Improving Democracy and Accountability in Ghana: The Importance of Parliamentary Oversight Tools.docx

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The Accountability Function of the Parliament of Ghana
Rick Stapenhurst and Riccardo Pelizzo

Introduction
Political scientists have long believed, especially with the revival of the institutional approach and the emergence of neoinstitutionalism, that institutions matter. Institutions provide actors with incentives to act and to refrain from actions, that – inter alia - shape behavior, make democracy work and curb corruption.

The institutionalist debate has been a rich one. In contrast to what the behavioralists who altogether neglected the role and the importance of institutions and in contrast to the quasi deterministic understanding of the functioning of institutions that characterized classical institutionalism, the neo-institutionalists have advanced more nuanced arguments as to why and how institutions work the way they do. The institutionalist literature displayed a general agreement on the fact that the functioning and the effectiveness of institutions is conditional, in the sense that it depends on additional conditions on which agreement was far less than unanimous. Blyth (2002) noted that ideational factors are crucial to make institutions work; Widmaier (2003) underlined instead the importance of emotions, while other scholars emphasized the importance of institutional and actors constellations (Franzmann and Kaiser, 2006).

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While this debate as to what makes institutions work and as to what determine the choice of institutions was mostly focused on international and comparative political economy issues, the first wave of studies in comparative constitutional engineering (Linz, 1994; Sartori, 1994; Stepan and Skach, 1994) was almost exclusively devoted to whether and how the form of government affected the quality of democracy, the quality of governance, the level of corruption (Gerring and Thacker 2004; Gerring, Thacker and Morena, 2005), the legitimacy of the political system and ultimately democratic consolidation.

In contrast to this generally held belief, Pelizzo and Stapenhurst (2004a, 2004b, 2006) suggested that political outcomes do not simply reflect macro-institutional arrangements (forms of government) but reflect also and more importantly meso-institutional arrangements. Specifically, Pelizzo and Stapenhurst (2006) noted that the presence of oversight tools affects the quality of democracy, that stronger legislatures make democracy stronger (Fish, 2006), that stronger legislatures had a greater oversight capacity (more oversight tools at their disposal) and that the reason why presidential systems have on average higher levels of corruption than parliamentary ones is because they have on average a lower number of oversight tools that can be employed to oversee government actions (Pelizzo and Stapenhurst, 2004a, 2004b).

Building on this debate, this paper shows that not only that meso-level institutions, in the form of oversight tools, matter in that they improve the quality of governance and the legitimacy of the political system but also that their success is conditional and it depends on the presence of other contextual factors. In this regard, the results support the conclusions of Olson and Norton (1996)
and Norton and Ahmed (1999) who claim that contextual factors determine the effectiveness of legislatures and that internal factors, such as oversight tools, are only supportive.

We plan to do so by focusing on the case of the Parliament of Ghana. By doing so, we are able to show two substantive results: first that as the Parliament of Ghana has become a more pro-active overseer of the executive, the functioning of the political system has improved and that the legitimacy of the political system has increased; second that the success of the Ghanaian Parliament was made possible by a set of specific contextual factors.

The evidence analyzed in this paper comes from two sources. The data on the number and type of oversight tools available to the Parliament of Ghana are taken from a survey conducted by WBI in collaboration with IPU among 120 legislature worldwide (Pelizzo and Stapenhurst, 2010; Pelizzo, 2010a). All the other data were collected in the course of field research that we carried out in Ghana. Our research comprised in-country document search, 52 personal interviews (18 with politicians; 16 with parliamentary staff; 9 with civil society representatives and 9 with journalists) and four focus groups (one with each of politicians, parliamentary staff, civil society representatives and journalists), each of which comprised between four and seven participants. The focus groups comprised different participants from the personal interviews. A fifth focus group was conducted with a selection of earlier participants, and preliminary analyses and conclusions were presented and validated.

