Affirmative Action as the Route to Representative Bureaucracy in the Public Sector in
Developing Countries: the perspective from Ghana

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Presented by

Frank Ohemeng
Carleton University, Canada,

Dr Augustina Adusah-Karikari
Ghana Institute of Management and Public Administration, Ghana

Abigail Hilson
Royal Holloway, University of London, UK

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Introduction:

Representativeness in the public bureaucracy in Ghana and many developing countries continues to be a major problem. In Ghana, women in particular continue to be at the lower ranks of the bureaucracy with a few, breaking what has been described as the "glass ceiling," despite the fact that women constitute more than 50 per cent of the country's population (Ghana Statistical Services, 2010; Ohemeng and Adusah-Karikari, 2015). It must be stressed that the lack of women at the upper levels of the bureaucracy can also be seen in the number of women in parliament and politics in general and the number of such women in higher political positions or even holds the chairs in the various committees in parliament. Similarly, in the tertiary educational level, there are few women in teaching position, with a small number of them holding full professorship. This is in spite of efforts by previous governments and non-government organisations to promote women in politics and public life in general (Allah-Mensah).

It is in line with this abysmal situation that many in Ghana believe that developing and implementing an affirmative action policy may be the best route to alter this problem. Consequently, the National Democratic Congress (NDC) government (2009-2016), made the passing of an affirmative action (AA) law a cardinal principle of its governance. Through the Ministry of Gender, Children and Social Protection, it initiated a nation-wide discussion on an AA Policy. The end result of this initiative was the development of draft policy bill that was to be submitted to parliament for further discussion and possibly passing into law. Unfortunately, with the process still in place, the NDC lost the general elections of 2016. The current New Patriotic Party (NPP) government is yet to come out with its policy or guidelines on AA in

general, although the party while in opposition believed in the AA principle of promoting female candidates in particular constituencies in the country. On this basis, it may be speculated that the government (based on the party's manifesto) is in support of such a policy.

With the ever increasing individual and organisational advocacy for an AA policy in Ghana, this paper explore the following questions: Will affirmative action help to ensure effective representation of women in the public bureaucracy? In short, is AA the route to representative bureaucracy in Ghana? How does the policy in its current form address the issue of representativeness in the public bureaucracy in Ghana? We examine these questions through elite but specialised interviews.

A critical examination of the draft policy shows that the bill in its present form does not indicate a transformational agenda towards a representative bureaucracy. We believe that the bill is excessively directed at women in politics, as compared to the bureaucracy, although it has been argued that women who serve at the upper echelons of the bureaucracy tends to do well when they enter politics. In this case, they are able to provide valuable contribution to public policy than those without any bureaucratic experience. Furthermore, the bill does not address the various systemic barriers that continue to serve as impediments for the advancement of women in the public bureaucracy (Ohemeng and Adusah-Karikari, 2015). Essentially, the bill does not adequately address the needs of women in the bureaucracy.

The paper is organised as follows. Following this introduction, we will examine affirmative action and representative bureaucracy using extant literature on both subjects. We will then discuss the methodology used for collecting data for the study and follow it up with a brief discussion of the AA and in particular, the section dealing with the bureaucracy. The next

section will focus on the use of the data to analyse the case. We will then conclude the paper, as well as suggest future research.

Representative Bureaucracy: What we know about it

In this section, our aim is not to subject the idea of representative bureaucracy to a critical analysis, especially from the perspectives of pros and cons but simply to explain what it means, the various types of representativeness in the bureaucracy, and how this representativeness may be achieved. We begin the section by providing a brief historical context of the concept and then attempt to define it. We will then examine the main forms of RB in the literature.

There is a general consensus in the literature that the idea of representative bureaucracy (RB) was first proposed by Kingsley in 1944. The fundamental idea from Kingsley's perspective, was a criticism of the public bureaucracy in the UK of its authoritarian and bias nature in terms of the effective of public policy on different categories of people. To overcome this problem, Kingsley (1944) called for a public bureaucracy that reflects the various social backgrounds of officials in the decision-making processes with the view that such backgrounds may influence how these officials make decisions and thus help reduce, if not prevent public policies, from being hijacked or biased toward certain groups of people at the neglect of others in the society (see also Choi et al. 2018; Peters et al. 2013b). He was of the nation that such a bureaucracy will be more politically representative of the general populace. Since Kingsley's proposition, the idea has assumed a significant role in the discussion of how the public bureaucracy should be constituted in order for it to reflect the dynamics of modern society from both theoretical and practical perspectives (Dauda, 2016; Meier, 2018; Peters et al. 2013a).

It is assumed that for one to understand RB, the person must start from the point of view of understanding what "representation" actually means. Some scholars believe that in doing so, one can distinguish between the various types of representations and thus be able to separate what RB is from that of, for instance, political representation (See Peters et al. 2013b).

