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**Sovereignty through a Bureaucratic Optic:
Ghana's Customs Service and the Faultlines of Neoliberal Reform**

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Preface: Drawing on ethnographic research in Ghana, this paper represents part of a book manuscript examining the role of Customs policies and officials in the constitution of state sovereignty.

The paper and larger project represent an effort to 'bring bureaucracy back in' to the study of African politics. I argue that bureaucratic orders such as Customs represent an enduring realm of political authority in African states. This is due to the lingering impact of colonial administrative investments, the on-going involvement of bureaucratic agents in post-colonial state-making rule even as leaders and regimes come and go, and equally important, the current neoliberal dispensation toward the expansion and enablement of select bureaucratic realms in the name of good government.

The case study of Ghana Customs Preventive wing at the Aflao frontier, presented here, suggests that efforts at bureaucratic reform are highly politicized and rarely present a 'quick-fix' to the problems of governing. They are complicated by the checkered historical legacy of the state's manifold bureaucracies as well as the neoliberal guise of technical efficiency under which they are pursued. Effectively shielding bureaucratic actors and interventions from democratic adjudication and accountability, such efforts to improve government accountability via bureaucratic retooling nevertheless impact the character and of state sovereignty. In the Ghanaian example, the frontier is drained of authority and power is both concentrated in Customs administrative center and dispersed through peripatetic and unpredictable strategies of territorial control.

I. Introduction

Through the exploration of Customs operations at Ghana's Aflao frontier, this paper examines the implications of recent programs of neoliberal reform for the expression of territorial sovereignty within the Ghanaian nation-state. By territorial sovereignty, I am speaking of the state's ultimate prerogative to regulate movement across national borders as well as to set and enforce the terms of rule across the totality of a bounded national space. (Krasner 1999, Murphy 1995, Weber 1968).

In case of Ghana, rather than the outright renunciation of control over that which crosses and circulates within national frontiers, we see a more complicated scenario at work where the territorial sovereignty is substantially restructured but not necessarily reduced. This is due to the long-standing investment of the Ghanaian state, both colonial and post-colonial, in border

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control. It is also a function of the distinctive formulation of the neoliberal project in which a focus on "good governance" in addition to the defining platform of capitalist development and free trade renders border authorities such as Customs dually agents and objects of reform. Igniting tensions between the state's administrative center and border officials, what results is a process of sovereign readjustment in which the border is no longer exclusively sovereign nor the exclusive representation of the state's territorial claims. Largely defying the predicted results or pathways of reform, the resulting parameters of sovereign readjustment signal a host of decidedly non-democratic neoliberal 'side-effects' relevant within Ghana and beyond.

Case Study: Ghana Customs Preventive Operations and the Hidden Dynamics of Demilitarization

In addition to the fixed installations clustered around the point of border crossing, Customs Officers stationed at Aflao are also invested in wide-ranging field of operations encompassing the entire border line and extending beyond it into the southern tier of the Volta Region. In this setting, Customs Preventive wing prevails. Like other arenas of Customs work, in Prevention, adjustments and inconsistencies are widespread and much intensified by the manifold requirements of neoliberal good governance. Indeed, through the vantage point of Preventive operations it becomes possible to take stock of the checked record of neoliberal intervention in Ghana: the succession of strategies, compromises and quick-fixes signifying the making of neoliberal regimes.

Preventive officers effectively constitute Customs anti-crime unit, involving themselves in policing unofficial border-crossings, apprehending prohibited goods, and intercepting the carriage and sale of uncustomed items—all activities falling under the broad rubric of smuggling. No where are the contradictions, enlargements and incapacitations of customs mandate during the neoliberal era more evident than with regard to the charges and ambiguities surrounding Customs Prevention.

Customs involvement in Preventive work has a long and uneven history with The Gold Coast Preventive Service dating back to 1897 (Anim-Asante 1988: 26). After the Customs Preventive Branch was reorganized in 1960, restricting its role the frontier stations only, just a few years later Preventive operations were entirely excised from Customs and handed over to the police in the form of a dedicated Border Guard Service. In 1972 with the rise of Gen/Col. Acheampong's military regime, the Border Guards were incorporated into the army, becoming the fourth wing of the armed forces (Nugent 2002: 249). When J.J. Rawlings, espousing his own brand of militarist populism, assumed the position of head of state in the late 1979 and 1981 (both times via military coup), he took a multimodal approach to border control. Involving the

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army and police in addition to the Border Guards, Rawlings also enlisted the newly formed revolutionary organs—namely, Peoples Defense Committees—in border patrol, endowing them with the specific mandate to apprehend and punish smugglers (Nugent 1991: 75).

