

## The Poetics of Demythologisation in Kunle Afolayan's *The Figurine*

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### Abstract

The paper examines the concept of demythologisation as it is expressed in Kunle Afolayan's film, *The figurine* (subtitled *Araromire*). The paper argues that, though some influences of supernatural forces appear potent in the early parts of the film (Araromire Village around 1908), natural coincidence and human action (human orchestration) are more convincingly projected in the latter part of the film (which is set in Lagos around 2001). Examining how Femi Osofisan's drama demystifies and demythologises sacred matters, the paper argues that Afolayan adopts the same technique of demythologisation in his film, *The figurine* (*Araromire*) the same way Osofisan does in most of his plays. However, deriving its premises from certain revelations in the film, the study concludes that Kunle Afolayan's attempt at demythologisation is a partial success, as certain occurrences in the film are difficult to completely detach from supernatural influence despite their denotation as coincidences.

**Keywords:** film, demythologisation, *Figurine*, Nigerian drama, Kunle Afolayan

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### Introduction

As noted by Murfin and Supryia (1998), myths are 'stories chronicling the adventures of gods and other supernatural forces, especially stories about their various feuds and encounters with mortals, are also common fare, as are tales about the fictional humans who must interact with them' (p. 229). They explain that myths are 'originally religious in nature' (p. 229). Epochi-Olise (2013) also argues that myth is an 'early form of oral tradition closely related to religious observances that are regarded as sacred' (p. 106). As noticeable in the submissions of these scholars, myths are stories that often deal with issues of the gods, supernatural forces, religious matters and sacredness.

Certain works of Nigerian literature and theatre are rooted in the popular myths of the country. Such works include Soyinka's *Death and the king's horseman* (1988), Rotimi's *The gods are not to blame* (1979) and Achebe's *Things fall apart* (1958). Femi Osofisan often portrays Yoruba myths in his drama. Interestingly, Osofisan does not only portray myths, he also often demythologises mythical stories and mysterious phenomena. Since mythologisation of stories is often an act of making them (the stories) centre on the gods, supernatural forces, religion and sacredness, demythologisation often involves the opposite – an act of making stories to centre on human beings and secular (profane/non-spiritual) issues. It attempts to derobe certain deities of supernatural powers by adorning them with mortal features.

There is no doubt that, like the Nigerian theatre, certain Nigerian films also portray the myths of the people. Such films include, Ogunde's *Aiye* (1979) and *Jaiyesimi* (1980) and Kelani's *Thunderbolt*

(2001). This is, probably, why Akwang (2013) notes: ‘Beginning from the moments of their emergence as distinct cultural products, Nollywood films have drawn habitually and extensively from the rich materiality of African oral traditions manifest in singing, dancing, drama, myths, rituals, story-telling, etc.’ (p. 365). It is important to observe that, as hinted by Akwang (2013), ‘What is to be noted, further, about these films is the effort by producers to intervene in the original cultural texts or narratives by disfiguring, contaminating or selecting details, even to the point of misrecognition by their owners’ (p. 365). However, while some Nigerian film producers disfigure, contaminate and select details of orality, filmmakers, such as Kunle Afolayan attempt to demythologise myths. This mythologising gesture is evident in *The figurine*, a film that questions the existence of the supernatural. As opposed to the supernatural forces which the events of the films portrayed at the beginning, the movie may be seen as attenuating the transcendental factor as there is a turn-around of issues to secularity, human orchestration and natural coincidence. This, noticeably, is Afolayan’s attempt at demythologisation of the events and activities in the film.

### Nigerian Drama and the Concept of Demythologisation

Demythologisation or demystification is not, particularly, an unfamiliar thematic area in contemporary Nigerian drama. The most widely studied dramatist of that important theme in Nigerian drama is, arguably, Femi Osofisan. According to Raji (2014), ‘Osofisan’s outlook is decidedly materialist. At all times, his aim is to dismantle all forms of mysticism and subvert all myths and/or mythologies, projecting instead a scientific but ideologically motivated interpretation of events and issues’ (p. 632). Employing Marxist literary aesthetics, therefore, Osofisan dismantles and subverts mysticism, myths and mythologies; he interprets them to provide scientific explications to certain human and social phenomena. Awodiya (2002) further observes that ‘Osofisan’s drama revises history, challenges and reinterprets myths and legends, and questions consensus opinion’ (p. 5). Interestingly, in his revision of myths, Osofisan often challenges and re-interprets them to address pertinent human issues and problems.

Illustrative of this trend is *Morountodun*, in which Osofisan revised and re-interpreted the myth of Moremi to conform to the human personality of Titubi who fights for the liberation of the oppressed people. The portrait of the mythical (spiritual) Moremi is reconfigured to incorporate human attributes. An attempt at demystification may, therefore, be undeniable in the drama. This trend is also noticeable in Osofisan’s *Many colours make the thunder king* and *Tegonni* in which he emphasises the mortality of Sango, the Yoruba god of thunder, by adorning him with traits that are common to mere mortals. As observed in *Morountodun*, the spirit and essence of Sophocles’ *Antigone* are re-invoked in *Tegonni* as a force of resistance to tyranny.

Notably, scholars have paid attention to how Osofisan demythologises/demystifies sacred issues in order to address human circumstances in his works. A critical examination of this will, no doubt, help our analysis of Afolayan’s *The figurine* within the purview of the poetics of demythologization. Owoye (2012), for instance, observes that, in *No more the wasted breed*, ‘Osofisan demystifies the gods by questioning the grounds of the veneration and esteem in which they are held’ (p. 52). In the play, *No more the wasted breed*, Osofisan actually shows the weaknesses and limitations of supernatural beings while, in a parallel manner, he elevates the virtues of the human soul. He celebrates the defeat of the gods and the triumph of the human. The play may be seen as challenging the long-held veneration of the sacred while it (the drama) maximises and eulogises the virtues of the secular. In the drama piece, Osofisan may be seen as taking power away from the gods and giving it (the power) to humans. He may be seen as paralysing the mighty (the gods) and empowering the hitherto weak (humans) – thereby, rendering them (humans) strong, even stronger and more powerful than the gods. He may be seen to have demoted the gods and elevated humans. Certainly, in the play, there is an attempt, on the part of the playwright, to demythologise the concept of fate. Human fate is no longer entrusted to supernatural forces but to human beings, human enterprise and human agency.

In his appraisal of Osofisan’s *Another raft*, Awodiya (2002b) comments thus: ‘Characters in the play who are representatives of human beings and gods are delineated as another technique of

articulating his ideology' (p. 68). This also agrees with Raji's view above that Osofisan's re-interpretation of myths is ideologically motivated. Thus existentialist ideology is discernible in Osofisan's portrayal of myth in his plays. Human and sacred characters are often deployed to promote the playwright's ideology. Hence, his plays are centred on virtues and foibles of human beings rather than explication of the potency of supernatural powers. These plays emphasise the freedom and responsibility of humans to exercise their will in making choices without any form of celestial influence.

Irele (1995) has commented on Osofisan's handling and secularisation of sacred matters in the play, *Esu and the vagabond minstrels*. The observation of Irele is that, in the play, 'the notion of sacrifice is desacralised at the very outset and recentered on human needs' (p. xxxi). Sacrifice, or ritual – as one may call it, is most often (if not always) a sacred practice. However, in the play, as Irele stresses, Osofisan desacralises the all-sacred sacrifice. He takes the sacrifice beyond a ritualistic and sacred context to the level of human need. One may, therefore, observe Osofisan as demythologising sacrifice (or ritual), here. Though it is arguable to say that the playwright has not repudiated the spiritual essence of the sacrifice/ritual totally, it is however evident that he has paid more forceful attention to its human and social significance – this is, noticeably, a technique of demythologising the sacred. Esu is a Yoruba god that is known for his ambivalence – embodiment of goodness and evil, fortune and misfortune.<sup>1</sup> The sacred essence of this god is often indisputable. However, in *Esu and the vagabond minstrels*, Osofisan demythologises the god, paying more attention to his human essence and human significance, than his (Esu's) sacred essence. This is probably why Dunton (2002) observes that the portrait of Esu, in *Esu and the vagabond minstrels*, is sanitised (p. 62). In the play, the sacredness of Esu is evacuated to project the god's (Esu's) human essence. This fact may, in certain dimensions of critical thoughts, attest to the veracity of the argument of Irele that, in *Esu and the vagabond minstrels*, 'the only acceptable form of social arrangement is one that is predicated on human values' (Irele, 1995, p. xxxi).

