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# 4 Ghana

## Struggles for rights in a democratizing context

*Gordon Crawford and Nana Akua Anyidoho*

### 1 Introduction

This chapter investigates the prospects and challenges for securing human rights through civic action in Ghana. On the spectrum of political contexts that are covered in this book, currently Ghana represents a relatively stable democratic setting, given the progress made in consolidating democracy since the return to multi-party democracy in 1992 (Abdulai and Crawford 2010). Therefore, the Ghana case enables investigation into whether a context where civil and political rights have become fairly well protected has facilitated the emergence of struggles for social and economic rights.

#### *Political and socio-economic context*

Ghana's current image as a model of political and economic stability in Africa is dramatic when compared to its political and socio-economic history. We provide an overview of this history because the ability of rights-promoting organizations to make human rights claims, and the nature and impact of those claims, should be understood in this context.

Ghana's post-independence history can be divided into three periods. Initially, at independence from British colonial rule in 1957, Ghana had a relatively strong economy and Ghanaians were generally secure in their rights of citizenship in a sovereign state. This situation was short-lived, however; the military *coup d'état* that ousted the government of Kwame Nkrumah in 1966 was legitimated on the grounds of accumulation of power and disrespect for individual rights on the part of the political leadership, and deterioration in the material and social conditions of citizens (Ninsin 1989; Ziorklui 1993). The second period from 1966 to 1992 was characterized by political instability, with cycles of short-lived democratic governments overthrown by military coups, and by economic deprivation. The last of these military governments, the Provisional National Defence Council (PNDC), in power from 1982 to 1992 under Flt Lt J. J. Rawlings, was implicated in undermining human rights (Gyimah-Boadi 2004; Manuh 1993). At the same time, significant economic and political reforms took place under the PNDC. From 1984, Ghana underwent a structural

adjustment programme (SAP) that rolled back the state in terms of direct involvement in the economy and in social provisioning and placed the focus of economic activity onto the private sector, with substantial evidence that this resulted in social and economic hardship for many people, in particular the already disadvantaged such as women and the poor (Aryeetey *et al.* 2000; Mkandawire and Soludo 1999; Razavi 2008; Tsikata 2002). In 1988, a programme of decentralization of government was introduced, inclusive of non-partisan local elections, accompanied by a gradual build-up of pressure for a return to multi-partyism. Ghana's return to democratic rule then occurred as part of the democratization wave that rolled over sub-Saharan Africa in the early 1990s, heralded by the 1992 Constitution, the holding of multi-party elections in December 1992 and the inauguration of the Fourth Republic in January 1993.

The period from 1993 to the present thus marks the third phase of Ghana's post-independence history, one in which Ghana has increasingly stood out as a positive example of democratic progress in Africa (Abdulai and Crawford 2010). First, six relatively peaceful and successful national elections have been held between 1992 and 2012, including two that resulted in an alternation of power between parties in 2000 and 2008. Second, since 1992, respect for civil and political rights has improved considerably. Given the gross human rights violations that characterized past military regimes, the 1992 Constitution placed a strong emphasis on human rights.<sup>1</sup> Subsequently such constitutional pledges have been supported by the establishment of independent commissions, notably the Commission on Human Rights and Administrative Justice (CHRAJ) and the National Media Commission, and issues of human rights have become increasingly prominent in the policies, practices and discourses of both state and non-state actors. Consequently, Freedom House scores for political rights and civil liberties have reached almost the highest level possible and currently are among the best in Africa.<sup>2</sup> Third, protection of the freedoms of expression and association has significantly altered the country's political environment and opened up political opportunity structures. This has led to a proliferation of civil society organizations (Opoku-Mensah 2007), including rights-promoting organizations, which have become bolder in engaging government in policy-making processes and on questions of human rights. A related development has been the expansion of a relatively independent media, inclusive of many new newspapers, radio and TV stations, with Freedom House's (2011) press freedom index classifying Ghana as 'free', ranking the country as second in sub-Saharan Africa, and giving it a higher rating than Italy, Greece and Israel.<sup>3</sup> However, amid this relatively positive picture, there is caution that abuse of political rights is not entirely a thing of the past. There are still regular calls by human rights groups such as Amnesty International for the state to deal more effectively with rights violations, for instance the abuse of prisoners and criminal suspects, child trafficking, gender-based violence and forced evictions of squatters and traders from unplanned settlements.<sup>4</sup>

Ghana's economy has also improved, with official figures indicating that real GDP growth in Ghana averaged over 5 per cent from 2001 to 2006, while

income poverty declined significantly from 51.7 per cent to 28.5 per cent between 1991 and 2006 (Ghana Statistical Service 2007). In 2010, Ghana declared itself a lower-middle-income economy.<sup>5</sup> Yet, despite this, levels of poverty remain substantial and the lack of basic economic and social rights such as adequate food, water and primary health care is a daily reality for many Ghanaians. The structure of the economy, with a reliance on unprocessed agricultural products and mineral extraction, in particular cocoa and gold, coupled with continued reliance on donor funds for budget support, circumscribes the state's ability to intervene on behalf of citizens' economic, social and political rights, both in terms of its lack of resources and its impotence in relation to powerful national and international actors. In addition, there are considerable economic and social inequalities across gender and generations, as well as spatially, with some parts of the country experiencing historically persistent neglect. In particular, the severity and depth of poverty has remained highest in northern Ghana, the location of one of our organizational studies.

As indicated, the more open political space since 1992 has made room for the significant growth of civil society organizations (CSOs) in numbers and in areas and levels of involvement (Opoku-Mensah 2007; Tsikata 2009). Not only their influence but also their orientation has changed, with CSOs taking up more of what had been formerly the government's leadership role in development since the start of structural adjustment in the mid-1980s, encouraged by donors who channelled development funds through these organizations (Darkwah *et al.* 2006; Tsikata 2009). Within a more liberal political context, some CSOs have become more political and are willing to engage more actively in power struggles against the state, especially as the rights-based approach has pervaded the development discourse. Nonetheless, the majority of CSOs retain the apolitical orientation that has largely characterized civil society organizing in Ghana (see Tsikata 1989), and avoid directly challenging state power structures or attempting to influence policy-making processes (Anyidoho 2009; Darkwah *et al.* 2006).

The work of rights-promoting organizations thus occurs within and is shaped by Ghana's overall political and socio-economic context. Against this backdrop, the chapter investigates the dynamics of power inherent in struggles for human rights through an exploration of the activities of three Ghanaian rights-promoting organizations.

## 2 Case-study organizations

We selected three organizations that have each played a significant role in advancing the rights agenda in Ghana, both by evoking the rights guaranteed by the Constitution and by elaborating further demands that expand these rights. They are: the Coalition on Domestic Violence Legislation in Ghana (DVC); the Wassu Association of Communities Affected by Mining (WACAM); and the Belim Wusa Development Association (BEWDA).

Our selection balanced two main considerations. First, we chose organizations that were relatively successful in order to study effective strategies for

overcoming power obstacles. Second, we wanted diversity even within this small sample to gain insight into the range of obstacles encountered and the variety of strategies employed to counter constraints. Both WACAM and BEWDA are local non-governmental organizations (NGOs) with strong community links, though also distinctive in two ways. They engage with the state at different levels – WACAM primarily at the national level and BEWDA at the district level – and while BEWDA is a development organization, WACAM emerged from a political and activist tradition. In contrast, the DVC is a coalition composed mainly, though not exclusively, of Accra-based women's rights advocacy organizations.

The three organizations cover a range of civil, political, social and economic rights. The DVC's focus is on women's right to freedom from violence and the right to redress when that freedom is breached; WACAM identifies a range of human rights violations in communities affected by gold mining, including loss of land and livelihoods, environmental pollution and physical assault; and BEWDA focuses on basic social and economic rights within poor, rural communities, as well as on women's and disabled people's rights. Thus, the main arenas within which they advocate for rights are different: for the DVC, it is the national legislative process; for WACAM, the state and mining companies and related mining laws and policies; and for BEWDA, local government and decentralization policy. The DVC's main base is in Accra, though their coverage is national, while WACAM operates in gold-mining areas in the south-western and central parts of the country and BEWDA is based in the Upper East Region, one of the poorest and at the opposite end of the country from Accra.

