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## Report of the African Union Advisory Board on Corruption Advocacy Mission to the Republic of Ghana on Implementation of the African Union Convention on Corruption:

**Introduction:** Prior to the mission, the Secretariat of the Board sent a Note Verbale to the Embassy of the Republic of Ghana in Addis Ababa, Ethiopia for onward transmission to the Ministry of Foreign Affairs and Regional Integration. The Secretariat of the Board also did a follow-up to the Note Verbale by sending mails to the relevant institutions and bodies working on anti-corruption and good governance in the country. The two members of the Board, Ambassador Hayyarimana and Dr. Ansah arrived Accra-Ghana on the 6<sup>th</sup> June 2012 for the mission while Mr. John Ikubaje, the Board's Senior Governance Officer got to Accra-Ghana on the 4<sup>th</sup> June 2012 to make the necessary preparation for the mission.



Appendix 1 to this report details the Mission time table. The mission has the intention to meet with the officials of the Ministry of Foreign Affairs and Regional Integration and the Ministry of Justice but the African Union Desk

at the Ministry of Foreign Affairs said she could not trace the Note Verbale sent by the Ghana Embassy and that prevented two meetings from holding. In all, the team had a productive and rewarding meetings with the representatives of the Ghana anti-corruption

institutions- CHRAJ, EOCO and the Ghana National African Peer Review Mechanism; the civil society, the media and the Organised Private sector representatives coupled with two international development partners working on anti-corruption and good governance in the country- the UNDP and the European Union. This multi-stakeholder approach to the meeting enabled the mission to get diverse but useful and helpful information for the report<sup>1</sup>.

This report is divided into four sections. Part one detail the meetings that the Board had with the different institutions, follow by a highlight of Ghana anti-corruption issues and initiatives and the roles of the civil society and the private sector. Section three identified the anti-corruption good practices and the challenges to anti-corruption war in the country. It concluded with recommendations on how anti-corruption war could be better fought in the country.

### *1. Meeting with Stakeholders- International Development Partners*

**1. United Nations Development Project (UNDP), Ghana:** The meeting commenced as scheduled. Dr. Ansah thanked the Country Director of UNDP, Dr. KK Kamaludden and his colleague for accepting to have the meeting with the Board. She gave a background of the African Union Advisory Board on corruption, its convention, when it was inaugurated and the roles of the Board. The team intimated the UNDP officials that Ghana has signed and ratified the AU Convention on corruption. Dr. Ansah cited Article 22 of the AU Convention on Corruption particularly sub-sections (5) and informed the UNDP officials that the team was in Ghana to amongst others have meeting with relevant stakeholders to evaluate the implementation of the convention, the challenges hampering its implementation; how to overcome those challenges and to encourage the government to fully commit itself to the implementation of the convention. In their response, the UNDP officials thanked the Board for the good work it has done and still doing. Going by their understanding, they summarized what the AU Convention provides for into three, to raise the fight against corruption high at the national level, to encourage anti-corruption dialogue among the African Union organs, and to encourage the implementation of all the anti-corruption legal frameworks. According to Ghana UNDP, the government of Ghana has made an encouraging effort to implement the AU Convention on corruption but much more would be required of the country. The UNDP Ghana informed the team that it is among the

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<sup>1</sup> Meetings with the UNDP and European Union officials for example helped the mission to get a neutral information on how Ghana is implementing the Au-Convention on corruption.

Governance Working Group in the country supporting the following governance programmes. According to UNDP, all these thematic areas has anti-corruption component in its action plan: The National Anti-Corruption Action Plan, The multi-donor Budget support work, Development of Code of Conduct for the Public Service.

**The National Anti-Corruption Action Plan:** The national anti-corruption policy has been published and it is presently before the parliament for approval. CHRA J facilitated the process and the document was developed by Ghana anti-corruption stakeholders, the government, the civil society and the representatives of the private sector. This UNDP argued is a giant step towards implementation of AU Convention on corruption. However, it emphasized that implementation of the policy is the most important action that is needed.