In a sense, Osofisan's constant demythologisation of the gods and the concept of fate, by which he often gives credence to the human rather than the transcendental, may justify the contention of Ukpokodu (2002) that 'what Osofisan shares with Sartre and Camus is that human beings as individuals hold the responsibility for self-actualisation and self-fulfilment because their universe and being are defined by choices and action' (p. 122). It is against this contemplation that we intend to discuss the extent to which Afolayan treats the subject of demythologisation in his film.

### 3. The Figurine (Araromire) and the Poetics of Demythologisation

*The figurine* portrays the story of two intimate friends, Sola Fajure and Femi Badmus Kalejaiye. Each of them ardently desires Mona for a wife. Femi bribes his way to Araromire NYSC<sup>2</sup> Camp where Mona has been posted to. Sola soon joins the two of them in the Araromire Camp. While having their NYSC orientation camp, Sola and Femi find themselves at the Araromire shrine during an endurance trek organised by the NYSC management as part of their training. At the shrine, the duo come into contact with the statue of Araromire goddess. Interestingly, the village is named after the goddess; signifying the importance of the deity in the life of the community. The goddess is portrayed as possessing such mythical power that whoever touches her statue will encounter seven years of fortune and, later, seven years of calamity.<sup>3</sup> These were the experiences of the native inhabitants of Araromire Village around 1908; they flourished and made success for seven years and, later, disaster became

<sup>1</sup> Indeed, Esu is an ambivalent god who gives blessings and curses, fortune and misfortune. The god (Esu) may be seen to share certain features with Afolayan's conceived goddess, Araromire – a goddess who gives seven years of fortune and, afterwards, seven years of misfortune to supplicants.

<sup>2</sup> National Youth Service Corps – a scheme of compulsory national service for young and fresh Nigerian graduates that are usually not more than thirty years old.

<sup>3</sup> The tale of Araromire goddess may be compared to the biblical story of Joseph and Egypt. Interpreting the dream of Pharaoh, Joseph prophesied that there would be seven years of abundance in Egypt and, afterwards, seven years of famine. In the case of Araromire, it is seven years of fortune and, afterwards, seven years of misfortune.

their lot – the latter made them to burn down the statue of the goddess and her shrine.

About a century later, Sola and Femi come into contact with the statue again and the events which unfold afterwards confirm the efficacy of the mysterious Araromire goddess. While Sola, who first touches the statue of the goddess, eventually marries Mona and establishes a family with her, Femi continues nursing an affection for the same woman. The two friends who have contacts with the statue prosper in the first seven years; the hitherto poor (orphan) and suffering Sola becomes a successful family man who has a child and a pregnant wife, with a blossoming business. Femi who, hitherto, has asthma, short-sightedness and a sick father recovers from his woes. However, after about seven years of success and prosperity, the two friends begin to experience indescribable misfortunes. Femi's eye suddenly develops some defects and he begins to experience asthmatic attacks again. His father dies strangely, while Sola's business comes to a sudden, mysterious ruin. It is, however, in an attempt to find solutions to their untold mysteries that the undercurrents of the story are revealed.

After a critical examination of the last fourteen years of their lives, the two friends conclude that they have been victims of the mysterious Araromire goddess who has bestowed them with seven years of unmerited fortunes, after which they have started witnessing series of inexplicable woes. When Femi eventually loses his only child at the peak of this tragedy, both friends decide to return the mysterious Araromire effigy to her abandoned shrine. The story, however, takes a dramatic turn when Femi kills Sola and attempts to re-establish his love for Mona.<sup>4</sup> He explains to Linda (his supposed girl-friend) that what seems mysterious (the statue of Araromire which constantly comes back after being abandoned) to Sola's family is due to his (Femi's) orchestration adding that the experiences of fortunes and, later, misfortunes (by him and Sola) are due to coincidence. Femi later attempts to murder Mona and eventually commits suicide before law enforcement agents arrest him, leaving Mona in a critical condition. This is followed by what appears like a cotton call in a live theatre: we see Femi alive, Mona and Linda also come back to life. Then, Afolayan leaves us with a question: 'What do you believe?' (Afolayan 1:59:05).

As Olayiwola (2013) observes, a film is certainly 'an embodiment of all the cultural elements of the society that produces it, in contents and style' (p. 319). We may submit that a myth is one of such cultural elements. An embodiment of the peoples' culture, Nigerian film encapsulates the peoples' myths, history and religions, creating 'a tradition that re-affirms the Nigerian peoples' peculiarities and realities' (Izue, 2006, p. 62). Indeed, while certain Nigerian films re-affirm the myths of the people, others disclaim these myths. A good example of such films is, certainly, Afolayan's *The figurine*. What Afolayan does in the film may be seen to be similar to what Osofisan has been noted, by scholars, to do in his drama – desacralisation and demythologisation of the sacred in order to incite or challenge human actions and also to empower humans. In the film, the myth (tale) of Araromire is subverted to address human orchestrations which come in the form of bribery (as Femi bribes his way to Araromire's NYSC camp), love, trust and betrayal (which manifest in the relationships among Femi, Sola, Mona, Lara, Linda and Ngozi), spiritualisation of the non-spiritual (as Femi and Lara arrange the constant replacement of the statues of Araromire in Sola's family) and natural coincidence<sup>5</sup> – which Femi claims to be responsible for the experiences of fortunes and misfortunes in the film. It goes without saying that, by using the film to subvert the myth of Araromire for the benefit of human action and mortal encounters, Afolayan may be demythologising the sacred.

Jeyifo (2014) once remarked that 'with only occasional exceptions to the norm, Nollywood films are often very poor in quality' (p. 595). If, indeed, Nollywood films are often of very poor quality, *The figurine* may be one of the occasional exceptions that Jeyifo acknowledges. It is not a film that one may correctly categorise with such poor norms of Nollywood productions. The veracity of this thought is confirmed by the opinion of Haynes (2014) about *The figurine*: 'The film sets itself outside and

<sup>4</sup> Femi establishes the view that Mona gives her love to someone (Sola) who does not actually deserve it. Sola is an unfaithful husband and flirt who has extra-conjugal sexual relations with Ngozi (his girl-friend), Lara and Linda, and probably some other women.

<sup>5</sup> The theme of coincidence, which Afolayan's film raises, may be responsible or motivational for Adeoti's conclusion that coincidence is one of the devices used by Yoruba film makers to resolve the conflicts in their works (2014, p. 48).

beyond the glitzy, self-contained culture of Nollywood which habitually showcases what money can buy but often without much taste or sophistication' (p. vii). The script of the film (written by Kemi Adesoye), the production quality and the splendid performance of the talents involved may confirm the high taste and sophistication of the work.<sup>6</sup> The appreciable status of the film is noticeable in the argument of Haynes in his appraisal of Afolayan's *Irapada* and *The figurine*. He argues: 'Afolayan's films radiate the warmth, humanism, broad-mindedness and moralism that are so characteristic of Yoruba culture' (Haynes, 2014, p. viii).

