



**PROVISION FOR POST PROJECT EVALUATIONS FOR THE UNITED NATIONS  
DEMOCRACY FUND  
Contract NO.PD:C0110/10**

**EVALUATION REPORT**



**UDF-GHA-08-229:**

**Constitutional Reform**

**Date:09 July 2013**

**Acknowledgements**

The evaluators would like to thank

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# I. Executive Summary

## *i. Project Data*

This report is the evaluation of the project entitled, *Strengthening Governance Mechanisms in Ghana*, implemented by the Ghana Centre for Democratic Development (CDD-Ghana), based in Accra.<sup>1</sup> Project implementation began on 01 October 2009 and was completed on 31 July 2012 (34 months, including a 10-month extension). The project benefited from an UNDEF grant of \$225,000, with a project budget of \$200,000, plus an UNDEF monitoring and evaluation component of \$25,000. The project was implemented directly by CDD. There were no partners, although a large number of other national organizations were involved.

The Centre was established in 1998 and describes itself as an independent, non-partisan, non-profit organization that promotes democracy, good governance and the development of a liberal economic system. The organization has a staff of 40.

## *The Project*

**Objective**, as stated in the Project Document was as follows:

Strengthen governance mechanisms by providing technical input and advocacy platforms for civil society actors to research and build a constituency for constitutional and legal reform in key governance areas.

## *ii. Evaluation Findings*

### **Relevance:**

It is recognized by independent observers inside Ghana, as well as by international organizations providing development assistance to the country, that constitutional reform represents the most promising avenue through which to introduce

change in its focus on efforts to take practical action to address priorities in democratic development, and in ensuring that the priority concerns of Ghanaian civil society, as well as the interests of ordinary citizens (through the national public opinion survey that CDD organized), were heard.

Knowledgeable observers outside CDD, including those involved directly with the work of the official Constitutional Review Commission (CRC), in interviews conducted for the Evaluation, emphasized the strengths that CDD brought to its advocacy for reform. These included: the ability to build on the quality of its research and analysis; the evidential basis of its proposals; and, the credibility of those who present them. The strategy adopted by the project was judged to be appropriate and its reports to the Commission and the proposals which they contained were seen as highly relevant to its deliberations.

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<sup>1</sup> Henceforth in this report, the acronym CDD, rather than the full CDD-Ghana, will be employed.





Committee, including a number of leading experts. The Committee played an active role throughout the project.

While the government has yet to make a firm commitment to implementing the principal recommendations of the CRC, ***the consultative process***

## II. Introduction and development context

### *i. The Project and Evaluation Objectives*

This report is the evaluation of the project through Constitutional Reform.



- i) Greater legislative and judicial oversight over the executive branch, and improved independence of the legislative and judicial branches in their interactions with the executive;
- ii) Empowering transparency and anti-corruption agencies and statutes to avoid Ghana becoming subject to the resource curse as a result of the oil discovery;
- iii) The promotion of executive accountability between elections.

## ***ii. Evaluation methodology***

The evaluation was conducted by two experts, one international and one national, under the terms of a framework agreement between UNDEF and Transtec. The methodology of the evaluation is set out in the Operational Manual governing this framework agreement, as well as in the evaluation Launch Note. A set of project documents was provided to the Evaluators in the weeks preceding the field mission. On that basis, they prepared the Launch Note (UDF-GHA-08-229) setting out key issues and particular areas of focus to be considered during the field mission, which took place from March 18 - 22, 2013. Additional documents drawn on in the Evaluation were obtained from the grantee during the field mission and from other relevant sources.

All meetings took place in Accra, the national capital. Several meetings were held with senior management and staff of CDD. Other meetings were with those from civil society, closely associated with project, and others closely associated with the constitut

As a legacy from the post-Independence years, there remains what is regarded by most observers as excessive concentration of power in the Presidency and the executive in a political system, where provisions to ensure accountability and transparency remain weak. Although elections are almost a zero-sum game, where the winner takes all the spoils, gaining monopoly control over state resources and patronage networks, the two major parties each have a chance to succeed, and thus have little interest in taking a leadership role in promoting reform.