This paper is organized in the following way. In the first section we discuss the context in which the Parliament of Ghana operates. Attention will be paid to the constitutional dispositions pertaining the parliament and executive-legislative relations. In the second part we show that an
increase in the amount of activities performed by the Parliament of Ghana has gone hand in hand with an increase in the legitimacy of Ghanaian Parliament and democracy. In the third part we discuss some of the contextual factors that, according to our respondents, created the conditions for the success of the Ghanaian Parliament. In the fourth and final section we will draw some tentative conclusions.

Section 1. The Ghanaian Political Environment

Ghana attained independence from the United Kingdom on March 6 1957. In the 50 years since independence the country has had four republican regimes in 1960, 1969, 1979, and 1992. The fourth republican regime has been the longest. Under the fourth republic there have been five elections, the first two won by Jerry Rawlings (1992, 1996), the second two by John Kuffour (2000, 2004) and the fifth by John Atta Mills (2008). Between the four republican governments there were coup d’etats, followed by military governments, in 1966, 1972, 1978, 1979 PubMed, and 1981.

Since 1992, Ghana has emerged as one of the few African countries where peaceful change of government has occurred. The most recent election occurred on December 7, 2008. None of the parties secured the required 50 plus one majority for an outright win. Following a runoff between the ruling New Patriotic Party (NPP) and the National Democratic Congress (NDC), the major opposition party on December 28, the NDC emerged as the winner. This marks the second alternation of government : in December 2000 power was transferred from the NDC to the NPP and now, back to the NDC.
This period, after 16 years\textsuperscript{2[1]} of military rule, coincided with high ratings from Freedom House: from a low of six (not free) in 1991 to a current high of two (free) in political rights and civil liberties.\textsuperscript{3[2]} Similarly, the most recent Afrobarometer surveys, conducted in March 2008 demonstrate that nearly 80\% of Ghanaians overwhelmingly prefer democracy over military rule, one-party government, or dictatorship and 86\% of Ghanaians consider elections and the rule of law as the best vehicle for selecting leaders and maintaining order in the society.\textsuperscript{4[3]} This evidence shows that the quality of democracy has improved and that the democratic regime has a high level of legitimacy, which, we will show later on is to a considerable extent a function of the improvements in the quality of Parliaments’ oversight activities. Not surprisingly, with the completion of the 2008 Afrobarometer surveys the data shows that Ghanaians consistently recognize Parliament as the major institution in a democracy whose supreme responsibility is to check the executive and restrain it from exceeding its constitutional powers.

The 1992 constitution is the cornerstone of the fourth republic (Gyimah-Boadi, 2001). The 1992 Constitution is the foundation for the country’s Fourth Republic (Gyimah-Boadi 2001); it prescribes a hybrid, or semi-presidential system of government. The President is popularly elected to a four-year term of office, but unlike the pure presidential system of government, the majority of the cabinet members must be Members of Parliament. Under the constitution, the Parliament is the sole law making branch of government with autonomy over its agenda (Article 93). Parliament can remove the President, Vice President, and Speaker (Article 69), but the
President cannot dissolve Parliament. The uniqueness of the constitutional design was intended as a “remedy against past failures” (Lindberg and Zhou, 2009).

The Parliament of Ghana is a unicameral legislature, with 230 members who must be appointed to at least one but no more than three standing committees; there are 14 Standing Committees and 19 Select Committees.\textsuperscript{5}\textsuperscript{4} Parliament has fairly extensive oversight powers or capacity as revealed in a recent survey conducted by IPU and WBI.\textsuperscript{6}\textsuperscript{5} The responses provided by the Parliament of Ghana indicated that the government is collectively responsible to Parliament, as required by the Constitution and several acts of Parliament, that the Parliament can keep the government accountable by lodging motions of censure, by taking votes on governments’ reports, and in \textit{ultima ratio} by impeaching the government for its actions as we will shortly discuss.