**The multi-donor Budget support work:** Work is also going on this. International development partners continue to support Ghana budget and also to promote transparency and accountability. The pay-roll are being cleansed-up and this has reduced the numbers of ghost workers. However, Ghana public finance management needs to improve from what it is presently. There is a need for more transparency and accountability in public finance management. Public finance audit are conducted years after the fiscal expenditure had taken place. There is an urgent need for an improvement in this area

**Development of Code of Conduct for the Public Service:** The document had been prepared and codified and the Ministry of Justice is working hard to ensure its completion.

In addition to the above major work by the Ghana Governance Working Group, other anti-corruption initiatives by the country include:

- a. Development of Access to Information Bill
- b. Passage of Whistle Blowers Bill into law
- c. Good work is also ongoing by the Ghana Extractive Industries Transparency Initiative (GEITI) and the Ghana chapter of Publish What You Pay to promote transparency in Ghana extractive sector.
- d. The transformation of the Serious Fraud Office into Economic and Organized Crime Office

It is important to emphasize that Ghana has taken a big step to combat corrupt practices and it is at the forefront on anti-corruption war among its peers in the sub-region. Also, the civil society is very strong in Ghana and it has been active and collaborating with the government

in the war against corruption as required in Article 12 of the AU convention on corruption. Civil society in Ghana needs more technical and resource support to continue to be relevant in the war against corruption and the rights of the poor needs to be protected in the war against corruption in Ghana. Legal aid for the poor should be part of Ghana anti-corruption programmes

**2. Meeting with the European Union Office in Ghana:** The team had a meeting with Ambassador Claude Maerten and Daria Fane the head of European Union in Ghana and the head of governance respectively. The EU officials highlighted the following points on Ghana war against corruption in the context of African Union Convention on corruption. EU presently has a budget of 450 million Euro to support Ghana budget till 2018. From the meeting, the AU team was informed that there is multiple anti-corruption institutions and laws and coordination remains a challenge.

***II. Meeting with Stakeholders- Governmental Institutions***

**3. Meeting with the Ghana’s National African Peer Review Mechanism:**

The Ghana African Peer Review Mechanism (APRM), the country’s APRM initiative has a Council that is made up of 7 respected and experienced individuals responsible for policy formulation and a Secretariat that is saddle with implementation of the policies. According to the Council, APRM has the following thematic areas while anti-corruption is a cut-crossing issue.

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| <ul style="list-style-type: none"> <li>• Democracy and Political Governance,</li> <li>• Economic Governance and Management</li> <li>• Corporate Governance, and</li> <li>• Scio-Economic Development</li> </ul> | } | <p>Anti-Corruption is a cut-crossing issue and APRM work in Ghana is more effective on petty corruption than on grand corruption.</p> |
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The APRM is a government establishment and it has the responsibility to evaluate the government on the above thematic areas, report on its findings and to advice the government accordingly. The reports usually have a recommendation section on long, short and medium action plans for the country. The Ghana APRM, considering its genuine efforts, it was to also mandated to monitor the implementation of the various action plans that it has recommended. Since its inauguration in March 8, 2004, Ghana national APRM has

produced several reports<sup>2</sup>. Ghana National APRM system has 230 District Area Committees



each with 9 members. The committees cover the entire country and it also has district assemblies where validations of finding are carried out. The APRM approach to work in Accra is people centre

though funding has remains a challenge. The body is working hard, particularly on petty corruption at the district level.

APRM reports in Ghana indicates that corruption is entrenched in all the Ghanaian public institutions and both grand and petty corruptions remains a clog in the wheel of Ghana socio, political and economic development

## ***II. Meeting with Stakeholders- Representatives of the Civil Society, the Media, and the Organized Private Sector.***

The team had a meeting with the Ghana Anti- Corruption Coalition . The Coalition is made up of civil society organizations, the organized private sector and government institutions. For example, CHRAJ and EOCO are members of the Coalition. Fortunately, the government institutions that are members of the coalition did not attend the meeting that the team had with the coalition and this accorded the representatives of the media, the civil society, the organized private sector to speak without reservation. During the meeting, members of the coalition intimated the Board members of the state of the AU convention implementation, the challenges hampering its effective implementation and how the government of Ghana can be more committed to its implementation.

