shortcomings. (**People's Daily Graphic**, 1986: 2).

The PNDC's lack of transparency was exacerbated by inaccessibility to information on most of its policies and programmes, which were treated as confidential. The lack of accessibility to information had been one of the major vices of previous governments, but a government like the PNDC that constantly preached accountability, woefully failed to demystify the confidentiality surrounding the collection of information on issues affecting the public and the operations of the government itself. It was when rumours circulated on the behaviour of its functionaries or policies that the PNDC came out with statements to either confirm or refute them. In an environment of accountability, access to information and candour are essential prerequisites. These the PNDC seriously lacked.

Accountability was also undermined by the inability of the PNDC to ensure the principle of equality before the law - a major component of the rule of law. Although Rawlings ordered a retrial of his nephew, Amoo-Addy, who was initially acquitted by the public tribunal and later convicted and executed by firing squad and also signed the death warrant of his long-time friend and air force contemporary, Flight Lieutenant Kojo Lee, who was sentenced to death by the public tribunal in September 1984 for shooting a Labadi resident, without considering his petition for clemency, (which is also very positive on the part of the PNDC chairman), some of the actions of the PNDC seemed to have undermined respect for equality before the law. The Supervising High Court Judge in the Brong Ahafo region, Justice D.K. Okyere shocked the whole nation when at the opening session of the Brong Ahafo regional criminal assizes in Sunyani during the end of December 1993, called on the government of the National Democratic Congress (NDC), which won both the presidential and parliamentary elections in 1992, to bring to justice the soldiers who killed some 207 civilians between January and July 1982, but who were not prosecuted. (West Africa, 1993). The judge also referred to more murders committed by soldiers in 1983 and noted that "human beings were treated like beasts and yet he who claims to be opposed to injustice turned a blind eye to those killings". (West Africa, 1993: 14). Justice Okyere also commented on Rawlings' claim that the 1979 and 1981 coups were staged because they (the group that led the coups) were opposed to injustice and questioned whether justice had been done to those who were murdered by soldiers. He then threw a challenge to the government:

If my call to prosecute the soldier-killers is ignored, then all that we have heard that they are opposed to injustice will be a fraud on the people of this country. (West Africa, 1993: 14).

The discrimination in the dispensation of justice under the PNDC is also shown in two famous cases. Major Courage Quashigah who played a yeoman's role in neutralising the 1982 and 1983 coup attempts against the PNDC, was arrested with four others in September 1986 for plotting to assassinate Rawlings. The investigations were held in camera and the press release in November 1986 seemed that there was ample evidence to back up the allegations against Quashigah and the four others. The procedure for handling coup plotters was not used in the

Quashigah case. This include, the trailing of the suspected plotter by the Bureau of National Investigations (BNI) accumulation of evidence, arrest, trial before a public tribunal and execution if found guilty of treason. (Shillington, 1992). Quashigah was placed in detention and never tried. He was released from prison in 1992 and discharged from the army possibly with full benefits.

Another case that showed the preferential treatment in the dispensation of justice is the Salifu Amankwaa one. He was in charge of the Accra City Council Task Force at the Kwame Nkrumah Circle in Accra in 1982. Although his high-handedness and disregard for the law were apparently known to the PNDC no action was taken to rectify them. In the course of his work, he killed a civilian deliberately and was sentenced to death by firing squad by a public tribunal in 1983. He was pardoned by Rawlings and went to Tamale, his hometown to drive a taxi. Early January 1993, he was asked by the Greater Accra Regional Administration and the Accra Metropolitan Authority to return to the very site where he perpetrated his heinous crime. Persistent public outcry against the decision resulted in his subsequent redeployment. It should be not that the Head of State has the right to grant pardon for convicted persons but this right is exercised impartially. One doubts if the PNDC acted impartially in granting pardon to Amankwaa because of his close connection with Rawlings and his subsequent posting to the same workplace of crime.

The promotion of accountability under the PNDC may also have been hindered by the high cost of living vis-a-vis wages and salaries. Although the government embarked on an Economic Recovery Programme (ERP) and Structural Adjustment Programme (SAP), which were hailed by the IMF and World Bank as successful, living conditions did not improve significantly. The ERP/SAP had brought in their wake retrenchment, high prices of consumer goods and withdrawal of subsidy on basic services, such as health and education. (Herbst, 1993). These measures were to be supported by very low wages and salaries. In fact, salaries and wages comparatively are very low in Ghana. For example, a senior lecturer in the university earned the equivalent of £100 a month in 1993, while a nurse/midwife took £50 per month.

The plight of the average Ghanaian under ERP/SAP was grim. In the words of Captain Kojo Tsikata "life is tough for the common man in Ghana". (New African, 1990: 30). Even though the benefits of devaluation, infrastructural support, higher cocoa and other export price may be real stimulants for economic growth, they involved substantial sacrifices on the part of most citizens in terms of consumption and social opportunities. (Kraus, 1992). It is true that the ERP/SAP brought consumer goods which were on display in the shops but most Ghanaians lacked what Rothchild called the "disposable resources to purchase them". (Rothchild, 1992: 11).