In fact, in addition to the dispositions established by the articles 53, 54 and 76-80 of the Standing Orders and that concern other types of motions, articles 104-107 of the Standing Orders enable the Parliament to introduce a resolution/motion for the removal of the President and the Vice President as well as for a Vote of Censure against a Minister. The motion for the censure on a minister has to be introduced by at least one-third of the MPs and has to be approved by at least a two-third majority. The same requirements apply also for tabling and approving a motion for the removal of the President and the Vice President.
However, in responding to the survey questionnaire, the Ghanaian respondent indicated that no motion of censure had been adopted in the last 10 years. There are two possible explanations for the inability of Parliament to censor any Minister. First, under the hybrid system in Ghana, the President is required by the constitution to nominate ministers from Parliament. Strategically, the President usually co-opt active MPs by nominating them for ministerial assignments. Apart from inducing them to switch their allegiance from the legislature to the executive, the selection of the effective MPs denies Parliament some of its best legislators. Besides, MPs have over the years built very strong collegial relationships prior to and in Parliament. Without doubt, these informal relationships tend to trump the formal institutional infrastructure ushered in by the constitution. Previous research demonstrates that constitutional powers are insufficient in determining the powers of the legislature (Patzelt 1994; Norton 1998) because of the incongruity between formal and actual powers (Wang 2005). Formal definitions (de jure) do not always translate into practice. Formal institutions in Africa lack effective authority because of deeply personalized authority (Chabal and Daloz 1999) which tends to supersede formal authority. In addition, the tendency to override formal institutions has been enabled by a weak legal system (Bratton 2007).

The second reason for Parliament’s inability to censor ministers is that Ghana has so far experienced a unified government (in contrast to a divided government) in which both the executive and legislature is controlled by the same party. The allegiance of ministers is to the executive and not to Parliament. As a result, members of the majority party led by the Speaker of the House are reluctant to embarrass the government and by extension their party whose patronage is essential for MPs to continue to contest elections and hold their seats. The election
of MPs in Ghana is party-centered. Consequently, party cohesion and party discipline are very strong. Taken together, party cohesion and discipline ensures predictable voting outcomes (Wehner 2005) thus diminishing the government’s willingness to compromise and negotiate with the minority.\textsuperscript{7(6)}

Since international organizations have long believed in the importance of legislative oversight for keeping governments accountable, minimizing corruption, promoting good governance, improving the quality of democracy, facilitating democracy’s consolidation and the pacification of post-conflict societies, one of the main focuses of the surveys conducted by IPU in collaboration with WBI concerns the tools of legislative oversight. The evidence generated by the IPU-WBI survey conducted in 2009, the Parliament of Ghana has at its disposal the following oversight tools: oral and written questions, motions for debate, hearings in committee, and the institution of inquiry committees.\textsuperscript{8(7)} The respondents indicated that the deadline for relies to oral and written questions is 14 days, that there is some time set aside for questions in the plenary sessions—roughly less than 5 hours per week for less than 32 weeks a year.

If we take the deadline for answering parliamentary questions as an indication of the effectiveness of parliamentary questions as oversight tools, we find that the parliamentary questions in Ghana have more bite than in some African settings but less bite than in others. If we take, for example, the deadline for answering written questions, we can see that the deadline set in Ghana is more stringent than the deadlines established in Benin, Burkina Faso, Burundi, Côte
d’Ivoire (Ivory Coast), Gabon, Senegal and Togo, it is as stringent as it is in Cameroon and Uganda and is considerably less stringent than in Kenya and Namibia.⁹

Government members and senior officials may be summoned by committees and may have to participate in the committee work at the request of the committee and the Parliament plays a key role in confirming the appointment chairmen of state institutions, heads of independent authorities, ministers, deputy ministers and supreme court judges. Articles 152 and 169 of the Standing Orders of the Parliament of Ghana establish that one of the 14 standing committees of the Parliament of Ghana is the Appointment Committee. This committee, “composed of the First Deputy Speaker as Chairman and not more than other twenty-six members” (art. 169 (1)) has the duty to make recommendations to Parliament for approval or rejection with regard to all the presidential nominations for “appointment as Ministers of State, Deputy Ministers, and such other persons as are specified under the Constitution or under any other enactment” (art. 169 (2) (a)) as well as “for appointments as Chief Justice or other Justices of the Supreme Court” (art. 169 (2) (b)).¹⁰ The Appointments Committee is mandated to report to Parliament within three days after the conclusion of its deliberation and the Parliament the takes a vote, by secret ballot, to confirm or reject the presidential nominations for appointment.