As one observes the features of Yoruba culture in the works of Afolayan, as persuasively highlighted by Jonathan Haynes, it becomes clear that the filmmaker's leitmotif is multicultural. The film actually portrays the cultures of different parts of Nigeria, not just Yoruba mores. This fact manifests in the use of language, among other factors, in the film. In their study, Adeoti and Lawal (2014) are very conscious of this fact. They describe Kunle Afolayan's films, *The figurine* and *Irapada*, as creations that are 'in search of language. They demonstrate how the film maker grapples not only with compositional materials but more importantly with the need to communicate the materials far beyond the shores of the sponsoring culture (Yoruba) and nation (Nigeria)' (p. 197). In *The figurine*, one comes across different Nigerian and foreign languages and cultures. The film, no doubt, is largely situated in Yoruba culture, as rightly observed by Adeoti and Lawal. Little wonder one sees Junior prostrate in line with Yoruba culture, as he greets his parents in Yoruba language thus: 'e kaaro' (Afolayan0:51:49). The boy is also encouraged to greet his parents in Urhobo language: 'mi gwo' (Afolayan0:51:53), since his mother is from Urhobo. This confirms the multicultural essence of the film. Interestingly, the film also adopts the use of Pidgin, which is widely spoken in different parts of Nigeria. There are also some non-Yoruba characters (or names) in the film; e.g., Linda Chukwu and Ngozi. These manifestations of non-Yoruba features extend the scope of the film beyond the sponsoring Yoruba culture to other Nigerian ethnic groups. The opinion of Adeoti and Lawal is that Afolayan's use of linguistic pluralism is a reflection of the cultural/ethnic pluralism in Nigeria (Adeoti & Lawal, 2014, pp. 05-6). This fact is, certainly, indisputable. Apart from Yoruba, English is dominantly spoken in the film. French also becomes noticeable as Femi, in his discussion with Mona, says 'C'est fini' (1:06:54). The use of these European/non-Nigerian languages extends the accessibility of the film to regions beyond Nigeria – a fact noticed by Adeoti and Lawal.

Significantly, as noted by Lawuyi (2014), the good and the bad in the film are associated with mythology – the mythological story of Araromire goddess, most especially at the beginning of the film, before the notions of human orchestration and natural coincidence ensue (p. 137). The notions of human manipulation and natural coincidence cast much doubt on the twenty-first century mythological outset of the film. The myth is mingled with secularity/profanity. The veracity of this claim may be responsible for Adeduntan's assertion that '*The figurine* suggests two theories: the supernatural and the empirical' (2014, p. 108). The supernatural theory, as shown in the film, is associated with the myth of Araromire goddess while the empirical theory is associated with the modern, technological and scientific outputs, which are attributed to human actions, human orchestrations and natural coincidence. This thought does not ultimately contradict the opinion of Adeduntan that 'The movie's [*The Figurine*'s] narrative strength largely depends on the dual denotatory potential of all the events from 2001 to about 2008 as either being (i) caused by human agency or (ii) designed by the supernatural powers' (p. 109). The concept of 'supernatural powers' as the denotatory potential of the events of the film tends towards the mythical aspect of the movie. Indeed, despite the claims of human orchestrations and natural coincidence in the film, one may not be able to negate the influences of the supernatural powers in the movie, especially as it pertains to the fictional events occurring around 1908. However, around that same era, when Araromire begins to show her evil side (since it has both

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<sup>6</sup> Haynes (2014) sees a lot of similarities between Afolayan and Tunde Kelani. The scholar argues that Afolayan, like Kelani, 'has conspicuous professional training and technical proficiency, an uncommon level of artistry and a slow, deliberate, careful approach to his work' (p. vii). Haynes also compares the casting patterns of the two film makers and directors. As Kelani, sometimes, features some cultural icons like Adebayo Faleti and Akinwunmi Isola in his works, one sees Afolayan feature some arts icons like Ramsey Nouah and Muraina Oyelami in his film, *The figurine*.

good sides and evil sides), the people of the village set her shrine and her statue on fire. Then, it is reported thus: ‘They said the rain poured and poured .... on the night the goddess Araromire and her wickedness became no more’ (Afolayan 0:05:39-50). The impression created by Afolayan’s film, at this important juncture, is that, with the burning of the goddess’ shrine and her statue, the goddess is ‘no more’. Her powers, potency and influences have come to an end as she has been burned – this may, contestably, be seen as the end of the supernatural powers in the film. What may be seen to dominate the events of the film, afterwards, are, apart from natural coincidence, human orchestrations. This may justify the thought of Adeduntan that ‘human agency’ may be seen as the cause of the events in the film.

Interestingly, Okoye (2014), is unable to see human beings as being responsible for their actions as he disagrees with the phenomenon of coincidence in the film. Even when he sees human beings in action and he is familiarised with the possibility of coincidence, he still believes, strongly, that it is the goddess, Araromire, that is in action. This is why he argues that ‘although Femi dismisses all the evidence to the agency of goddess Araromire as mere coincidences, it is obvious that even his agency has become compromised by the goddess’ (p. 130). When Femi begins to kill, Okoye submits that his (Femi’s) murderous acts are unprecedented. According to this logic, Femi is ‘obviously under the power of the goddess’ (p. 130) whenever he murders. While we understand his position, we wish to observe that Okoye fails to realise that anti-social behaviours are not strange to Femi. Even before he comes into contact with the goddess, Araromire, Femi has exhibited the habit of doing evil, surreptitiously. One of the proofs to substantiate this claim is that Femi had to bribe his way into Araromire Camp, for the NYSC Scheme, where he eventually comes into contact with the goddess. The big question here is: could the goddess Araromire have started orchestrating his activities long before the initial encounter? Nonetheless, one realises that, while the forces and potency of ‘supernatural powers’ (noted by Adeduntan) may be indisputable at the earliest (traditional) scenes of the film, ‘human agency’ (proposed by Adeduntan) may be undeniable and indisputable in the latter parts of the film. It may, therefore, be argued that though Afolayan introduces and strongly suggests supernatural forces and mythology in the early parts of the film, he, in the latter part of the movie, through the manifestations of human agency and natural coincidence, proposes the concept of demythologisation. To what extent this is successfully executed, however, demands further interrogation.

At the outset of the film, we are introduced to the mythical and mysterious aspects of the movie when a narrating voice reveals thus: ‘There is an old folktale/That when the goddess Araromire wanted to come to the earth/She asked the priest to bring her forth/From the bark of a cursed tree’ (Afolayan 0:01:30-46). This narrating voice is accompanied with the revelation of a priest who is costumed in a mysterious way. His ritualistic costumes and his artistic make-up become more significant as he holds the statue of Araromire goddess while he recites some incantations. A huge tree is also revealed which is probably meant to indicate the cursed tree from which the statue of the goddess is carved. These, evidently, create an impression of mysticism. The mythical essence of Araromire goddess is further projected by the narrating voice: ‘When worshippers from the village came and touched her, Araromire would grant them wealth, prosperity ... Their lands were the most fertile. Their cows were the fattest. Their rivers flowed and their children prospered. But only for seven years ... Then destruction Plague Misery Death’ (Afolayan 0:02:44-04:25).<sup>7</sup> Indeed, the words of the narrating voice are accompanied

<sup>7</sup> The mysterious ambivalence of the goddess is further crystallised by the Professor (a role played by Muraina Oyelami): ‘ARAROMIRE goddess of fortune and luck according to folklore legend anyone touched by ARAROMIRE will be rewarded with seven years of prosperity abundance of rain rivers and streams will be filled with fish women will bear only sons palm wine will flow crops will flourish but thereafter ... there’ll be seven years of destruction wine will become poison waters will dry crops would fade and suns would rot but ... it’s just folktale fairy tale’ (Afolayan 0:54:24-55:36). It may be important to note that, after his highlight of the ambivalence of Araromire, the Professor attempts to soften the seriousness of the scary nature of the goddess by cautioning that the story surrounding her (Araromire) is just a folk tale, a fairy tale – this may be seen as a way of emphasising the spiritual significance of the goddess; a way of making the story human (based on human narratives), not particularly supernatural.

by action. One sees many (flourishing) cows, happy and healthy children of the people of Araromire. Their river flows and people undertake their activities happily at the river. All these events take place only in the first seven years of their contact with (touching) the Araromire goddess. Afterwards, 'destruction, plague, misery and death' become their portion. The priest of the goddess is probably the first victim of the goddess. While people are happy swimming in the river, the corpse of the priest is seen floating in the river. There is a heavy rain fall and many threatening thunder strikes which indicate tumult. Commotion, misery and calamity become evident in Araromire village.