The idea of representation is now a cliché in the academic literature. It is found not only in the political science and but strongly in the public administration, management, policy literature, as well as other areas of academic endeavour (Prendergast, 2000; Webb, 2009). In spite of this, there is no clarity as what the concept means (Mansbridge, 2011; Rehfeld, 2011). It is not our intention to join the debate about what the concept means, and other nuances associated with it. Consequently, we will simply take Pitkin's (1967) definition, as our working definition here. The raison d'être for this choice is simply for the fact that her work is seen by many as the most authority work on representation, and which other scholars continue to build on (Vieira, 2017), despite a number of criticisms that continue to be levelled against this work (Dovi, 2015; Rehfeld, 2017; Seward, 2006; 2017).

In her work, Pitkin (1967) defined representation as "acting in the interest of the represented in a manner responsive to them" (209). Based on this definition, Pitken (1967: 163–165) then identified four types of representation, which are summarized here.[2] The first is, substantive representation, which refers to as 'acting for' on behalf of others. In short, this type denotes the given of authority onto a person in to act for others (Celis et al 2008). Second, is descriptive representation, which focuses on the resemblance or correspondence between the representative and the represented (Dovi, 2015), while the third is symbolic representation, which is normative in nature and mainly focuses on the attitudes and beliefs of the represented (Celis et al 2008), or what Dovi 92015) has described as "stands for" for the represented. The

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[2]See Celis et al. 2008; Dovi, 2015 and others for more detail analysis of these types and their criticisms

fourth type is substantive representation. This deals with the relationship between the represented and representative. In this relationship, the representatives must be responsive to the represented and not the other way around. Thus, substantive representation is the "behavior of acting on behalf of, in the interest of, as an agent of, or as a substitute for the represented" (Dovi, 2015).

When it comes to RB therefore, representative bureaucracy symbolises Pitkin's third type of representation (Kennedy, 2013). Consequently, we follow Van Riper's (1958) definition of RB in this paper. According to him, an RB is:

> one in which there is a minimal distinction between the bureaucrats as a group and their administrative behaviour and practices on the one hand and the community or societal membership and its administrative behaviour, practices and expectations of government on the other… To be representative a bureaucracy must (1) consist of a reasonable cross-section of the body politic in terms of occupation, class, geography and the like, and (2) must be in general tune with the ethos and attitudes of the society of which it is part.

Types of Representative Bureaucracy

Two main types of RB have been identified in the literature, active or functional and passive or descriptive (Mosher, 1982; Lim, 2006; Sowa & Selden, 2003). According to Mosher (1982), who is credited as distinguishing between these two form of RB, active representation is when "individuals are expected to press for the interests and desires of those whom they are presumed to represent, whether they be the whole people or some segment of the people" (p. 14). In this perspective, active representation is concerned with the situation whereby individuals in the bureaucracy will pursue the interests of those they represent (Sowa & Selden, 2000) or when "bureaucrats make policy decisions in favor of the group they passively represent" (Kennedy, 2013: 793). Thus, active representation, it is argued "for example, that women, as compared with men, working in the bureaucracy are more likely to push for programs and issues that benefit women in the general population" (Riccucci and Meyer, 2004: 585).

On the other hand, passive representation, according to Mosher (1982), is concerned about "the origin of individuals and the degree to which, collectively, they mirror the whole society" (15). Passive representation in the bureaucracy occurs "when bureaucrats share demographic characteristics such as race and gender with groups within the client population" (Andersen, 2017: 401). In a nutshell, the more a certain demographics are found in the decision making apparatus, the likelihood that decisions taken will reflect the various segments of the society.

Both active and passive representations have been well studied in the literature and yet there is no consensus whether both helps in achieving equitable society. In short, the verdict is still out there on whether societies must either promote each separately or both together. Some scholars, however, believe that the promotion of passive representation will eventually lead to active RB (Anderson 2017; Lim). While both sides of the debate have important points to prove, in developing countries, it is important that government continue to provide avenues for active representation because of the various systemic barriers that minorities continue to face with passive representation (Adusah-Karikari and Ohemeng 2015; Agyapong, 2017).

There is no shortage of studies on the importance of RB in the society (Andersen, 2017; Kennedy, 2013; Rucciman and Ryzin, 2016). Rucciman and Ryzin (2016), show RB enhances social equity, coproduction and democracy in the society. It is also believed that RB can help resolve societal conflicts, especially that pertaining to minorities, as exemplified in France in recent times. In a recent study of RB in the educational sector in Ghana, Agyapong (2017) increasing the presence of female (minority) teachers in High Schools is positively associated with the performance of girls on math and science exit exams. Zhang (2018) in a study of the Chinese educational sector confirmed Agyapong's findings. Zhang (2018) indicated that the

presence of female math teachers significantly increases the math scores of female students and that female math teachers actively represent the interests of female students, and that the alternative mechanism such as role-model, only partially shapes the interactions between female teachers and female students.

In all, evidence continues to be produced by studies from both the developed and developing worlds to show the importance of RB in the society. Thus, with this brief discussion of RB, we now turn our attention to the issue of affirmative action and then follow it up with a review of the draft policy developed by the NDC government.