In addition to internal tools of legislative oversight, Ghana also has additional oversight bodies such as the Ombudsman (whose functions, we are told by the respondents, are performed by a body called the Commission of Human Rights and Administrative Justice), an anti-corruption
agency that reports directly to Parliament, and a Supreme Audit Institution (the Auditor General) that also must report to Parliament “anytime a report is ready”11[10].

Section 2. Parliament’ Oversight Activity and Legitimacy

While knowing how many oversight tools are available to a legislature provides an indication of that legislature’s oversight potential (Pelizzo and Stapenhurst, 2004; Sartori, 1987) or capacity, it does not provide any information as to whether, how much, how frequently and how effectively those tools are actually used.12[11] For example, we know that in spite of the constitutional power to censure a minister, the Parliament of Ghana has never approved a censure, with the exception of one reported futile attempt to do so, on a Minister so much so that in the second Parliament of the 4th Republic there were questions about Parliament’s real ability to censure Ministers. But questions emerged also as to what was the Parliament’s real ability to questions ministers for it was felt that ministers only appear before the House to respond to routine questions about administrative lapses and bureaucratic delays but they are never seriously challenged and scrutinized for their actions and, more importantly, for the actions of their departments.

The data that we have collected, shows that in addition to the doubts one may have as to what is the Parliament’s capacity to question and censure Ministers of State, there are several activities that the Parliament performs rarely and without too much enthusiasm. The data on the oversight activities performed by the Parliament of Ghana presented in table 1 show for example that it is
rather uncommon, because of constitutional disposition and partisan constraints (as indicated by the extremely high level of cohesion in the governing party), for the Parliament to amend the budget, over-ride a presidential veto and censure a cabinet-minister.

The data made however quite clear that there are also some activities that the Parliament performs with much greater frequency and enthusiasm. For example, the Parliament has been fairly active in reviewing appointments.

**TABLE 1 HERE**

A second area in which Parliament has been fairly active is the oversight of the expenditure of public money. The evidence that we collected in the course of the field work suggests that parliamentary committees devoted to this kind of oversight activity, have become increasingly active and are believed to be increasingly effective. Oversight committees meet regularly (at least seven times a session), they more than they once did (more than 12 times a year), have more bite and make more of a difference.\(^{13}\)\(^{12}\) An important development in the last Parliament was the opening up of Public Accounts Committee (PAC) hearings to the media and the public.\(^{14}\)\(^{13}\) With the support of the Parliamentary Centre, and with the widely-acknowledged (by survey respondents) leadership by former Chair, Hon. Samuel Sallas Mensah, PAC hearings were both opened to the public and held in different regions of the country – factors which respondents told us contributed significantly to the effectiveness of the committee. In a now famous case emerging out of its first public hearing in October 2007 the PAC ordered the Ministry of
Tourism and two advertising agencies to refund 53 million Ghana cedis and 2,500 US dollars to the government including interest accruing on the amounts.\(^{14}\) The PAC sitting was prompted by an Auditor General report which revealed financial discrepancies in the accounts of the Ministry of Tourism since 2003. At the public hearing, the PAC members concluded that the Minister of Tourism and the Chief Director of the ministry were unable to satisfy the committee about the disbursement of funds allegedly paid for advertisements.\(^{15}\) In a November 2008 news conference the Chairman of the PAC reported that the committee has so far recovered $40 million.\(^{16}\) More generally, respondents also noted a longer-term trend of increased PAC effectiveness: said one “There has been a dramatic change for the better; in 1993/6 there were no testimonies given to the committee, since 1997 there have been”.

