

Working the Border in Ghana
Technologies of Sovereignty and its Others
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NOVEMBER 2003, PAPER NUMBER 16

The Occasional Papers of the School of Social Science are versions of talks given at the School's weekly Thursday Seminar. At these seminars, Members present work-in-progress and then take questions. There is often lively conversation and debate, some of which will be included with the papers. We have chosen papers we thought would be of interest to a broad audience. Our aim is to capture some part of the cross-disciplinary conversations that are the mark of the School's programs. While members are drawn from specific disciplines of the social sciences—anthropology, economics, sociology and political science—as well as history, philosophy, literature and law, the School encourages new approaches that arise from exposure to different forms of interpretation. The papers in this series differ widely in their topics, methods, and disciplines. Yet they concur in a broadly humanistic attempt to understand how—and under what conditions—the concepts that order experience in different cultures and societies are produced, and how they change.

In 2002-03, when Brenda Chalfin was a Member, the year's theme focused on corruption and its (increasingly absent) opposites: civic virtue, public responsibility, and bureaucratic rationality. She is currently an Assistant Professor of Anthropology and African Studies at the University of Florida. She is preparing a book drawn from her research on what she calls "Customs regimes"; this paper is taken from the early stages of her manuscript. The book will explore the transformations of sovereignty in post-colonial states as government agents and private citizens grapple with the myriad imperatives and opportunities of globalization and neo-liberal reform.

Dr. Chalfin is the author of *Shea Butter Republic: State Power, Global Markets and the Making of an Indigenous Commodity* (forthcoming from Routledge in 2004) and articles published in the *Journal of Modern African Studies* and *Development and Change*. Exploratory research for this paper was funded in part by a grant from the National Science Foundation. Chalfin's work draws on an interdisciplinary mix of anthropology and political economy to understand, and to frame, the character of state and commercial reform in West Africa.

Working the Border in Ghana: Technologies of Sovereignty and its Others

The research I am going to share with you today is part of a larger project I carried out in 2000 & 2001 focused on Ghanaian Customs Officers. I based my fieldwork in a range of border zones. These included land frontiers, the harbor, airport, and the virtual space of electronic networks used by the customs service.

Marking the territorial sovereignty of the nation-state, borders are classic sites from which to comprehend the extent and limits of state power (Donnan and Wilson 1999; Sahlin 1989). Yet, rather than treating the authority of the state and its agents as already fully constituted—somehow suspended above society—I argue that it is necessary to look closely at the processes through which state power is produced, enabled, and established at the border.¹

As the editors of the recent book, *States of Imagination*, remind us: “The state not only strives to be a state for its citizen/subjects, it also strives to be a state for itself” (Hansen and Stepputat 2001: 6). To capture these dynamics, I approach the state as a set of practices and effects, in the words of Ahkil Gupta, “every bit as local in their materiality and social situatedness as any other.” (Ferguson and Gupta 2002: 992)

I explore these concerns as a way to engage a broader conversation about the changing character of state sovereignty in the wake of globalization and most importantly, to complicate prevailing arguments that sovereignty is being undermined by rise of supranational and non-state institutions and imperatives (Appadurai 1996, Basch et al. 1994, Rosenau 1993). My work is very much informed by insights of scholars such as Saskia Sassen, John Ruggie and Aihwa Ong who seek to identify the regulatory and spatial forms of a global modernity and yet take seriously the persistent—albeit changing—role of the state in this equation.

Among the many markers of state sovereignty, I am interested in the exclusivity of state control over territorial boundaries (McLean 1996: 464; Miller 1987: 492), what scholars of international relations term “interdependence sovereignty,” that is, “the capacity of a state to regulate movement across its borders” (Krasner 1999:4). The control of borders, more than representing the spatial integrity of the nation-state, is considered by some as a marker and arbiter of state sovereignty overall. Voicing a widely held belief regarding the priority of territorial control in the making of the modern nation-state, Steven Krasner suggests: “If a state cannot regulate what passes across its boundaries, it will not be able to control what happens within them” (1999:13).

In Ghana, control of this strategic juncture lies with the Customs Service.² Charged with policing the nation’s borders and regulating the movement of people and goods in and out of the country, Customs is the most powerful ‘front-line’ agency. Regularly generating close to 70% of national revenue, Customs is deeply significant to the territorial integrity of the Ghanaian state as well as its fiscal security (Ceps 2003).³ The critical role played by the Ghanaian Customs Service in revenue collection is in contrast to highly industrialized states such as the US, Canada and EU members where customs work is primarily about arresting the flow of restricted and prohibited items such as drugs and firearms and much less about taxation. However, the tremendous dependence of the state on customs revenue is common



ILLUSTRATION 1



ILLUSTRATION 2

throughout the nations of Africa, as is true in less developed countries elsewhere in the world (World Customs Organization 2003). My research on the Ghana Customs Service focuses on Tema Harbor, Ghana's main port of entry located twenty kilometers to the east of the nation's capital, Accra. (See Illustrations 1 & 2)