Examining the Affirmative Action Idea: What the Literature Says

The term "affirmative action" is one of the most contentious and contested concepts in the social sciences (Oh et al. 2010; Pojman, 1998). Unfortunately, the concept does not lend itself to an acceptable definition despite the fact that it continues to be used not only in gender discussions but also to the discussion on minorities in general and also the fact that it now not restricted to the United States, where it began and continues to court controversy (Crosby et al. 2006; Holzer and Neumark, 2008; Leslie et al. 2014; Sowell, 2004). The confusion, according to some scholars, also stems from the fact that many have confused AA with equal employment equity (Crosby et al. 2006), although it has been well noted that the two are different. As noted by Crosby et al. (2003), "in contrast to equal opportunity, AA is an active policy, calling for actions to ensure that equal opportunity actually exists." Be that as it may, the intent of AA "is to prohibit discrimination in employment on the basis of certain factors, among them gender, race, and/or ethnicity," (Harris, 2009: 354).

In their article assessing AA from the American perspective, Holzer and Nuemark (2008) outlines five reasons why it is difficult to come out with a definite definition of the concept. According to them, the definition of the concept as a specific "policy" is fuzzy, since it is more an amalgam of components of other legislation and of court rulings than a single coherent policy. Second, the concept is commonly used to refer to policies or behavior in different spheres, including employment, education, and government contracting. Third, the idea may operate at a number of different levels and in a number of different ways, including public vs. private, federal vs. state vs. local, and involuntary vs. voluntary. Fourth, affirmative action may cover many different activities, including recruitment, training, hiring, promotion, etc. and finally, the status of AA is undergoing change contemporaneously, as a result of both policy initiatives and court rulings (484-485). Our discussion on the Ghanaian case fits the second, third and fifth aspects of the definition. What then is AA?

Majority of the definitions found in the academic literature fit well into the second, third and fifth propositions (Kang and Banaji, 2006). For example, the American Psychological Association (1996) defines the concept as the "voluntary and mandatory efforts undertaken by...governments; private employers; and schools to combat discrimination and to promote equal opportunity in education and employment for all" (2). From this perspective, affirmative action aims to "eliminate... discrimination against women and ethnic minorities, and to redress the effects of past discrimination" (Kravitz et al., 1997: vii). Kang and Banaji (2006:1064) say that "the term "affirmative action" includes a broad range of policies and practices designed to promote equality in ways not strictly required by antidiscrimination law alone," while Crosby et al. (2006) looking at it from the organisational perspective say that "affirmative action occurs

whenever an organization devotes resources (including time and money) to making sure that people are not discriminated against on the basis of their gender or their ethnic group (587).

In this paper, we follow scholars who have defined it broadly as a policy initiative meant to deal with all forms of discrimination that prevent minorities to be recognised, as well as obtain the necessities that enhances equality of life in society. In this case, we agree with the definition provided by Kang and Banaji (2006). We believe that this definition is broad and covers what we intend to discuss in this paper, especially our focus on a draft policy bill to enhance equality, especially that of women, in a society that is predominately patriarch, clientelistic and tribalistic.

It must be noted that not only does the definition of the concept evoke controversy but whether the AA should be pursued or not continues to generate serious discussions from both proponents and opponents (Gu et al. 2014; Seldon, 2006). From the perspective of proponents, the idea should be vigorously pursued if the society is to deal with discrimination in all forms, as well as dismantle structures that lead to such discrimination of minorities. In terms of employment, AA is seen as key to achieving equal employment opportunity for all (Rosen, 1974) and thus helps to deal with the idea of glass ceiling at the workplace (Braun, 1995). Thus, to proponents, AA addresses what has been described as social justice (Gibelman, 2000) and thus the promotion of social equity (Gu et al. 2014). Social justice has been defined as condition in which "all members of society have the same basic rights, protections, opportunities, obligations, and social benefits" (Barker, 1995: 354, quoted in Gilbeman, 2000). Following this, (Premdas, 2016: 499), says, it is "the redistribution of scarce values by the state on behalf of the historically discriminated and disadvantaged". In this sense, according to Premdas (2016: 452), "AA as official state policy may be regarded as a variant of rectificatory justice that seeks to reorganize the distribution of the benefits and burdens of society for the inclusion of the previously

disadvantaged who have been the victims of past injustices and discrimination." Thus, AA as a

social justice policy is about righting the wrong that has been perpetuated and continues to be

perpetuated against minorities in the society, especially women. In all, it is believed that no

matter what the critics of AA say, its proponents have vigorously argued that it is still warranted.

As summarised by Tierno (2007) in his rebuttal to the claims by opponents of the idea,

> Affirmative action policies are still well-warranted. They redress past discrimination. They redress ongoing discrimination. They are needed to break the circle of enduring inequalities that is degrading the condition of successive generation of human beings. Still, another point is in order here. Affirmative action policies offer assistance to those who suffer from disadvantage. As a consequence, we can expect those policies to transform society as well as individual lives (323).

In terms of AA and the issue of merit and increase productivity, proponents are of the view that

there is no evidence that AA has precarious impact on productivity. Examining the link between

AA and productivity in India, Deshpande and Weisskoff (2014) wrote:

> We have found no evidence whatsoever to support the claim of critics of AA that increasing the proportion of AA beneficiaries adversely affects productivity or productivity growth. On the contrary, some of the results of our analysis suggest that the proportion of SC/ST employees in high-level positions (at the A and B job levels) is positively associated with IR productivity and productivity growth (176).