### ***Coalition on Domestic Violence Legislation in Ghana (DVC)***

The Domestic Violence Coalition (DVC), as it is generally known, had its genesis in the campaign against the serial killings of women in Accra between 1997 and 2001.<sup>6</sup> During this time, a number of women's groups organized to protest against the perceived inaction of the government and the police in dealing with the murders. Subsequently this loose coalition of women's groups built on the momentum of that campaign to address the broader agenda of violence against women in Ghanaian society. One key issue was the lack of legislation that would provide a framework for this advocacy. Thus, in March 2003 the Coalition on Domestic Violence Legislation in Ghana was formed by over 100 individuals and groups to campaign for a law on domestic violence. The DVC's primary goal was achieved with the passing by Parliament of the Domestic Violence Act in 2007, despite significant opposition both within and outside of government. It was only subsequently that the DVC actually registered as an NGO. As a registered entity, the Coalition has a steering committee and maintains a small office in Accra with a part-time coordinator, the sole staff member. Initially, all funding was provided by or sourced through member organizations, but as a registered NGO, the DVC is now able to receive funds directly from national and international funders. Even though individual and member organizations of the Coalition were members

of international networks, the DVC made no efforts to form links with similar coalitions or causes on the continent or to elicit support from international institutions. Thus, while the DVC's goals echoed global voices campaigning against domestic violence and was in line with international agreements such as the Convention to Eliminate Discrimination Against Women (CEDAW), the struggle was regarded as 'an internal fight and internally focused'.<sup>7</sup> The momentum and energy of the Coalition has decreased significantly since the Domestic Violence Act was passed, despite the issue of implementation remaining a key one.

### ***Wassa Association of Communities Affected by Mining (WACAM)***

The Wassa Association of Communities Affected by Mining (WACAM) was formed as a community-based organization (CBO) in 1998 when local activists, Hannah and Daniel Owusu-Koranteng, started organizing communities in the Wassa West District in the Western Region. This district is the operational area of eight multinational gold-mining companies, and protests commenced against the adverse impact of mining on communities in terms of dispossession of land, loss of livelihoods, environmental degradation, intimidation and other violations of social, economic and civil rights. Subsequently the geographical coverage of WACAM has expanded to three other regions – Eastern, Ashanti and Brong Ahafo – where gold mining is undertaken. In addition, its organizational linkages have extended to other national and international NGOs involved in human rights and mining issues. Its governing body is the Executive Council, made up of members from mining communities as well as 'outsiders' with technical expertise. The founders and two other staff members run the operations of WACAM out of offices in Tarkwa (in the Western Region) and Tema (in the Greater Accra Region). They have over 100 volunteer members in mining communities in four regions of the country, and WACAM 'depends 100 per cent on external funds', the sources of which include both local organizations and international organizations such as Oxfam America.<sup>8</sup>

### ***Belim Wusa Development Agency (BEWDA)***

The Belim Wusa Development Agency (BEWDA) is a registered NGO that was established in 1990 with funding from the UK NGO Womankind to provide economic support to women in the Bawku East District in the Upper East Region, which is characterized by high levels of poverty. It is also an area where there has been sporadic but recurrent inter-ethnic conflict since 1984. Initially the organization was called the Bawku East Women's Development Association (hence the acronym BEWDA) and worked with women's groups in 110 rural communities, mainly in the area of microcredit. From 1997, BEWDA's activities changed from the specific focus on women's poverty to a general orientation on community poverty, while continuing to concentrate on gender inequality issues. This partly reflected the shift from a 'Women in Development' (WID) approach to a 'Gender and Development' (GAD) approach (Moser 1993; Young 2002) in

development theory and practice. The re-orientation of BEWDA to rights commenced in 2000 with the introduction of ActionAid support, and by 2005 a rights-based approach to development was fully adopted.<sup>9</sup> At this time BEWDA also changed its name to the current Belim Wusa Development Agency, which translates to ‘sustainable livelihoods’ in the local Kusaal language, while cleverly retaining the same acronym. Today BEWDA seeks to promote livelihood rights, women’s rights, education and health rights, and the right to political participation. It has a three-tier governance structure: a general assembly made up of representatives of the 110 community members; a management board of seven members, meeting every four months; and a management team of paid staff that deals with everyday matters. At the time of the study, there were four paid staff members: a programme manager, a programme officer (doubling as a monitoring and evaluation officer), a field officer and an accountant. While still based in Bawku town, its geographical coverage has extended to adjoining districts in the Upper East Region – Bawku Municipality (previously Bawku East), Bawku West and Garu-Tempene district, all predominantly rural and agrarian districts. The organization interacts with state agencies at the district level, and encourages local communities to claim rights from district-level government. Another important aspect of BEWDA’s rights work has been collaboration with CBOs, often acting as an intermediary organization between them and district-level authorities. This work was aided by a short-term project (2005 to 2008) as part of the Ghana Rights and Voice Initiative (RAVI) funded by the UK’s Department for International Development.

### *Data collection methods*

Data collection for the three case studies was carried out between June 2009 and November 2010. Research methods included key informant interviews with staff members, focus group discussions with community members, observation in the organizations’ meetings, and document analysis.<sup>10</sup> Interviews were mainly conducted in English, but in the cases of BEWDA and WACAM, some interviews and focus groups were conducted in Ghanaian languages.

### **3 Sources and nature of power constraints**

This section addresses the first research question: in what ways have struggles for human rights been *constrained* by power relations and structural inequalities? The focus here is on coercive power or ‘power over’. All three case-study organizations encountered ‘power over’ as an obstacle to securing rights. Three main sources of power were identified: the state, international business, and society. The primary source of power was the state and state-related agencies at both national and local levels. Given that government is the main duty-bearer with responsibility for the protection and promotion of human rights, state power can be used either to enhance or impede the realization of rights. The state can actively violate rights or can be a passive obstacle to rights promotion through its

inaction, for instance by *not* developing appropriate laws and systems for securing rights. The second challenge to human rights was the considerable power of transnational corporations, backed up by the ideology of neo-liberal globalization and its opposition to state regulation and intervention. Finally, beliefs and attitudes encountered within Ghanaian society were identified at times as obstacles to human rights promotion. This relates not simply to the power of public opinion but to the predominance of ingrained social attitudes. Based on Lukes' (1974) three dimensions of power, this section analyses the three forms of 'power over' – visible, hidden and invisible power.

### *Visible power*

Visible power is commonly exercised in observable decision-making and in the use of public authority. Such power is found in state policies that determine national and local priorities and the level of resource allocation, with certain elite social strata invariably favoured. The state also exercises visible power in the procedures and systems that it puts in place to address and respond to rights issues, with the government (at central and local levels) able to impede rights advocacy either by downplaying the importance of rights claims or by inertia and delay in responding to such claims.

The case of the Domestic Violence Coalition (DVC) provided examples of various manifestations of the visible power of the state. On the one hand, the Domestic Violence Bill that the Coalition championed was sponsored by government, first by the Attorney General's Office and then by the Ministry of Women and Children's Affairs (MOWAC), although the initial drafting was undertaken by women's rights NGOs. On the other hand, opposition to the Bill was evident from powerful governmental figures, taking both passive and active forms. Passively, a failure on the part of policy-makers and legislators to accord serious attention to the issue of domestic violence led to lengthy delays in the Bill's progress through the male-dominated Cabinet and Parliament. More actively, a hostility to women's rights generally and to the DVC specifically led to resistance to the Bill. The DVC is predominantly made up of women's groups and feminist activists, and there was a perception in some governmental quarters that the DVC's intention with the Bill was to destabilize gender relationships and social institutions such as marriage and the family.<sup>11</sup> Perhaps surprisingly, resistance was personified by the Minister for Women and Children's Affairs (MOWAC), Mrs Gladys Asmah, who repeatedly stated that parts of the Bill were contrary to Ghanaian cultural values.<sup>12</sup> This led to what was described by one coalition member as 'a big fight' between the DVC and the Minister, frequently played out in the media. This conflict was generally perceived as a key reason for her eventual removal from this ministerial position by the President.<sup>13</sup> Opposition was also found in Parliament from prominent male MPs, who expressed concerns in the House about the Bill causing 'social dislocation' within Ghanaian society and, extraordinarily, leading to men being 'trampled upon by their wives and denied their conjugal rights'.<sup>14</sup> An impulse to preserve

male power against any perceived threat is evident here, given that the Bill was primarily intended to legislate against violence in the home.