Within Africa, Ghana is considered a model student of neo-liberal reform. Eroding the import substitution industries and aspirations of an earlier era—a product of a by now faded socialist vision pursued by Kwame Nkrumah in the 1950s and 1960s—today the Ghanaian economy is thoroughly imbued with the ethos of privatization and export-led development (Aryeetey and Harrigan 2000). Sustaining this process of liberalization is Ghana's long-standing participation in the World Bank and International Monetary Fund sponsored structural adjustment program, a move initiated in the mid-1980s by Head of State Jerry John Rawlings as he sought to contend with the combined effects of a domestic agricultural crisis and an international debt-crisis (Rothchild 1991). Given the obligations of external market engagement mandated by international lenders, Ghana is now highly dependent on overseas trading partners for basic manufactures and staple goods. Due to these conditions and commitments, in Ghana an ever-rising volume of goods moves across the nation's maritime frontiers.⁴ Primarily taking the form of containerized freight, at a rate of over 300,000 container loads or 6 million metric tons annually, this expansive commercial circuitry makes Ghana an economic hub for the West African sub-region.⁵

Global Commerce and the Multi-nationalization of Customs

Customs officers are intimately involved in the management of these flows. In Ghana, the promotion and rise in maritime traffic is part of a broader "Gateway" initiative date put in place by the government in 1995 in order to attract foreign investment, 'rationalize' commerce and better integrate the nation into the global economy. This has entailed the substantial restructuring of Customs work. Key to this restructuring was the handing over in 2000 of key aspects of Customs operations to a Swiss based multi-national, COTECNA, with expertise in international trade and security (COTECNA 2002a).

The outsourcing of essential government functions to foreign firms or adoption of regulatory norms devised by bodies outside the state is consistent with a growing trend world-wide. Specifically, the privatization of customs is relatively widespread: COTECNA is involved in customs administration in fourteen different countries in Africa and South America (COTECNA 2002b);⁶ its Japanese partner, OMIC International, operates in fourteen Asian nations. The COTECNA-OMIC Partnership is one among a host of firms performing similar work for governments around the world. The Swiss company, SGS, has carried out customs work in Mozambique, the Philippines and Indonesia ("Clean-up at last," 1997; "Lost in the Forest," 1991).⁷ Likewise, the British firm Crown Agents is charged with managing the customs service of both Mozambique and Angola (Crown Agents 2003).

Although the operations of these firms in other countries may be both more and less extensive and exclusive than they are in Ghana, taken together, they nevertheless represent a similar process of multinationalization of essential state services. This sort of arrangement is not to be confused with the sale of state-owned enterprises such as factories to international commercial interests, or the privatization of those services that are necessary to the logistical operations of state, such as record keeping or garbage collection. Rather, it involves the transfer and transformation of those state capacities which are fundamental to the very existence of the state as a sovereign entity dependent on a monopoly of the legitimate use of force, centralized rule making and enforcement (bureaucracy), and exclusive

Heimann Cargo Vision - HCV

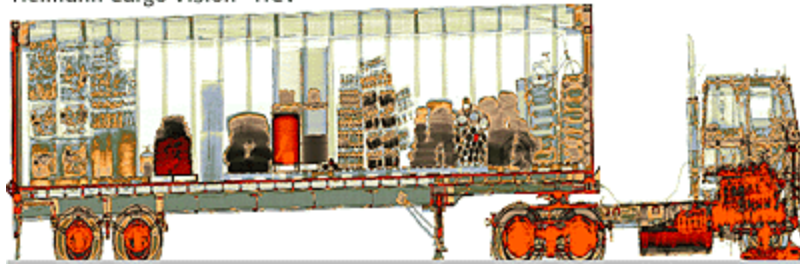


ILLUSTRATION 3

territorial control. In this way, the restructuring of customs is akin to the increasingly common practice of states' contracting private security services through firms such as Executive Outcomes (Reno 1998).⁸

What seems particularly significant about the Ghanaian case is the way the multinationalization of Customs operations simultaneously compromises and shores up state power. This is a situation where the state is abrogating its exclusive territorial control—to a foreign body, no less—in order to strengthen its capacity to regulate and to oversee that territory. As in other instances of globalization (as when central banks implement externally devised regulations regarding capital markets (Sassen 1996: 42) or when trade ministries institute the commercial policies of other states, such as the United States new Container Security Initiative (US Customs 2003a, b), this may be considered a separation of state's rule-making and rule-enforcing capacities.⁹ Yet, unlike those other arrangements, here the state is not solely relegated to an enforcement role, surrendering its rule-making authority to others. Instead, the state continues to make many of the rules, both *de jure* and *de facto*, ceding aspects of enforcement to others.

Similar to both types of change, however, is the fact that the image of supreme power projected by the state projects masks the partial, or compromised, role it plays in the very constitution and reproduction of that supremacy. Indeed, from this perspective, the recasting of sovereignty from without overlaps with a parallel ideological project of building national legitimacy from within.¹⁰ The complex character of this sort of arrangement will become apparent if we consider the actual practices of the Ghana Customs Service.

Surveillance and Spectacle

In most countries the involvement of private firms in customs operations is tied to the transfer of customs work off-shore through arrangements known as Pre-Shipment Inspection, known in the world of customs and trade logistics as PSI. This is a system, as the name implies, where cargo is inspected and certified at the point of exportation. In contrast, in 2000 Ghana overturned a Pre-shipment Inspection system in place since the mid-1970s to institute a process of Destination Inspection (DI) through an agreement brokered by the Ministry of Trade.¹¹ Destination Inspection, importantly, concentrates the performance of inspections—including the operations of private firms—within Ghanaian territory.