On the other hand, opponents of the idea go to length to discredit the concept in all its

forms. These criticisms are well captured and summarised by one of the fiercest critics of the

idea, Pojman (1998). In his criticisms of the idea, Pojman (1998) identifies three issues with the

concept. First, that AA discriminates against other groups or what is generally referred to in the

literature as reversed discrimination, which critics say is not needed precisely because of the

progress that has been made in the antidiscrimination area (Seldon, 2006). In this case, according

to him, AA discriminates against new minorities, which are innocent young white males (479).

Second, he noted how AA encourages mediocrity and incompetence in the sense that people are

not hired based on merit but on flimsy excuse of colour or other forms. Not hiring on merit does affect how people perform at the workplace. To him therefore AA with its "enforced preferential treatment tend to appeal to the lowest common denominator," which is 'enemy of excellence" (481). This is in line with his third argument that AA defeats the merits idea, which to him is the belief that "the highest positions in the society should be awarded to those who best qualified" (481) and thus questions why AA is not employed in areas where blacks dominate as in the case of basketball for example. His conviction is that in the basketball, the black players are most qualified and get into teams not because of their colour but because of the skills and merit. In all he believes that in the,

> [a]ttempt to redress the discriminatory inequities of our history, our well-intentional social engineers now engage in new forms of discriminatory and inequity and thereby think that they have successfully mounted the horse of racial harmony. They have only fallen off the other side (483).

Will this be the case with AA in Ghana? Will the social engineers properly mount the horse or fall on the other side of the horse as argued by proponents and critics of the idea? Time, we believe will tell but this can be determined by looking at the bill with a more critical eye to see its transformational potential, as an effective tool to enhance representative bureaucracy in the country.

The Trajectory of Affirmative Action and Gender Equality in Ghana

In this section, we will provide the context of the various attempts by government in Ghana to enhance gender equality in public life. The discussion is expected to help one to understand what led to the development of current AA bill. The starting point of our discussion is 1957 when Ghana gained independence and the domain of policy making became crowded with Ghanaians. Thus, starting from the Nkrumah and the Conventional Peoples Party (CPP), we

go through a historical account of these trajectories, which will lead us to the present state of affairs. Furthermore, it has been noted that under the colonial government, there was no attempt to address the position and status of women in traditions society. Colonial policy was centred mainly on agricultural exports, trade and mining (Greenstreet, 1971). Formally educated persons took the job opportunities created in the newly established bureaucracy. Women were, however, "disabled from applying for clerical and administrative jobs, as the few women who went to school were trained in home making" (Awumbila, 2001: 34). This attitude of the colonial authorities was not surprising because as succinctly put by Okonjo (1994), "the British colonial officials had sexist Victorian attitudes and biases, seeing women as politically incapable and good for minding the home, the children, and the kitchen... Consequently, the colonial government structure that evolved reflected prevailing European attitudes toward women and had no place for women" (288). In view of this attitude and the disinterest in women, it was left to the newly independent state to pursue women's issues through the development of policies that would empower them, as well as ensure equality of women in the modern Ghanaian society.

The development of AA in Ghana officially began in the 1960s (Manu, 1993) and gained prominence in the 1980s and 1990s under the Fourth Republic and has continued up to the present (Constitutional Review Report, 2012; Tsikata, 2009). The first attempt at implementing an AA in Ghana was when the 1960 Republican Constitution enacted the AA Act (AAA) to support the participation of women in local, regional and national decision-making processes with 10 mandatory women appointees to the national assembly/legislature (Manu, 1993). This is not surprising, as Nkrumah had earlier seen the potential of women in the fight against colonial rule. Indeed, to Nkrumah, if women are effectively mobilized, they could constitute an enormous power bloc for the CPP (Manu, 1993; Okonjo, 1994: 288). A caveat

though is that women were already mobilised during the colonial period as market association, benevolent associations, religious associations etc., some of which continues up to today (Awumbila, 2001; Card, 1972; Manu, 1993; Okonjo, 1994); hence, it was easy of Nkrumah to tap into these associations in the fight against colonialism "as mobilisers and fund raisers to attain independence" (Musah and Gariba, 2013:473).

With independence and the significant role played by these women association in propelling Nkrumah to power and the need to mobilise all the necessary human capacity to achieve the objective of independence, as well as the government's vision of the new state, the government established the National Council of Ghana Women (NCGW) in September, 1960 (Awumbila, 2001; Okonjo, 1994), which according to Card (1972), became the women's wing of the CPP. To the government the need for such an association was "the serious need for a really effective coordinating body, which could speak authoritatively for all national women's groups in Ghana" (Card, 1972: 240).

The NCGW was the amalgamation of existing women's groups, including the Federation of Ghana Women, the All African Women's League, the Accra Women's Association, the Young Christian Women Association, and the Ghana Midwives Association (Card, 1972; Tsikata, 1999). The NCGW became the only organisation under which all Ghanaian women were to be organised to help achieve government post-independent political, social, economic and educational development of Ghana (Donkor, 2009). The NCGW was thus charged to establish day nurseries, vocational centres for mothers, and education programs across the country (Okonjo, 1994). At the same time, they were expected to inculcate in Ghanaians the values shared by the government, in this case, socialism (Card, 1972).