In the midst of high prices of consumer goods and services and declining wages and salaries the Ghanaian must survive. And the quickest way to make ends meet was to engage in corrupt practices. This may have accounted for the spate of embezzlements and armed robberies that rocked the country under the PNDC, even though capital punishment was prescribed for "acts intended to sabotage the economy". Although accountability thrives on the clarity of the laws and the commitment to enforce such laws, the satisfaction of basic needs and increased standard of living may have positive effects on its promotion.

The PNDC dented whatever accountability record it had when it deliberately manoeuvred, like previous military regimes, to have an indemnity clause inserted in the Transitional Provisions of the 1992 Ghanaian Constitution by the Consultative Assembly that drafted it. The clause stated that:

No member of the Provisional National Defence Council Secretary, or other appointees of the Provisional National Defence, Provisional National Defence Council shall be held liable either jointly or severally, for any act or omission during the administration of the Provisional National Defence Council (Republic of Ghana, 1992).

The indemnity clause also provided immunity from any proceeding before any court or tribunal for person or persons acting in concert or individually who took part in the coups of 1966, 1972, 1979 and 1981. The provisions of Section 34 (3) of the Transitional Provisions seemed very emphatic on the indemnity of both the PNDC and AFRC and showed the deep connection between the coups of 1979 and 1981:

For the avoidance of doubt, it is declared that no executive, legislative or judicial action taken or purported to have been taken by the Provisional National Defence Council or the Armed Forces Revolutionary Council ... in the name either the Provisional National Defence Council or the Armed Forces Revolutionary Council shall be questioned in any proceedings whatsoever and, accordingly, it shall not be lawful for any court or other tribunal to make any order or grant any remedy or relief in respect of any such act. (Republic of Ghana, 1992: 202).

Two reasons may be offered to explain the government's insistence on the insertion of an indemnity clause in the Constitution. First, the PNDC seemed to follow tradition because previous military regimes had inserted indemnity clauses in the constitutions of 1969 and 1979 to "protect" themselves against injustices and excesses committed during their rule. This reasoning may not be justified because the PNDC had claimed several times during its rule that it was not a military regime. Second, the PNDC wanted to create an atmosphere of reconciliation rather than retribution during and after transition from military rule to a civilian one. These reasons seem not convincing enough. Indeed, by following precedence in inserting an indemnity clause in the Constitution, the PNDC had shown that it was a military regime and did not therefore differ significantly from the other military regimes in terms of the promotion of accountability.

The impact of the indemnity clause on the accountability campaign of the PNDC seems negative because the PNDC had laid the blame of the country's political, economic and social problems on the lack of accountability of successive governments. Admittedly, the indemnity clause may still make PNDC functionaries accountable for actions which infringed existing laws governing public office-holding. This notwithstanding, the indemnity clause does not boost the image of a regime crusading for accountability and accusing past regimes for not doing enough to promote accountability.

Conclusion

Accountability is establishing systems to get people in positions of trust to account for what they have done or failed to do. In the process, it will be discovered that most people have done what is proper. For those that are found liable, accountability then provides a system of seeking redress. To argue that the PNDC failed to promote accountability, two arguments must be made. First, the PNDC did not succeed in finding out wrongs that had been committed. Secondly,

where the PNDC found that wrongs had been done, it failed to apply sanctions. Most of the examples given in this paper show that the regime detected wrongs and applied sanctions in some cases. In other words, there was some accountability under the PNDC. Often, when it is argued that the PNDC government failed in the area of accountability, one is referring especially to what the government did wrongfully, and refused to explain to the satisfaction of the public via constitutional protections, that is, the indemnity clause. The PNDC, it must be noted, held their opponents and some of their friends accountable but failed to hold others and especially themselves accountable on executive, legislative and judicial actions taken. In other words, the PNDC promoted what one might call "selective" accountability. It is therefore debatable to say that some progress was made in the pursuit of accountability.

The PNDC's attempt at promoting accountability seems to have been undermined as a result of ineffectiveness of the appraisal and sanctioning institutions created, the authoritarian character of the PNDC itself, the government's seemingly lack of transparency and candour in the conduct of public affairs as well as the economic hardship that faced Ghanaians. Even though independent scrutiny mechanisms, such as the Ombudsman, the Auditor-General and the press, published regular, honest and hard-hitting reports at the appraisal stage, they largely failed at the sanctioning stage because the PNDC government had mainly chosen to ignore most of those reports.

The PNDC's rhetoric on accountability shows that it used it to promote its populist stance. The longevity of the PNDC regime cannot be attributed to its rhetoric on accountability but rather to its authoritarian character. As an essentially military and authoritarian regime, the PNDC was not accountable to any body or person. This may not be good enough for the future of Ghana because "accountability at the rank and file is the mirror of moral and responsible behaviour among the country's leaders". (Dwivedi, 1985: 63). Accountability is a process and therefore its eradication is a timeless and difficult exercise. This is the lesson that this paper tries to put across, even if, modestly.

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