Among the most dramatic signs of this new inspection regime was the construction of a giant X-Ray scanner at Tema Harbor.¹² Purchased by COTECNA for some several million dollars from Heimann, a German firm, the scanner was a show-piece of the Destination Inspection system and officially run by COTECNA's domestic subsidiary, Gateway Services Limited (GSL). GSL is a consortium in which COTECNA holds a 70% share, the Customs Service holds a 10%, the Ports and Harbors Authority, 5% and a Ghana-based private business, the remaining 15%.¹³ The GSL scanner is designed to produce detailed images of the contents of fully-loaded cargo containers. (See Illustrations 3) Bypassing the time-consuming process of physically examining goods—a job requiring the intense involvement of customs officers—with this new surveillance technology in place, trucks can now simply drive through the scanning site and exit the port.

Putting Ghana on the 'map,' so to speak, by providing a highly desired and accredited service unavailable elsewhere in the entire West African sub-region, the scanner contributed to Ghana's global re-positioning. The only one of its kind in Africa, and one of less than a dozen world-wide, the scanner established Ghana as a new global stopping place. After only six months in operation, governmental delegations from around the world had made their



ILLUSTRATION 4



ILLUSTRATION 5

way to Tema to inspect the scanner (“X-Ray Scanner Attracts,” 2001). Ghana’s scanner was show-cased in Heimman’s promotion of its ‘relocatable’ technology in an image found directly from the company’s website—one telling sign of the country’s new international profile.

On the face of it, the transition from one inspection regime to another (PSI to DI) appeared smooth enough. The installation of the scanner in December 2000 was marked by an elaborate commissioning ceremony. (See Illustration 4) Celebrating the power of both the Ghanaian government and the private consortia behind the scanner, the commissioning contained all the trappings of a classic rite of political incorporation (Geertz 1983). In addition to speeches and opening and closing prayers, there was perambulation. Guests were invited to witness the first truck to drive through the scanning device and to walk through the scanning unit en masse, to read the commemorative plaque (soon to be a radio-active holy grail), and afterwards partake in lavish refreshment. Dignitaries of all stripes attended the by-invitation-only event. There were high ranking officials from the Ministries of Trade and Finance, the Customs Service and the Ports and Harbors Authority. Also present were GSL and COTECNA executives, along with members of traditional and municipal authorities, representatives of international shipping lines, Ghana’s Shippers Council, journalists and diplomats. Ghana’s outgoing Head of State, Jerry Rawlings, was slated to lead the program as Guest of Honor.

Against the back drop of cargo containers, guests to the scanning site were welcomed by the police department’s marching band and regaled by “professional libation pourers” from the Ga House of Chiefs who were invited to consecrate the scanning site. Representing an autochthonous force as well as a spiritual authority, their presence signaled the local recognition of the scanner and its emplacement within the landscape of the surrounding Ga District. This was accompanied by a spatial reorientation of the port itself, routing traffic to the new official exit point besides the scanner and a way from a long-used central gate on the other side of the harbor.¹⁴

The commissioning rites also effected a second and perhaps more important process of incorporation. Symbolically melding the state and the inspection firm by making visible what was already contractual, the ceremony dramatized the national government’s reclamation of customs operations through the proxy of the private company. Between speeches by the Port Director and Minister for Trade, the chairman of COTECNA, having traveled to Ghana from Switzerland for the express purpose of attending the scanner’s commissioning, shared his remarks on the new inspection system. As a symptom of the extension of power from the state to multinational capital, the significance of the COTECNA chair’s presence was all the more pronounced by the President’s failure to show, caught up as he was in the fury of last-minute campaigning for the impending election. Indeed, it was the COTECNA chairman who was given the honor of walking under the shelter of umbrella, an honor typically reserved for highest ranking official.¹⁵ (See Illustration 5)

This spectacle, and the new sort of international alliance it sought to embody, was equally significant for what it did not allow to be seen or heard. Other than the Minister of Trade’s reference to Customs’ “image problem,” conspicuously absent from the ceremony was the representation of the Customs Service itself. Certainly, the Commissioner of Customs was in attendance, as was his public relations officer, the official Customs photographer, and a few other officers. Yet, despite the fact that the scanner was being used for Customs work and Customs was major shareholder in GSL, no one from the Customs service, not even the Customs Commissioner was invited to make any formal remarks. While drawing attention to processes of localization and multi-nationalization, the



ceremony seamlessly glossed over a simmering rift between the rank and file of the Customs bureaucracy and high-ranking officials within the national government.

Technologies of Surveillance: Old and New

For all the wishes, and lapses, gaining symbolic form in the course of the scanner's inauguration, the ceremonial surrounding this event nevertheless put in motion a much more dramatic set of realignments whose political scope and dynamics could not be so easily orchestrated or contained.

The shift in inspection processes brought about by the new customs regime lay bare the inherent tensions of customs work—tensions not just between the national and the global, but between sovereign rulers and petty bureaucrats within the nation and about the very substance of state power. Taking the scanner as their object, the contests and collaborations among these various parties in Ghana centered on the visibility of power: both how power itself is made visible (or not) and how power makes visible knowledge about persons and things. If we compare the inspection techniques practiced by Customs prior to the installation of the scanner with the operations of the scanner itself, it becomes apparent that the two ways of “seeing” exemplified by each were bound up with particular forms of authority.

