The balanced obligation in an era of global pandemic: Ghana’s foreign policy in a Limbo

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Abstract: This paper examines Ghana’s foreign policy under the COVID-19 pandemic and its implications for relations with its neighbors. It examines the country’s national interest as is reflected in the policies advanced in the midst of the pandemic, particularly issues bothering on the closure of borders and what it says of the long-held position of “good-neighborliness.” The work attempts at understanding how in the midst of pandemics countries can strike a balance between national interest while equally honoring their international obligations. It dwells mainly on analyzing official documents and policy directives as juxtaposed against the various obligations of the state as a responsible member of the international community. We argue that being a responsible member of the international community requires adherence to the well-established practices and norms of international relations even in the midst of a pandemic; states ought to learn how and when to strike the right balance.

Subjects: Politics & International Relations; Social Sciences; Urban Studies; Development Studies

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PUBLIC INTEREST STATEMENT
Every country has a foreign policy which is basically the country’s (in)action towards foreign entities. The conduct of Ghana’s foreign policy has constitutional underpinnings. The State has to conduct international relations in a manner that promotes and protects its interests; seeks the establishment of a just and equitable international economic and social order; promotes respect for international law and treaty obligations and adheres to the principles, aims and ideals enshrined in international charters. This calls for pursuing domestic policies that promote the wellbeing of the citizenry but not to the neglect of the country’s international obligation. It is in view of this that this paper argues for a “balanced obligation” – Ghana could have chosen not to close its borders during the Covid-19 pandemic. The country could have opted for cooperating and coordinating with her neighbors in finding more pragmatic approaches – building effective health systems along the borders to check and detect infected persons, etc.
1. Introduction

On Sunday, 15 March 2020 the Government of Ghana issued a Travel Advisory which curtailed travel by ministers and other government appointees. This Travel Advisory was further reiterated by the President in his 3rd address to the State on that same day. Moreover, the President, in accordance with Article 21 (4) (c) & (d) of the 1992 Constitution of Ghana directed the Attorney General to submit to Parliament an emergency legislation based on which certain drastic measures could be taken to deal with the COVID-19 pandemic in the country. Thus, as part of the measures aimed at mitigating and eventually eradicating the onslaught of the corona virus disease (COVID-19) pandemic, through the Imposition of Restrictions Act, 2020 (Act 1012) (IRA), the country’s borders (by land, air and sea) were closed to human traffic for a period of two weeks on the 22 March 2020 through the promulgation of Executive Instrument (E.I) 64 (the Imposition of Restrictions (Coronavirus Disease (COVID-19) Pandemic) Instrument, 2020.¹

The closure of the borders was extended for two more weeks with the Imposition of Restrictions (Coronavirus Disease (COVID-19) Pandemic) (No.3) Instrument, 2020 (E.I. 66), with effect from midnight on 5 April 2020; however, the emergency legislations subsequently gave the President the power to vary “the duration of restrictions on travel to Ghana” “where the exigencies of the situation require.”² Thus, the President has been mandated to determine when it is appropriate for the country’s borders to be reopened (though the imposition of a particular restriction must not be more than three months).³

This paper provides an overview of the development and current realities of Ghana’s foreign policy in the midst of the corona virus (COVID-19) pandemic. It explores the roots, substance, dynamics, and nuances of the country’s foreign policy since independence by critically analyzing and reviewing some of the key tenets that have over the years shaped the orientation of the country’s foreign policy. The paper discusses the global dimensions of foreign policy decisions and the domestic forces that usually influence foreign policymaking in the country. We consequently set off by trying to understand some of the contending theoretical perspectives and analytical overviews that underpin Ghana’s “national interest.” This is followed by quick overview of the country’s historical synopsis as far as foreign policy is concerned. This is eventually followed by the central focus of the paper: an examination of the country’s foreign policy in the era of the COVID-19 pandemic—what has been Ghana’s position on the pandemic as far as its relations with other countries are concerned? What are the policy guidelines and directives that have been introduced and implemented during this era? What are the motivations behind these policies and directives? What has been or could be the implications of these policies, initiatives, and directives as far as the country’s relations with the international community is concerned? Can or could the country have done better? Must the argument of the so-called “national interest” always take precedence over international obligation? Can there be a middle ground in such undertakings? These are some of the questions that this essay seeks to explore.

The “balanced obligation” connotes the idea of states making all the necessary efforts to meet their international obligations while they at the same time are assiduously implementing domestic policies that inures to the benefits of their citizens though such domestic policies may seem to be contradictory to meeting the said international obligation(s). In effect, the idea of a balanced obligation requires that states find appropriate mechanisms to meet both international obligation and domestic responsibility at the same time. This usually may pose dicey situations for policy makers and duty-bearers. In the midst of such a dilemma, the intricacies of national interest and responsible membership in the international community are brought to bear. It is in view of this that this paper seeks to explore Ghana’s foreign policy amidst the COVID-19 pandemic—interrogating the closure of the country’s borders and its implication for good neighborliness and related issues.