It is clear that WACAM has experienced the sharp end of visible state power, allied with corporate power, which was most evident in the use of the military and police to protect mining companies in the context of community demonstrations against human rights violations by the companies.<sup>15</sup> Our research turned up a number of well-documented examples where peaceful protests by community members had been violently broken up by the police and military, resulting in serious injuries and hospitalization.<sup>16</sup> One respondent noted that, although the government's primary obligation should be to protect its citizens, the government 'has removed its sovereign cap and is now wearing a corporate cap'.<sup>17</sup> The visible power of the companies is also manifest in their enormous wealth in comparison with poor communities and in their access to and influence on top state officials. The power of the companies was summed up by one community activist as follows:

WACAM is up against powerful, politically motivated, rich multinational companies who are able to pull political strength, financial strength to frustrate WACAM's work.<sup>18</sup>

Similarly, BEWDA was also affected by the visible power of the state, though in different ways. Local officials signalled their disregard for community claims by ignoring invitations to meetings or by delegating attendance to junior staff. At times, local officials used the necessity of dealing with the sporadic but persistent inter-ethnic conflict in Bawku municipality as an excuse to disregard right claims by communities.<sup>19</sup> Further, BEWDA and its partners accused district-level government officials of using their position to deny right claims by communities when these came from locations that were perceived to be supportive of the opposition political party.<sup>20</sup>

### *Hidden power*

Hidden power pertains to the ability to shape and influence state policies behind the scenes, for instance by controlling who sits at the decision-making table and what gets onto the agenda (Just Associates 2006: 11). The power of the state again features prominently, given that state representatives are able to decide what is included and excluded on its agenda, and whose voices are heard. Regarding the Domestic Violence Bill, behind-the-scenes discussions within Cabinet and Parliament were important arenas in which decisions were taken and delays created. As Tsikata remarks, the DVC's 'six-year struggle to have the law passed [was] illustrative of the challenges of dealing with male-dominated state structures' (2009: 6). The accuracy of this statement is evident from the male domination of Ghanaian political society.<sup>21</sup> Yet, it must also be noted that it was a woman, Mrs Gladys Asmah, as the Minister for Women and Children, who expressed the most public and vocal opposition to the Bill. She attempted to

undermine the Bill by using her ministerial position to subtly shift the terms of the debate from women's rights and well-being to cultural relativity by suggesting that definitions of domestic violence emanating from Western cultures were not relevant for the Ghanaian context (Gyau 2003, cited in Adomako Ampofo 2008).

The activities of WACAM were opposed and undermined through the mining companies' use of hidden power. It is alleged that the mining companies used their substantial financial resources in covert and legally questionable ways to influence local power structures such as the local district assemblies and traditional chiefs, especially through the award of business contracts.<sup>22</sup> It is suggested that this extended to community level through the targeting of community leaders and unit committee members,<sup>23</sup> who were rewarded with employment and outsourcing work, with one interviewee noting that this led to community members experiencing 'different realities'.<sup>24</sup> Also, WACAM suspects that the mining companies have used their ample funds to establish local groups to directly counter WACAM's activities.<sup>25</sup> From WACAM's perspective, one consequence of such covert efforts by mining companies is that misinformation about mining activities is propagated by government agencies, chiefs and even some community leaders who have been 'influenced by the mining companies to put dust in the eyes of the people'.<sup>26</sup>

Hidden power is clearly used by the mining companies' public relations (PR) departments to lobby the government, state agencies such as the Environmental Protection Agency (EPA), chiefs and community leaders, including through proxy organizations. For instance, the Ghana Chamber of Mines is wholly funded by its member companies, mainly foreign-owned mining companies, with the self-stated objectives 'to promote and protect the interests and the image of the mining industry', thus operating as an arm of the companies' PR machinery while presenting itself as a Ghanaian organization.<sup>27</sup> The theme for its 80th anniversary celebrations in 2009, for example, was the hyperbolic statement that 'Life without Mining is Impossible'. The hidden power of large corporations is evident not only in their access to government but also in their ability, through use of their considerable financial resources, to gain access to the media and to public space through events (such as the anniversary celebration), which then allows them to influence the media and to shape the content of public discussions about mining.

The hidden power of the mining companies extends to the manipulation of Parliament, though the complicity of parliamentary members is evident. For example, the Select Committee on Environment, Science and Technology expressed its satisfaction with the environmental stewardship of AngloGold Ashanti, to the considerable disappointment of communities affected by the company's operations. Yet AngloGold Ashanti officials themselves confirmed that Select Committee members had not actually visited the communities, but that the company had arranged for the Committee to meet some 65 'opinion leaders' as community representatives (*Public Agenda*, 12 September 2008: 1 and 9). Further, a WACAM respondent stated that MPs are invited to sit on

the boards of mining companies, in a clear conflict of interests that affects MPs' abilities to listen and respond to their constituents' concerns. For instance, the former MP for Tarkwa Nsuaem, at the heart of the gold-mining industry, was a government representative on the board of Goldfields Ghana Limited.<sup>28</sup>

The confrontation of BEWDA with hidden power includes a lack of access to timely and accurate information. The local state exercises hidden power through withholding information about income and expenditure and about the rationale for its decisions on district priorities. Denied such a 'right to information', it is difficult for citizens to make a reasoned argument for their cause, or to hold district officials to account.

### *Invisible power*

Invisible power refers to the control over people's internalized norms and beliefs, achieved mainly through processes of socialization and the diffusion of dominant ideologies (Lukes 1974: 24). By its nature, invisible power is more difficult to identify. It was most discernible in societal and governmental opposition to the Domestic Violence Bill; in this, the impact of socialization into social norms about gender relations was apparent, often articulated as Ghanaian 'culture' and 'tradition'. Thus, 'public opinion' became a battleground between supporters of the Bill and its opponents in government. Coalition members, aware of the need for public education, conducted a Nationwide Consultation Forum in 2003, visiting all ten regions, raising awareness about the Bill and undertaking a signature campaign.<sup>29</sup> On presentation of the DVC's report to the Minister for Women and Children's Affairs, Mrs Gladys Asmah, retaliated by conducting her own tour of two regions and collecting signatures in opposition to the Bill.<sup>30</sup>

The invisible power of socialization was experienced most when it underpinned opposition to rights presented by influential political figures. At the same time, essentialist notions of traditional culture are politically convenient and are subject to manipulation by politicians, indicating overlap between invisible and hidden power. This was most evident with the position taken by the Minister, who argued forcefully that the Bill was contrary to Ghanaian cultural values, that legislation was not necessary, and that a wife by definition could not take her husband to the police. Her adherence to such social norms was described by one respondent as 'old school'.

You know the old school; it is the way we have been socialized: 'How dare you complain about your husband beating you? How dare you as a child go and tell another person that your parents are disciplining you?'<sup>31</sup>

Such values are not associated with Ghanaian culture specifically but also with patriarchal culture more generally, where male dominance is presented as 'natural'. The same respondent expressed it thus:

It's OK when a man demands something; nobody thinks twice about it because he is a man. When a woman demands something then we start to say, 'Aah, but this woman ... where is she coming from?' ... Why is it that as a man you have a right to life and to live in a violence-free world, but as a woman I don't?<sup>32</sup>

In the case of BEWDA, the operation of invisible power was discernible in two ways. First, high rates of illiteracy and a lack of education in poor, rural communities tended to shape people's perceptions and understanding of their rights and the persistence with which they pursued these rights. Most community members were not aware that they have and could demand rights from local state authorities. Even after BEWDA's intervention to raise awareness, it was difficult at times to sustain initial momentum. If claims made to the District Assembly are persistently ignored by the Assembly, it can result in people feeling powerlessness and abandoning their rights claims. One community activist expressed it thus:

For example, when we demanded quality sanitation it took two years before the Assembly responded. This can lead to fatigue from the community members. You go back to the community but they lose faith in the Assembly and are not interested in engaging.<sup>33</sup>

Second, the invisible constraint of cultural values probably exerts most force in poor, rural contexts, particularly in relation to women and disabled people. Patriarchal customary practices give men an invisible gatekeeping role over women, and therefore awareness-raising on issues of women's rights, such as rights to inheritance, rights to own property, rights to participate in decision-making, were often not welcomed. For example, when BEWDA undertook an education programme on the Intestate Succession Law,<sup>34</sup> male community leaders objected to the information that women had the legal right to inherit like men.<sup>35</sup> Traditional values and practices shape men and women's understanding of their roles in society, with women often internalizing the notion that they are subordinate and answerable to men. Social norms and values also shape perceptions about physically challenged people, leading to discrimination by community and family members. For example, a local disability rights activist highlighted a misconception among some parents that disabled children are not capable of undertaking formal education:

Children with disabilities are denied education by [their] parents with the excuse that children with disabilities cannot perform well like the able-bodied, so they prefer to put the able-bodied children in school and leave the disabled.<sup>36</sup>

The force of invisible power also manifested itself in relation to WACAM's activities. Given that chiefs occupy the apex of local social hierarchies, then if

the chief is well disposed towards the mining company, often encouraged by the use of hidden power by the companies, it becomes more difficult for community members to be overtly oppositional. Additionally, chiefs may hide behind traditional beliefs and practices to justify their actions in support of mining companies. For example, a young man who spoke against Newmont Ghana Gold Limited was punished by the chief in the traditional fashion – forced to carry a sheep over his neck in the hot sun for several hours.<sup>37</sup> Further, if local people internalize a social hierarchy and feelings of inferiority relative to perceived superiors, then WACAM is faced with a daunting task to convince local citizens to challenge the combined wealth, status and political power of the mining companies, the government and the chieftaincy institutions.

#### 4 Challenging power

The three organizations engage with and contest power in a variety of ways and in a range of contexts. This section focuses on the various ‘spaces’ within which power relations manifest themselves and are subject to contestation and challenge by rights-promoting organizations. Thus, we ask whether the three organizations have been active and successful in prising open *closed spaces*, in participating in *invited spaces*, in *claiming spaces* from power holders or in *creating spaces* more autonomously (Gaventa 2006: 27). Before that, however, we outline the differing approaches to structures and relations of power adopted by the three organizations.