In Ghana, prior to the arrival of the scanner, a good deal of customs work involved the physical examination of goods. At the harbor, this required unpacking all cargo shipments. (See Illustration 6) A spectacle of sorts, examination was to be carried out in the presence of Port Authority's locksmith and security force, the importer's clearing agent, and often the importer, with the help of any number of casual laborers. After unloading, a team of customs officers would count the boxes and parcels in a shipment, opening a selection of them to verify their contents, quite often taking or requesting a sample. A laborious process, this was typically performed out of doors in the harbor's container yard or else in a huge shed. A form of knowledge based on “sensual proximity” (Foucault 1978: 216), it provided customs officers and those who witnessed and worked with them a direct experience of the goods coming into the country. With a convention of 100% examination, this meant customs officers came into contact with every ream of paper, second hand bike and TV, bale of used clothes, bag of flour, and more, imported into the country. Here, objects were given a public and material presence and state power, personified. (See Illustrations 7 & 8)

The scanner operated according to a very different logic. Where physical examination is palpable and public, scanning is a much more private and removed. It provides a form of knowledge based on enclosure rather than exposure. A cargo container is loaded onto a truck and driven through the X-Ray apparatus. An image operator in an adjoining office is the sole individual to view the contents via a computerized image. (See Illustration 11) While the physical inspection may take several hours, the scanner provides nearly instantaneous knowledge. Despite the overwhelming presence and unmistakable force of the scanning technology, from the perspective of Customs Officers the source of its power is nevertheless diffuse and difficult to locate due to its remote and depersonalized character. At the same time, the scope of the knowledge produced by the scanner is considered deeper and more intensive because of an X-ray technology that automatically distinguishes the material composition and internal arrangement of the goods scanner, .

Once installed at the port, the scanner did not replace physical examination entirely, but it did overwhelm it. Uniform consignments of cargo, making up the bulk of exports, were sent to the scanner rather than to the container yard for examination. When physical examination was used, it was reserved for personal effects and mixed consignments favored

by small scale merchants. Other than that, in the new inspection regime, physical examination was reduced to an occasional form of surveillance called upon in response to computer generated requests for random inspection or at the request of scanner personnel—further distancing customs officers from control over it.

Visions and Revisions of State Power

Signaling a debate about, and a recognition of, the changing character of state control over the border, the investment of customs officers and GSL representatives in these distinct forms of inspection—and the systems of power allied with them—was evident in the competing views of the scanner they put forth.

On the most fundamental level, these debates and disagreements centered on what the scanner could in fact visualize. According to GSL's general manager, the scanner's vision was total. He asserted that the "scanner could monitor on-screen every item in a container without necessarily opening it." ("Kenyan Delegation," 2001) Press releases emphasized the scanner's ability not only to discern the different materials in a cargo load, but also the exact quantities—and sometimes weights—of even the smallest and most unusually shaped goods. As reported in a front page story in Ghana's leading newspaper, according to GSL:

[T]he importer declared that his container was carrying 12,000 dozens cartons of toothbrush, when the container was scanned, it was detected that it held three times more than declared; 36,000 dozens. In another instance, the importer's declaration said he was bringing in 400 cartons each containing 10 water heaters(. . .)instead of the 10 water heaters in each carton, there were no less than 100. In another example, the importer declared that he was bringing 4800 cartons of paint thinner, each containing 4 tins. The scanner, however, detected 6420 cartons, 15 toys, 100 kilograms of used clothes and 700 cartons of masking tape ("X-Ray Scanner Detects," 2001)

Significantly, GSL presented these revelations in terms of the thousands of dollars in 'savings' they provided for Ghana and Ghanaians. By pointing to 'savings' rather than the actual 'earnings' the scanner's discovery of taxable goods made possible, GSL deflected attention away from the substantial gains the company itself made from the new inspection regime, to the tune of 1% of value of all cargo cleared.

Customs officers did not hesitate to question the legitimacy and legality of GSL's mandate ("Ceps pays," 2001; "Review GSL," 2001). Included in their critique was the widespread complaint that the new inspection regime had been foisted upon them suddenly from above, with little warning or explanation. Customs officers' grievances about the scanner were as much directed against GSL itself as against the top ranking government ministers, including Customs official overseers in the Ministry of Finance and its unofficial guardians in the Ministry of Trade who struck up the deal with COTECNA in the first place.

Directly challenging GSL's self-presentation, Customs officers considered the images produced by the scanner both partial and insignificant to the true work of their agency. As one officer commented: "The type of scanner we have isn't appropriate. It is only an image scanner. It doesn't give quantity, enclosure, description, or quality of cargo. Therefore, the information essential for customs valuation is not available."¹⁶ Another officer, echoing his colleague, argued that the scanner's inability to discern the true nature of the items being brought into Ghana, allowed "shoddy goods to be brought into the country" and "caused the

loss of state revenue.”¹⁷ With remarks such as these, Customs officers sought to reestablish the necessity of older practices of physical examination and the priority of revenue generation over trade facilitation within custom’s mandate.