2. Research methods

This study adopts a qualitative approach. Thus, it relies on qualitative data (words/speeches, experiences and observations that are not quantified). The qualitative approach is usually tied to “a set of assumptions related to relativism, social constructionism and subjectivism.”⁴
The study consequently analyses the speeches of the President of Ghana regarding decisions and actions that have been taken by the state in dealing with the outbreak of the Covid-19 in Ghana. These presidential speeches and updates, as well as introduction of new legislations are compared with existing and previous policies pertaining to the country’s relations with other states, particularly those within the Sub-Saharan African region as well as the international community as a whole. Through a careful analysis of the speeches and policy guidelines on the fight against the Covid-19 pandemic, themes are generated which are then juxtaposed with the country’s several years of engagement with the international community and the underlying principles that have shaped our relations with our neighbors on the African continent. The study is basically an inductive analysis of the issues regarding Ghana’s fight against Covid-19 with focus on the country’s foreign policy (specifically “good neighborhood”).

The study in effect adopts a grounded theory methodology under the qualitative framework as it seeks to generate theory through the analysis of qualitative data. Thus, instead of beginning with a hypothesis, we start off by collecting non-numerical data which are subsequently analyzed systematically with the hope of drawing coherent and logical conclusions capable of generating a theory. Indeed, generating the grounded theory requires engaging in a “rigorous and iterative process of data collection and ‘constant comparative’ analysis that finds raw data brought to increasingly higher levels of abstraction until theory is generated”. It is on this ground that the study reviews several documents, legislations, speeches, treaties, conventions, etc. Thus, it is only after the rigorous engagement of the data and literature that one can confidently formulate what may qualify as a “grounded theory.”

O’Leary has indicated that “the process of reflective qualitative analysis requires researchers to: (1) organize their raw data; (2) enter and code that data; (3) search for meaning through thematic analysis; (4) interpret meaning; and (5) draw conclusions …” According to her, all these things must be done “while keeping the bigger picture, i.e. research questions, aims and objectives, methodological constraints, and theory, clearly in mind”. It is these ideas of the qualitative research methodology that underpins this particular study. Thus, having in mind our research questions which are predicated on the aims and objectives of the study, we set off to generate a theory by examining the speeches of the president, as well as the policies and legislations proffered by the Ghanaian state on the international front in dealing with the corona virus pandemic.

The study uses the interpretivist’s paradigm in analyzing the data. This paradigm fits into O’Leary’s six steps of content analysis protocols namely: reading through the data; organizing and coding the data; searching for patterns and interconnections; mapping and building themes; building thematic data; and, drawing relevant conclusions from the data.

2.1. Understanding Ghana’s foreign policy: a review of the literature

Basically, a country’s foreign policy refers to the policies and actions that the country takes in the conduct of its relations with other countries or foreign entities. The conduct of Ghana’s foreign policy has constitutional underpinnings. There are a number of provisions within the 1992 Constitution of Ghana that engenders the State to conduct international relations with other countries and international organizations in a certain manner. For instance, Article 40 captioned “International Relations” dictates that every government must ensure that in dealing with foreign entities it promotes and protects the interest of Ghana; seeks the establishment of a just and equitable international economic and social order; promotes respect for international law and treaty obligations and also adheres to the principles, aims and ideals enshrined in international charters and organizations, etc. In addition, Articles 73, 74, and 75 altogether captioned “International Relations” focus on “International Relations”, “Diplomatic Representation” and “Execution of Treaties” respectively. These provisions spell out how the state is to relate with its neighbors and other states and entities in the international system. Thus, the country is obliged by its own Constitution to respect, uphold, and promote the implementation of international charters, treaties and conventions.
Using Nkrumah’s writings and Nkrumahist literature, Grilli has attempted to examine “the historiography on Nkrumah’s Pan-Africanist ideology with particular reference to his foreign policy”.  

By studying the ideology of Ghana’s first president and a preeminent foreign policy advocate, Grilli’s work is one of the contemporary studies on Ghana’s foreign policy that eventually provides an overview of the country’s foreign policy and related activities under the first republic.

In his attempt to examine Ghana’s international economic relations under the Provisional National Defence Council (PNDC), Boafo-Arthur has argued that Ghanaian governments have over the years aligned either with “the East or the West depending on the government’s ideological orientation” and that the country’s national development “has been the main propelling factor to enter into the international system.” He argues that the country under the PNDC military junta succeeded in “balancing external relations between the East and the West before the collapse of communism” though aligning with these foreign powers did not yield much economic dividends for the ordinary Ghanaian as the country’s “domestic policy measures were tailored to satisfy foreign interests.”

Over the years, most writers on Ghana’s foreign policy argued that just like any other developing country, the formulation of the country’s foreign policy are usually dictated by external factors and that internal issues play marginal role in determining Ghana’s foreign policy orientation. This claim has however been refuted by some contemporary scholars.

Addo’s work “Ghana’s Foreign Policy and Transnational Security Challenges in West Africa” focuses on the country’s “security culture as reflected in its foreign policy”, and how this security culture has gradually impacted on Ghana’s approach to addressing transnational security challenges within the ECOWAS sub region. Addo’s work thus explores some of the linkages between national and sub-regional security cultures in West Africa and the extent to which they complement each other in providing all-inclusive approaches to the transnational security challenges facing the country. He consequently concludes that “Ghana’s strategies for addressing transnational security threats have not gone much beyond the rhetoric of addressing the problems” though the country is a signatory to several sub-regional conventions and protocols regarding security. This failure on the part of the Ghanaian state, he attributes to a number of factors such as “corrupt leadership and institutional practices, security lapses and lack of interagency coordination, and inadequate resources for addressing the problem.”