The present system is a direct outcome of the 1992 constitution, which places few limits to executive power. Hence, given the vested interest of the leading political parties in maintaining the status quo, the constitutional reform process is viewed as the most promising means through which to mobilize broader public engagement in seeking to bring about change and e

- iv) The holding of five thematic workshops, focusing on key issues relating to the constitutional review;
- v) Holding of two media briefings;
- vi) Holding of two regional stakeholder meetings, one in Accra and one in Kumasi;
- vii) In addition, a workshop on the 1992 Constitution was to be held in Tamale, Northern Ghana, for both government representatives and civil society organizations;
- viii) Holding of a final Stakeholder Briefing; ed on the presentations to the thematic workshops;
- ix) Establishment of a Civil Society Coalition on Constitutional Reform;
- xi) Holding of a National Constitutional Review Conference to consider the findings of the government-led constitutional review process.

It had been expected that it would take some time before the government indicated that it was prepared to take practical action. Hence, it was intended that the project should complete the entire research program and publish the results prior to building advocacy structures. However, three months after the launch of the project, there was an announcement by the government, in January 2010, of the setting up of its official constitutional review process. This obliged the grantee to adjust the project work plan and intended sequence of activities. Further, the focus of advocacy now moved from promoting a constitutional review process to influencing the official review process, now by the project.

Planning to set up advocacy structures, the Civil Society Coalition and the Project Advisory Committee, and to organize advocacy-related events, was now accelerated. As a result, activities under this component began while the research work was still underway. This was essential if the project wished to gear its timetable to that of the Constitutional Review Commission (CRC) in order to seek to influence its deliberations and priority themes.<sup>5</sup>

Content and approach of the project in other ways as well. Originally, it had been intended to hold workshops on constitutional reform and human rights in partnership with the judiciary and the Commission for Human Rights and Administrative Justice. However, with the launching of the official constitutional review process, international donors began to make funding available for supporting inputs to the process. Hence, both the judiciary and the Commission were now able to obtain their own funding to host events on related topics. As a result, a decision was made by CDD to amend the initial plan and organize workshops, and commission papers, on more general thematic topics.

Further difficulties arose with the delay by the government in the release of the report of the CRC, along with its own response to the recommendations put forward. The report was due to be released in June 2011. The deadline passed, and the actual release did not take place until January 2012. This led to the postponement of the final eve

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<sup>5</sup> The role of the Commission was to: ascertain public opinion and stakeholder views on the constitution; articulate and summarize these views; and make recommendations. The government convened a donor conference following its announcement of the establishment of the CRC. Pledges of \$3 million were made by international donors to support the government process.





## IV. Evaluation findings

This evaluation is based on a set of Evaluation Questions or EQs, designed to cover the Development Assistance Committee (DAC) criteria: relevance, effectiveness, efficiency, impact, and sustainability.

Commission, emphasized the strengths that the Centre brings to advocacy. These include the ability to build on the quality of its research and analysis; the evidential basis of its proposals; and, the credibility of those who present them. The strategy

*society actors to research and build a constituency for constitutional and legal reform in key governance areas.*

The process of following up on the CRC Report is still under way, and the decision on which recommendations to accept rests with the government. There is little CDD or any other body outside government can do to influence the final stage of the process.



All project events and documents were presented under the auspices of the Coalition. This gave considerable weight and legitimacy to the proposals presented, in the eyes of the public, the media and the CRC itself.

The major studies and surveys conducted (see full list of project activities under Project Strategy, above) were particularly valuable in providing what was viewed as an objective basis to the proposals which the Coalition put forward to the Commission. The first study was intended to build the foundations for the project and inform subsequent work. The first provided an overview of the case for constitutional reform, while also identifying key issues to be considered. The study, later presented as a public lecture, attracted widespread attention.

The second study was based on a comprehensive survey and review of the literature on constitutional development in Ghana, and was drawn on by the project in informing its shaping of issues for internal discussion. Its findings also constituted the content for one of two research papers presented to the CRC.