With independence, a number of women were duly rewarded by the government with political appointment, although one may not be far from right to say that this did not lead to the social equity or women empowerment in terms of political representation, as well as in the bureaucracy, perhaps due to the politicisation of women issues by the government. In spite of this, Allah-Mensah (2005) says that "even though there was a very high level of politicization in the formation and subsequent co-optation of the women's groups, it was nevertheless a good beginning as a rallying point" (14).

Not much was achieved in terms of new AA policy initiatives between 1966 and 1974 and in general, "women played even less significant roles in national politics than was the case under Nkrumah" (Okonjo, 1994: 290). The reason may not be far-fetched. Instability during this period and the need to revamp the ailing economy preoccupied the attention of governments. For example, the National Liberation Council (NLC) that overthrew the Nkrumah government in the early days of 1966 lasted three years. Allah-Mensah (2005) believes that despite its preoccupation with the economy, the military government was averse towards women as there was no single woman in the government. In spite of this, the NLC government "introduced the equal pay for equal work policy that brought women to a par with their male counterparts in formal employment, especially the public and civil services." The PP government that assumed power in 1969 also lasted three years after it was overthrown by the military in 1972 and so did not have the time to develop an AA policy. However, to the credit of government, it came up with the policy of "paid maternity leave for women in the public service" (Adusah-Karikari and Ohemeng, 2014: 573).

The new military government set up the National Redemption Council (NRC) and later morphed in to the Supreme Military Council (SMC), which lasted until 1979. Although the

NRC/SMC lasted this long, its focussed, as a government in the early days was the attempt to 'right' what it perceived as the 'wrongs' of the PP government in the economic front, as well as legitimatising itself through reversing some of the policies of the PP government seen as draconian and inimical to Ghanaians. It was not until 1975 that women issues came unto the government's agenda.

The SMC government's agenda on women issues emerged with the declaration and celebration of the International Women's Year in 1975, which aimed at the need to integrate women into national development at all levels of government (Dolphyne, 1987; UN, 1975). Based on this declaration and the UN resolution that called on member states to establish the appropriate government machinery to accelerate and integrate women into development and eliminate all forms of discrimination against women, the onus fell on the government to significantly look at women issues in the country. This led the government to establish the National Council on Women and Development (NCWD) (Choo, 1999; Dolphyne, 1987; Donkor, 2016). The objective of the NCWD, therefore, was serve as the "national machinery to advise government on all issues affecting the full participation of women in national development, and to initiate programmes to ensure that the objectives of the International Women's Year are achieved in Ghana" (Dolphyne 1987: 213). In short, it was meant to see the welfare of women in the country (Choo, 1999)

Throughout its existence, the NCWD was able to achieve a lot through the creation of awareness of gender equality. This awareness included the formal institution of women's week, projects that enabled women, particularly poor rural women in income generation, and education and training (Dolphyne, 1987; Tsikata, 2001). In spite of this, it is believed that gender inequality was still a major problem, as it failed to champion a strong AA policy in the country. The

NCWD focused much attention on income generation at the neglect of promoting them in public life including efforts to make it easier for women to attain higher positions in the public service (Ohemeng and Adusah-Karikari, 2015). It was in view of this that the Provisional National Defence Council (PNDC) government made women's issues one of its cardinal principles of governance.

The PNDC was a quasi military cum civilian administration that came to power through a military coup on 31st December 1981. Its belief in women saw a number of prominent Ghanaian women being coopted as members of the government. Allah-Mensah (2005) believes that this was an anomaly in view of the fact that military governments are antipathetic to women. Be that as it may, some important developments on women power occurred during its eleven years reign.

First was the emergence of the 31st December Women's Movement (DWM), the brain child of the first lady, Nana Konadu Agyeman Rawlings and the administrative fiat on issue of quotas in public institutions, especially the districts assemblies. Much has been written about the DWM and the quota system and so there is no need to regurgitate everything here (Aubrey, 2001; Bawa and Sanyare, 2013; Brydon, 1996). The 31st DWM intended to champion the cause of women and, especially, to get them involved in public life. It brought women's issues to the fore, including various empowerment initiatives and the encouragement of girls to go to school and take up science subjects. This became known as the girl-child project, and it continues today (Adusah-Karikari and Ohemeng, 2014).

In terms of the administrative fiat, the directive was that 40 per cent of district assembly seats should be reserved for women. This was the first form of AA during the modern era. The policy set "to provide a set of guidelines for systematic and sustained implementation of the

various aspects of Affirmative Action towards equality of rights and opportunities for women in Ghana" (NCWD, 1998, cited in Tsikata, 2009). While efforts continued to be made over the years to fulfill this policy, women representation both in politics and the public bureaucracy continued to remain low (Acheampong and Dinye, 2015; Bawa and Sanyare, 2013; Adusah-Karikari and Ohemeng, 2014; Ohemeng and Adusah-Karikari, 2015; Tsikata, 2009). Their participation in public life continued to be seriously affected by socio-economic and political developments, which the policy could not sufficiently addressed. Consequently, in some cases, it was simply not feasible to meet the quota, despite the strong belief in such a system, which even some political parties continued to advocate from 1992 when the country embarked upon its current democratic dispensation. These parties enshrined the quota system for women in their party manifestoes.