Having benefited, significantly, from the supposed benevolence of Araromire goddess, the people of Araromire village do not conceal their displeasure at the malevolence of the goddess. The narrating voice conveys this fact: 'the villagers had had enough. What kind of goddess strikes down her own priest?' (Afolayan 0:04:34). In repudiation of the goddess and her malevolent significance, the people of Araromire burn the goddess and her shrine. As the narrating voice reveals: 'They said the rain poured, poured and poured ... on the night the goddess Araromire and her wickedness became no more' (Afolayan 0:05:53). At this juncture of the film, it is clearly established that Araromire goddess (with her potency) has been brought to an end. Araromire goddess, having been set on fire by her worshippers, is 'no more'. Her powers, potency and spiritual influences, having been obliterated, now belong to the past. .

Within a period of about a century after the potency of the Araromire goddess has ostensibly been declared terminated, Sola, Femi and, of course, Monacome into contact with the statue of the goddess. Their (Sola and Femi's) experiences change for the better as fortune smiles on them. Sola gets a good job and marries Mona, the woman of his dreams. They both have a son and shortly, Mona becomes pregnant again – getting ready for another baby. Before the contact with the goddess, Femi has asthma and eye defect while his father is seriously ill. Soon after his contact with the goddess, Femi and his father are mysteriously cured of their ailments. However, ever conscious of the ambivalence of Araromire goddess, Mona is troubled, even when she and her husband, Sola, are prosperous. This is why she says: 'Okay I was reading the other day about this idol who gives seven years of plenty and after that it takes it all away' (1:06:31-7). She has earlier been told the tale of the goddess by her Professor. This tale troubles her mind. Her husband has a statue of the goddess in his study. Apart from the fact that the statue of the goddess looks ugly to her, she seems petrified by the malevolent essence of the goddess.

After seven years of fortune, misfortunes begin to dog the lives of Sola, Femi and their families again. Sola's wife loses her pregnancy, his company stock crashes and he loses his source of income. A letter of tax evasion is sent to him – a note that he should pay a huge amount of money (which he does not have again) as tax. His son dies and his home is plagued with domestic violence. Femi's asthma and his eye defect return. He loses his job and his father dies mysteriously. Suspecting that the array of misfortunes must have come from Araromire goddess, Mona orders her statue to be removed from the house and burnt to ashes. But each time it is removed, the statue strangely returns to its former place. This also troubles Sola who had previously doubted the potency of Araromire goddess. With the support of Femi and Mona, Sola decides to return the statue of the goddess to Araromire Village. This, however, introduces a new twist to the story.

On the way to Araromire shrine, Femi decides to take revenge on Sola for maltreating Mona, a woman he (Femi) has adored all his life. To him, Sola is the only obstacle to his marriage with Mona. Femi eventually murders Sola and returns home to reclaim Mona. He explains to Linda that the whole experience of fortunes and misfortunes that happens to him and his supposed friend may rather be traced to his (Femi's) orchestration and coincidence – not the goddess, Araromire. As he explains to Linda: 'you know, I really wish I could say that this whole thing was orchestrated by ... me but the truth is it's all coincidence you know, like they say ... shit happens' (Afolayan 1:50:24-44). Here, Femi demythologises the experiences of fortune and misfortunes. Further, Sola has once argued that his success/wealth and that of Femi are due to hard work, not the power of the goddess Araromire. He says to his friend: 'But Femi, we both know we work hard to earn our wealth/And it has nothing to do with that figurine' (Afolayan 1:24:37-43). It is this belief that makes Sola not to believe, initially, in

the tale of ambivalence that is associated with the goddess.

Although, the claims by Femi and Solaabove may be strong enough to advance the demythologisation theory, other events in the story may also attest to the potency of Araromire goddess. For instance, Femi dismisses the possibility of coincidence when he questions his father on his strange recovery thus: ‘Seven years ago Doctor diagnosed you of cancer/Did the ailment suddenly disappear?’ (Afolayan 1:08:28-41). The father replies ‘Yes!’ (Afolayan 1:08:48). The affirmative response of the father alludes to the mysteriousness of the case, especially, considering the fact that cancer is not a curable disease. Therefore, the total recovery and unprecedented sound health of the man cannot be seen as facilitated by good medical attention/treatment and/or pharmaceutical services, all the more so as the man has earlier been diagnosed by a medical doctor. This mystery is heightened by the man’s response to the vital question from his son thus: ‘Yes! In one’s life/ Miracles happen all the time/Maybe my time has not come yet [at the time of the illness]’ (Afolayan 1:08:48-59). This important answer crafted to indicate the possibility of (natural) miracles or (natural) coincidence, may also suggest that the supposed strange miracle might have been orchestrated by the magical deity, Araromire.

Nonetheless, Femi’s orchestrations and manipulations cannot be denied in the misfortunes that befall Sola. What one is not sure of is whether human action is not induced by supernatural forces. In the first place, he (Femi) artfully influences his own posting to Araromire NYSC Camp, among other cunning actions. He orchestrates the constant re-appearance of the statue of Araromire in the study of Sola and at the scene where the statue is set on fire by Sola.<sup>8</sup> He is also the cause of some of the family problems of Sola and Mona. Noticeably, some of these family problems, orchestrated by Femi, are responsible for the death of Sola’s son and, possibly, the loss of Mona’s pregnancy. However, one may wonder if he is also responsible for Femi’s employment, the financial boom and most especially, his (Femi’s) unusual employment while on youth service and the scholarship for further studies abroad that he is given. The film fails to link all these to any plausible natural occurrences. In the same vein, if Femi has orchestrated the reincarnation of the statue, who is responsible for its re-appearance after it was burnt by the early Araromire inhabitants? It is possible that Femi’s simple explanation of the events on the grounds of coincidence and human manipulation may also have been influenced by supernatural forces.

### Conclusion

Following the familiar terrain of Femi Osofisan’s dramaturgy, Kunle Afolayan could be seen as having made conscious efforts at introducing a new and exciting style to the narrative course of Nigerian video films in *The figurine*. This is the concept of the demythologisation or demystification of the gods. He has questioned significantly the influence of the supernatural forces on natural occurrences. Through the character of Femi, he suggests that global happenings and events, whether positive or negative, are human-induced. However, a critical view of the film reveals some inconsistencies in the narrative that almost obscure the seemingly initial intention of the filmmaker at demythologisation. For instance, the potency of supernatural forces, through the goddess Araromire, is carefully presented. As a myth, Araromire is portrayed in the film with ample conviction as being responsible for the fortunes and misfortunes of the people of Araromire village of the 1900s. However, as established in the film, the burning of the statue of the goddess and her shrine marks the termination and extinction of her potency. A claim of the potency of the goddess is therefore re-examined in the 2000s through fresh contacts with Araromire statue by Sola, Femi and, invariably Mona with the intention of refuting the potency of the goddess. But certain events crafted around the characters seem

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<sup>8</sup> Femi knows that Mona is scared of the statue of Araromire. Therefore, as a way of creating family problems for the woman and her husband so that he may eventually have the woman to himself – a fact revealed by Linda – Femi makes his father carve many images of the goddess for him. He arranges with his sister, Lara, who consistently replaces the statue of the goddess each time it is displaced from the vicinity of Sola. In this way, human orchestration is a factor which cannot be discounted in the film.

to negate this claim.

For instance, the filmmaker fails to convince the audience that the sudden wealth that comes to the duo of Sola and Femi is natural beyond the mere claim of hard work by the two friends. In our own view, Femi's selection for foreign study and eventual employment are not carefully premised on hard work and dedication to duty. In the same vein, Sola's unusual turn-around of events with no strong personal efforts appears too magical to be natural. Worse still, the sudden disappearance of Femi's father's cancer and its strange re-appearance can only be explained in the light of supernatural influence. However, the possibility of manipulated natural events cannot be denied in the re-appearance of the statue of Araromire, Sola's tax evasion and its attendant repercussion, Femi's lust for Mona and, probably, the death of Sola's son.