Unsurprisingly, given the greater level of activism of Parliament and parliamentary committees in the exercise of the oversight function, respondents generally rated the oversight committees as fairly effective in uncovering incidents of fraud and corruption (see Table 2), with a mean score of 3.2 on a scale of 1-5, where 1 = very ineffective and 5 = very effective. Interestingly, journalists reported somewhat more success (mean of 3.8) than the MPs themselves (mean 3.3) or parliamentary staff (mean of 3.2) but civil society representatives reported significantly less (mean of 2.4). One senior Member of the PAC commented, however, that “…the PAC can only be successful in tackling ‘petty’ [bureaucratic] corruption – and that, if the Committee tried to
investigate cases of ‘grand’ corruption, party discipline would be invoked to ensure that the majority [governing] party MPs on the Committee would squash enquiries”.

The challenge for committees is that they do not have prosecutorial powers. A variety of follow-up mechanisms were described by respondents. Some said that the committees make recommendations to the House which often calls for the parties involved to make amends and/or be prosecuted. Others said that the committee’s findings are transmitted to the Attorney General’s department for prosecution, referred to the police for investigation, or the Serious Frauds Office (SFO), or the Commission for Human Rights and Administrative Justice (CHRAJ); in the case of the latter two organizations, see above. In short, the committees in Parliament have to rely on multiple agencies and channels for further action, including prosecution of their findings.

**TABLE 2 HERE**

A problem with follow-up is that ultimately it is the office of the Attorney General (AG) that is responsible for prosecution. The AG’s mandate is governed by Article 88 of the 1992 constitution, under which the AG doubles as a Minister of State and principal legal counselor to the government. As Minister of State, the AG is part of the executive branch – and, at the same time, is responsible for prosecutions emanating from the investigations of parliament and its committees, the Serious Frauds Office (SFO), and the Auditor General. In short, some respondents said, the contribution of the AG to parliamentary oversight is dampened by the
perception that the office is not independent; they were of the opinion that some cases were not prosecuted, possibly because of political interference and influence.

In short, the committees are able to perform their functions because they are constitutionally empowered to access information and subpoena witnesses. By holding open sessions and allowing public and media access the committees have increased incentives for greater scrutiny.

The composition and selection of committee members demonstrates a tendency towards independence and autonomy which is applauded by experts (see for example Wang 2005). While committee resources are limited, ties have been developed with policy think tanks and input from the public encouraged. Finally, although partisanship is strong in Parliament, the collective interest of MPs seems to supersede party affiliation at the committee level. The ability of MPs to minimize partisanship at the committee level has helped make the committees powerful vehicles in the oversight process.

Given the greater activism and the greater effectiveness of Parliament and parliamentary committees in performing their oversight function, it is not terribly surprising to find out that parliament is regarded as a highly trusted institutions. According to Afrobarometer surveys \(^\text{18}\) public confidence in the Parliament of Ghana appears to be strong. Electoral turnout is high (87 per cent in 2004) and 67 per cent knew the name of their Member of Parliament. One third of Ghanaians believe their country to be a ‘full democracy’ while a further 49 per cent believe it to be a democracy with minor (38 per cent) or major (11 per cent) problems. Eighty-five percent of
Ghanaians would either strongly disapprove or disapprove of Parliament being abolished so that the President could decide everything.

Sixty eight per cent of Ghanaians reported at least ‘some’ or ‘a lot’ of trust in Parliament, behind the President (75 per cent) and the army (72 per cent) but above the Electoral Commission, the Local Assembly (55 per cent) independent newspapers (48 per cent) and the law courts (63 per cent).

Similarly, the public believed Members of Parliament to be less corrupt than local and national government officials, local government councilors, the police, tax officials and Judges/magistrates but more corrupt than health workers, teachers or the President and officials in his office (see Table 3).

TABLE 3 HERE

**Section 3. What makes Parliament Work Better?**

Respondents provided several answers as to why the Parliament of Ghana has been so effective in performing oversight activities. One such reason is that partisanship at the committee level is weak, scoring a mean of 2.3 on a scale of 1-5, where 1 = very weak and 5 = very strong, thereby permitting a more collegial atmosphere for deliberation – although MPs considered there to be less partisanship did parliamentary staff, civil society representatives and journalists. Various reasons were offered for the absence of partisanship at the committee level. Some interviewees thought that at the committee level, national interest is supreme and MPs are more oriented
towards achieving broad national goals than parochial party interests. But also suggested were issues of collegiality, resulting from working together in small groups on issues.

