

STATEMENT FROM THE DELEGATION FROM GHANA AT THE HIGH LEVEL ANTI-CORRUPTION CONFERENCE IN COPENHAGAN

Eradicating Corruption in Ghana is one of the directive principles of state policy captured in Article 35(8) which states “the state shall take steps to eradicate corrupt practices and the abuse of power”.

Institutional arrangements to fight corruption

Apart from very active civil society groups, there are several state actors put in place to fight corruption in the country. Notably among them are:

The Commission for Human Rights and Administrative Justice: The constitution mandates the commission to investigate complaints of violations of fundamental rights and freedoms, injustice, corruption, abuse of power and unfair treatment of any person by a public officer in the exercise of his official duties.

The Auditor- General is mandated by the Constitution to audit all the public accounts of Ghana and of all public offices, including the courts, the central and local government administrations and submit his report on the audit to Parliament. The Auditor-General in addition to the audit of public accounts, carry out in the public interest such special audits or reviews as he considers necessary and report on it to Parliament. The Auditor-General may disallow any item of expenditure which is contrary to law and surcharge –

- (i) the amount of any expenditure disallowed upon the person responsible for incurring or authorizing the expenditure; or
- (ii) any sum which has not been duly brought into account, upon the person by whom the sum ought to have been brought into account; or
- (iii) the amount of any loss or deficiency, upon any person by whose negligence or misconduct the loss or deficiency has been incurred.

The Constitution provides that a person who holds a public office mentioned in clause (5) of article 286 shall submit to the Auditor-General a written declaration of all property or assets owned by, or liabilities owed by, him whether directly or indirectly.

- (a) before taking office,,
- (b) at the end of every four years; and
- (c) at the end of his term of office.

The Economic and Organized Crime Office (EOCO): The EOCO was established as a special agency to monitor and investigate economic and organized crime and on the authority of the Attorney-General prosecute these offences to recover the proceeds of crime and provide for related matters

The Office of the Special Prosecutor (OSP) was established as a specialized agency to investigate specific cases of alleged or suspected corruption and corruption related offences involving public officers and politically exposed persons in the performance of their functions as well as persons in the private sector involved in the commission of alleged or

suspected corruption and corruption related offences, prosecute these offences on the authority of the Attorney-General.

Public Interest and Accountability Committee was established by Parliament to promote transparency and accountability in the management of petroleum revenues in Ghana.

Progress made to date

Ghana has a National Anti-Corruption Action Plan (2012-2020) (NACAP) approved by Parliament in 26th June 2012 and expected to contextualize and mobilize efforts and resources of stakeholders to prevent and fight corruption through the promotion of high ethics and integrity as well as vigorous enforcement of applicable laws. It aims to institutionalize efficiency, accountability and transparency in the public, private and not-for-profit sectors as well as conduct effective investigations and prosecution of corrupt conduct. It also focus on causes, effects and measures to control corruption and outlines measures for strengthening key anti-corruption and law enforcement agencies, improving investigation and prosecution.

NACAP integrates anti-corruption measures into the programs and activities of public sector organizations and allows for collective action and sustained coordination of efforts as well as the judicious application of resources to combat corruption.

There is the realization that the fight against corruption will bear no fruits without raising the awareness of public officials and the general public to the dangers of corruption and the success of NACAP would depend on human resource capacity and adequate funding of the various institutions involved in fighting corruption.

The report also recommends the adoption of a definition of corruption in Ghana to “encompass and capture all aspects and types of corruption” and proposes a definition as “the misuse or abuse of office or power for parochial or private gains”.

It recommended the passage of a comprehensive code of conduct and rules of ethics to govern the actions and inactions and create a value base society, implementation and practice of an all-inclusive participatory, transparent and accountable good or smart governance, as well as the appointment of persons with necessary competence to be in charge of monitoring, evaluation and periodic review of all these national plans against corruption.

NACAP integrates anti-corruption measures into the programmes and activities of public sector organizations, particularly MDAs and MMDAs, and key actors in the private sector.

It enables collective action and sustained co-ordination of efforts, as well as the judicious application of resources of stakeholders to combat corruption and constitutes the benchmark to assess the performance of stakeholders, especially government, in the fight against corruption.

It adopts a long term strategic perspective and utilizes a three-prong approach to the fight against corruption, namely prevention, education, investigation and enforcement.

Auditor General has been disallowing and surcharging officials who incur unlawful expenses

Though the Constitution mandated the Auditor-General to disallow unlawful expenditures and hold the officials responsible for incurring those expenses, it was not done the landmark ruling of the Supreme Court in *Occupy Ghana vrs Attorney-General* where the Supreme Court gave consequential orders that Auditor-General must disallow unlawful expenditures and surcharge those responsible. Thereafter the Auditor-General has disallow several items of expenditures and also surcharged. The Auditor General issued an audit report on the 23rd of January 2018 to Parliament and in that report, government liabilities totaling GHS5.47billion (US\$1.2billion) was disallowed. What is more heartwarming is that, public servants are no longer waiting for the surcharge certificates to be issued against them before refunding expenditures challenged by the auditors.

The Outcome of the initiatives on Corruption in Ghana

It is sad to say the least that Ghana has its lowest corruption perception score in four years, making 2017 the worst since 2012, according to the latest Global Corruption Perception Index. Ghana scored 40 out of a possible clean score of 100 and ranked 81 out of 180 countries assessed. The index shows that Ghana's performance has dropped by three points from its 2016 score of 43, and 7 points cumulatively from the 2015 score of 47.

The way forwards

The people of Ghana do not seem to believe that the state is doing enough to eradicate corruption as dictated by the constitution. This is largely because, there was a huge outcry in 2016 against the then administration for being corrupt or not fighting corruption enough. According to the Ghana Anti-Corruption Coalition (GACC) assessment of Key Commitments and Propositions of the ruling political party, it has failed in delivering on its promises. Ghanaian are no longer satisfied with the "name and shame" approach as a cure to the corruption menace but looking for holding corrupt officials accountable by recovering stolen moneys and prosecuting them.

There is the need to increase collaboration among the anti-corruption institutions and also with Civil Society Organizations and the media. Going forward, we will like to strengthen the collaboration.

Ghana has done well by decentralizing the fight against corruption and corruption-related offences however there is a need to have a second look at the effectiveness of the fight against corruption. The Corruption perception index is not showing a favorable results for Ghana and hence the need to rethink the strategy for fighting corruption. An option worth considering is the private prosecution of corruption and corruption related offences. Corruption is basically an offence against the society and hence the society must be given the right to prosecute corruption and corruption-related offences. To make this attractive to the private sector, there is the need to introduce a generous reward scheme that will not only compensate for expenses but sufficiently reward the efforts that go into recovering moneys lost to corruption.