In a sense, a careful re-working of the screenplay of this film to resolve the above contentions would have put Kunle Afolayan's *The figurine* on the same artistic pedestal with the plays of Nigerian revolutionary writers such as Femi Osofisan, Bode Sowande, Kole Omotoso, especially in the adoption of Brechtian epic style. Also significant in Afolayan's film, in the manner of Bertolt Brecht and notably Osofisan, is the adoption of open-ended resolution which allows the audience to determine the conclusion of the film. The last frame of the story reads: 'What do you believe?' (Afolayan 1:59:05). This poses a big question to the audience with respect to the presence and potency of supernatural beings and leaves the audience much to reflect on after watching the film. Brecht (1974) notes that the spectator of the epic theatre is one that thinks deeply about the events/activities in the play. The spectator subjects the story to critical appraisal and gives such activities sound contemplations and dexterous interpretations (p. 851). This Brechtian thought may be visible in the final scene(s) of *The figurine*. Femi is declared dead by the members of the Nigerian police force while Linda is also portrayed as dead and Mona as unhealthy, probably unconscious, if not actually dead. But soon after, we see these characters come back to life. This affirms the fictionality of the story, allows the audience to be emotionally distanced and leaves them to resolve the conflicts in their further discussions and arguments. The film allows them to resolve the open-ended conflicts of the film in such ways that may seem appropriate or plausible to them.

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## **Inaccessible Built Environments in Ghana's Universities: The Bane of a Weak Legal and Regulatory Framework for Persons with Disabilities<sup>1</sup>**

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### **Abstract**

This is a qualitative study of the role of the legal and regulatory framework in making built environments accessible to Persons with Disabilities in six universities in Ghana. It revealed that the local component of legislation dealing with accessible environments was fragile and fraught with compliance challenges, administrative laxity and the lack of a time conscious approach to issues thereby resulting in inaccessible built environments. In effect, the study gives credence to the proposition of the social model that disability is a creation of humankind and recommends an amendment of Ghana's Persons with Disability Act.

**Keywords:** accessible built environment, compliance, disability, legal and regulatory framework, Ghana's universities.

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### **Introduction**

With the shift of emphasis toward the Social Model, disability has become a human rights issue internationally (WHO, 2011a). The social model posits that disability is a creation of humankind that creates barriers for persons with impairments. These barriers include those in the built environment. Consequently, society through both international conventions and local legislation has sought to eliminate such barriers so as to create accessible and inclusive built environments. Dion (2005) notes that worldwide, the road toward the recognition of accessibility for Persons with Disabilities (PWDs) as a human right issue has been long and tortuous. The period from 1981 to 1992 was declared by the United Nations as the Decade of Disabled Persons. In 1987 it was recommended that the UN General

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Assembly draft an International convention on the elimination of discrimination against PWDs. On the contrary, however, the 22 Standard Rules on the Equalisation of Opportunities for Persons with Disabilities were rather adopted by the General Assembly in 1993. These non-legally-binding rules served as an instrument for policy-making and as a basis for technical and economic co-operation. It summarised the message of the World Programme of Action (1983) concerning PWDs. In 2000 leaders of some international disability NGOs issued the Beijing Declaration calling on all governments to support the Convention. This culminated in the Convention on the Rights of Persons with Disabilities (United Nations, 2006) which opened for signing in 2007 and came into force the following year. It has received the highest number of ratifications compared to any other UN treaty and Ghana is a signatory to it.

The aim of this paper is to use a qualitative approach to ascertain the role of the legal and regulatory framework for ensuring accessible built environments in universities in Ghana. The introduction is followed by a survey of historical developments in the legal and regulatory framework. After the relevant legislation in Ghana dealing with PWDs has been discussed, the accessibility component inherent in the Convention on the Rights of Persons with Disabilities (CRPD) and Ghana's Persons with Disability Act (PDA) are assessed. The methodology comes next and is followed by the findings, conclusions and recommendations.

### **Historical Developments**

Individual countries have over the years passed specific laws in line with the equal rights and non-discrimination against PWDs. Trail blazers worthy of note are the United States of America, Australia and the United Kingdom. The United States of America passed its Disabilities Act in 1990. Australia followed suit with its own Disability Discrimination Act of 1992. For its part, the United Kingdom passed the Disability Discrimination Act of 1995 which was subsequently amended in 2010 as the Equality Act. A major aspect of these Acts has been the resolve to secure accessible built environments for PWDs. These nations have gone further to provide accessibility codes to guide construction and ensure the operationalisation of relevant laws. Among these codes of practice are the British Standards BS 8300 (2010): Design of buildings and their approaches to meet the needs of disabled people and the Americans with Disabilities Act (ADA) Standards for Accessible Design of 2010.

Countries in the Global South including those in Africa have tried to keep pace with these developments. According to Venter et al (2002), there are constitutions such as those of Malawi and Mozambique that seek to guarantee the rights of all persons including PWDs. There are also efforts at various stages to come up with disability legislation or accessibility codes so as to secure the rights of PWDs, involve them in the developmental agenda and also to meet international obligations. Oyaro (2015) argues that beyond the CRPD, there should be an African Disability Protocol because of peculiar conditions prevailing in Africa. This indeed came into being with the adoption of the Draft Protocol on Persons with Disabilities' Rights by the African Commission in February 2016. The road towards accessible environments in Ghana has similarly not been smooth (Oduro, 2009). As a member of the global community, Ghana has not been an island with regard to issues on the rights of PWDs and accessibility and has therefore been party to the Convention on the Rights of the Child (CRC), the African Charter on Human and Peoples' Rights (ACHPR), the African Youth Charter (Article 24), the Protocol to the African Charter on the Rights of Women in Africa (Article 23) and the African Charter on the Rights and Welfare of the Child (Article 13), all of which promote the rights of PWDs. However, the major international instrument that deals with disability issues, the CRPD, was signed by Ghana in March 2007 and ratified only on 31 July 2012. By ratifying it, Ghana is obligated to ensure and promote the full realisation of all human rights for all PWDs without any form of discrimination on the grounds of disability.

### **Local Legislation**

In Ghana, there are laws like the Children's Act 1998 (Act 560) Section 3 and 10, the Labour Act 2003 (Act 651) Sections 3(e) and 14 (e) and the National Health Insurance Act 2012 (Act 852)

Section 29 (c and e) that deal with some concerns of PWDs. They seek to safeguard their rights as children, their working conditions, and their access to health insurance respectively. However, the main Act that specifically addresses issues pertaining to PWDs in Ghana is the Persons with Disability Act (PDA) of 2006 (Act 715). The 1992 Constitution of Ghana also guarantees the rights of all citizens including PWDs. Article 29 is specifically devoted to PWDs. Clause 6 notes that “As far as practicable, every place to which the public have access shall have appropriate facilities for disabled persons”. Secondly, according to Article 75, once international treaties have been domesticated (following ratification) through parliamentary vote and assented to by the President, they become part of our local laws and therefore legally enforceable in the domestic setting. The internal domestic laws must then be amended to conform to the international instruments. Where there is conflict between domestic law and ratified international instruments, the international instrument takes precedence over domestic law. In accordance with judicial precedent, the international treaty could be invoked without formal incorporation into local law where the same rights are also protected in the Ghanaian Constitution (Gyamfi, 2014). Therefore, these international and local legislation ought to regulate issues pertaining to PWDs in Ghana.