In the early 2000s, the New Patriotic Party (NPP),[3] that assumed power after the general election of 2000, decided to create a Ministry specifically for women and children affairs. Known as the Ministry of Women's and Children's Affairs (MOWAC), it replaced the NCWD as the national machinery for women in Ghana. The goal of the ministry is to strengthen the institutional foundations for promoting greater responsiveness to gender policy measures (Anyidoho and Manuh, 2010). As the main machinery of government, it was to facilitate the creation of an enabling environment for gender equity and women's empowerment in the public sector by initiating, coordinating, and monitoring gender responsive concerns to address gender disparity, child rights promotion and development, as well as promote and protect the rights and welfare of children, the vulnerable in the society, the excluded, aged and people with disabilities,

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[3]The NPP was one of the parties that incorporated the quota system into its manifesto. The National Democratic Congress (NDC) also did so. The NDC one was not surprising since it was the first to advocate for an effective AA with the introduction of the quota system in 1998.

through social protection interventions (Adusah-Karikari and Ohemeng, 2014; Allah-Mensah, 2005; Donkor, 2016).

In its few years in existence, the ministry has been able to achieve a lot. Its achievements include the amendment of the Intestate Succession law to reflect current realities, the enactment of laws to criminalise harmful cultural and traditional practices such as Female Genital Mutilation, harmful widowhood rites and ritual servitude. It has been able to establish micro-credit schemes such as Women Development Fund (WDF) to offer credit to women in Agriculture, food processing and petty trading and this continues to be used to improve the economic condition of women in Ghana. It has also been able to set gender desk at the various ministries and departments. Although it has achieved quite a lot, issues such as the glass ceiling continues to be a hindrance to women's empowerment. Furthermore, it has not been able to change the perception of the dominant perception of women's role in the society, as women continues to be subjected to public ridicule, while certain practices at the workplace, including what is described generally as incivility, continue to affect their upward mobility and effective functioning in the bureaucracy (Ohemeng and Adusah-Karikari, 2015).

It is upon these shortcomings that forced the erstwhile NDC government to approve the National Gender Policy that was launched 2015. The policy provided broad policy guidelines, strategies and operations/actions in furtherance of government's commitments to achieving gender equality and women's empowerment targets in its national vision of a stable, united, inclusive and prosperous country, with opportunities for all. Following this policy is the development of an AA bill, which we now turn our attention.

A Note on Methods

The study utilized a qualitative approach to ascertain if the passage of Affirmative Action will be helpful in the achieving RB in Ghana. The study is based on face-to-face interviews with relevant stakeholders including women's groups, non-governmental organisations, academics, selected women who have occupied, as well as those occupying senior positions in the public service, some public servants. Rubin and Rubin (2015) note that interviews are used in cases where the researcher is looking for rich and detailed information on issues. Additionally, "in depth interviewing approaches a problem in its natural setting, explores related and contradictory themes and concepts and points out the missing and the subtle as well as the explicit and the obvious" (p. xv). We used an interview guide for the interviews, which took place from January and May, 2018. Participants for the study were purposefully sampled. We selected individuals who could purposefully inform an understanding of the central phenomenon in the study – Affirmative Action Bill. Questions asked centred on their impressions for the Affirmative Action Bill and how the Bill in its current form could address the issue of representativeness in the bureaucracy. Additionally, documentary analysis of the Affirmative Action (Gender Equality) Bill (2017) and newspaper articles on the AA Bill were also conducted. All interviews were recorded and transcribed. Results from the Interview data was sorted and summarised into concepts and themes to give us an understanding of phenomenon under study. In the section that follows we draw on the theory and interviews to discuss whether the new policy initiative, can be considered as a transformative agenda to ensure representativeness in the public bureaucracy in Ghana.

Ghana's Affirmative Action Bill at a Glance[4]

The object of the Act is to ensure the achievement of gender equality in political, social, economic, educational and cultural spheres in society. The bill contains 45 clauses dealing specifically on what can be done to improve women's situation in the country through structural and policy changes, which are clustered for easy reading. For instance, clauses 4 and 5 deals with the international obligations, which the Republic must fulfill, while 6-12 focus on the setting up of Gender Equality Committee. At the same time, clauses 13-17 specifically deal with the role of independent constitutional bodies are to play in ensuring gender equality, whereas 18-23 focus on AA and gender equality in government institutions. Here, government is required to ensure the appropriate representation of women in governance and decision making positions, particularly, the public services and ministerial positions.

Clause 24 - deals with issues that will ensure that the aspects of gender equality in governance are fulfilled. For instance, clause 19 talks about the monitoring of inclusion of gender equality and equity information in the annual report of these institutions to be submitted by the Public Services Commission while 20 addresses transparency in public sector recruitment. At the same time, 21 looks at the filling of positions of vacancy of authority in the civil service to prevent discrimination in the work place in order not to deny women promotions. Similarly, 22 makes it clear that the 40% quota on women representation is applicable to security services, including the fire, police, prisons, and the custom division of the Ghana Revenue Authority. There are also the provisions in clauses 22-28 dealing with gender equality in some selected public institutions and how to achieve this objective. For instance, there are strategies that the government should use to ensure such equality in the Judicial Service and the Judicial Council,

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[4]This section draws from the Summary of Affirmative Action (Gender Equality) Bill, 2017.