Embedded in the discussion of what the scanner could and could not see was a concern with who exactly fell within the scanner’s optic. GSL’s revelation of ‘all’ the scanner could see was posed against a public image of Customs officers as corrupt, habitually obscuring the truth and hiding their gains and operations. GSL in the meantime, sought to endow the scanner with a ‘moral vision’ and presented its imaging capacities as a means to uncover the misdoings of both importers and customs officers, thereby actualizing a wider project of social reform. In one newspaper, a source from GSL was quoted to say: “dishonest importers were learning quickly that the super modern X-Ray scanner would pick up misdeclarations very easily. Honest importers are now able to enjoy the much greater facilitation of trade which destination inspection brings.” (“Ghana saves,” 2001) Employing the same sort of moralizing rhetoric embedded in a widespread neo-liberal tendency to pose ‘transparency’ as a prerequisite of political and economic ‘development,’¹⁸ from this perspective the spoils of globalization could be won only by those who policed themselves.

Not only traders but the Customs Service too found itself subject to this sort surveillance. GSL touted the benefits of Destination Inspection by explaining how well it worked to “curtail the discretionary powers of some customs officers.” (Yeboah 2001) This targeting did not escape members of the Customs Service. Voicing a wider-concern regarding the overwhelming power of the scanner, one Customs official remarked, “GSL [employees] have protective vests; customs do not. The x-rays of mobile scanner reach the road and the larger one is more powerful, yet there are no safety measures in place.”¹⁹ Although an obvious comment on workplace hazards, this remark equally reflected customs officers’ sense that the power of both GSL and the scanner were uncontained and misdirected. In posing an actual physical threat, the scanner stood for a more abstract and encompassing revelatory power, in the face of which customs officers had few defenses.

Negotiating Alternative Sovereignties

Eminently concerned with the terms of movement across the border and within national space, the competing perspectives about the scanner voiced by Customs officers and GSL indexed and enforced a transposition of sovereignty. Both strengthening and undermining the supremacy of the state, even as the border remained a site for enforcement of the state’s territorial control, this sovereignty had a different genesis and a different configuration than in the past. Facilitated by and reinforcing the consolidation of state power, the new inspection agreement enabled an idea of a strong state to reassert itself. This was an idea of a state that could make and break rules and contracts, a state that could summon international entities to serve its interests, a state that could attract resources away from other states. Such an aura of sovereign renewal—territorial and otherwise—comes at the cost of less exclusive control, given the intervention of a foreign body on which it depends. And as the conditions of the scanner’s use and inauguration make clear, such an image of authority belies a deeper process of contestation, not consensus.

Rendering the sovereign (taken here to mean the ultimate reaches of state authority) more remote and more powerful, in many ways this shift drew its force from the uncertainties unleashed by the construction and utilization of the scanner. Of the state but no longer exclusively controlled or constituted by it, the exact configuration of the scanner’s sponsorship (private or public, national or multinational?) was not well-understood by customs

officers or the public. Equally, the uncertainty about the scanner's vision—how it was produced and deciphered, and what exactly it saw—made the scanner's power harder to locate and therefore, more potent. All of this made customs officers less a source than a subject of state authority, as their control over physical examination was reduced to an adjunct of the scanning process.

From the Margins of Bureaucracy to the Bureaucracy of the Margins

There were, however, other shifts in customs operations, also brought about by global initiatives, that provided new possibilities and new spaces for the participation of customs officers. They, in turn, incited other sorts of political *cum* territorial realignments.

Most important was the posting of a select corps of Customs officers to the headquarters of GSL, in central Accra. Technically, these individuals were still considered Customs officials, yet they were employed and paid by GSL and it was their job to work in tandem with the private employees of COTECNA's dozens of international affiliates around the world via computer networks. Although Customs officers in both managerial and non-managerial positions made up only 15% of GSL two-hundred plus employees, their key role in assessing duties and monitoring the inspection process gave them an importance to GSL operations far greater than their actual numbers imply (GSL 2000).²⁰

The positioning of Customs officers within GSL went hand in hand with the adoption of a new mode of Customs valuation to which the skills of Customs officers were crucial. Mandated by the World Trade Organization as a condition of membership, this new system is known as "transaction valuation." What does the arcane term "transaction valuation" imply? Classification and Valuation are the *sine qua non* of customs work. Before duties can be applied to goods coming into a country, customs officers have to know what they are—i.e. how to classify them—as well as their worth or value, since different types of goods attract different duties and duties are computed on the basis of value. The first task of classification is resolved through the use harmonized commodity codes established by the Brussels Declaration.²¹ For the determination of value, Ghana for many years used a system known as "Commissioner's Value." In this case, the Commissioner of Customs established a list of values to be applied to goods coming into the country. This was supposed to be based on market research, but more often was a matter of decree. All wax prints coming into the country would be given a uniform and fixed value, as would all women's shoes, building materials, etc. With the WTO system of "transaction valuation," Commissioner's Values were nullified; every commodity coming into Ghana is now to be valued based on the price paid by the importer, replacing a state-controlled valuation system with a market-based determination.

Destabilizing established practice, the new determination of value required a substantial reorientation of customs procedures. If visibility—whether through manual inspection or mediated by the scanner—was the defining logic of classification, documentation as a mode of truth production lay at the heart of the new valuation system.²² This procedural shift and the complications surrounding it centered on the generation and interpretation of new sorts of documentary evidence, paper-based and digitized: records from importers and exporters indicating when goods were purchased, their exact description, the price and terms at which they were purchased, and the identity of the purchaser.