The relative absence of partisanship at the committee level is worthy of further investigation. Respondents indicated that, in a few cases partisanship overshadowed the work of committees. This suggests that there may be “triggers” of partisanship at the committee level. Although we did not probe our respondents for what these triggers might be, our document search suggests that partisanship may coincide with issues before the House permitting the minority to use visible national issues to distinguish itself from the majority ruling party. For example, the government’s planned sale in 2008 of 70 per cent ownership of the national telecommunications company, Ghana Telecom to Vodafone International BV of the Netherlands generated tense disagreements between the majority and minority parties in Parliament. The government argued that the sale was intended to inject private ownership into the ailing telecommunications company and improve its management. But the minority party and other civil society groups rejected the government’s claim because the $900 million amount representing the 70 per cent ownership of the Ghana Telecom grossly undervalued the company. The selling price raised suspicions and led to accusations about the government’s sincerity and openness in the privatization deal. In addition, questions were raised about the government’s publicly stated objective for the sale. The minority party quoted a celebrated economist and member of the ruling New Patriotic Party, Kwame Pianim who had been quoted in a *Daily Graphic* newspaper report that the government urgently needed an infusion of cash to strengthen the macro economy and control inflation. This issue divided the legislature along party lines. Parliament failed to pass the bill authorizing the sale before it went on recess in July 2008. In August 2008
Parliament was recalled from recess to approve the sale. The bill authorizing the sale passed after four hours of debate by a majority vote of 124 yeas and 74 nays.

The conclusion that the effectiveness of committees and committee work is inversely related to the level of partisanship or, to put it in a different way, that partisanship is detrimental to the success of oversight activities was indirectly confirmed by another set of findings on what makes special/ad hoc committees work well.\textsuperscript{20,18} Even in this respect, our respondents provided a mixed evaluation of the performance of special committees. Their general impression is that the effectiveness of committees depends on their composition: they are effective when evenly composed of members of both parties but ineffective when packed with members of the majority party.

A second factor that facilitates the success of legislative oversight is that the Parliament of Ghana is, paradoxically, the lack of adequate resources and research staff in the Parliament. To compensate for this lack of “in house” resources, many parliamentary committees and individual MPs and have ties to policy think-tanks; those mentioned include the Ghana Centre for Democratic Development (CDD), the Institute of Economic Affairs (IEA), the Institute for Democratic Governance (IDEG), Legal Resources Centre (LRC), Integrated Social Development Centre (ISODEC), Canada Investment Fund for Africa (CIFA), Country Environmental Analysis (CEA), the Faculty of Law – University of Ghana, and the Parliamentary Center of Canada – The African Poverty Reduction Network\textsuperscript{21,19}. These think-tanks contribute to enhancing the
knowledge of MPs and parliamentary staff through workshops and seminars on proposed policies and issues which come before committees.

This nexus between MPs, parliamentary staff, and think-tanks often leads to an ‘opening up’ of the policy process to the public and greater interaction between MPs and civil society groups. Often, the policy think tanks will organize parliamentary-civil society forums to facilitate public interaction on proposed policy changes e.g. the asset declaration law, education on conflict of interest law, and African Union/United Nations convention on corruption were supported by ISODEC, CEA, Faculty of Law-University of Ghana respectively. Recently, ISODEC assisted MPs by preparing background papers, policy analysis, soliciting civic input, and explaining technical points e.g. the work on the Millennium Challenge Account bill. MPs are also assisted by these groups to improve their oversight duties through field visits.

A note of caution must be sounded. Many of these think-tanks are committed to particular issue areas ranging from economics, law, poverty alleviation, social development, water, environment etc. and it is possible that MPs are only receiving input from well-organized advocacy groups. By organizing seminars for MPs these organizations are able not only to inform MPs but also to lobby them to support legislation in particular issue areas.