These strategies include things that need to be done at the basic, secondary and tertiary levels of education to enhance girl child education and enable them to take courses that will make them eligible and well qualified for such positions. A provision for local governance is made where in clause 29 where the President is to ensure that not less than forty percent of persons nominated as Government appointees to District Assemblies are women. In the same vein not less than forty percent of persons nominated as Chief Executives of District Assemblies are women.

Political parties, trade unions, traditional authorities, and the private sector issues with the respect to the bill are discussed extensively in clauses 32-38. For instance, with respect to political parties, the bill indicates that parties must adopt measures to overcome obstacles to the full participation and representation of women in politics, with assistance from the Electoral Commission. Failure to do so may result in the withdrawing any form of support (including funding, state protocols, etc.) from the government and the Commission. With respect to traditional authority, the bill entreats the National House of Chiefs to develop measures to ensure the admission of queen mothers at both the National and Regional House of Chiefs. A similar provision is directed the trade unions where they are to ensure the implementation of not less than 40% of women on their executive boards at any point in time. The same 40% quota system is applicable to the private sector, where the bill states that en employer should ensure that 40% of its workforce is women. It further tasked the employer to develop a gender policy for the maintenance of the quota system and report on this every two years by submitting the report to the Gender Equality Committee for review. Failure to do so can lead to the prosecution of the employer.

The last 4 clauses, 40-44, deal with miscellaneous issues but of particular interest is clause 43, which states that "a person who victimizes, obstructs, or exerts undue influence to a female in public service or public life or subject a female employee to gender specific verbal attack, hate speech, stereotyping commits an offence and liable on summary conviction to a fine or to a term of imprisonment of not less than three months and not more that twelve months or to both. Also, A designated employer who fails to comply with the Act (Bill) also commits an offence and is liable on summary conviction to a fine or to a term of imprisonment specified in the bills.

An Evaluation of the ability of Ghana's AA bill to lead to Representative Bureaucracy

Comprehensiveness of the Bill

So far, 10 key informants, all female from the public bureaucracy, CSO academia in Ghana have been interviewed. Drawing on Debusscher and Ansoms (2013) who perceive a transformational policy as one which enables women to have effective voices in shaping the objectives, priorities and strategies of development; the transformation and reorientation of existing policy paradigms; changing decision-making processes; prioritizing gender equality objectives and rethinking policy ends; and improving the 'ability on the part of poor women to question, analyse and act on the structures of patriarchal constraint in their lives, respondents were asked to comment on the timeliness and suitability of the bill for addressing AA in the nation.

All interviewees agreed that the bill in its current form extensively covers almost every facet of issues affecting women in public life (As previously indicated, the bill contains 45 clauses and covers every aspect of public life.[5]). They were, however, quick to point out that

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[5]Public life here is defined broadly to include private sector organisations that deals with the public and receives some for of incentives from the state.

political willingness is imperative to bring the bill into legal status. This is the first time in Ghana's history that a comprehensive bill of this nature has been produced. As noted by Appiah (2015), "the import of the draft Bill clearly meets the requirements for gender equity in a way that will lead to gender equality in accordance with the international obligations and the Constitution of the Republic of Ghana" (279). According to respondent 1,

> "the policy is important because the culture of our country has been unfavourable to certain groups particularly women. However, it is now a global world so need for women to be equipped to participate and that the policy seems to address the concerns of women empowerment."

Respondent 2, referring to what has been done in the Scandinavian countries noted how the bill could provide opportunities for women not only in political life but in the various sectors of the country. She noted how Scandinavian countries have been able to improve their economies and governance structures because women have become active participants and stakeholders in national development and intimated that, Ghana's AA bill intends to result in similar achievements with its many provisions on strengthening women in public life.

A thorough examination of the bill in its present form adequately addresses issues pertaining to public sector recruitment, in the areas of political appointment or bureaucratic recruitment. The quota system is hailed as one piece of the bill that has the potential to transform or promote equality although a number of respondents were adamant that it may take time to achieve this. In fact, the need for quotas to improve equality has been well noted in the literature (Benstead, 2016). The quota system if well implemented in all sectors will definitely change existing decision-making processes. This is because apart from the required 40 per cent, it is likely that public organisations will not restrict themselves to this and may find additional ways to promote women in other capacities.

Similarly, the requirement for the president to reserve 40 per cent of all political appointments including District Chief Executive positions, if adhered to, will change the dynamics of local governance and decision-making where cultural practices detrimental to women empowerment are much more prevalent.

The section of the bill that deals with political parties is very interesting and has the potential to force these parties to reserve some constituencies for women. Indeed, it has long been advocated that political parties should field more 'qualified' women in their strongholds where it is more than 80 per cent likely for the party to win the parliamentary seat, for instance.