As the centerpiece of the WTO valuation scheme, these documents were supposed to be compiled by Customs and COTECNA to form a "transaction price database" containing records of hundreds of thousands of transactions.²³ This computerized bank of documentary

evidence would be used by both customs officers and COTECNA employees around the world to assess the validity of the information presented by importers to GSL. Ideally, for each transaction presented by an importer, the TPD would provide comparable data on all other transactions made by that same importer, as well as information on all other transactions of the same and similar goods, and on all transactions by the same exporter and manufacturer. In this way, the database would allow GSL and COTECNA to assess the credibility of the figures provided by businesspeople, all the while entraining them to engage in accurate reportage. As with the scanner, physical examination could be avoided, costs cut, and commerce accelerated.

In practice, the use of the TPD was far from straightforward. Rather than providing definitive assessments, GSL representatives and their COTECNA affiliates used the database alongside an array of “valuation methods” authorized by the WTO. This effectively unhinged a commodity’s assessed value from its actual transaction. The WTO, for example, lays out a series of valuation methods to be used in sequence. The first method is simply to “agree with importers declared value.” If unacceptable, the next method is to remain consistent with “importers own previous transaction value.” If all else fails, “non-transactional evidence” may be used. As a result, the ‘transaction value,’ departing as it now does from any definitive notion of value or proof of worth, came to be determined by interactions among GSL and COTECNA officers; this value was determined in both specific and general terms, but always to a degree displaced from the goods at hand and their ‘actual’ transaction. For Customs purposes, the determination of value became located not so much in the process of authentication (whether of goods or documents), but in the practices of verification.

Seeking to make sense of the uncertainties of verification, Customs officers stationed at GSL and employees of COTECNA around the world were constantly engaged in discussions about the nature and locus of value. Played out over and over again in the most mundane of interchanges, these exchanges nevertheless took on epistemological proportions. This is evident in a series of emails showed to me by a customs officer at GSL between himself and employee of a COTECNA affiliate in Miami about whether list prices could be accepted as transaction values. In the words of the customs officer, “list prices are prices indexes; they give a range and are therefore not transaction specific. According to WTO valuation standards, pricing should be based on transaction.”²⁴ In an email, he wrote: “I’m not saying that listed prices are unhelpful, what I am saying is that they are not transaction prices to the country of importation. It is important to allow for some sensitivity to importers problems.”²⁵ The Miami affiliate, in response, argued that “list prices are computed from captured transactions.” Moreover, according to him, “It may not be possible for us to have actual transactions on real values unless we come across good exporters and importers who honestly go against the normal way of trade in developing countries and bestow us with the real and actual transactional invoices.”²⁶

The Customs officer readily admitted the impossibility of capturing actual transactions in the face of what he described to me as “increasing commoditization world-wide, where markets were characterized by extreme volatility, advance contracts and futures speculation.”²⁷ At the same time, he was indeed employing a logic that derived its authority and credibility from a sense of place: he sought a determination of value which captured, at least to some degree, in his words, “the specific conditions faced by the Ghanaian importer.”²⁸

Paradoxically, at the same time that GSL’s international partners found security in the virtuality of the market and dismissed the possibility and relevance of locating ‘actual’ transactions, they still relied on their Ghanaian partners to provide them with documentary

'truths.' This too attributed greater capacity and insight to a place specific sensibility. Indeed, the GSL office was made the depository of all documentary material required by the Destination Inspection regime. Not only were the Customs officers at GSL supposed to collect this documentation, it was their responsibility to verify it—an expectation that imputed a higher power of discernment to those GSL representatives who were considered 'locally' situated compared to those only virtually positioned within COTECNA's global network. Because of this, the inspection of documentary evidence became the crux of Customs work at GSL.

Reliance on documentary evidence proved highly problematic. Going hand in hand with the increasing call for documents and the renewed effort to check their credibility through the database was the presentation and production of false documents. As one officer put it, "fraudulent documents are big gray area. The framers of WTO did not consider problem of genuine documents and honest declaration."²⁹ This was followed a few months later by the public pronouncement from a customs officer that "it is an open secret that between 90-95% of all invoices presented by traders are either fake or fictitious, resulting in GSL issuing low values without challenge from Customs."³⁰ No doubt, this was a project in which Customs officers played a hand. Even during working hours at GSL it was not usual for an officer to take a 'break' to meet with a clearing agent to help them organize their documents. Officers frequently received telephone calls from importers and agents asking for advice, so much was this a problem that cell-phones were banned in the work place and from time to time both non-customs GSL employees and Customs officers were fired from their posts.

These actions reveal much about the complexities and contradictions of Customs Officers own repositioning at GSL. Within GSL, customs officers, as 'private employees' of a sort, were removed from the usual authority structure of the Customs Service and little subject to state oversight. Now operating within a global network, from the point of view of Customs officers, the authority of the state appeared not so absolute, or at least open to negotiation. And value itself, according to official and venerable sources of COTECNA and the WTO, was supremely flexible. Indeed, officers easily equated what they called "the more fluid world of trade" that they experienced at GSL with what they described as a "shared working environment where everyone is open to one another."³¹ With value and authority in such flux, colluding with traders seems not a departure from but a replication of the mores of the market and the workplace. At the same time, by contravening the official mandates of GSL, customs officers may well have been reasserting their separate status and autonomous authority as state agents. As my friends at GSL did not hesitate to remind me time and again, "Loyalty to mother Ghana should be the core consideration of work at GSL."³²

Conclusion: Borders, States and the Production of Sovereignty

What bearing does this all have on the character of Ghanaian sovereignty? How do the micro-tactics of inspection and valuation help to constitute the state's ultimate control over movement in and through national territory and the very notion of the nation as a singular and governable space?