Indeed, from the early days of independence, Ghana which has been described by one of the earliest researchers on the country’s foreign policy as “a small, determined state” “attempted to enlarge its influence and increase its power” on the international stage through its ambitious foreign policy. For Thompson, “small states as Ghana, which did not possess the strategic significance” and so were hitherto “not entitled to exercise power” within the international system “suddenly did have an important card to play, if they understood it was a card, not a new game.” Successively, different Ghanaian governments have over the years learned not just to understand the card, but also how to play it (despite the differences in the style of play). It is in this regard that we attempt to examine how the country, under the fifth government of the Fourth Republic is playing the foreign policy card amidst the coronavirus pandemic.

It is important to note that though the literature on Ghana’s foreign policy abounds, as at the time of preparing this work, none of the available literature have focused on how the policies of the Ghanaian state aimed at addressing the Covid-19 pandemic addresses the implication such policies could have on the country’s relations with its neighbors and foreign policy as a whole. It is this identified gap and its related issues that this paper addresses.

3. An insight into Ghana’s foreign policy formulation
Ghana’s foreign policy basically refers to any policy that emanates from the constitutionally mandated institutions of the State (primarily the Executive headed by the President). Such
a policy is directed at any country or foreign entity/organization and is usually with the intention of securing the national interest of the country in that it either seeks to promote the country’s standing point (advantages) or seeks to prevent actual or perceived adverse effects (disadvantages). 15 In effect, national interest forms the fulcrum around which the wheels of a country’s foreign policy revolve. The implication is that any policy directive that emanates from the authorized officials of the State relating to foreign entities ought to inure to the benefits of the citizens. Thus, a country’s foreign policy must either be seen to be directly or indirectly as serving the aspirations of the people—anything beside this becomes something else. But the situation becomes dicey when efforts are made to define what the “national interest” really is and the processes involved in arriving at this so-called “national interest.” 16

Unfortunately, Ghana’s 1992 Constitution does not clearly define what the country’s national interest is and it is this situation which partly contributes to the myriad of policies and sometimes knee-jerk reactionary policies and directives aimed at addressing issues bothering on the country’s “interest” in relation to foreign entities.

Generally, two main theories, namely the Elitist and the Democratic theories attempt to explain the concept of national interest. The former is traceable to Plato’s conception of the elite been properly placed in society to make right decisions for the whole while the latter is attributed to accepted democratic norms of the society. 17 According to the elitists’ theory, arriving at the national interest can best be achieved by the decisions of the “philosopher king” who is generally assisted by a few highly learned persons. Thus, the theory proposes that these few wise and well-meaning individuals headed by the philosopher king will always make well-informed decisions regarding the common good (national interest) without necessarily asking for the opinion of “lesser minds” as they (the philosopher king and his cohorts) have been carefully trained into thinking in terms of a collective good. There is also the idea that these “few wise” are incorruptible.

On the other hand, proponents of the democratic theory of national interest opine that the national interest can best be defined through the democratic process. Thus, arriving at the national interest requires free and fair deliberation on various perceptions regarding the collective interest of the citizens in question. The outcome of such deliberations as agreed by consensus or majority decision then determines what the national interest is. This could be achieved through effective and genuine representatives.

Some scholars such as Hans Morgenthau have equated the question of national interest to the pursuit of power in the international system. According to Morgenthau, a state’s national interest can be equated to that country’s desire and ability to protect its territorial integrity and the defense, as well as its political and cultural identity against encroachment by other states. These are what he has referred to as the “necessary element” of national interest. 18

Aside the necessary elements proposed by Morgenthau, others have also pointed to a number of factors that could equally form the basis for a country’s national interest, and for that matter its foreign policy. These issues include the protection of the core interest and values of the people; policies focusing on the self-preservation of the country; the promotion of business interest abroad (economic diplomacy); enhancing and improving the image and prestige of the country abroad; supporting friends and allies in international relations (good neighborliness); and encouraging the promotion of human rights in other countries. These are among what K. Holsti has stipulated as fundamentals that generally inform a country’s foreign policy. 19

In addition, Stephen Krasner has argued that for a particular issue to qualify as a country’s national interest, it must meet three basic requirements namely: the issue must seek to serve general societal goal; the attendant policy should be a long-term policy that will meet the aspirations of posterity and not just for a short-term benefit; the policy must seek to make national security and economic development principal objectives. 20
It is in line of these ideas and propositions that we now turn to examine Ghana's foreign policy during the COVID-19 pandemic. What has been the country's attitude in dealing with the pandemic (from the international front)? Do these policies, directives and initiatives fit into the criteria for the making of effective foreign policy? What and where is our national interest in all these? What implications do such policies have for our external relations? And how best can we (as a responsible member of the international community) address our national interest without neglecting our international obligation and good neighbor credential during this tumultuous time?

At this juncture, it is important to note that Ghana's national interest (as far as foreign policy is concerned) has been defined under Article 35 (2) of the 1992 Constitution (though a lot of ambiguities exist on this definition). According to the Constitution "the State shall protect and safeguard the independence, unity and territorial integrity of Ghana, and shall seek the well-being of all her citizens." In addition, Article 40 of the Constitution stipulates the country's objectives in her dealings with other states. Notable among them are the promotion of the country's interest; the promotion of respect for international law; commitment to international organizations; and upholding of international peace and development. These provisions consequently set the parameters for the conduct of foreign policy in Ghana.