In 1984 the Border Guards were disbanded and their personnel absorbed into military. In line with Rawling's populist tendencies, a new paramilitary unit, the People's Militia's, came on the scene (Nugent 1991: 77). Tied to a much broader turning point in the strategies and philosophy of PNDC marked by regimes' unexpected embrace of neoliberal directives it was at this moment that Customs resumed the mantle of Preventive operations. This was marked by the extended, eighteen month long training of nearly three hundred Customs recruits at the Kamina Army Barracks located on the outskirts of the Northern Region capital of Tamale in 1985.¹ By 1986 Preventive work was fully reinstated into Customs program. Customs, at the same time, was converted from a mere department under the Ministry of Finance to a full-fledged 'Service' and officially recognized as a state security agency (Anim-Asante 1988: 41).

Importantly, these shifts coincided with Rawling's adoption of the loans and conditionalities of World Bank/IMF Structural Adjustment program, a move establishing Ghana as a front-runner of neoliberal reform in Africa and world-wide (Rothchild 1991). They were also in line with a broader set of shifts occurring across national Customs administrations worldwide, driven by and in the face of the neoliberal project. With Customs revenue functions reduced due to the lowering of tariffs and other trade controls pushed by organizations like GATT and OECD, customs administrations across the world were building their 'protective' roles, whether border policing or the routing out of criminal and tainted goods—a trend that continues today.

Customs re-embrace of the Preventive mandate over the course of the 1990s would set in train a number of processes, many of them neither orchestrated by nor apparent to those behind the new protocols. Although inspired by the ostensibly *democratizing and demilitarizing* impulses that were part of the World Bank and IMF structural adjustment package, they effectively *militarized* the Customs service. While Customs had long maintained a military slant in its strong and pervasive hierarchy and system of offices and ranks modeled on the army (a point officers frequently mentioned to me when explaining the Customs organization) these tendencies were given new substance. Not only were former military and paramilitary personnel were brought into the Service, the Customs corps as a whole were familiarized with weaponry and military skills, and older fashion of military style garb re-introduced.

¹ Kamina 85" evoking the eighteen months they spent at the army barracks outside of the Tamale, the capital of Ghana's Northern Region. The Kamina group circulates a newsletter and organizes yearly gatherings. Equally, Customs officers evaluate each other in terms of when they entered as particular recruitments are marked by particular policies and political proclivities (as well as lingering controversies) within the service.

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In short order, a dedicated training academy offering the same courses as Kamina Barracks was established at Kpetoe 20 miles north of Aflao. Located in the Volta Region, considered to be Rawlings home territory, this military-style installation was just a few miles from oft-contentious Togo Border. The establishment of a Customs academy at Kpetoe made the mastery of military maneuvers-- included the handling of weaponry and drills under the instruction of current and former army officers--standard fare for all Customs trainees. The new training regimen qualified all customs officers, not just a specialized corps, to perform Preventive work and to incorporate these outlooks and skills into any endeavor. Contributing to this possibility, Customs was now qualified and called upon to serve as a sort of National Guard in conjunction with other security agencies, provide oversight at local polling stations on election days, the containment of national emergencies and participation in all sorts of civic ceremonies and displays. Indeed, during the 2000 elections, these activities took both a more and less public turn, with Customs officers officially dispatched to polling places around the country to guard against violence and other improper behavior, along with more furtive delegations of politically connected Customs officials to select frontier posts, Aflao included, in case of emergency.

Customs' hiring policies further reflected these militarist tendencies despite the rhetoric of good governance and democratization. It is well known that Customs 1992/93 recruitment brought large numbers of demobilized People's Militia members into the service. Once a key organ of Rawlings revolutionary platform, the militia's were now an embarrassment to a waning military regime on the cusp of democratic elections. But as loyal soldiers to Rawlings's cause, numerous Militia members were rewarded with lucrative bureaucratic posts with prior professional credentials or the lack thereof were of little concern.