An analytical frame implied but not well explored by Aihwa Ong in her book *Flexible Citizenship* may be helpful here. Ong speaks of a system of "graduated sovereignty" (1999: 215) emerging in Southeast Asia where different spaces and categories of citizen are subject to different constellations of state power, depending on their significance to the global

economy.³³ Taking a step back from the type of outcomes Ong describes to hone-in on their enablement, the Ghanaian case draws attention to how the variegated sovereignties of the state and its agents come into being.

What I mean to argue here is that with regard to Customs operations, Destination Inspection and the WTO guidelines, more than simply altering the manifestation of state sovereignty, reformed the very capacity of the state to express itself as such. Incomplete as they may be, within these new Customs regime, we see shifts in the source of sovereign power from national to multinational resources, a shift in its mechanics (with regard to both inspection and valuation) from person-based to data-based and digitally mediated, as well as a shift in its location within the state from the purview of bureaucrats and into the purview of government ministers and foreign executives.

But what does this imply for the specific character of territorial sovereignty in Ghana? At the border represented by the harbor, Destination Inspection helped to amplify the image of the state's sovereign power, all the while undermining customs officers' capacities to assert their own authority. What's more, the operation of the scanner as a generic mode of border control, rising above the personalized and embodied power of individual Customs officers to screen all that passed with a consistent and uncompromising lens, contributed to Ghana's growing international recognition as an exemplary form.

Yet before we except this singular reading of territorial and sovereign endowment, it is worthwhile to heed Peter Andreas's insight about on the US-Mexico border, expressed in his book *Border Games* (2000): the power of the border is fundamentally performative. For Andreas, the dramatization and escalation of power in the border zone, despite its ideological force, is always a subterfuge of sorts, distracting attention from equally profound but less easily resolved political processes and concerns.

At the same time we see Ghana's official sovereignty enhanced (via better border surveillance, more centralized administration and increased international acceptability), the implementation of WTO transaction valuation gave new form to Ghana's sovereignty in another way. Within the offices of GSL, the virtual spaces of computer correspondence and networking, and the muffled notes of cell-phone conversations, there seems to be a new sort of bureaucratic sovereignty emerging. Indeed, if the scanner marginalized Customs officers at the harbor by pushing them down in the chain of command, in many ways the official and unofficial opportunities at GSL put a select group of Customs officers at the boundary between the state and global, endowing them with an unprecedented authority. Working at once for the government of Ghana and a private firm, representing Ghana and a multinational network, these officers sought to meld WTO norms of circulation with their own notions of location in the reckoning of value, restoring a sense of place to exchange in a manner that specifically invoked an ideal of national territory. Likewise, in their rendering of documents, Ghanaian Customs officers claimed a space for themselves in a form of invisible trade unanticipated by WTO or Ghana's ministers of state.

This sort of bureaucratic influence, extending as it does to ideas of 'place' on which it is founded, was equally constituted by the corporate structure of the GSL/COTECNA alliance. The GSL/COTECNA valorization of place should not be considered an innocent reclamation of an older logic of localization or a promotion of some sort of Ghanaian self-determination. Rather, GSL's reliance on Ghanaian document management may well be considered an extension of the logic of multi-nationalization, justifying the 'in-sourcing' to Customs officers of the very jobs the state officially 'outsourced' to COTECNA. This form of management may then amount to the production and preservation of place-based authority—call it sovereignty, if you like—as a form of value functional to capital.

But whose sovereignty is it? Although it invokes territory as a source of authority, the expression of such a sense of national space is unabashedly enabled by the transnational environment and instituted by a small corps of mid-level bureaucrats who operate at the periphery of the state hierarchy. In this way it can little promote or sustain an image of the state as a supreme or all-encompassing power. Is this then a transnational sovereignty? A sovereignty that only minimally speaks for or through the state? Or is it a sovereignty that is consistently but not exclusively grounded in place? Is this sovereignty at all?

These dynamics are certainly difficult to tease apart. But what we can identify in the case of Ghana's Customs reforms, is an emerging modality of "transnational governance" (to borrow a phrase from Ferguson and Gupta 2002: 996), that occupies and reproduces the old spaces of the state as a cover for new initiatives within the state and outside of it, and where each thrives on the borrowed authority of the other.