The DVC’s immediate and explicit objective was the enactment of the Domestic Violence Bill, with the broader and more implicit aim of changing gender power relations within society. In pursuit of the goal of enacting the Bill, it focused on leveraging existing structures of governmental power, including relevant government ministries and Parliament. However, when faced with opposition to the Bill from various forms of visible, hidden and invisible power, the DVC employed a variety of counter tactics. These included public demonstrations, pickets and marches; media campaigns; public information campaigns, combined with a signature campaign in all parliamentary constituencies; awareness-raising of ‘opinion leaders’ and traditional/religious leaders; and training of coalition members and sympathetic NGOs.

The aim of WACAM is to strengthen local communities vis-à-vis state and corporate power, and to change the balance of power between government and the transnational mining corporations in favour of the government. More specifically, WACAM aims at changing government policy and legislation on mining in poor rural communities, while also advocating against the human rights violations committed against local communities. Of the three organizations, WACAM has encountered governmental and corporate power in its most overt and at times brutal forms, and has challenged such hostile power most directly, while adhering to the principle of non-violence in all its activities. It started as a community-based organization, raising awareness of human rights within communities affected by multinational gold mining and campaigning against specific violations

(such as cyanide spillages into water supplies). It also undertook legal action in conjunction with a non-governmental legal aid organization, the Centre for Public Interest Law. Subsequently, WACAM extended its activities beyond the local, and now engages in national, regional and international campaigns. Nationally, it advocates for government policy change as part of the National Coalition on Mining (NCOM) by drawing national attention to human rights abuses in the gold-mining areas. One notable outcome of WACAM's campaigning as a part of NCOM was the investigation by the Commission for Human Rights and Administrative Justice (CHRAJ) on which CHRAJ based its 2008 report on *The State of Human Rights in Mining Communities in Ghana*, which was unusually critical of the gold-mining industry for a government-funded body. Internationally, WACAM has sent reports to the United Nations Human Rights Council, undertaken advocacy with international NGOs such as Oxfam America, and participated in the 'No Dirty Gold' campaign.<sup>38</sup>

In contrast, BEWDA began as a service provider and adopted a rights-based approach as a result of collaboration with ActionAid. Currently it works to build the capacity of local partner organizations and communities to claim rights and local service provision from local government. Although BEWDA is attempting to change power relations between local government and local communities in favour of the latter, it finds itself in a less adversarial relationship with government, mainly trying to leverage local reforms through decentralized local government. Therefore while the DVC and WACAM have both engaged in demonstrations and protests at times, BEWDA has focused on community mobilization and local capacity-building, training and rights awareness-raising, and engagement with local government structures. It has interacted with international NGOs from its establishment in 1990, notably Womankind and ActionAid. Although primarily funding organizations, they have been influential in determining BEWDA's overall strategic direction.

### *Spaces of engagement*

We now turn to examine the means used to challenge power relations in various spaces.

#### *Closed spaces*

All the organizations encountered resistance to attempts to breach closed spaces and make rights claims within state institutions at either national (Cabinet, Parliament) or local level (District Assembly), and within mining companies in the case of WACAM. While spaces are closed as a matter of law or procedure in most instances (for example, meetings of parliamentary committees and management of mining companies), there are some that remain closed as a matter of convenience for power holders.

One instance of relative success at prising open a closed space was WACAM's shareholder campaign, which resulted in the organization indirectly

gaining a voice at a Newmont Mining Corporation shareholders' meeting. Through Oxfam America, WACAM invited 'ethical investors' to participate in a dialogue about the communities' concerns, leading to one such shareholder granting WACAM the right of proxy to attend the shareholders' meeting. This resulted in a resolution being passed that Newmont should take measures to improve its relationship with mining communities.<sup>39</sup> The DVC also sought to achieve an indirect voice in parliamentary debates on the Domestic Violence Bill through targeting and lobbying parliamentarians whom they believed were favourable to their cause. However, this context also provides an example of an unsuccessful attempt to prise open a closed space, when the DVC's request to address Parliament on the Bill was refused.

One of BEWDA's CBO partners, the Organisation of People with Disabilities (OPWD), tried unsuccessfully to open up the nomination process for appointing members to local district assemblies, which is effectively controlled by local branches of the national ruling party.<sup>40</sup> During the 2006 District Assembly elections, the regional OPWD gained an assurance from the Upper East Regional Minister that he had authorized each District Assembly to appoint at least two of their members. However, this did not materialize, and although the Garu-Tempene OPWD branch presented a letter to the local District Assembly from the organization's regional president to press home their demand, this was without success.<sup>41</sup>

By their nature, closed spaces are difficult to breach by relatively powerless non-governmental actors. Reasonably successful attempts here have entailed an indirect approach where the support of sympathetic parties within the closed space have been actively courted.

### *Invited spaces*

When an organization has gained a public profile and/or legitimacy in the eyes of duty-bearers, it may be invited into previously closed-off spaces. The DVC's close collaboration with the Attorney General's Office in drafting the Domestic Violence Bill is an example of successful use of invited space. Additionally, international recognition of WACAM's work led to an invitation in 2008 from ECOWAS (the Economic Community of West African States) to participate in the task force that drew up a 'Directive on Harmonization of Guiding Principles and Policies on Mining'. This was then adopted by the ECOWAS Council of Ministers in Abuja in 2009, and subsequently by the Government of Ghana. The Directive includes the principle of 'free prior and informed consent' in relation to the acquisition of farmland, as advocated by WACAM.<sup>42</sup>

In addition, WACAM provides a cautionary tale concerning the limitations and dangers of participation in invited spaces. The organization was invited by Newmont Ghana Gold Limited to be an observer on a Resettlement Negotiation Committee and a Responsible Mining Alliance. It declined both invitations, being aware that its voice on these committees would not be strong, while its participation could be used by the corporation's public relations department to legitimize these bodies and their actions.<sup>43</sup>

Invitations into closed spaces do not happen automatically. It is either the result of direct lobbying by rights-promoting organizations or of gaining sufficient recognition so that powerful actors, however reluctantly and with whatever motives, feel compelled to grant them a degree of access to some decision-making spaces. Thus, the invitation may reflect the attainment of significant countervailing power by the rights-promoting organization. Yet power games continue to be played, and the example of WACAM above highlights the possibility of co-option and manipulation in invited spaces in ways that may strengthen the position of the dominant power holders.

### *Claimed and created spaces*

All three organizations have been active in claiming and creating spaces within which to voice their rights, and their activities in these spaces have yielded the most success in gaining the attention of duty-bearers. Such activities have included demonstrations, public education campaigns, media blitzes and alliance-building. Although combined in the power cube to maintain the three-dimensional aspect (see [Chapter 1](#)), our findings corroborate the important distinction between claimed and created spaces. A claimed space is one 'claimed by less powerful actors from or against the power holders' while a created space is 'created more autonomously by them' (Gaventa 2006: 27). The study provides examples that stress the difference between appropriating existing structures and generating new spaces and networks outside 'official' or conventional structures.

An example of a claimed space comes from the DVC's media campaign, where it participated in national media spaces which can be difficult to access. They staked a claim on such public spaces by writing newspaper articles, contributing to radio discussions and producing a compelling television documentary about domestic violence. These media campaigns were also attempts to breach the closed spaces of Parliament given that the DVC specifically intended to reach parliamentarians through the media, as well as the general public. The DVC even wrote an open letter to the President, which was published in national newspapers, attempting to gain the President's attention in lieu of a face-to-face meeting with him, which seemingly he would not consent to. Many of the DVC's public events aimed to (re)claim public space; these have included night vigils, a walkathon, men's marches, the picketing of parliament, and an action called 'the Teaser'. The last was an especially innovative way of claiming public space. It involved the spectacle of women dressed in wedding gowns with battered faces and bandages standing at strategic locations across Accra. The women had placards saying, 'This could be your wife', 'I did not bargain for this when we got married', 'I'm your partner and not your punch bag' and so on. A DVC member reported that passers-by actually approached the women and asked, 'Who did this to you?' She concluded that the event was very effective in raising public awareness and gaining media publicity about domestic violence.<sup>44</sup>

Similarly, WACAM has claimed media space from the state and mining corporations, who usually dominate media content through their considerable

financial and political advantages, and has also indirectly contributed to the ability of community groups to claim space from authorities through the production of a training manual for these groups to use in self-learning on how to enhance their capacities to engage with authorities and influence decision-making processes.<sup>45</sup> The training may take place in a ‘created space’, but its aims are to enable local people to claim space from various authorities.