As indicated earlier, the 1992 Constitution of Ghana sets the legal and constitutional framework (institutional arrangement) for the conduct of the country's foreign policy. The Constitution mandates the president as the only person with authority to execute the country's external relations on behalf of the people. However, the president may through delegation confer such responsibility on others to act on his behalf when the need arises.22

Though the President of the republic has the mandate to formulate the country's foreign policy as determined by the Constitution, he is equally to be guided by principles and precedence of his predecessors in the office regarding the conduct of foreign policy and international relations. In view of this, it is generally expected that as the torchbearer of foreign policy and a champion of African unity and good neighborliness, the government would be guided by these tenets and credentials that the country has acquired over the years. But as it stands now, that was (and is) still not the case as we closed our doors to our neighbors, friends and compatriots both within the African continent and beyond.

One may be tempted to compare the government's position on the closure of borders to the late President Atta-Mills' "dzie wo fie asem" ("mind your own business") comment. However, these two positions must be viewed from the proper perspective and with the appropriate lens so as to be objective about the same. The point is that the contexts of the two cases vary and may not be amenable to such comparison as far as good neighborliness is concerned. Whereas the former related to an issue of meddling in internal matters of electing public officials, national security, sovereignty and interference, the latter bothered on health and the spread of a virus. Thus, there existed more and better options for dealing with the latter than the former. For instance, Ghana's policy could be to intensify checks and testing for the COVID-19 at the borders instead of closing it entirely. Alternatively, the leaders of the respective neighboring countries could build strong health teams and facilities along the border towns; increase security to ensure safe movement along the borders (instead of mounting barriers to deter migrants from crossing legally into the country); provide assistance to the needy on the border towns, etc.

The point is that "good neighbors" always look out for one another. Thus, closing our borders, arresting and returning supposedly illegal entrants somehow defeats the concept of "good neighborliness" and a responsible member of the international community that has a goal of promoting regional integration. One must also not lose sight of the economic implications of the government's foreign policy as far as the closures of the borders are concerned (especially for the borderlanders who depended heavily on trade and commerce across the borders).23 And all
these were happening as the country was preparing to be the Secretariat of the African Continental Free Trade Area (AfCFTA).

Whereas Ghana’s foreign policy since the days of Nkrumah have envisaged the gradual disappearance of the artificial boundaries imposed by the European colonizers, the policy of locking our borders and keeping our neighbors and some of our own citizens out during the COVID-19 pandemic inevitably does the opposite. What happened to African unity and regional integration? Must we selfishly guard our ill-defined national interests in the face of health and human security, even when we could adopt better options?

As indicated earlier, the Directive Principles of State Policy (Chapter Six) of the 1992 Constitution of Ghana clearly spelt out the country’s foreign policy objectives. Notable among these objectives is the demand for the government to promote and protect the image of Ghana; ensuring a just international economic order; promoting respect for international law and adherence to the principles and treaties of the international organizations such as the UN, AU, the Commonwealth, ECOWAS, etc. that the country is a member of. Once again we ask the extent to which our foreign policy during the COVID-19 days has remained faithful to these noble objectives as identified by the highest law of the land.

During his fourth speech on the COVID-19 updates, the president (Nana Akufo-Addo) stated that:

Fellow Ghanaians, the oath of office I swore on 7 January 2017 demands that I dedicate myself to the service and well-being of you, the Ghanaian people. It is my job to protect you, and I am determined to do just that.

Similar utterances have been made by the president since the outbreak of the COVID-19 pandemic and its subsequent arrival in Ghana. Different ministers and related government agencies and apparatus have repeated the president’s rhetoric on various platforms. All these are in effect pointing to the rationale and basis for Ghana’s foreign policy (national interest) as the pandemic engulfs the state. But the question still remains as to whether the closure of borders was indeed in the country’s national interest, and even if so, what does it say of the country as a responsible member of the international community and a good neighbor?

It is instructive to note that among the “five key objectives” that underpinned the government’s measures on the COVID-19 pandemic (as clearly articulated by the president in his fourth address to the state) was to “inspire the expansion of our domestic capability and deepen our self-reliance”—a point that has been repeated by the president and his ministers countless times. Thus, it is not far from the truth that the closure of the country’s borders was to some extent guided by some other reasons either than the spread of the COVID-19. To be precise, the president’s idea of building a “Ghana Beyond Aid” may have influenced this decision. This means economic and political reasons are behind the decision—to achieve a campaign promise. It is however not the duty of this paper to interrogate the “Ghana Beyond Aid” mantra, instead as indicated earlier, our focus is on the country’s foreign policy and its implication for good neighborhood and international obligation.

During his fifth speech on the COVID-19 outbreak, the president by an Executive Instrument extended the closure of the country’s borders for “two (2) more weeks, until further notice.” The rationale for the extension, according to the president, is that “the data tells us that the overwhelming majority of confirmed cases came from travelers or from people who have come into contact with travelers.”

The president in his fifth address on the COVID-19 outbreak also indicated that:

Together, let us ensure that the scourge of this virus becomes nothing but a temporary blip on the fortunes of our nation, and we will go on to realise the vision and aspirations of our
forebears, who envisioned Ghana to be a free, democratic, prosperous nation, the beacon of freedom and justice, the Black Star of Africa, the harbinger of a new black civilisation in which the dignity and prosperity of black people everywhere are assured.25

Just a few days after this proclamation, the president in his sixth address on the pandemic indicated that since “seventy-nine percent (79%) of the three hundred and seventy-eight (378) confirmed cases” at the time was “imported”, “until we have the situation fully under control, we cannot, at this time, open our borders. They will have to remain shut until further notice.” Thus, though the idea of been “a free, democratic, prosperous nation” as well as “the beacon of freedom and justice” has been touted for years; so is that of being the shining “Black Star of Africa”, how does one really achieve these high hopes (particularly the latter) when neighbors are kept out and protectionism becomes normal in the face of a pandemic?