### **The CRPD, PDA and Accessibility**

The CRPD has 50 Articles that deal with disability issues and its purpose, as captured in Article 1, is to promote protect, and ensure the full and equal enjoyment of all human rights and fundamental freedoms by all PWDs and to promote respect for their inherent dignity. The PDA also has 60 sections dealing with eight major issues on disability. Both the CRPD and the PDA deal with the subject of accessibility but in varying degrees. According to the International Standards Office (ISO 21542, 2011), accessibility in reference to buildings or their parts means provision of buildings or parts of buildings for people, regardless of disability, age or gender, to be able to gain access to them, into them, to use them and exit from them. Accordingly, accessibility includes ease of independent approach, entry, evacuation and/or use of a building and its services and facilities, by all of the building's potential users with the assurance of individual health, safety and welfare during the course of those activities. Accessibility is a concern for everyone; it is the key to sustainable development and is necessary for social inclusion (European Commission, 2003). The Sustainable Development Goals (SDGs) therefore emphasise accessibility as a means towards the achievement of the 2030 Sustainable Development Agenda which is to lead to the elimination of poverty (UN Enable, 2016). Sustainable Development Goal 4 states that learning environments should be accessible.

The principle of accessibility may be mandated in law or treaty and then specified in detail according to international or national regulations, or codes, which may be compulsory or voluntary. This then becomes the standard, a level of quality accepted as the norm (WHO, 2011a). Uganda (UNAPD, 2010), Egypt (Samad, 2010) and South Africa (CHRC, 2006) are examples of countries that have developed accessibility codes in Africa. However, it is noted that in the few countries in Africa and others in the Global South where accessibility codes exist, they have not been able to make the needed impact because of monitoring and enforcement challenges (UNAPD, 2010). An accessible built environment is a core element of an inclusive society. It provides citizens with autonomy and the means to pursue an active social and economic life (EC Expert Group on Accessibility, 2003 cited in NDA, 2012). It allows those activities to take place without restricting access to people with certain abilities only (Sawyer and Bright, 2007). It is also the primary step toward fulfilling the rights of PWDs to participate in all areas of community life and national development (INR, 2009).

Many studies on Ghana's built environment have indicated that it is generally not accessible to PWDs and those in higher education institutions are no exception (Ashigbi et al. 2015; Gavu et al., 2015; Ansah and Owusu, 2012). Studies on the accessibility of the built environments of universities in Ghana mainly focused on perceptions of PWDs and physical assessment of buildings. Only public universities were studied and most of the studies were on the University of Ghana (UG) and Kwame Nkrumah University of Science and Technology (KNUST). However much is not known about the role of the legal and regulatory framework in this whole predicament. Article 24 (5) of the CRPD

notes “States Parties shall ensure that persons with disabilities are able to access general tertiary education, vocational training, adult education and lifelong learning without discrimination and on an equal basis with others”. Although Ghana has ratified the CRPD and the Constitution guarantees the rights of PWDs there is still much to be done in this regard. The purpose of this study is to fill this knowledge gap regarding the role of the legal and regulatory framework.

### **Methodology**

The qualitative approach was used in this study. It involved the review of documents, various legislation and interview of key informants in Ministries, Departments, Agencies (MDAs) and purposively selected universities. The key informants were purposively selected because as officers working in their various organisations, they were deemed to have the ability give their organisations’ perspective on the phenomenon under study. Another strategy used after the commencement of data collection was the opportunistic sampling in line with the pragmatic philosophical stance of the study since it helps to take advantage of unfolding events that will help address the purpose of the study (Creswell 2012). Content analysis was used in analysing the data.

Although homogenous sampling was used to select private and public Universities, within each category, the maximal variation sampling was used to select the individual Universities as the study sites. This was to help present multiple perspectives if any, so as to help provide the needed depth for qualitative research. With maximal variation sampling the researcher samples cases or individuals that differ on some characteristic or trait. It requires the identification of the characteristic by the researcher and then finding sites or individuals that depict different dimensions of that characteristic (Creswell, 2012). In this regard, the following factors were considered in the purposive selection of the individual Universities for the study: webometric ranking, age, number of buildings, geographical location, and other unique characteristics. The Ashesi University College (AUC) in Berekusu, the Catholic University College of Ghana (CUCG) in Fiapre-Sunyani, and the Christian Service University College (CSUC) in Kumasi were the private institutions chosen while the Kwame Nkrumah University of Science and Technology (KNUST) in Kumasi, the University for Development Studies (UDS) in Tamale and the University of Ghana (UG) in Legon, Accra, were the public ones selected. Key informants who were deemed knowledgeable on the subject matter in each institution were also identified and interviewed. These were mostly professionals in the built environment and registrars. The information sought had to do with disability policy and how disability issues relating to the built environment were handled in the institutions.

The key informants from the MDAs were from the Ministry of Education (MoE); Ministry of Water Resources, Works and Housing (MoWRWH); Ministry of Gender, Children and Social Protection (MoGCSP); Ministry of Justice and Attorney General (MoJAG); National Accreditation Board (NAB); National Council for Tertiary Education (NCTE); National Council on Persons with Disability (NCPD) and the Department of Social Welfare (DSW). The key informant interviews were at two levels namely national and university level. In the former, the aim was to ascertain what was prevailing nationally with respect to the current state of laws, policies and the general legal and regulatory framework in place for addressing issues pertaining to PWD access in the built environment of the Universities. The latter targeted the Universities to find out what was prevailing at the institutional level. Pseudo names were used for all the informants.

The study was undertaken in 2015 and it is a sequel to another study (currently under review) that quantitatively assessed 110 buildings in the universities and found that the levels of inclusiveness were very low. The private universities had a median Composite Disability Design Inclusiveness Score (CDDIS) of 25.49 % while the public ones had 26.47 %. The assessment involved the use of a checklist developed from the British Standards Institution (BS 8300:2010) to assess attributes of selected buildings on the six campuses. The attributes were parking as well as access routes to and around buildings. The rest were entrance of buildings, horizontal circulation (comprising corridors and passages; and doors), vertical circulation (made up of internal steps/ stairs, internal ramps and elevators), fire safety, communication/ signage and Sanitary accommodation (toilet facilities and bath/

showers). This was followed by the use of the assessment tool (CDDIS) proposed by the researchers and which built on a tool used by Lau et al (2014) for similar studies.

## Findings and Discussion

### Weaknesses and Flaws in the Various Laws

During the study, it came to light that the CRPD, the 1992 Constitution of the Republic of Ghana and the PDA were the major laws on PWDs issues in Ghana. Compliance with them should ideally remove barriers to physical access in the built environment as posited by proponents of the social model. A comparison of the provisions of the PDA and the CRPD shows that the former does not cover some relevant provisions that are in the latter and this gives ample credence to the fact that the Act ought to be reviewed to place it in tandem with the CRPD. This agrees with the findings of Gyamfi (2014) and supports her call for an amendment of the PDA. For example, accessibility which is the key focus of this study is only lightly touched on in a few sections in the PDA. Sections 6 and 7 note:

6. The owner or occupier of a place to which the public has access shall provide appropriate facilities that make the place accessible to and available for use by a person with disability.
7. A person who provides service to the public shall put in place the necessary facilities that make the service available and accessible to a person with disability.

On the contrary, Article 9 of the CRPD deals exhaustively with the subject. Aspects that are critical to the current study are as follows:

1. To enable persons with disabilities to live independently and participate fully in all aspects of life, States Parties shall take appropriate measures to ensure to persons with disabilities access, on an equal basis with others, to the physical environment, to transportation, to information and communications, including information and communications technologies and systems, and to other facilities and services open or provided to the public, both in urban and in rural areas. These measures, which shall include the identification and elimination of obstacles and barriers to accessibility, shall apply to, *inter alia*:
  - a. Buildings, roads, transportation and other indoor and outdoor facilities, including schools, housing, medical facilities and workplaces;
2. States Parties shall also take appropriate measures to:
  - a. Develop, promulgate and monitor the implementation of minimum standards and guidelines for the accessibility of facilities and services open or provided to the public;
  - b. Ensure that private entities that offer facilities and services which are open or provided to the public take into account all aspects of accessibility for persons with disabilities;
  - c. Provide training for stakeholders on accessibility issues facing persons with disabilities;
  - d. Provide in buildings and other facilities open to the public signage in Braille and in easy to read and understand forms;
  - e. Provide forms of live assistance and intermediaries, including guides, readers and professional sign language interpreters, to facilitate accessibility to buildings and other facilities open to the public.