The third condition that facilitated the successful performance of legislative oversight is represented by what Pelizzo and Stapenhurst (2007) called, for lack of a better term, demand for good governance. Lindberg and Zhou (2009) argued that after relatively strong and increasing oversight during the period 1992 through about 2000, the Ghanaian Parliament’s oversight – and
other functions vis-à-vis the executive\textsuperscript{22[20]} - function weakened, as a result of both structural factors and persons involved\textsuperscript{23[21]}. Our assessment suggests a reversal in this apparent decline. The PAC became active, more public and is believed to be increasingly more effective.\textsuperscript{24[22]}

Similarly, the vetting process of ministerial appointments, also widely reported in both the press and by broadcast media is bringing the issue of parliamentary oversight to the fore while Question Period appears to be becoming more substantive and is attracting media coverage. One respondent claimed that “…increased media coverage of parliament – and especially PAC public hearings – is resulting in citizens demanding more from their MPs which is causing MPs to sit up and deliver” and this, in turn, creates the conditions for more effective oversight.

**Conclusion**

By focusing on what makes legislative oversight so effective in Ghana, this paper was able to address some of the issues that were not adequately addressed by the first wave of studies in comparative constitutional engineering. In fact, in contrast to what the first generation of comparative constitutional engineers has generally argued, namely that only macro-institutions matter, we are able to show that meso-institutions matter as well. The success of Ghana in overseeing the executive, curbing/preventing corruption, improving governance and in increasing the legitimacy of the Fourth Republic are not only determined by the form of government (macro-institution) established by the Constitution but also by the fact that the
legislature puts a variety of oversight tools (meso-level institution) placed at its disposal to good use. Hence, we believe that the first lesson to be learned from our paper is that meso-level institutions are more important than previous comparative constitutional engineers had acknowledged. But at the same time the importance of meso-level institutions should not be exaggerated. As Pelizzo and Stapenhurst (2004a, 2004b, 2006) noted the range of oversight tools at the disposal of a legislature only determines that legislature’s oversight potential, but is by itself insufficient to ensure that such oversight potential is translated into actual oversight or, even better, into effective oversight.

We believe the second lesson that can be drawn from this paper is that in the Ghanaian case it is possible to detect a positive relationship between an increase in the amount of oversight activities performed by the legislature and the reputation of Parliament and parliamentarians, the legitimacy of democracy and political institutions, and the success in curbing/preventing corruption. In fact, we were able to show that as the amount of oversight activities performed by the legislature increased (or at least was perceived to be increasing by the respondents and the public), so did the reputation and the legitimacy of parliament. We noted however that while Parliament became more active in certain areas (for example, confirmation of appointments), in other areas (censure on ministers) Parliament’s activity has either not increased or the increase of activity performed (number of parliamentary questions asked) came at the expense of quality of the activity—which raises serious questions as to the Parliament’s ability to perform effectively certain tasks.
This leads to the third lesson of our paper, namely that institutions, regardless of whether they are macro- or meso-, do not operate in a vacuum and that their successful functioning depends, as Rockman (1984) observed long ago, on the presence/absence of specific contextual conditions.25 With regard to the success of legislative oversight in Ghana, we identified three such conditions: a relatively low level of partisanship, parliament’s ability to find alternative sources of information, and the demand for good governance.

Whether and how far these lessons can travel are questions well beyond the scope of the present paper but are questions that in our view should be examined in a more appropriate comparative setting.