During his 8th address to the State on measures taken to address the COVID-19 pandemic, the president expressed worries about some “unpatriotic” Ghanaians “aiding some West African nationals to enter our country illegally, despite the closure of our borders.” According to the president, it is “the time for sacrifice, so that we do not have to bear a greater cost in the future” which meant Ghanaians had to do everything possible to prevent their fellow West African neighbors from entering the country for whatever reason. The president consequently indicated that “not only will persons who enter our country illegally be strictly dealt with, but so will Ghanaians who facilitate their entry.” He emphasized that “being a Ghanaian must mean that we look out for each other.” Thus, to him our very survival implies neglecting our neighbors in a time of pandemic such as the COVID-19. How does one juxtapose these ideas to the policy of good neighborliness?

The president in his 8th address also reiterated “we should no longer be dependent on foreign imports” and that as a country “we will have to intensify our policies for the growth of our domestic pharmaceutical industry, so that we can generate our own medicines and medical supplies and products.” Though these may be good intentions, they, to some extent point to the possible closure of the country’s borders as indicated earlier (and not necessarily preventing the spread of the Covid-19 virus).

On May Day, 2020, the president announced the extension of the closure of the country’s borders for an additional month. This according to him serves as “the means to continue halting the importation of the virus into our country.” Moreover, during his fifteenth (15th) address to the State on the pandemic, the president reiterated the closure of the country’s borders “until further notice.” He however indicated that for Ghanaian residents “stranded abroad, special dispensation will continue to be given for their evacuation back to Ghana, where they will be subjected to the mandatory quarantine and safety protocols.” In the same address, the president asserted that “the remarkable nature of us, the Ghanaian people, the first colonized people in sub-Saharan Africa to gain their freedom and independence from foreign rule, is manifesting itself again” and that “a stronger, healthier Ghana is being built.” Though such claims could be justifiable for the sake of domestic politics (particularly during an election year), could we say same as far as the country’s international image and the foreign policy on good neighborliness is concerned? The answer is a big no! As far as international relations are concerned, such inward-looking policy is not good for any country. Though some from the realist school of thought may disagree, cooperation could be the best option.

The country’s major airport (Kotoka International Airport) was reopened and resumed operations from Tuesday, 1 September 2020 as was announced by the president in his 16th address to the state on the COVID-19 pandemic. During the announcement on reopening the airport, the president reiterated that “the commitment to ensuring that the gradual easing of restrictions, including the reopening of our airports, does not lead to the importation or resurgence of the virus into our country, is firmly in place”, thus once again justifying the closure. The country’s borders, by land and sea however remained closed to human traffic at this point. In effect, our very close neighbors—Togo, Ivory Coast, and Burkina Faso could still not get into the country and neither
could any Ghanaian or person living in Ghana at the time travel by land or sea to these countries. The issue becomes dire when borderlanders are taken into consideration.  

During his 17th address to the state, the president asserted that “as President of the Republic, I will do everything in my power to protect you and stop the importation of the virus into our country, or limit and contain its spread. This is my solemn commitment to you.” Once again, the president's tone and posture clearly depicts that of “national interest” and domestic politics as against been a responsible member of the international community and a “good neighbor” in the West African sub-region and the continent at large.

Prior to all these, during the seventh (7th) address to the State, the president indicated that:

... the overwhelming majority of confirmed cases have come from travelers or from people who have come into contact with travelers. It is, therefore, incumbent on us to continue to be vigilant about travelers into our country until further notice, and to congratulate the men and women of the Immigration Service and the Marine Police Unit for their work in securing our borders.

The president subsequently referred to the arrest of “ten West African nationals in Tamale who all tested positive for the virus; the arrest of the six Nigerian travelers who entered Ghana through unapproved routes along the Ghana-Togo border near Aflao, who also tested positive for the virus.” In addition, the address mentioned the “arrest of ten fishermen in the Western Region, who returned from Cote d'Ivoire” and indicated that the government was determined “to protect our borders.” In line with this, the President “signed an Executive Instrument, to extend the closure of our borders for two (2) more weeks . . .”

Indeed, as indicated by Addadzi-Koom “by virtue of the IRA, Ghana is currently in a ‘quasi-state of emergency’ typified by a mishmash of extraordinary powers that are unconstitutional.” And that Act 1012 actually “makes the President a demi-god who wields powers with diminutive restraint.”

4. The place of good neighborliness in international relations: An overview of the practice in Ghana

As an element of international law, good neighborliness refers to a set of conventional or customary norms that seeks to regulate the relationship between neighboring states, particularly in the adjacent parts of their territories. Aside prohibiting a state from using its territory to harm other states, the principle of good neighborliness also connotes the duty to cooperate with one’s neighbors. This cooperation could be in diverse forms (especially when there is a pandemic).

The idea that as far as international relations are concerned leadership influences relations between neighboring states is an old one without questions. Thus, leadership idiosyncrasies usually influence a country’s foreign policy than many other factors such as the international environment and political institutionalization. This has been the case of Ghana from the early days of independence till the present era. Thus, what happens across the borders of neighboring states is greatly influenced by leadership and policies emanating from high offices in the state.