### **Key findings on Anti-Corruption Practices and Challenges to Effective Implementation of the African Union Convention on Corruption in Ghana**

1. Ghana has so many anti-corruption legislations and policies. CHRAJ indicated that the country has up to twenty legislations that deal with one aspect of corruption and or

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<sup>2</sup> See Third Annual Progress Report, January-December 2008; Fourth Annual Progress Reports, January-December 2009, District Governance Assessment 2011 report etc

the other; marching commitment to the enacted laws and policy formulated however remains a critical challenge in Ghana.

2. Although, there is enactment of the Whistle Blowers Act, citizens are yet to have confidence in the whistle blowers law and its provisions, for that they continue to relates with the civil society organizations to blow corruption whistles: there are too many technicalities in the law. Since its enactment one year ago, it has not been successfully tested. Anti-corruption institution like CHRAJ argues that “informant system” is better and the whistle Blowers law may not yield the expected result for cultural reason.
3. Citizens believe there is too much delay in corruption prosecution as this take years for justice to be done. Some are of the view that the Ghana Fast-Track Court System should be adopted to deal with corruption cases in the country.
4. Ghana urgently need an effective campaign finance legislation to overcome corruption to in her electoral system
5. There is little research work on corruption, anti-corruption institutions in the country and other stakeholders should as a matter of urgency prioritize this in the anti-corruption programmes to positively influence anti-corruption policies in the country
6. The civil society and the International development institutions are of the view that anti-corruption institutions are not well funded and they are under the control of the government
7. The level of commitment to anti-corruption among the three arms of government differs and there is a need for all the three arms of government to be highly committed to anti-corruption war in the country. All the three arms of government needs to embrace to jointly embrace integrity system
8. The audit of public expenditure take place years after the fiscal operation years
9. Queries from the Auditor-General are left unattended to by various public offices
10. Audit Report Implementation Committee (ARIC) are not effective at all levels of government and for anti-corruption to be effective in Ghana these committees needs to be effective
11. The government of Ghana has good governance objectives and one of these objectives is the war against corruption. They also concurred with the UNDP position that Ghana is at the forefront among its peers in the war against corruption in Africa.
12. The President as a person is committed to the fight against corruption
13. The media is active on anti-corruption, they report anti-corruption issues and investigation frequently in the pages of newspapers and on radio

14. There are many anti-corruption institutions and laws in place but the anti-corruption institutions are not well resourced
15. There is political interference in the war against corruption and corruption is highly politicized in Ghana
16. On Ghana war against corruption, the EU mission is supporting the country's Auditor-General office, the office is performing compare with her peers in West Africa sub-region but its findings and recommendations are not strictly
17. Implemented; there is no enough transparency in Ghana public procurement system.
18. Ghana has opaque and confusing public management system and there is a need for a review of the system to promote transparency and accountability in the country.
19. Budget are published but there is no effective tracking of the expenditure
20. The definition of corruption in Ghana is narrow, there is conflict of interest in the work of CHRAJ as anti-corruption institution and human rights defenders, the two offices needs to be separated
21. Ghanaians were also of the view that there is an need to combat corruption in the media sector as corruption in the media can impacted negatively good governance and development
22. There is confusion in the Asset Declaration legislation that is before the parliament and a review of that law is critical
23. There is a need to strengthen the Ghana financial control system, particularly the Public Procurement Authority to overcome the problem of over-budgeting and expenditure; there is also a challenge in financial decentralization, budget are not released as at when due thereby hampering effective implementation of anti-corruption policies and programmes
24. The international development should be bold and support anti-corruption work, particularly on awareness creation and sensitization on the evil of corruption and how to combat corruption using the Whistle Blowers Act.
25. There is a challenge of no end to anti-corruption cases
26. Too many institutions are provided to handle whistle blower cases thereby duplicating anti-corruption efforts among the public institutions
27. There is no transparency and accountability in political funding, base on this, there is an urgent need for a legislation and policy framework on political party funding in Ghana. This is a major source for grand corruption in the country.
28. Ghana has a flourishing democracy but there is also a need for similar success in the war against grand and petty corruption