Systemic Inefficiencies

A significant finding from reviewing the bill was the limitation it posed on females in the public bureaucracy. The bill does not address issues such as the lack of qualified female employees to takeover top jobs within the public bureaucracy. The respondents for this study argued that most women occupy the lower levels in the bureaucracy and will be unable to take full advantage of the opportunities presented by the bill without additional continuous professional development programs. Recognizing this limitation, respondent 3 indicated,

> "I think that the AA should start right when women enter the service. There should be discrimination in favour of women for training and development. Women need to be trained and developed so that when an opportunity opens up, the qualified woman can be selected".

Incidentally, public sector boards are appointed by the government with the exception of the positions on the boards that are composed of individuals with specific institutional affiliations. Appointments made by the government to boards are not based on qualification but some are more often than not, skewed towards party affiliation and those who have financially supported the party. Respondent 3 stated that,

> "When there is party affiliation, how many women support the party? The Board members are those who supported the ruling party either financially or in other areas and how many women are these who support the party financially or otherwise? So that is the reason why the proportion of women to men appointed on the board is skewed to the men".

As per Chapter 6B of the bill, in the composition of the Gender Committee, the representative from the Ministries, Departments and Agencies should not be below the rank Deputy Director is also limiting since there may not be enough staff among the minorities occupying these ranks. Also, as per Chapter 24 Section 23 (a) woman shall not be subjected to discrimination on the basis of gender in the Security Services and shall have equal opportunity to receive training to enable the woman to rise to leadership positions in the respective Security Service; This provision should not be restricted to the security services but it has to cut across all public sector organizations.

Lack of Role Models

Similarly, respondents argued that a lack of effective women role models was limiting the full participation of women within the public bureaucracy. A respondent indicated that,

> "what I have realised is that because of the laid back position of women, they look up to role models and mentors. Staff who do not have role models rarely make it to the top. Role models and mentors sometimes push women to become aware of the their own potentials and be able to take advantage of opportunities for their own benefits".

Another respondent shared that,

> "the mentorship for self development is very key. Well calculated support for women in the lower ranks to the middle level and even the top level is needed and very important. If you allow them to just flow as the men, they will never get there. There is need for that extra push. There is not a critical mass of women to occupy executive positions so that mentorship is needed."

The concept and effects of role models has well been discussed in the literature on AA (Neumark and Gardecki, 1998; Rothstein, 1995). Allen (1995) defines it from three different dimensions: moral, that is, those affect other people's preferences, perhaps through conformity effects; informational i.e., those who provide information about the present value of current decisions; and mentors, those who represent resources through which human capital can be augmented. On the other hand, Chung (2000) says a role model "is someone who has achieved something unusual among the members of his or her group (e.g., win the Nobel Prize) and attracts a lot of imitators or emulators" (641). Thus, a role model may be someone that other people (especially young ones) may look up to but not to necessarily copy but rather learn from. In a study of women participation in local government in Uganda for example, Johnson et al. (2003) found that "women's involvement in national and local government Councils has increased the number of positive role models for women. This has encouraged other women to become more engaged in a variety of community activities, such as joining groups, campaigning for public office, and starting businesses" (17). They further noted that "positive female role models seem also to have had a significant impact on the attitudes of men." A study on how female in top management also helps to advance women by Kurtulus and Tomaskovic-Devey (2012) in the US also found that an increase in the share of female top managers is associated with subsequent increases in the share of women in midlevel management and that there is also a positive influence on increases in black, Hispanic, and Asian women in midlevel management, respectively once such coloured people are at the top of management as a result of the fact that such women serves as role models for other women.

In Ghana, while there has been the rise of women in the public sector, as noted earlier, the idea of using such women as role models and champions of agents is not captured or

addressed in the bill. In fact, a number of interviewees even blamed the need for the bill on such supposed role models not doing much in public life to help the younger generation of women. As an interviewee noted, "they have not done enough. Those women who have made the breakthrough have gained a certain level of commonality of interest that they protect." In other words, such women are more interested in protecting themselves and the positions they occupy than to use the position to serve as role models to help women arise to the top. Indeed, many cases, some felt these women are more of a hindrance to the achievement of women empowerment because of attitude they show to other women. Thus the syndrome of 'women are their own enemies' to some interviewees persists in the Ghanaian society and this they believe cannot be addressed in a law.

Conclusion

The ability of an AA policy to be transformative had been discussed in detail in this paper. Drawing on data collected via face to face interviews, review of grey literature and regulations on AA, this paper finds that although respondents collectively agree that Ghana's new AA policy is very comprehensive and setting quotas is laudable, there are structural inefficiencies which have and continue to affect the rooting of the policy deep within female Ghanaian circles. Obstacles to realisation of the goals of the AA policy include, a lack of buy-in from existing women who have benefitted from the policy. Respondents argued, quite persuasively, that such women were protective of their jobs instead of actively being engaged in serving as role models to younger females.

Other systemic issues which the bill does not currently address is the lack of trained female middle-managers who can be expected to take up top roles within the public bureaucracy. Nepotism and favouritism were also some of the limiting factors identified by respondents. The paper argues that for the bill to be remotely capable of making a positive contribution to affirmative action in Ghana, it will require the right level of enforcement and significant changes to address several systemic problems.

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