The principle of “good neighborliness” is a generally accepted practice in the international community. The principle is clearly articulated and promoted by several international agreements, charters, conventions, and declarations.

Though seen as the foremost initiator and pioneer of Ghana’s foreign policy, as far as the principle of good neighbor relations is concerned, some have argued that “Nkrumah’s personality traits made him a foe to his immediate neighbours, except for Guinea and Mali, which formed the nucleus of the United States of Africa for which he had agitated.”
Indeed, Rawlings’ sudden switch from a pro-socialist inclination to courting the West and subsequently making Ghana an “outstanding student” of the Bretton Woods Institutions through the Structural Adjustment Programmes (SAPs) were met with mixed reactions from the country’s immediate neighbors. These mixed reactions could not last long (though differences continued to exist), especially when it became evident where the country stood—despite remaining a member of the Non-Aligned Movement (NAM). Thus, as initial suspicions gradually withered out, the country under the Rawlings-led erstwhile Provisional National Defence Council (PNDC) and the National Democratic Congress’ administrations created and cemented cordial good neighbor relations with surrounding countries (not necessarily the immediate neighbors). These good neighbor relations were taken a step further by the John Agyekum Kufuor administration between 2001 and 2009 as Ghana forged stronger ties with all the immediate neighbors. Thus, the government of the first New Patriotic Party (NPP) administration (the J.A. Kufuor administration) is believed to have adopted a more proactive policy of good neighborliness with Ghana’s immediate neighbors, particularly Togo that had issues with the former Rawlings administration. Except for President Atta Mills’ “dzi wo fie asem” rhetoric, the status quo remained unchanged as far as Ghana’s good neighborliness policy was concerned. It must however be reiterated that Mills’ rhetoric was not that of abandoning or ignoring the plight of a neighbor. Instead, as someone who understood international diplomacy, and the principles of territorial sovereignty, and given the peculiarity of the situation at hand (i.e. calling for international intervention), coupled with his peaceful disposition, one can see his advocacy for the peaceful resolution of the conflict and the respect for the territorial integrity of the country’s neighbor.

It must be noted that prior to the emergence of the COVID-19 pandemic, in the name of good neighborliness, the president of Ghana (Nana Akuffo-Addo) played a critical role in the mediation of political crisis in Togo. The president also ensured that Ghana signed an agreement on plotting all the coordinates that determines Ghana’s maritime border with the Ivory Coast as indicated by the 2017 ruling of the International Tribunal for the Law of the Seas. In the same year, the president attended the investiture services of the presidents of Sierra Leone and Liberia. The country in addition hosted several regional and sub-regional activities including the fifth meeting of the Presidential Task Force on the ECOWAS Single Currency Program. In addition, the country signed the Africa Continental Free Trade Consolidated Text, as well as the Kigali Declaration and the Protocol on Free Movement of People in Africa. Thus, the paper does not intend to overlook Ghana’s role on the international front under the Akufo-Addo administration, instead it takes a pragmatic view of the government’s approach in dealing with the COVID-19 pandemic taking into consideration the principles of good neighborliness and international obligation.

5. Conclusion
It is valid to argue to an extent that in line with contemporary health diplomatic practices, the state of Ghana has an international responsibility to prevent the spread of the disease to other countries, such a responsibility is not diametric to the principle of good neighborliness. On the contrary, the choice between opening borders while still cooperating with other sub-regional actors to contain the disease and the closure of the borders as a mechanism to contain are two different approaches to addressing the pandemic and meeting international obligations.

Over the course of the pandemic, the West African sub-region has had very low infection and death rates. However, while Ghana’s airport has been reopened to international traffic since 1 September 2020 the land borders remained closed. The continuous closure of the land borders means that majority of West African nationals seeking entry to Ghana are denied. This is because many of the cross-border movement within the West African region are informal and take place through the land borders. Thus, if the government of Ghana choses, it may open the land borders with enhanced surveillance and testing at various border posts. It is therefore justified to argue that the closure of the borders undermines Ghana’s long-held traditional policy of good neighborliness.

Been a responsible member of the international community and a member of the UN whose charter promotes good neighborliness implies the acceptance of the “new scale of values into the assessment of
the legal obligations implicit in civilized conduct.” This new scale of values is “no less important than the renunciation of armed force save in the common interest” and promotes the principle of countries “uniting their strength to maintain international peace and security, the reaffirmation of faith in fundamental human rights, and the promotion of social progress and better standards of life in larger freedom.”45 Such tenets call for promotion of cooperation and coordination in dealing with global issues (including a pandemic like the COVID-19). Moreover, as a member of the Non-Aligned Movement (NAM), Ghana is at all times expected to live by tenets of the group’s fundamental principles which includes “good neighbourliness”46 and “positive neutrality.”47

As far as international law is concerned, as a legal principle, good neighborliness produces specific rights and corresponding duties for responsible members of the international community (states) and that the adherence to the principle of good neighborliness in accordance with international law is to be anchored in ideas of equal treatment of states. The principle is indeed one of the most important principles that relates to harmonious interstate relations, though not codified in international law. It is these ideas that are postulated by relations characterized by a “balanced obligation.”48 Consequently, been a responsible member of the international community requires that every country (including Ghana) has a responsibility to cooperate with its neighbors to deal with the COVID-19 pandemic in a more humane manner.