Secondly, the Constitution, though guaranteeing equal rights for all persons including PWDs has a flaw of not using 'people first language'. For instance, it addresses PWDs as 'disabled people' instead of "persons with disabilities". Article 4.1a of the CRPD enjoins all States Parties to the Convention "to adopt all appropriate legislative, administrative and other measures for the implementation of the rights recognized in the present Convention." In light of the above, there is the

need to urgently align the contents of the various laws that deal with accessibility to the built environment. This will reduce confusion and strengthen the legal and regulatory framework.

### **Lack of Legislative Instrument, Building Codes, and Accessibility Standards**

The study also found out that there was no Legislative Instrument (LI) in place to give effect to the PDA even though the 10-year moratorium given by the PDA was to end in 2016. There was also no national Accessibility Standard or Building Code at the time of the study to guide the construction of accessible facilities. These findings were confirmed by earlier studies by Voice Ghana (2014) and Amos-Abanyie et al. (2012). Julia, an officer at the NCPD noted that,

The Act should have an LI [Legislative Instrument]. The process has started. It was taken to the AG's Department. It was worked on and returned. We have to do a few things and send it back. The stakeholders are yet to come together and see what can be done. The process has been slow but by the end of the moratorium, there will be an LI so that we can implement the Act. If it is not in place, you cannot arrest offenders. (Julia, personal communication, August 11, 2015)

Her views were corroborated by an officer at the Ministry of Water Resources Works and Housing who added that Ghana's Building Code and the Draft Ghana Standard on Accessibility were being worked on at the time of the study:

The Draft Accessibility Standard was circulated for public comments. The comments have been received. The Technical Committee is to meet to look at the comments and if necessary revise the document. For now, enforcement is a challenge. By next year, things would have materialized. (John, personal communication, November 19, 2015)

According to Julia (personal communication, August 11, 2015), an on-going project, the OSIWA Project was to come up with a document on Accessibility on both buildings and the external environment. The Ghana Standards on Accessibility Design (GS 1119) was subsequently launched in Accra in December 2016 at a time when the moratorium given by Act 715 had already expired.

On the non-enforcement of the provisions of Act 715, John said, "Although the Act prescribes, how do you direct the people? People design and build the buildings and roads so there should be Standards. When it comes, it will give the people a basis for what to do." He also added that, "Although there is advocacy, there is no regulation so if someone designs, it will be approved" (personal communication, November 19, 2015). He was of the view that the LI would compel members of relevant professional bodies in the built environment to adhere to the laws on disability. Julia also remarked, "The process has been slow but by the end of the moratorium, there will be an LI so that we can implement the Act. If it is not in place, you cannot arrest offenders" (personal communication, August 11, 2015). Danso and Tudzi (2015) agreed that the absence of a building code and an accessibility standard in the country is partly responsible for the situation where construction professionals subjectively decide on which provisions of International Standards to use during their practice.

It is apparent that the weak legal and regulatory framework of accessibility issues in the country would persist without the LI, the Building Code and the Accessibility Standards which are the foremost tools for enforcement. Furthermore, the foregoing communication with officers of the relevant state agencies showed the lack of a clear timetable for the effective commencement of the legal and regulatory framework and the administrative regime to ensure the enforcement of the requirement for accessible built environments in Ghana. Given the apathy and lack of urgency, the draft documents keep going round in circles from one entity to the other. Hence beyond the lack of the requisite complement of laws, there are also weak enforcement capabilities and administrative failures. The

lethargic attitude of the various Ministries could also be due to political reasons. This is because with the expiration of the moratorium given by Act 715, the State itself could be dragged to court for the many non-complying public building designs. Gibilisco (2010) notes that the legal system is a major driving force behind inclusiveness in Australia. As Oduro (2009) contends, the political will on the part of government to enact the PDA was weak, and had to be impelled with constitutional and civil rights challenges. By implication, it would be necessary for various stakeholders to put some pressure on the government in order to see the realisation of the appropriate legal and regulatory framework for the enforcement of the law.

### **Enforcement of Legislation**

The Metropolitan, Municipal and District Assemblies (MMDAs) in Ghana, are responsible for development control in areas under their jurisdiction and as such, are expected to ensure that Building Codes and Standards are adhered to (Local Governance Act, 2016). Some of the public Universities by their Acts of Incorporation have development control functions with respect to built environment construction activities on their campuses. The Police, the Courts and the Commission on Human Rights and Administrative Justice (CHRAJ) exist to help enforce laws and ensure justice. The NCTE and the NAB also exist to ensure that Universities operate in compliance with requisite legislation. Furthermore Civil Society Organisations and various societies for different categories of PWDs have been formed to advance the cause of PWDs through advocacy. With these entities in place, it is expected that monitoring, enforcement and compliance with laws that exist to guarantee accessible built environments would be adhered to once the relevant legal and regulatory framework is put in place.

### **Bodies in Charge of Higher Education**

It came to light during the study that the NCTE and the NAB which are entities responsible for accrediting and monitoring higher education institutions in Ghana did not have clear-cut policies on accessibility in the built environment for these institutions. Although there was a general policy on access to tertiary education at the former it did not touch on accessible facilities in the built environment. At the NAB it was revealed that accreditation was in two stages. There was the Institutional Accreditation and the Programme Accreditation. During the Institutional Accreditation, the physical facilities of the institution seeking accreditation were assessed to determine if they were disability-friendly and met the requirements of a physical facility instrument. A study of the documents used for the assessment by the researchers revealed that they contain very little on the provision of accessible environment and would therefore require some revision. For example the NAB Standards for Physical Facilities for Tertiary Institutions in Ghana (revised in November 2014) together with the Physical Facilities Assessment Questionnaire that an institution had to complete, mentioned PWDs in only few places. In those few places where PWDs were mentioned, some specific requirements were not indicated. Although dimensions for seating spaces in auditoriums, lecture halls and libraries etc. were required, other critical requirements like car parks, facilities to aid horizontal and vertical circulation, and accessible restrooms for PWDs were also not emphasized.

An officer at NAB further indicated that a number of university buildings did not meet the standards. He explained,

At the inception of the Board [NAB], we were encouraging people to set up Universities but now there are about 60 private tertiary institutions, nine public degree awarding institutions, six degree plus professional institutions and 39 public Colleges of Education. So for the past 2 or 3 years, access for the disabled is a key thing. Accreditation is tight now. So what we do is that you will not be granted accreditation if you do not meet the requirement. (Jonathan, personal communication, August 12, 2015)

He further lamented over the situation in the public universities:

The public institutions are set up by Law so we do not incorporate institutional accreditation for them. However, NAB is part of the Technical Committee especially for younger public institutions like UDS. The public institutions' Acts are crippling us now. We are trying to get the Laws harmonised. We have made proposals for the NAB Law to be amended. We hope to become a National Accreditation and Qualifications Authority by 2016.

From the above discourse, it became evident that apart from the deficiencies in the documents they worked with, the NAB until recently did not strictly enforce accessibility standards before granting accreditation to tertiary institutions, especially the private ones. According to them, they initially wanted to encourage the setting up of private tertiary institutions so they relaxed the enforcement of the provisions. They waited for the horse to bolt out of the stable before locking the gate. The problem is worse at the public universities where the NAB is virtually constrained because of the laws that established the Public Universities vis-a-vis its own law. The question is why should it be so? No institution should be above the law when it comes to the provision of accessible environment for PWDs. From the foregoing, the oversight bodies (NTCE and NAB) lacked the requisite enforcement tools and they were deficient even where such tools were available. This, coupled with their own misjudgment, has led to compliance difficulties in the universities.