29. Finally, there is a need for political will in the war against corruption
30. There is a need for naming and shaming for anti-corruption war to be more successful in Ghana
31. Ghana should stop signing and ratifying international conventions that they are not ready to implement
32. The Asset Declaration law is comprehensive but it is not being implemented by both the public servants and the elected government officials; Whistle Blowers Bill has been passed into law but they are yet to see its result
33. Effort to pass into law the Access to information bill s on the high side
34. There is an urgent need for campaign finance law and or policy to address political and grand corruption
35. There is a need for public awareness creation on Ghana Whistle Blowers law
36. Corruption in party funding has impacted negatively effective participation of female gender in politics
37. Ghana has improved in term of investment in anti-corruption initiatives but citizens perception of corruption in the country as documented by Ghana national APRM reports and other report is still very high. Based on this, there is a need to differentiate between improved investment in anti-corruption initiatives and anti-corruption results in Ghana. The country has therefore improved in term of investment but with little results.
38. Illiteracy is high in Ghana and there is a need for capacity building for the citizens at the district level on the war against corruption.

**Appendix 1: Advocacy Time Table**

<b>Days</b>	<b>Date</b>	<b>Organizations</b>	<b>Time</b>	<b>Venue</b>	<b>Contact Person(s)</b>
Thursday	7 <sup>th</sup> June 2012	UNDP	9:30	UNDP Office	Country Manager/ Kamil Kamaluddeen
		European Union	11:00am	European Union	Daira Fane



		Africa Peer Review Mechanism (APRM)	3:00 pm	APRM Conference Room	Sam Cudjoe
Friday	8 <sup>th</sup> June 2012	Economic and Organized Crime Office	10:00am	The Office	Justice Tsar
		Ghana Anti-Corruption Coalition	7:30 am	Ghana Anti-Corruption Coalition (Secretariat)	Ms. Florence Dennis
		Rep of the Media			
		Rep of the organized Private Sector			
		Ghana Human Rights and Administrative Justice (SHRAJ)	11:30 am	SHRAJ Office	Charles Ayamdootta / LampteyLaure
Saturday	9 <sup>th</sup> June 2012	Report Writing			
Sunday	10 <sup>th</sup> June 2012	Report Writing (Cont.)			
Monday	11 June 2012	Departure			

**Appendix 1: Advocacy Team Members:**

1.	Dr. Jane Ansah	Board Member/Team Leader
2.	Amb. Leonidas Havyarimana	Board Members
3.	John Ikubaje	Senior Governance Officer
<b>Meetings with institutions and their relevant officials</b>		
<b>S/n</b>	<b>Name</b>	<b>Organizations</b>
1.	Rev. Dr. Fred Deegbe	Chairman (GACC) and General Sec. (Christian Council of Ghana)
2.	. Kojo Asante	Centre for Democratic Development (CDD), Ghana
3..	Nana Osei-Bonsu	Director General, Private Enterprise Foundation
4.	Bright Blewu	General Secretary, Ghana Journalists Association
5.	George Amo	Ghana Integrity Initiative (Local Chapter of Transparency International
6.	Ms. Florence Dennis	Executive Secretary, Ghana Anti-Corruption Coalition
7.	Samuel K Adjepong	Chairman, Ghana APRM Governing Council
8.	SKB Asante	Member, Ghana APRM Governing Council
9.	Alex Ntim Abankwa	Member, Ghana APRM Governing Council
10.	Gloria Ofori-Boadi	Member, Ghana APRM Governing Council
11.	Patrick Adu Osei	Ghana APRM Secretariat
12.	Henry P. Magnuilan	Ghana APRM Secretariat
13.	Cornelia Amoah	Ghana APRM Secretariat
14	K.K. Kamaluddeen	Country Director, UNDP Ghana,
15	Mr. Gymadia	Governance Analyst, Ghana UNDP
16	Maerten Claude	Ambassador of EU in Ghana
17	Daria Fane	Head of Governance, EU Office in Ghana
18	B. Mortey Akpadzi	EOCO Executive Director
19		EOCO Deputy Director
20	Lauretta V. Lamptey	Commissioner, CHRAJ,
21	Charles Ayamdo	Director, CHRAJ
22	Richard A. Quayson	Deputy Commissioner