More so, the closure of Ghana’s borders to its neighbors is an affront to the ECOWAS Treaty and related Protocols that seek to promote regional economic and cultural integration, as well as the agenda to promote “freer movement of goods, capital and people and to consolidate states’ efforts to maintain peace, stability, and security.”49 For a country that has since the colonial days championed emancipation, independence, regional, and continental integration50 to be cowed by a pandemic to be pursuing a seemingly nationalistic policy of closing borders and arresting alleged illegal entrants is a bit below the belt of good neighborliness.

Indeed, Ghana is not alone in the border closure approach to the pandemic within the sub-region. It is our view that all countries closing their borders (especially the land borders) should rethink of other options that ensure appropriate cooperation and coordination in dealing with the COVID-19 pandemic as discussed earlier in the paper.

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Notes
1. It is important to note that the introduction of the Imposition of Restrictions Act generated a lot of legal and political questions and controversies in the country. The vote in Parliament on the Act 1012 was done with a voice count in favor (which is deemed questionable for an Act of such nature). See Article 104 (Voting in Parliament) of the 1992 Constitution of Ghana. Questions also exist on the relevance of the Act since the 1992 Constitution of Ghana (Articles 31 and 32) and the Emergency Powers Act 1994 (Act 472) already confers emergency powers on the President in a manner that does not require an “emergency legislation.” See also Maame Efua Addadzi-Koom’s (2020). See also Kwadwo Appiagyei-Atua (2020).
2. See the Ghana Imposition of Restrictions Act, 2020; Imposition of Restrictions (Coronavirus Disease (COVID-19) Pandemic) (No. 5) Instrument, 2020, Executive Instrument 68 of 2020; the Imposition of Restrictions Act, 2020 (Act 1012); the Imposition of Restrictions (Coronavirus Disease (COVID-19) Pandemic) Instrument, 2020 (E.I. 64); the Imposition of Restrictions (Coronavirus Disease (COVID-19) Pandemic) (No.3) Instrument, 2020 (E. 1. 66), etc. See also Article 21(4) (c) & (d) of the 1992 Constitution of Ghana.
3. See Subsection (1) of Section 4 of the Ghana Imposition of Restrictions Act, 2020 (Act 1012).
4. O’Leary (2017), at (p. 272).
5. The president is the preeminent foreign policy initiator of the Republic. He sets the tone and also determines the direction of the country’s foreign policy. As an executive president, all the ministries, departments and agencies that
formulate and implement Ghana’s foreign policy look up to him.
6. O’Leary (2017), at p. 603.
7. O’Leary (2017), p. 594.
8. O’Leary (2017).
9. See Matteo Grilli (2019), “A Historiographical Overview of Nkrumah’s Ideology and Foreign Policy”, Southern Journal for Contemporary History, 4(4), pp. 29–54.
10. Kwame Bafo-Arthur (1999), “Ghana’s Politics of International Economic Relations under the PNDC, 1982-1992”, African Study Monographs, 20(2): 73–98.
11. Tieku and Odoom (2013), See also, Asare and Siaw (2018).
12. Prosper Nii Nortey Addo (2008), “Ghana’s Foreign Policy and Transnational Security Challenges in West Africa”, Journal of Contemporary African Studies, 26 (2), pp. 191–211.
13. See, Thompson (1969), at p. XI.
14. Thompson (1969).
15. Though most discussions on the foreign policies of developing countries are viewed from the receiving end perspective (i.e. developed countries’ policies determining the direction and purpose of a country’s foreign policy), some efforts have been made to move away from that tangent. See for instance, Tieku and Odoom (2013). See also, Asare and Siaw (2018), pp. 199–217.
16. See, Hill (2013). See also, Burchill (2005). Clinton, W. David (1994) “The Two Faces of National Interest”, Louisiana State University Press.
17. See Elite Theory, Britannica, https://www.britannica.com/topic/elite-theory. Accessed 15 February 2021. See also, Talbott (1996), pp. 47–63.
18. Margenthal (1949), pp. 207–212. See also, Margenthal (1948).
19. See, Holtsi (2004).
20. Krasner (1978).
21. The concept of neighborhood cannot be necessarily confined to geographical proximity (especially when questions of international relations are involved). In view of that, “the principles of good-neighbourliness apply also to countries that may be geographically separated by a vast expanse of water” or any physical entity. In effect, “the application of a principle of good-neighbourliness is not restricted to frontier regions” as “the practice extends for beyond border areas.” See, Sucharitkul (1996) (p. 9). See also, Basheska (2014).
22. Article 34(2) of the 1992 Constitution demands that the President reports to Parliament efforts made in achieving the country’s outlined objectives which includes its relations with other states. Article 75(1) stipulates that “the President may execute or cause to be executed treaties, agreements or conventions in the name of Ghana.”
23. See, Hilvov and Batchway (2021).
24. It has been argued by some scholars and practitioners that “Ghana’s foreign policy over-performed under Nkrumah, and it was perhaps unsurprising that Ghana’s influence started waning after his overthrow.” See for instance, Tieku and Odoom (2013, p. 235) and Thompson (1969).
25. Similar utterances are made elsewhere. For instance, during his 10th update to the State, the president indicated that “we are a people with an exceptional history, and we are the proud promoters of the Black Star of Africa.”
26. Address to the Nation by the President of the Republic (Nana Addo Dankwa Akufo-Addo) on Updates to Ghana’s Enhanced Response to the Coronavirus Pandemic, On Sunday, 10 May 2020.
27. See Updates to Ghana’s Enhanced Response to the Coronavirus Pandemic, delivered on Sunday, 16 August 2020.
28. The President outlined a number of measures to accompany the reopening of the airport since the government believes that “the very first cases of COVID-19 in Ghana were imported” and that the government was “determined to make sure this scenario does not recur.” See “Updates to Ghana’s Enhanced Response to the Coronavirus Pandemic, On Sunday, 30 August 2020.” See also Update 18 by the President.
29. These borderlanders trade with and across the neighbouring countries. Some work across borders and needed to commute by land or by sea on daily basis. See also, Ankuwo (2013).
30. See “Address to the Nation by the President of the Republic, Nana Addo Dankwa Akufo-Addo, On Updates to Ghana’s Enhanced Response to the Coronavirus Pandemic, On Sunday, 20 September 2020.” The 18th address by the President makes some utterances.
31. See Updates on Coronavirus Pandemic, Sunday, 19 April 2020.
32. Updates on Coronavirus Pandemic, Sunday, 19 April 2020.
33. Addadzi-Korchyns (2020), p. 325.
34. Though the principle of “good neighbourliness” may lack a generally accepted universal definition, there is a common understanding of what it refers to and what it may not. The Bandung Conference (1955) attempted the first definition of the term. The UN General Assembly (UNGA) has subsequently made several attempts to develop, promote and popularize the idea through several resolutions. See for instance, Resolutions 1236 (XII) (14 December 1957) and 1301 (XIII) (10 December 1958). See also UNGA Res 34/99 (14 December 1979) § 3 and UNGA Res 36/101 (9 December 1981 § 4 and 5), etc. See also UNGA, Declaration on Principles of International law concerning Friendly Relations and Cooperation among States in accordance with the Charter of the United Nations, 24:10.1970, A/8082. And Article 74 of the UN Charter.
35. See, Asare and Siaw (2018). See also, Gebe (2008).
36. For instance, whereas the Banjul Charter in its Preamble calls for efforts to “coordinate and intensify . . . cooperation . . . to achieve a better life for the peoples of Africa and to promote international cooperation”, paragraph two of the Preamble to the Charter of the United Nations partly reads “to practice tolerance and live together in peace with one another as good neighbours, and to unite our strength to maintain international peace and security . . . .”
37. Asare and Siaw (2018), p. 201. See also, Kumah-Abiwu and Ochwa-Echel (2013).
38. Asare and Siaw (2018) have argued that “the Rawlings administration suffered alienation and rifts with Ghana’s neighbours, while the Kufuo administration enjoyed cordial relations with all neighbours.” The rationale according to them lies in the fact that “under Rawlings, Ghana’s neighbour relations were characterised mostly by fear” and that “his policy goals were security and power oriented”—a situation that “affected the extent of success and cordiality in his neighbour relations. Kufuo, on the other hand, was
occupied with the need to seek economic benefit”, p. 204. This paper is of the view that these assertions are true of the PNDC and the earlier days of the NDC and that the situation improved as the country entered into the second administration of the Fourth Republic (1997–2001).