The activities of BEWDA and those of its partner CBOs demonstrate some successes in claiming space. One example is the successful campaign by the president of an OPWD district branch to become an elected District Assembly member in the 2006 local elections, which itself entailed overcoming misconceptions that physically challenged people are not capable of performing general representative roles. However, other attempts to claim space were often fraught with difficulty. For example, it was reported that District Assembly officials made themselves unavailable to meet community representatives, especially when a community was perceived as supporting the opposition political party. As stated by one chief:

Anything you ask for the benefit of your community, they would say, ‘This chief, we know this chief and he belongs to party A...’ So even when you want to meet the DCE [District Chief Executive] he can just say, ‘Tell him I am travelling right now or I am not there.’<sup>46</sup>

As well as this alleged politically partisan response, there was a perception of elite capture and mutual benefit. Respondents felt that the demands of local elites, such as political figures, chiefs, businesspeople and institutional heads, would be more promptly replied to, while those from ordinary people would not:

If you are not an influential person, they won’t implement your request. For example, if you are from the community they would listen to you but won’t attend to your needs, but if you are well respected they would attend to you.<sup>47</sup>

The response of BEWDA to such difficulties was to *create* spaces in which the ability of local groups to negotiate with local authorities was strengthened. For instance, BEWDA’s work with Parent–Teacher Associations (PTAs) created a space in which BEWDA provided training to strengthen the capacity of PTAs and initiated the formation of a Municipal-wide PTA to engage collectively with the local education directorate. In relation to gender-based violence, BEWDA also created a space in which it invited local power holders in the Bawku West district, including traditional chiefs and elders, to discuss and collaborate on the creation of a local by-law on violence against women as a means of prohibiting various local cultural practices that are abusive to women. This process was described by a BEWDA staff member as ‘tough’ because ‘some argue that the traditional practices are age-old and part of their culture so they cannot be stopped’.<sup>48</sup> A draft of the proposed by-law was agreed, nonetheless, but its



space from power holders; to being more effective in invited spaces; and to breaching closed spaces.

## 5 Building countervailing power

Based on the threefold typology of positive power (Rowlands 1998) – that is ‘power to’, ‘power with’ and ‘power within’ – this section considers how successful the organizations have been in developing countervailing power and challenging power structures.

### *WACAM*

The biggest achievement of WACAM is described by one of its members as its contribution to the ‘the monumental awareness on mining now in Ghana’.<sup>54</sup> This is supported by the observation that Ghanaian public opinion has shifted, now taking a more critical stance on mining and being more aware of its adverse impacts, a shift to which WACAM and other organizations in the National Coalition on Mining (NCOM) have significantly contributed.<sup>55</sup> The reality of such changes was clearly indicated by the publication in March 2008 of the CHRAJ report on *The State of Human Rights in Mining Communities in Ghana*, and here WACAM’s influence is again palpable. Without WACAM’s persistence over a ten-year period in bringing complaints about the adverse impacts of mining on communities, solely and as part of NCOM, it is unlikely that CHRAJ would have undertaken this investigation and issued a public report that highlighted human rights violations by the powerful mining industry.<sup>56</sup> It is also significant that WACAM’s own research contributed substantially to the report. The CHRAJ report was a significant milestone for WACAM in terms of its visibility and legitimacy, and a key indicator that the balance of power, at least by a degree, had shifted away from the powerful transnational mining corporations.

In addition, WACAM has also pushed for legislative reforms that give better protection to local communities. The Minerals and Mining Act (2007) includes a compensation element, as advocated by WACAM and other members of NCOM, while the ECOWAS Directive on Mining of 2008 includes the principle of ‘free prior and informed consent’. But the law and its weaknesses still remain a source of dissatisfaction for WACAM, for example the lack of provision for environmental protection and thus the lack of sanctions for environmental degradation during mining operations. These and other concerns have been repeatedly raised by WACAM, including in advocacy around the 2007 Mining Act, but generally this issue has been ignored by the government.

The successes reflect the painstaking processes of building up ‘power to’: WACAM has mobilized mining communities around their rights, commencing in one district in one region of Ghana, and expanding its operations into numerous communities affected by large-scale surface mining in four of Ghana’s ten regions. This enhanced ‘power to’ also overlaps with the development of ‘power with’ both within and between mining communities. It was recognized by

WACAM that the level of education in many rural communities was very low, due to the absence of educational opportunities, and that this was exploited by mining companies and, at times, by political and traditional leaders. Therefore WACAM provided community training and education programmes to raise awareness of constitutional rights. Armed with this knowledge and greater collective strength, community groups have been able to overcome previous feelings of reticence and powerlessness and to directly challenge such powerful institutions as the state, the mining companies and traditional authorities.<sup>57</sup> The confidence of communities to mount such a challenge has also been enhanced by WACAM's attention to alliance-building, thus creating increased 'power with' other national and international organizations, such as NCOM and OECD Watch.

Yet WACAM's international work has not drawn it away from its community base. The commitment of WACAM to enhancing the capacities of individual community members is clear from ongoing training programmes, such as 'education for empowerment', which specifically targets the development of women as activists. By providing knowledge and skills, as well as increasing self-confidence, WACAM enhances the 'power within' of individuals. This simultaneously challenges the insidious and invisible forms of power that are inherent in hierarchal structures, and thus discourages deference and passivity among local people which various authorities, notably chiefs, government agencies and mining companies, have all used to their advantage. Additionally, WACAM has supported a number of its community members to attain educational qualifications up to university degree level, another example of commitment to enhancing 'power within' individuals and simultaneously encouraging leadership abilities.

### *The DVC*

The DVC's singular achievement was the enactment of the Domestic Violence Act. This success was due in large part to the experience in advocacy work of the individuals and organizations involved, and the innovative and strategic nature of their activism. In particular, one can point to their original forms of protest, their use of the media to counteract misinformation and misperceptions, and their determined lobbying of parliament and government. In these respects, the DVC represents the potent force of a coalition in which the strength of the whole was greater than the sum of the parts in bringing about change through 'power with'.

It was also important that the Coalition was not reticent about publicly standing up to the government. Members of the DVC were willing to be vocal and confrontational through activities such as public demonstrations, including at Parliament on those days when the Domestic Violence Bill was read. This strong oppositional stance yielded an example of 'power to', the most manifest instance of which was the DVC's role in the replacement of the first Minister for Women and Children's Affairs. As one DVC member put it: 'It was a big fight. Civil

society had to rise up against this woman and she was removed.<sup>58</sup> This removed a powerful figure in the government who was the major public opponent of the Bill. The incident illustrated the level of countervailing power that the DVC had developed. The subsequent Minister, Hajia Alima Mahama, was more supportive of the Bill and it was eventually passed during her tenure.

The enhancement of 'power to' was also apparent in the rallying of public support to counteract the opposition to the Bill within government and parliament. Here the DVC's nationwide public education and consultation campaign was quite remarkable in bringing widespread public attention to an issue that previously had not been salient in public discourse. One DVC member observed:

In my lifetime there has not been any other legislation that has generated so much public interest and incorporated so much public opinion.<sup>59</sup>

All in all, the Coalition was so successful in generating sufficient public support for the Bill that the government and the main opposition party, between them holding almost all seats in Parliament, could not oppose this formidable societal force and the 'power to' that had been amassed.

However, the DVC's greatest strength – the accumulated 'power with' of a coalition – is also its weakness, and the years since the Bill was passed have seen its power and energy dissipate. It is a common experience that, as passionate as members may be about a coalition, their primary commitment is to their own organization's interests and programmes,<sup>60</sup> and this might account for the loss in momentum since the passage of the Act. The Domestic Violence Act is now in the implementation stage, a more mundane and longer-term process of engaging primarily with the bureaucracy of government and one which demands a different set of strategies. As of early 2011, limited progress had been made in the implementation of the Act. Responsibility for implementation of the National Plan of Action lies with the Domestic Violence Secretariat within MOWAC, but this was described as 'lying fallow' by the DVC's coordinator.<sup>61</sup> The necessary legislative instruments – the laws that give teeth to the Act – had not yet been passed by Parliament. While it is the role of the Attorney General's Office to prepare the legislative instruments, a Coalition member noted that 'some push' is needed from MOWAC (the Domestic Violence Secretariat) and from the DVC itself.<sup>62</sup>

### **BEWDA**

BEWDA's achievements have been on a smaller scale, partly due to its local orientation. The context is challenging – Northern Ghana is a harsh environment, characterized by high levels of poverty and deprivation, while the specific location of Bawku is troubled by sporadic incidents of inter-ethnic conflict – and implementing a rights-based approach through claims to local government as duty-bearer has proved problematic at times. Nonetheless, increases in 'power within', 'power with' and 'power to' are all evident, and illustrate a step-by-step

approach to building countervailing power, culminating in increased ability by local groups to claim rights from local power holders.