One of the Preventive heads at Aflao in 2001, a former military officer, was still convinced that Customs under the Army when I interviewed him, telling me "once a soldier, always a soldier." and explaining that he was a soldier "attached to Customs." Thus, while the rest of government performed to the tune of the neoliberal order, purging its militarist roots, these actors and inclinations found a new home within the Customs Service

Despite the pervasiveness of these influences, at Aflao Customs officers' enactment of this mandate, though sometimes forceful, was more often reticent. Customs officers felt uneasy about the extent of their power and frequently mentioned their orders to "shoot to maim," not "shoot to kill" when describing the challenges of Preventive work. Equally problematic, the Preventive wing was severely under-resourced and Preventive officers complained over and over again about the lack of logistics and man power. The first of the three Preventive heads who circulated through the post during my research stint, lamented about the poor state of Customs canoes and the broken outboard motors meant to power them, making Customs little

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match for the seaborne smugglers moving their goods along coastal waters. Officers assigned to Preventive rounds complained about being dispatched to the bush without access to food or water where they were easy prey for snakes, mosquitoes as well as smuggles, and provided with no means of transport, shelter, or companionship. One Senior Preventive office explained:

“Preventive here lacks logistics. We have guns but not enough ammunition...only 5 rounds. It's very dangerous and we can easily be killed. The smuggling boys heard of his presence in the bush yesterday and have already changed their mode of operation. They have scouts in powerful motorbikes and bicycles. I only have access to a small red Toyota corolla-- a confiscated vehicle—to check my offices in the bush or on the beats. Preventive only has 1 Nissan pick-up and that is for the petrol task-force.”

Although officers went on patrols in pairs, one's partner could be a kilometer away, far out of sight or earshot. Officers assigned to Preventive rounds all articulated a sense of being asked to undertake a task at which they were both incapable and sorely at risk, and stories of being shot at by smugglers, fellow Customs officers or even the Togo army could all be found in the national media.

This situation was further complicated by the lingering claims of former members of the Peoples Militia and People's Defense Committees to border patrol. Attesting to the layers of political history underlying the expression of state power, many of these individuals were never reassigned and continued to guard their posts long after their units were dissolved. When I

toured the various “pillars and beats” defining the Ghanaian side of the frontier, these aging ex-revolutionaries could be found wearing faded and torn fatigues, sitting in battered tents. While they might share their turf with Customs officers, it was one they were considered to hold the rightful claim. Already in difficult circumstances, with few sources of protection and assistance, Customs officers were hesitant to challenge their prerogatives.

Creating a further disincentive to the forceful exercise of state power by Preventive officers at the frontier, rising rates of taxation and an overall environment of economic and agricultural decline in the Volta Region left many residents of border areas under-skilled and under-employed. This, along with a growing desire for and dependence of Ghanaians on imports more generally, meant that smuggling provided one of few potential paths for gain. As a result, Custom officers were left with little capacity to stem the tide of illicit cross-border trade and were at tremendous personal risk to do. Officers could do little on their patrols but bear witness to illicit cross-border traffic. One officer described how she would sit at guard post, much like a pillar, for show, present but not engaged, while goods were thrown over the fence in front of her. Others officers were more involved, providing a cover for smugglers and only a very occasional pursuit of transgressors.

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Compared to the disablement of state power occurring at the frontier, there were other realms where Preventive officers were less encumbered by borderlanders' superior knowledge, motivations and manpower. Notably, it was at checkpoints set-up on remote stretches of road between Aflao and Accra that Customs Preventive efforts were most effective. The best known was the Dabala check point—the cite of the aforementioned tussles between Customs head office and Aflao officers. Here, all travelers, whatever the mode of transport, were required to alight from their vehicles and present their bodies, baggage and documents for inspection. Anticipating these encounters, on public transport just minutes after pulling away from the Aflao lorry park, traders would organize collections to pay to officers at Dabala and other check points in hope of dissuading them from serious examination.

It was always a game of chance, not knowing who would be called to pay, whose goods would be removed, who would be a target of Customs officers' exactions and interrogations. With no other means of transport and far from other authorities or local assistance, traders and travelers at the check points experienced Customs authority as formidable and inescapable. Indeed, this is where Aflao's Preventive forces had the greatest success, seizing goods, concealed and not, from vehicles of all stripes. Officers recounted how the bus coming back to post from Dabala every Friday evening would be full of goods: textiles, apparel, etc., and revenue to return to the post. According to one officer familiar with the routine, at the end of each week they could easily rely on tens of millions of cedis, on an especially good week, they might return with hundreds of millions of cedis worth of goods and duties.

The successes of Aflao Preventive staff at Dabala did not go unnoticed by Customs administration. Revealing the ever-present fissures within the Customs service between frontier officers and the administrative center, when the Customs Commissioner was appointed in 1999, he did not wait long before turning his attention to the check point. Notorious for his surprise visits to Customs border stations meted out in the name of the neoliberal tenets 'transparency and accountability', he also organized surprise missions to check-up on Aflao officers at Dabala. In an effort to monitor the check-point's activities, the Commissioner assigned a Task-Force from headquarters to specifically work with Aflao officers at Dabala--a move that was considered an outright incursion into the collection's territory. Shortly thereafter, headquarters launched a sting operation targeting Dabala officers. Capturing Task-Force members in its net (ten were dismissed from the Service) while failing to incriminate Aflao officers, the operation back fired, but not without challenging the purview of Aflao's Preventive unit. Although the Aflao officers escaped charges or internal discipline, they were informed by headquarters that the Dabala check point would be closed.