ENDNOTES

- 1 Josiah Heyman's (1995) work on INS agents sets a precedent for this agent-centered approach to the study of state authority at the border.
- 2 Indicating its multiple functions, the official name of this body is Customs, Excise and Preventive Service, commonly referred to as CEPS.
- 3 Interview with Nii Okine Adjei, Commissioner of Customs, CEPS headquarters, Accra, Sept. 2000.
- 4 James Surowieki (2000), the *New Yorker* magazine's financial columnist, makes a more general point about the under-recognized centrality of containerized shipping to the global economy.
- 5 Ghana's Minister of Trade, in a 5 December 2000 speech at the commissioning of the GSL Scanner in Tema, noted that the volume of maritime cargo clearance in Ghana grew from 80,000 TEU (20' cargo containers) in 1991 to 250,000 TEU in 1999. Statistics provided by the Ghana Shippers Council record the growth of maritime trade from 4,915,493 metric tons in 1996 to 6,237,202 metric tons in 1999. (Ghana Shippers Council 2003) Part of this growth may be attributed to Ghana's increasing importance as a maritime hub for the sub-region, attracted cargo bound for its land locked neighbors to the north and shipment diverted from ports in Togo and Cote d'Ivoire due to political instability in those areas.
- 6 They include Benin, Chad, Comoros, Cote d'Ivoire, Ghana, Kenya, Niger, Nigeria, Senegal, Tanzania, Togo, Columbia, Ecuador and Peru.
- 7 Unseating the assumption that the multi-nationalization of Customs occurs in response to external pressures and conditionalities, in Indonesia, quite importantly, the privatization of customs work signaled an attempt by the state to generate more 'earned revenue' when oil revenues started to decline in the 1980s. This was in an attempt to reduce dependence on so-called 'un-earned' income sources, namely mineral wealth and foreign aid—both forms of wealth directly tied to global market conditions. (Toye and Moore 1998: 69, 79)
- 8 Although the employment of mercenary armies in this manner appears to be a new turn for modern nation-states, the practice has a long history. In the eighteenth century we see another variation on this theme in the process of 'privateering' where states authorize the deployment of private naval vessels against foreign shipping. (Thomson 1994: 9)
- 9 I am indebted to Neil Englehart (2001) for a discussion of this distinction in relation to globalization.
- 10 In this formulation, I echo the insights of Ong (1999: 234), yet I seek to destabilize the

singular chain of global to national causality she describes in order to explore possibilities of a more reciprocal determination.

- 11 Until 1993, pre-shipment inspection in Ghana was monopolized by one company. At that time, responding to the overall climate of liberalization, pre-shipment inspection was opened to competition and became the purview of multiple firms, SGS and Bureau Veritas among them.
- 12 Both prior to and in the wake of 9/11, security initiatives employing new surveillance technologies are changing the face of international shipping. These include continuous monitoring of containers (Harrington 2002), new rules of notification and verification (Edmonson 2002; Young 2002), and the strict enforcement of international standards. (Cottrill 2002)
- 13 Interview with Managing Director of GSL, 21 February 2001
- 14 Indeed, the establishment of the 'scanner gate' as it was provisionally labeled, foreshadowed a larger project of port expansion and reorganization. Beside the GSL device-yet outside the official boundaries of the port-construction teams were breaking ground for the country's first container terminal. Financed by the Ghanaian Antrak Group, and a foreign partner, SDV, to accommodate the growth of maritime commerce, both the Ghana Ports and Harbors Authority and the Customs Service considered the new terminal of critical importance to their own operations within the port, despite its private ownership and location (Apraku 2001).
- 15 After opening up the contract for Destination Inspection to competitive bidding in 1999, COTECNA was awarded the sole right to serve as an agent for the state in this regard. COTECNA's capture of the contract was explained by the company's chair to be a result of their offer to undertake inspection through a joint-shareholding arrangement taking the form of GSL. This plain received the endorsement of the Minister of Trade at the time. (Interview with Cotecna Chairman, Tema, December 5 2000, Interview with Managing Director GSL, Accra, February 21, 2001.)
- 16 Interviews Tema Harbor, March 8, 2001.
- 17 Interviews Tema Harbor, February 6, 2001.
- 18 A ready example of this approach is the recent rise and seemingly unquestioned authority of organizations such as Transparency International. See Transparency International (2002) for a recent statement of this perspective.
- 19 Interviews Tema Harbor, February 9 and March 8, 2001.
- 20 The non-Customs personnel at GSL serve in various ranks and tasks. Seven percent of employees, including several EU nationals, are in management positions and the eighty percent of the work force that remains serve in administration operations, logistics, and IT. (GSL 2000)
- 21 With the harmonized system every commodity is assigned an eight digit code denoting type

of good—such as apparel—and attendant specifications, men’s apparel, socks, cotton, down to the most detailed specification.

- 22 The role of documentation—whether taking the form of passports (Torpey 2000), identity cards (Caplan & Torpey 2001), censuses (Cohn 1987), maps (Appadurai 1996), and more recently, retina scans and other sorts of body imaging (Lyon 2001)—in the expression of state power and the creation of modern political subjects is widely recognized.
- 23 GSL Destination Inspection in Ghana, page v.
- 24 Interview GSL May 15, 2001.
- 25 Personal email correspondence of interviewee, April 25, 2001.
- 26 Personal email correspondence of interviewee, May 1, 2001.
- 27 Interview GSL, May 15, 2001.
- 28 Interview GSL, May 15, 2001.
- 29 Interview Labadi Beach, April 13, 2001.
- 30 “Customs Blows Whistle,” *Accra Mail*, November 28, 2001.
- 31 Interview Nogahil Hotel, March 16, 2001.
- 32 Interview Nogahil Hotel, March 16, 2001.
- 33 Ong (2000), for example, discusses the way “different production sites become institutional domains that vary in their mix of legal protections, controls and disciplinary regimes.” (215) Using Malaysia as her case study, she contrasts the environment of control and containment experienced by immigrant labor working in factory settings (218) with the differential positioning of laborers versus investors, and with the much lighter hand of the state within Multimedia Corridors designed to attract foreign capital and foster an entrepreneurial elite involved in the development of high-tech products and services (219).

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