Increased ‘power within’ is probably most notable among women, given BEWDA’s focus on gender-equality issues and women’s rights. Through BEWDA’s community education programmes, women have gained awareness of their rights, including the right to participate in decision-making and the right not to be subjected to violence, and have started to challenge their subordinate position. The quote below indicates the increased self-confidence that women have gained:

Now the women kick against meetings that involve only men. Now we have women’s groups...<sup>63</sup>

People with disabilities constitute another social group where ‘power within’ has palpably increased. Following training workshops provided by BEWDA, OPWD members have displayed a greater sense of self-worth and become more assertive in claiming their rights:

First we used to feel timid but we were taught to know that it is our right to demand our rights at the Assembly.<sup>64</sup>

The enhancement of ‘power with’ is seen through BEWDA’s work in mobilizing communities and providing training to CBOs to build their organizational capacity. One member of Solidarity Action for Community Empowerment (SOLACE) expressed the benefits thus:

We learnt new concepts from BEWDA; for example the term engagement. It is through BEWDA that we got linked with other CBOs and the Assembly and through that we have been able to meet some of the needs of our communities.<sup>65</sup>

Similarly BEWDA’s capacity-building workshops with OPWD branches have strengthened their organizational basis.

Enhanced ‘power within’ and ‘power with’ have then translated into increased ‘power to’, as indicated by the engagement with local government in pursuit of rights claims by communities and by CBOs. Small-scale successes are evident. For example, the Ninkongo community succeeded in getting the Bawku Municipal Assembly to provide boreholes for drinking water, and the Nayongo No. 2 community negotiated to get a community dam for agricultural irrigation and lobbied the Municipal Education Directorate for qualified teachers for their Junior Secondary School. At CBO level, SOLACE engaged effectively with local government in making rights claims in the areas of water and sanitation (RAVI 2009: 4). Although not all SOLACE claims were met, the process of community demands being made on the Assembly has become better established. In the words of the SOLACE coordinator:

Engagement worked; the Assembly congratulated us for bringing them onto their toes...<sup>66</sup>

Branches of OPWD have also engaged with local authorities in various ways. The Bawku Municipal OPWD group undertook research to identify disabled children who were not in school, and then negotiated with the District Education Directorate to enrol such children and simultaneously carried out community meetings with the aim of changing misconceptions about the capabilities of disabled children. Consequently, in 2009 six disabled children entered into formal schooling.<sup>67</sup>

A further way in which ‘power to’ has been asserted is through greater participation in local political structures, notably in the district assemblies and in the unit committees, the lowest-level community structure. For example, four women from the Nikongo community were encouraged to join the Nikongo Unit Committee in 2006, which previously had no women members.

In all three organizational studies, some achievements are apparent, at times substantial, at other times more modest, but all partly due to increases in ‘power to’, ‘power with’ and ‘power within’. Therefore there is evidence that the case-study organizations have both challenged power and developed alternative sources of countervailing power. Yet to what extent have human rights been secured and structures and relations of power been altered?

## 6 Conclusion: altered structures of power?

The concluding section examines the nature and significance of changes achieved by the three organizations in terms of legislation, state policies, institutional structures and cultural attitudes. It attempts to understand the achievements and the limitations in the overall context of Ghana’s political economy.

The enactment of the Domestic Violence Act constituted a significant step forward for women’s rights in Ghana. Domestic violence is now a crime and the right of women (and men) not to be subjected to violence in the domestic sphere has been accorded legal protection. Institutional structures have also changed with the establishment of Domestic Violence Victims Support Units (DOVVSUs) in all district police forces, the creation of the Domestic Violence Secretariat within MOWAC, and the formation of the Victims of Domestic Violence Management Board. Thus, we would contend that the campaign against domestic violence by the DVC has resulted in important legal and structural changes.

The DVC has also aimed, at least implicitly, at a transformation of societal and cultural values, a daunting task faced by feminist movements worldwide in struggles against male violence and gender inequalities. Changing patriarchal culture is a slow and gradual process, but a significant step forward was taken during the campaign to secure the Bill through the widespread public discussion and awareness-raising concerning domestic violence and the abuse of male power.

Notwithstanding these positive changes, the challenge of implementation of the Act remains, especially since the DVC has lost considerable momentum. It becomes apparent that the same forces that delayed the Bill's enactment, especially of hidden and invisible power, remain to impede the implementation of the Act. This leads to further observations concerning the difficulties of securing rights in the face of structural obstacles that remain largely unchanged. In many respects, the DVC has not challenged structures of political power at the national level but rather has sought to persuade government and Parliament to exercise their authority, as duty-bearers, in ways that promote the rights of women. Yet the persistence of male dominance in these institutions constitutes a significant obstacle to the continued advancement of women's rights.

As a small organization of mainly voluntary activists, WACAM has had an impact at local and national levels. It has been described to us as 'a pioneering organization' that has signalled to people that they can organize against corporate mining interests, and it has become a reference point for learning about this process.<sup>68</sup> The success of WACAM in mobilizing local resistance to the adverse effects of gold-mining operations, in combination with other advocacy organizations working in various parts of the country, means that mining corporations can no longer undermine local livelihoods and violate rights with impunity. Indeed, it is stated that 'mining companies have to defend themselves in ways that they did not ten years ago', with the government also no longer able to ignore criticisms.<sup>69</sup> While attribution is difficult and other like-minded organizations are also responsible for such changes, it can be said with confidence that WACAM has contributed to a shift in the overall balance of power between the mining corporations and government on the one hand and Ghanaian society on the other.

Nonetheless, there is little evidence that state policies towards gold mining have fundamentally altered. The value of the gold-mining industry in profits to transnational mining corporations (see note 69) and in revenue to the government is so substantial that corporate power and state power both stand firm against any challenges, and mining companies can generally rely on state support. The fundamental problem remains that government duty-bearers remain more protective of corporate interests than of citizens' human rights. The CHRAJ (2008) report on mining was an initial and important step in addressing this contradiction, offering for the first time an official challenge to the impunity of the mining companies. Other possible outcomes of the report still remain under discussion, and may entail some future legislative changes related to water rights, increases in local royalties and increased accountability of traditional rulers who receive royalties.<sup>70</sup> If these potential legislative changes are realized, then they may provide further evidence of a shifting balance of power, with a degree of convergence between official positions and CSO demands.<sup>71</sup> However, the delays indicate again that, as with the implementation of the Domestic Violence Act, powerful forces continue to operate behind the scenes. Structural transformation of the kind WACAM seeks would require a fundamental re-orientation away from the resource-led model of economic growth that the Ghanaian

economy is currently based upon, a model that is vigorously promoted not only by global corporate interests but also by other powerful international forces, notably the World Bank, the International Monetary Fund and the governments of industrialized countries which host the headquarters of transnational corporations. The voice of WACAM continues to question that development model, but it remains up against extremely powerful adversaries.<sup>72</sup>

Turning to BEWDA, life in the arid Upper East Region has long been tough and precarious. Here, subsistence farming communities are dependent on annual rainfall, now less predictable due to global climate change, and the large majority of local people endure an annual 'lean season' of food shortages as they await the new harvest (World Food Programme 2011; Government of Ghana 2003: 114). It is also an area where traditional beliefs and practices remain strong, and where, intermittently, conflict flares up and overrides other local development issues. In these difficult conditions BEWDA has striven for almost 20 years to achieve positive changes and to further a human rights agenda, and we have highlighted its successes. It has mainly worked within the existing framework of local government, while seeking to change power relations between local communities and local government so that local authorities are more responsive in their role as rights duty-bearers. In theory, local government bodies should have more powers and resources under the system of decentralization, implemented in Ghana since 1988 (Crawford 2008: 112–113), and thus be able to play a greater role in the securing of basic economic and social rights. In practice, decentralization has not led to changes in power structures or to more responsive local government, with local government personnel more accountable to central government in Accra than to local citizens, a situation which is indicative of structural deficits in the current national system of decentralization (Crawford 2008; 2010). However, BEWDA has not directly challenged these structural obstacles to the realignment of power between local governments and their constituents, which in turn restrict the securing of rights. This also highlights another national structural issue: the persistent and growing regional inequalities between northern and southern Ghana (Ghana Statistical Service 2007; Al-Hassan and Diao 2007; Aryeetey *et al.* 2009). Non-discrimination and equality of treatment are key human rights principles. Yet until the Government of Ghana uses its power to seriously address such regional inequalities through economic and social development policies which target the persistently high levels of extreme poverty in the three northern regions, then it seems that the securing of basic economic and social rights for Ghanaian citizens will remain very unevenly distributed across the country. In this context, a small rights-promoting organization such as BEWDA remains courageous in its efforts to secure basic rights in a challenging context, but, at best, can only be expected to have a limited impact without changes to wider economic and political structures.