REFERENCES


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Table 1: Frequency with which certain tasks are performed by the Parliament
(Scale of 1-5, where 1 = never (Q 1,2)/very weak (Q 9,10) and 5 = always (Q 1,2)/very strong (Q 9,10))

<table>
<thead>
<tr>
<th>Survey Question Number</th>
<th>Survey Question</th>
<th>Mean Score</th>
<th>Std. Dev.</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>How Frequently Does the Legislature Review Appointments</td>
<td>3.5</td>
<td>1.7</td>
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<tr>
<td>2</td>
<td>How Frequently Does the Legislature Censure Ministers/The President</td>
<td>1.7</td>
<td>0.8</td>
</tr>
<tr>
<td>9</td>
<td>How Strong is Majority (Governing) Political Party Cohesion</td>
<td>4.7</td>
<td>0.8</td>
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</table>

(Yes = 0; No = 1)

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<th>Survey Question Number</th>
<th>Survey Question</th>
<th>Mean Score</th>
<th>Std Dev</th>
</tr>
</thead>
<tbody>
<tr>
<td>3</td>
<td>Does the Legislature Amend the Budget</td>
<td>0.3</td>
<td>0.5</td>
</tr>
<tr>
<td>6</td>
<td>Has the Legislature Ever Over-Ridden a Presidential Veto of Legislation</td>
<td>0.1</td>
<td>0.3</td>
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</table>

Table 2: Tools and Mechanisms Influencing Legislative Oversight
(Scale of 1-5, where 1 = very weak and 5 = very effective)

<table>
<thead>
<tr>
<th>Survey Question Number</th>
<th>Survey Question</th>
<th>Mean Score</th>
<th>Std Dev</th>
</tr>
</thead>
<tbody>
<tr>
<td>12</td>
<td>How Effective is the Auditor General in Uncovering Incidents of Fraud and Corruption</td>
<td>4.2</td>
<td>0.9</td>
</tr>
<tr>
<td></td>
<td>How Effective is the Ombudsman (CHRAJ) in Uncovering Incidents of Fraud and Corruption</td>
<td>3.6</td>
<td></td>
</tr>
<tr>
<td>14</td>
<td>How Effective is the Anti-Corruption Agency (SFO) in Uncovering Incidents of Fraud and Corruption</td>
<td>3.5</td>
<td>1.3</td>
</tr>
<tr>
<td>18</td>
<td>How Effective Are Oversight Committees in Uncovering Incidents of Fraud and Corruption</td>
<td>3.2</td>
<td>1.5</td>
</tr>
<tr>
<td></td>
<td>How Effective Special Committees/Commissions of Inquiry in Uncovering Incidents of Fraud and Corruption</td>
<td>3.8</td>
<td>1.3</td>
</tr>
<tr>
<td>16</td>
<td>What is the Degree of Partisanship Within Legislative Oversight Committees</td>
<td>2.2</td>
<td>1.6</td>
</tr>
<tr>
<td></td>
<td>How Effective is Question Period in Uncovering</td>
<td>3.7</td>
<td></td>
</tr>
</tbody>
</table>
Table 3: How Many of the Following People do You Think are Involved in Corruption?

(Per cent of respondents, n=1197)

<table>
<thead>
<tr>
<th></th>
<th>Most/All</th>
<th>Some</th>
</tr>
</thead>
<tbody>
<tr>
<td>President and Officials in His Office</td>
<td>56</td>
<td>16</td>
</tr>
<tr>
<td>Members of Parliament</td>
<td>59</td>
<td>16</td>
</tr>
<tr>
<td>Local Government Councilors</td>
<td>60</td>
<td>19</td>
</tr>
<tr>
<td>National Government Officials</td>
<td>67</td>
<td>26</td>
</tr>
<tr>
<td>Local Government Officials</td>
<td>67</td>
<td>27</td>
</tr>
<tr>
<td>Police</td>
<td>80</td>
<td>51</td>
</tr>
<tr>
<td>Tax Officials</td>
<td>71</td>
<td>35</td>
</tr>
<tr>
<td>Judges and Magistrates</td>
<td>72</td>
<td>35</td>
</tr>
<tr>
<td>Health Workers</td>
<td>58</td>
<td>17</td>
</tr>
<tr>
<td>Teachers and School Administrators</td>
<td>57</td>
<td>17</td>
</tr>
</tbody>
</table>

Source: Afrobarometer 2005 survey reported in Briefing Paper no. 20, November 2005 available online at www.afrobarometer.org