39. Boafo-Arthur (2007).

40. This statement which literally means “mind your own business” was occasioned by questions on Ghana’s response to election-related violence in neighboring Ivory Coast. Thus, Ghana’s president at the time told Ghanaians that his concern was Ghana and that we ought to address our problems as a people and stop poking our noses into other peoples’ businesses.

41. President John Evans Atta Mills was affectionately referred to by most Ghanaians as “Asarombohoene”—literally “Prince of Peace” as he regularly made peace and tolerance a centrepiece of his campaigns and messages.

42. See, AfricaNewsAnalysis (2011). See also Kennedy (2011).

43. All these activities points in the direction of the country’s good neighbour policy prior to COVID-19. See the Report of the Committee on Foreign Affairs on the 2019 Budget Estimates of the Ministry of Foreign Affairs and Regional Integration (December, 2018).

44. Bankole et al. (2020).

45. See, Jenkins (1967), pp. 1–9.

46. See Part G of the Bandung Joint Communiqué (Bandung Declaration): Declaration on the Promotion of World Peace and Cooperation.

47. The idea of positive neutrality, according to Ghana’s former president (John Mahama) remains the country’s “focus with emphasis on economic diplomacy” that hinged on the country’s “national interest” and foreign policy that aimed at “deliver-[ing] good neighbourliness ….” The former president also described refugees as “welcome guests” in Ghana. He equally indicated in his address to the country’s Parliament and the international community that “Ghana will uphold all its commitments to the UN, the AU, the Commonwealth, ECOWAS and other international organisations to which we belong.” See “State of the Nation Address”, 21 February 2013.

48. Botchway (2019). See also, Hovor (2019), and Botchway, T.P. and Hovor, J.K. (2019).

49. See the ECOWAS Treaty of 1975 and the revised and updated treaty of 1993. The Revised 1993 Treaty of ECOWAS reconfined through Article 59, the right of community citizens to enter, reside and establish in member states and enjoined member states to adopt all appropriate measures to implement and ensure such right. See also the 1979 Protocol A/P.1/5/79 relating to Free Movement of Persons, Residence and Establishment.

50. See, Friedrich-Ebert-Stiftung, Ghana (2009).

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