In addition, BEWDA has also aimed at a transformation of dominant attitudes, particularly concerning the subordinate position of women and the social exclusion of people with disabilities. Inevitably such processes of change in traditional rural contexts are slow and gradual, but an additional constraint was

evident in the example of the attempt to create a local by-law on violence against women. In addition to its passage at the District Assembly, the consent of the local paramount chief was also crucial to acceptance and implementation of the reforms at the traditional level. This had not occurred and the process is now moribund. Seeking cultural change of this nature is especially difficult when the traditional hierarchical structures of chieftaincy are so strong that it is necessary to go through these very authorities to gain acceptance and legitimization of the changes sought. Thus BEWDA has worked within the existing system of chieftaincy institutions, with contestation of traditional authority not really an option. Yet the constraints that this entails are apparent, particularly where progressive social change that upholds women's rights is dependent on the decisions of male traditional authorities who have vested interests in maintaining gendered hierarchies of power.

To conclude, the current political context in Ghana has much to commend it, notably the high level of respect for civil and political rights and for media freedoms, particularly given the background of previous human rights abuses under various political regimes prior to the democratic transition in 1992. In this respect, both governmental and non-governmental actors can take credit for their commitment to ensuring sustained progress in democratization and the maintenance of a relatively peaceful society. It is a context within which civil society organizations (CSOs) have been able to organize and mobilize, to campaign and advocate for various human rights, in particular social and economic rights. Yet, despite this new dispensation, perhaps civil society has not fully realized its potential, especially in contesting dominant power relations.

Tsikata (2009: 186) notes that civil society in Ghana is characterized by 'NGOization'. By this she refers to the prevalence of a type of NGO that engages in projects rather than long-term causes; that is technocratic rather than political; that lacks a popular base; and which is dependent on donor funds. She explains that 'the form and politics of NGOs results in a lack of capacity for creating sustained change and the inability to deal with the state and powerful forces on a footing of strength' (ibid.). While the organizations studied here have tended to adopt a more political and, on occasions, more confrontational approach to rights promotion, this critique still rings true. This is particularly so in the DVC's and BEWDA's approaches to the structural nature of the power obstacles that they have faced. Both organizations, although operating in very different political locations, have tended to work within the framework of existing political power structures, while endeavouring to persuade powerful state actors to adopt rights-promoting policies. Only WACAM has contested the legal and institutional structures in ways that challenge the power imbalance between relatively powerless rights-deprived citizens and state and corporate power.

This brings us to a central contradiction of the rights-based approach. Ultimately, the government is responsible for protecting and promoting the human rights of its citizens. Paradoxically, it is also often culpable not only for a lack of progress in realizing rights but for violations of rights, especially through elite control of democratic political institutions and the prioritization of elite

economic interests. This state of affairs may seem puzzling in light of the international conventions that Ghana has signed and ratified, and the strength of its constitution and laws on questions of rights. However, our research in Ghana has confirmed that claims for rights, including those that are legally protected, are often resisted by various structures and relations of power, visible, hidden and invisible. These different types of power are located not only within the state, but also in society generally, and at multiple levels – local, national and international. Further progress in realizing rights will require a greater attention to the various actors, structures and institutions that sustain such imbalances of power.

We have seen in this chapter how organizations have acted in various democratic spaces to build countervailing power, notably by enhancing their ‘power to’ and by increasing their ‘power with’ through alliance-building with like-minded organizations. The next step in contexts such as Ghana may be for rights-promoting organizations to utilize more effectively that increased ‘power to’ and ‘power with’ in challenging structures and relations of coercive power. This is likely to require advocacy for institutional, legislative and policy reforms, along with cultural changes in society at large, in order to alter existing power asymmetries in favour of the relatively powerless.

## Notes

- 1 Chapter Five of the Constitution, ‘Fundamental Human Rights and Freedoms’, is dedicated to the protection and promotion of a wide range of rights.
- 2 In the latest Freedom House annual report (2012: 15), Ghana scores 1 for political rights and 2 for civil liberties, where 1 is the highest level of freedom and 7 the lowest.
- 3 Ghana has dozens of newspapers, including two state-owned dailies, 27 television stations and more than 150 FM radio stations in operation nationwide, 11 of which are state run (Freedom House 2011: Ghana country report).
- 4 See Amnesty International Ghana’s website for reports on rights abuses, at [www.amnesty.org/en/region/ghana](http://www.amnesty.org/en/region/ghana). See also the website of the Human Rights Advocacy Centre, Ghana, at [www.hracghana.org](http://www.hracghana.org) (both sites accessed 28 November 2012).
- 5 Announced on 5 November 2010 by the Government Statistician, Dr Grace Bediako.
- 6 Approximately 30 women were found murdered in mysteriously similar ways, leading to the assumption of serial killing, a phenomenon that was virtually unheard of in Ghana (see Fallon 2008; Tsikata 2009).
- 7 Interview with OB, 02/07/09.
- 8 Interview with WACAM staff, 17/08/09.
- 9 Core funding from ActionAid also commenced in 2005, and it is said that ActionAid supported BEWDA in switching from a basic needs approach to a rights-based approach (interview with staff member, BEWDA, 03/06/09).
- 10 For the DVC, a series of interviews were conducted with: the current coordinator, Adolf Awuku Bekoe; individuals who have been very active in the Coalition from its early stages, including former coordinators and hosts of the DVC; and with informal leaders of various aspects of the Coalition’s activities, many of whom are also heads of other rights-promoting organizations in the country. For WACAM, the co-founders, Hannah and Daniel Owusu-Koranteng were interviewed, along with two staff members, and volunteers and members of the organization in various communities. The Programme Manager of BEWDA, Shaibu Abubakar, and BEWDA office staff

were interviewed. Interviews were also conducted with community-based partner organizations, local government officials, members of the District Assembly, and key members of communities. The names and/or positions of the heads of the three organizations and their staff members are used in the report because their statements and opinions represent the official position of the organization. Names have also been maintained in reference to factual information that is in the public domain (for example, for public figures such as ministers of state, and authors of published reports). In all other cases, in order to maintain confidentiality, positions are used (e.g. executive member) or initials that do not correspond to the real names of the interviewees.

- 11 Fallon (2008) records the controversy sparked by a provision in the draft Domestic Violence Bill for repeal of Section 42(g) of the Criminal Code, 1960, Act 29 which states that 'The consent given by a husband or wife at marriage for the purposes of marriage cannot be revoked until the parties are divorced or separated by a judgement or decree of a competent Court.' This law could be interpreted to mean that an individual could not legally be prosecuted for physical assault or forced sex on his or her spouse, and became known infamously as the 'marital rape' clause. There were other provisions in the Bill that sought to remove the presumed immunity from prosecution offered by a marriage relationship (Tsikata 2009). There was vigorous opposition both by some members of the general public and within government to the provision in the Bill for the repeal of this law and to other similar provisions on the basis that these would be destructive of social relations, and particularly gender relations (Fallon 2008; interview with BC, 29/07/09; also Parliamentary Debates: Official Reports, 15/02/07, p. 449). The Domestic Violence Act was eventually passed without the repeal of the 'marital rape' clause; the preamble to the law stated that its inclusion was contrary to public sentiments. However, the controversial clause was subsequently expunged from the Criminal Code as part of a separate process of review of Ghana's laws to bring them in line with the 1992 Constitution and with international human rights law (Tsikata 2009).
- 12 The Minister was a vociferous public opponent of the Bill and was quoted in media reports as saying that the Bill was against Ghanaian culture and had the potential to disrupt family relations (Gyau 2007, cited in Adomako Ampofo 2008; Tsikata 2009; interview with NE, DVC, 06/07/09).
- 13 Interview with BC, 29/07/09.
- 14 See speech by Hon. Mr Okerchiri, as reported in Parliamentary Debates: Official Reports, 15/02/07, p. 449. His speech included the statement: 'Why should Parliament pass a Bill which will allow our wives to trample upon us and deny us conjugal rights?' The idea that 'conjugal rights' may be two-way and may include not being subjected to violence does not seem to have been considered. (A similar reference to conjugal rights was made in an interview with, Adolf Awuku Bekoe, the DVC coordinator, 29/07/09, and attributed to an MP and member of the President's staff.)
- 15 A report by CHRAJ (2008) on the state of human rights in mining communities notes that 'mining companies, with the assistance of the Government ..., deploy state security personnel (especially police and military) to protect their property/concessions' and further that 'incidents of police and military excesses occur in mining communities', particularly during operations to 'flush' out illegal surface miners, known as 'galamsey' operators (p. 21).
- 16 For example, on 17 January 2007, community people organized a peaceful demonstration in Dumasi, near Tarkwa, in the course of which many people were beaten by the police and military, just one of a number of incidents of such brutality during 2006 and 2007 (interview with JN, 13/11/09). At the time of our research, one interviewee was involved with an incident at a community called 'Atta Ne Atta' in the Huni Valley area. She reported that local people had written letters to the District Assembly and police, stating their intention to demonstrate on 8 December 2009 against the

human rights abuses by Goldfields Ghana Ltd. At dawn on that day the military entered the community and beat up activists, with three people hospitalized (interview with Hannah Owusu-Koranteng, 09/12/09). A number of abuses by companies and security persons are recorded in CHRAJ's (2008) report on the state of human rights in mining communities.