### The Universities

None of the six universities studied had a working policy document on accessibility for PWDs on their campuses. The offices responsible for student affairs were in some instances responsible for the needs of Students with Disabilities. KNUST had a comprehensive draft document dated April 2013 which was yet to be approved and implemented. The consequence of the absence of policy documents on accessibility in the universities was highlighted by Mumuni (an officer at UDS) when he commented about the fate of the old structures at UDS: "Since there is no written policy, I am not sure of their fate. I think that soon most will conform but the issue has to do with when because there is no policy."

He continued:

I think the law and the approach of the school to provide PWD access accounts for the friendly design. The [new] administration [block's] foundation was commenced in 2003 when there was no [PWD] Act but provision was made for disability access. The Law has reinforced this unwritten policy of the University. With the [coming of the] Law, it is consciously looked at and implemented. The design for the new administration block was completed in 1997 but it had provision for disabled access. I think a combination of professional minds accounted for that. I think the professionals will be a key factor if we will see the needed change. (Mumuni, personal communication, July 21, 2015)

He added that the old administration block was constructed in 1978 and the University started using it in 1996. However, in 2004 when the PDA had not been enacted, PWD access was provided to the ground floor. This was because an officer raised the concern for the disability access and it was provided by the University.

In the absence of policy documents, some concerns of PWDs have been addressed on *ad hoc* basis in the various universities. For example Percy at the Ghana Hostels (UG) stated that the construction of the Hostels was from 2006 to 2008 and it coincided with the concerns of the President Kufour administration for PWDs. He believed that influenced the inclusiveness of their design. (Percy, personal communication, August 13, 2015)

According to Anita at the PDMSD (UG), a law student took the UG School of Law to court and the University fell on the Ghana Education Trust Fund (GETFund) for funds to provide a lift at the School. At AUC, Agatha, responding to a question as to whether they had a Disability Policy said,

It is not cast in stone. It is embedded in our non-discriminatory stance. For us, diversity includes different people not just cultures/ nationalities. Diversity is very broad. There is diversity in body so help all to feel ok. We are very proactive with complaints that come. When the student using clutches came, we became mindful of which room should be given. We decided to provide a hostel that was not far. We were flexible to respond to his request for a particular room. (Agatha, personal communication, July 9, 2015)

Philip, also of AUC, added that the requirement for a disability user-friendly environment was a law in Ghana and as such was being adhered to by their institution.

There was also an instance at the CUCG where a Reverend Sister, a faculty member, personally purchased a tricycle for a student with mobility impairment in the School. She was of the view that the University was guilty for failing to provide facilities for PWDs in its buildings. She also blamed architects for failing to use their professional expertise to advice clients on the need to incorporate certain disability user-friendly facilities in their designs. (Personal communication, June 23, 2015).

An officer at KNUST noted that as and when PWDs were identified and there was the need to help them, assistance was extended to them. To buttress this point, he disclosed that in one hall of residence, a wheel chair user was given a room directly behind the porter's lodge in the hall where a ramp was constructed to enhance accessibility for the PWD. Between 2005 and 2009, a female student at the Faculty of Law was provided with a special chair because she could not use the normal one. A small ramp was also provided at the Faculty for her.

The foregoing provides evidence that the lack of policy document on accessibility for PWDs in the six universities does not only contribute to the lack of the needed regulatory framework but is also contributing to the *ad hoc* and slow nature of changes in accessibility issues that are envisaged by Act 715. It is evident that some work is being done but this invariably comes as an afterthought. They are not deliberate and consistent actions targeted at meeting the needs of PWDs on these campuses. They usually happen to be subjective decisions by people in authority which are not based on any policy. The delay in getting the laws and policies in place and also ensuring their enforcement points to administrative failing. For it is indeed unconscionable that at a place like the KNUST where most of the built environment professionals in Ghana are trained, a Draft Disability Policy has been waiting for approval since 2013. There seems to be the lack of consciousness for the need for time lines to ensure efficiency in administration and implementation of accessibility issues.

### **Conclusion**

This qualitative study has given credence to the fact that the legal and regulatory framework for accessible built environments in Ghanaian universities is weak. This is compounded by the situation at the national level. Actions or inactions on disability issues in the Universities therefore generally have to do with the subjective decisions by persons in positions of authority because of the lack of policy and the lack of the full complement of the appropriate legal and regulatory framework. The individual Universities on their own do not have documented Disability Policies in place to direct issues pertaining to PWDs. The WHO Summary Disability Report (WHO, 2011b) confirms a low level of compliance even for countries that have had laws on accessibility for the past 20 to 40 years. The implication is that there should definitely be the appropriate laws. Beyond the laws, there should also be the willingness to see things materialise, requisite technical expertise, vigorous enforcement and effective monitoring and evaluation in place. In effect, the lack of the full complement of requisite legislation, failure to implement the existing legislation and the requirements of the CRPD as well as a weak monitoring and compliance regime are integral to the failure to properly provide for the needs of PWDs by way of accessible built environments in universities in Ghana.

### **Recommendations**

The following recommendations are proposed for the strengthening of the legal and regulatory framework so as to ensure accessible built environments in the Universities.

- The NCPD working together with the Attorney General's Department should as soon as possible submit proposals to Parliament for an amendment of the PDA to holistically incorporate the provisions of the CRPD. With the ultimate launch of the Accessibility Standards, work on the LI ought to be expedited to ensure the enforcement of the provisions of the PDA. There should be clear timelines set for these actions and ideally they should not go beyond 2017. This is because the period set by the PDA for the alteration and retrofitting of existing structures expired in 2016. In this regard there should be a concerted effort from all and sundry to make the concerns a topical national issue. The Ministry of Gender and Social Protection which is directly responsible for the welfare of PWDs in Ghana ought to take the lead in these efforts. Others like the Ministry of Water Resources, Works and Housing, Ministry of Education (Office responsible for Tertiary Education) and the Ministry of Justice and Attorney General can then lend their support based on their unique areas of expertise.
- All stakeholders including the relevant Ministries, Departments and Agencies (MDAs), NGOs, the NCPD, the Ghana Federation of the Disabled (GFD), students' associations etc. need to work assiduously to ensure that the provisions in the (amended) PDA are implemented appropriately. This will call for lobbying, constructive engagement with people in strategic positions, advocacy and public education.
- Professional bodies in the built environment such as the Ghana Institution of Surveyors, the Ghana Institute of Architects, the Ghana Institution of Engineers and International Facilities Management Association should also mount pressure on Parliament from their end to ensure that the work on disability legislation is expedited. The Ethics Committees of the various professional bodies/associations of the built environment should monitor the activities of their members and sanction those who flout laws and regulations pertaining to the accessible built environment.
- As much as possible, "people first language" should be used in all the laws, policies, regulations, and standards etc. that deal with PWDs.
- The Ministry of Education and the NCTE should come up with a Policy Document on PWDs who use the built environment of tertiary institutions.
- The NAB should hasten its efforts at getting its Law amended so that it becomes an Authority. This will help strengthen its power to address the physical facilities accreditation for both public and private universities. As a matter of urgency, the NAB Standards for Physical Facilities document that is used for the physical audit of the buildings in the Universities for accreditation purposes should be reviewed to incorporate all the relevant provisions in the CRPD and the (amended) PDA. Compliance is very important. Without proper monitoring, evaluation and enforcement, the desired accessible University built environments will remain a mirage.
- The Courts, the Commission on Human Rights and Administrative Justice (CHRAJ), and the Ghana Police Service should strengthen their capacity to address accessibility issues because with the moratorium ending, an avalanche of court cases related to accessibility is likely to ensue.
- The MMDAs, being the planning authorities which are mandated by law to ensure that developments comply with laid down regulations, should also strengthen their capacity to deal with accessibility issues so that their Building Inspectorate Divisions can ensure compliance in the private universities. Since some public universities are autonomous when it comes to developmental control issues, the MoE should encourage them to enhance the capacity of relevant staff to ensure compliance with legislation on accessibility. This will enable them to better appreciate the issues related to inclusiveness and the enforcement of pertinent rules and regulations.

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