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When I queried higher-ups at Headquarters about the decision, they claimed it was necessary to promote the free flow of goods along the West African coastal highway in accordance with the principles of ECOWAS, of which Ghana is a leading member. Officers at Aflao found this explanation hard to believe since checkpoints elsewhere remained in place. The closure resulted in a significant loss of revenue (official and unofficial) for Aflao and reverberations were felt throughout the border post. One officer complained, rather poetically, "on Friday evenings, the wind blows through [the now empty] bus." Both relocating and effectively demoting them, Aflao's Preventive corps found themselves reassigned to the Police check point at the Sagakope bridge. Adding insult to injury, Police Officers at Sagakope used Customs incursion onto their turf to make claims on customs work, demanding documents and bribes from traders in the name of Customs, whom they claimed, were somehow "under them."

Customs headquarters efforts to assert its authority, contributing to the centralization of state power through the fusing of Customs and Police power and the concentration of operation on fewer sites all in the name of liberalization and commercial freedom, was, not surprisingly, met by a counter move among Aflao Customs officers. Although, according to my sources, the Aflao officers eventually adjusted to the new arrangements with police, the closure of Dabala proved an impetus to their investment in another form of Preventive operation. Also removed from the actual frontier, these Preventive staffs were an obligatory in nature than the checkpoints and therefore much less available to surveillance from headquarters and the Customs commissioner. Straying from the checkpoint around Sagakope, they involved tracking suspicious persons and vehicles into the surrounding rural areas and coastal enclaves. One Friday afternoon, a joyous preventive staff returned to the post, their bus full again after a successful detection of a huge cache of uncustomed items, signaling the pursuit of a new modus operandi.

Conclusion

What do these shifts in Customs Preventive operations mean for the expression of territorial sovereignty in Ghana? Triggered by the government's investment in project of democratic reform closely aligned with neoliberal conditionalities, we see the diffusion of militarist arrangements, attitudes and techniques into Customs operations at Aflao -- to uneven effect. A result of new training procedures and a revised mandate, militarist tendencies—from the carrying of weapons, to the amplification of authoritarian attitudes, identification with other security bodies—have come to infuse Customs work at Aflao. Yet for a variety of reasons, from the lack of logistics, to poor conditions of service, the lingering presence of earlier generation of border officials, and the imperatives of unofficial trade in a region beset by economic decline,

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at the frontier Customs Preventive force maintains a presence more passive than forceful, displaying mastery more symbolic than effective.

These dynamics are intertwined with a number of other trajectories of de and re-militarization. On the one hand there exist coordinated networks of power tied to the higher echelons of state authority which sustain an older paramilitary order in the executive ranks of customs. Alongside this para-legal authority, the work of Customs Prevention finds other modes of expression. Taking the form of check points, they too are situated beyond the physical limits of the frontier. Geographically atomized, these are sites where the expression of state power is both concentrated and recurrent, if often unchecked. As claims on these spaces intensify due to the pressures of centralization imposed by Customs headquarters, an alternative logic and locus of operation has gained renewed import. These are the Preventive search missions. Peripatetic in form and unpredictable in organization, they evade the predictions of both the public and central administration. In terms of the actual effectiveness of customs operations, the shifting internal frontier they create appears to be more charged than the actual border. Policed by Customs but controlled by border residents, the latter operates as more and more a symbolic space. Nevertheless, here and elsewhere, Customs license to rule by force, typically benign yet never entirely at bay, lies beneath the surface, ever pernicious, given its mixed

motive and unimproved location

In short, this brief and partial portrait of the restructuring of Customs operations in

Ghana demonstrates that efforts at bureaucratic reform are highly politicized, complicating the neoliberal mandates of good governance, economic efficiency and global harmonization under which they are pursued. Indeed, as seen here, the current stress on the quick-fixes of bureaucratic accountability and cleaning-up may well shield bureaucratic actors and interventions from democratic adjudication and accountability. Nonetheless, due to the already deep political endowment of many bureaucratic arenas within the state apparatus they are likely to impact the overarching configuration of national governance, although rarely in ways reformers predict.

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