- 17 Interview with Hannah Owusu-Koranteng, 09/12/09.
- 18 Interview with WACAM staff, 15/07/09.
- 19 In one instance, local government officials informed BEWDA that monies the organization had volunteered to assist schools within the Bawku Municipality (under its right to education programme) had been diverted by the municipality into feeding security personnel in the municipality (interview with BEWDA staff, 13/11/09).
- 20 Interview with BEWDA staff, 13/11/09.
- 21 For example, in the December 2008 parliamentary elections the two main political parties, the National Patriotic Party (NPP) and the National Democratic Congress (NDC), both fielded candidates in 229 out of the 230 constituencies, yet only 23 and 14 female candidates respectively. Not surprisingly only 20 (or 8.7 per cent) of the 230-member House of Parliament are women (Abdulai and Crawford 2010: 39).
- 22 Interview with AB, 9/11/09; interview with JN, 13/11/09; interview with Madam AS, 09/11/09.
- 23 The Unit Committee is a community-level elected body, the lowest level of representation in the system of political decentralization (see Crawford 2008: 111).
- 24 Interview with Hannah Owusu-Koranteng, 07/07/09.
- 25 Interview with Hannah Owusu-Koranteng, 09/12/09.
- 26 Interview with WACAM staff, 17/08/09.
- 27 See Ghana Chamber of Mines website at [www.ghanachamberofmines.org/site/aboutus/index.php](http://www.ghanachamberofmines.org/site/aboutus/index.php) (accessed 28 November 2012).
- 28 Interview with Daniel Owusu-Koranteng, 11/01/10.
- 29 Interview with BC, 29/07/09; interview with OB, 02/07/09.
- 30 Interview with TN, 13/07/09; interview with BC, 29/07/09. Our respondents said that the Minister only visited two regions, though Adomako Ampofo (2008) states four regions.
- 31 Interview with BC, 29/07/09.
- 32 Interview with BC, 29/07/09.
- 33 Interview with AM, Solidarity Action for Community Empowerment (SOLACE), 11/11/09.
- 34 PNDC Law 111 (1985) on 'intestate succession' stipulates that in the event a spouse dies without leaving a will, the surviving spouse and the children inherit over 70 per cent of the deceased spouse's property. This law was instituted to protect wives and children who, under customary law, might not be entitled to inherit the property of a deceased husband or father, and may be denied property or even driven away from their home by the deceased family. This practice is linked to the matrilineal system of inheritance among some sub-cultures in Ghana where lineage and inheritance is traced through female members of the family. In this case, the brother or the nephews of the deceased male (that is, his sister's children) would inherit his property in the event of death and his own children would expect to inherit property from their maternal uncle.
- 35 Interviews with CHRAJ officials, 09/11/09.
- 36 Interview with AC, executive member of OPWD, 29/10/09.
- 37 Interview with AB, 04/07/09.
- 38 The campaign is targeted at consumers to ensure that gold jewellery does not come from irresponsible mining practices.
- 39 Oxfam America approached Boston Commons (an investment firm in the United States) on behalf of WACAM. Boston Commons was a shareholder in Newmont – an 'ethical investor' – and it gave WACAM its proxy to attend the shareholders' meeting (interview with Daniel Owusu-Koranteng, 12/11/10).

- 40 Assemblies are composed of 70 per cent elected representatives and 30 per cent appointed members. The rationale for appointed members is to ensure representation of key sections of the population (such as women) and to harness the social and technical expertise of particular individuals. The appointments are formally made by the country's president, theoretically in consultation with traditional authorities and civil society groups in the district. However, it is well known that the District Chief Executive, him/herself a political appointee by the President from the ruling party, makes recommendations of appointees from local party loyalists. Although inclusion of disabled people in the 30 per cent appointees is not stated explicitly in the Local Government Act (462) (1993), given that they constitute about 10 per cent of Ghana's population, there is an expectation that they should have some representation in local governance.
- 41 Interview with MA, District Assembly member and executive member of OPWD, 30/10/09.
- 42 This should ensure that farmers are consulted and consent is obtained before mining take place on their lands.
- 43 Interview with AB, 09/11/09; interview with Daniel Owusu-Koranteng, 28/07/09.
- 44 Interview, Women in Law and Development in Africa (WiLDAF), 30/06/09.
- 45 Interview, Daniel Owusu-Koranteng, 28/07/09.
- 46 Interview, Chief AAN, 12/11/09.
- 47 Interview with Zuure Organic Vegetable Farmers' Association staff, 19/11/09.
- 48 Meeting on by-laws, 12/11/09; interview with BEWDA staff, 10/11/09.
- 49 Interview with BEWDA staff, 10/11/09.
- 50 Telephone conversation with BEWDA staff, 29/09/11.
- 51 Interview with Women in Law and Development in Africa (WiLDAF) Ghana, 30/06/09.
- 52 Interview with WACAM staff, 11/11/09.
- 53 Interview with JN, 13/11/09.
- 54 Interview with RE, 15/7/09.
- 55 Interview with Yao Graham, coordinator of Third World Network – Africa, 06/09/11. WACAM and Third World Network Africa are founding members of the NCOM, which is made up of about 20 advocacy organizations.
- 56 Interview with CHRAJ staff officer, 13/11/10.
- 57 Examples are numerous. Members of WACAM sued a mining company for destruction of their crops and won (interview with NK and JN, 13/11/09). A WACAM report (November 2003) documents a number of public meetings at which communities credited WACAM with giving them impetus and strategies to confront mining companies for redress. For example, at Dumase the chiefs and people stated that WACAM's work had made it possible for them to pressurise Bogoso Goldfields Limited to desist from mining close to sources of drinking water (WACAM 2003: 14–15). Additionally, at Nkwantakrom the chiefs and people, with WACAM's help, had taken Ghana-Australia Goldfields (GAG) to court for polluting their drinking streams and destroying property. Ultimately, the courts ruled in favour of the community and ordered GAG to pay \$650,000 in damages. This case increased the confidence of local people in the legal system and the efficacy of legal appeals, despite the case (including the company's appeal) taking ten years (WACAM 2008: 22–23). Again, the many instances of public demonstrations reported by CHRAJ (2008) against mining operations indicate resistance on the part of communities, despite the risk of violence from private security contractors and state security forces.
- 58 Interview with BC, 29/07/09.
- 59 Interview with NE, 06/07/09.
- 60 Interview with NE, 06/07/09.
- 61 Interview with Adolf Awuku Bekoe, 12/11/10.
- 62 Interview with BE, 12/11/10.
- 63 Interview with member of SOLACE, 22/12/09.

- 64 Interview with AC, member of executive of OPWD, Bawku Municipality, 29/10/09.
- 65 Interview with MA, SOLACE, 11/11/09.
- 66 Interview with AM, SOLACE, 11/11/09.
- 67 Interview with AC, member of executive of OPWD, Bawku Municipality, 29/10/09. Interview with AD, member of executive, and BH, patron, OPWD, Bawku Municipality, 22/12/09.
- 68 Interview with Yao Graham, coordinator of Third World Network – Africa, 06/09/11.
- 69 Interview with Yao Graham, coordinator of Third World Network – Africa, 06/09/11. It is our view that this defence by mining companies will entail mechanisms of hidden power to emphasize positive effects of mining. One example is the report by Kapstein and Kim (2011) on the socio-economic impact of Newmont Ghana Gold Limited. This is authored by private consultants engaged by the company to assess its impact and whose key findings highlight the company's positive impact on government revenue, on local job creation, and on the development of local communities around the company's mine (2011: 9). The research is described as 'wholly independent of the company' (2011: 11), while no details are offered about the funding of the research and report by the company. It is pertinent to note that Newmont Ghana Gold Limited is a wholly-owned subsidiary of Newmont Gold Corporation, the world's largest gold-mining company, with huge financial power. The immense financial value of gold mining in Ghana is indicated by Newmont Ghana Gold Limited's production of 545,000 ounces of gold in 2010 (see [www.im-mining.com/2011/05/01/newmont-ghana](http://www.im-mining.com/2011/05/01/newmont-ghana), accessed 28 November 2012), with the gold price reaching over US\$1600 per ounce in 2011.
- 70 Interview with CHRAJ staff officer, 13/11/10. The Ministry of Environment, Science and Technology has set up a ministerial committee on the state of mining in Ghana, with the mandate to advise on how to implement the recommendations from the CHRAJ report.
- 71 Yao Graham, coordinator of Third World Network Africa, noted that there appeared to be such a 'growing convergence', interview, 06/09/11.
- 72 Labour unions in mines are potentially a counterbalance to the power of mining companies and an ally to organizations such as WACAM. However, while mine workers in Ghana are unionized, the unions tend to focus on the wages and conditions of their members, with little active engagement in debates about the wider impact of mining and its contribution or otherwise to development. Interview with Yao Graham, coordinator, Third World Network – Africa, 06/09/11.

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