### **Speakers at the Workshop on Gender and the Constitution**

The two studies were followed by two surveys, the design of which they helped to shape. The first was a series of one-to-face interviews, conducted with leading opinion-leaders and practitioners in the major sectors of Ghanaian society. The second was a stratified National Public Opinion Survey of 1200 respondents.<sup>8</sup>

On the basis of the studies and surveys, two Research Reports were prepared, summarizing the major issues raised in the four research initiatives. The first report was based on the literature review and the second on the two surveys. Both were presented later to the CRC. In addition to providing the content for the reports presented to the CRC, the research formed the basis for deliberations within the project, among the









Training at CDD for Research Assistants Working on the National Public Opinion Survey

## V. Conclusions

*All conclusions are derived from the findings of the Evaluation, presented above.*

*i.* It is widely recognized that constitutional reform in Ghana represents the most promising avenue for introducing change to a political system within which an excessive concentration of power in the hands of the executive has resulted in deficiencies in governance processes, including institutional arrangements to support accountability and transparency. ***The CDD project was relevant in its focus on efforts to take practical action to address core issues in democratic development,*** and in ensuring that the priority concerns of Ghanaian civil society, as well as the interests of ordinary citizens (through the national public opinion survey), were heard in the course of the constitutional review process. This conclusion derives from the finding on relevance.

*ii.* The project was designed and launched at a time when ***the government had made no firm commitment to initiating a constitutional review process.*** Hence, it was intended as an effort to make the case for the urgency of considering governance reform and to identify the most critical issues requiring



on is based on the findings effectiveness and impact.

**v. Project management arrangements were generally satisfactory and the grantee managed a long list of activities with commendable efficiency.** The use of project resources was balanced and seemed appropriate in view of the list of activities completed. The black spot in project management was its **poor and unacceptable record in communicating with UNDEF.** Despite the establishment of a management team, which met regularly, there was clearly a **lack of attention to detail**, along with deficiencies in supervision by senior management.

**vi.** It is often difficult to assess the impact and effectiveness of a constitutional review process - or of a project intended to support, and/or influence, it. The overall view of the Evaluation team is that **the project added value to the official constitutional review process and was worthy of UNDEF support.**

## VI. Recommendations

***It is recommended that:***

***i.*** In reviewing its experience with projects relating to constitutional reform, **UNDEF** recognizes that some such initiatives can represent an effective and worthwhile contribution to democratic development, even where results are difficult to assess. Particularly important is the ability of such a project to facilitate broad-based civil society involvement.

***ii.*** **CDD Ghana** reviews its performance in managing communications with funders in the course of the project and addresses deficiencies in its management arrangements for future projects, with particular attention to quality control by senior management.

***iii.*** In light of the experience in this project, **UNDEF** reviews the content of its grant agreements to ensure that adequate attention is given to the responsibilities of the grantee for timely communications with the funding agency, including responses to enquiries.







## Annex 2: Documents Reviewed

Bertelsmann Stiftung Transformation Index, BTI 2012: Ghana Country Report;

Ghana Constitutional Review Commission, Report of the Constitutional Review Commission: From a Political to a Developmental Constitution, presented to the President of the Republic of Ghana, 20 December 2011

E. Gyimah-Boadi and Victor Brobbey, Countries at the Crossroads 2012, Ghana, Washington DC: Freedom House.

UNDP, Human Development Indicators 2012: Country Profile, Ghana.  
<http://hdrstats.undp.org/en/countries/profiles/gha.html>

USAID, Ghana Democracy and Governance Assessment, April 2011;

### Annex 3: Persons Interviewed and Field Mission Schedule

<b>March 25, Monday</b>	
Initial planning and logistics meeting, International and National Consultants; Ms. Adwa Bame, Executive Director,	-Empowerment (WISE).
<b>March 26, Tuesday</b>	
Introductory meeting with Victor Brobbey, Lead Researcher on the project and CDD Research Fellow for Governance and Legal Policy, CDD-Ghana; Second meeting: general overview and review of project background and activities; Father Patrick Amos, Director of Governance, Justice and Peace Program, Catholic Secretariat; Professor Dadzu Tsikata, Faculty of Social Studies, University of Ghana.	
<b>March</b>	

## Annex 4: Acronyms

BTI	Bertelsmann Stiftung Transformation Index
CRC	Constitutional Review Commission
CSO	Civil Society Organization
DAC	Development Assistance Committee
EQ	Evaluation Question
GDP	Gross Domestic Product
GE	Gender Equality
HDI	Human Development Index
ICT	Information and Communications Technology
NGO	Non-Governmental Organization
ToT	Training-of-Trainers
UN	United Nations