



**IACC HIGH-LEVEL SEGMENT  
MONITORING MECHANISM  
GHANA  
2018-2021**

Ghana Integrity Initiative (GII) is the local chapter of Transparency International, GII was launched in December 1999 as a non-partisan, non-profit civil empowerment organisation focused on the delivery of essential themes necessary for the creation of a national integrity system.

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Author: Ghana Integrity Initiative

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# EXECUTIVE SUMMARY

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## SUMMARY OF FINDINGS

Total number of commitments made at the 18 <sup>th</sup> IACC	2
Total number of commitments selected for monitoring	0

Current level of progress in commitment implementation	
Number of fulfilled commitments	0
Number of partially fulfilled commitments	0
Number of commitments not fulfilled/dropped	0

## KEY CHALLENGES TO COMMITMENT IMPLEMENTATION

1. Ghana's statement at the IACC 2018 did not meet the specific and measurable criteria set out in the IACC monitoring methodology<sup>1</sup> for commitments. This means they are formulated very vaguely and do not contain any actions that the government could be monitored on.
2. Anti-corruption agencies and independent governance institutions, including Human Rights and Administrative Justice (CHRAJ), National Commission for Civic Education (NCCE) and the Office of the Special Prosecutor (OSP), are under-resourced.<sup>2</sup> This development, which cuts across state anti-corruption institutions, affects the performance of their mandate and the trust of the citizenry in their ability to deliver.
3. Weak coordination and collaboration among anti-corruption agencies<sup>3</sup> usually leads to uncomfortable turf wars, ineffective collaboration and duplication of functions and its attendant wastage of resources with no value for money.
4. Politicisation of the fight against corruption<sup>4</sup> has in most instances made it difficult for public servants to preform their duties without interference from the political party in power. Politicisation of corruption, also referred to as the political equalisation of corruption, refers to a situation where a political administration accused of not fighting corruption fights back, not to prove that they are dealing with it but that they try to cover the matter up by pointing

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<sup>1</sup> IACC MONITOR: Anti-Corruption Commitment Monitoring Tool: Methodology and Implementation Guidelines; [https://iaccmonitor.org/wp-content/uploads/2020/11/II-IACC-MONITOR\\_20200504\\_WEB.pdf](https://iaccmonitor.org/wp-content/uploads/2020/11/II-IACC-MONITOR_20200504_WEB.pdf)

<sup>2</sup> Graphic Online, Resource OSP to Fight Corruption – Former President Mahama, 21 August 2021, <https://www.graphic.com.gh/news/politics/resource-osp-to-fight-corruption-former-president-mahama.html>

<sup>3</sup> Ghanaian Times, 11 Anti-Corruption Agencies Sign MOU to Share Information, [https://www.ghanaiantimes.com.gh/11-anti-corruption-agencies-sign-mou-to-share-information/#:~:text=The%20rest%20are%20the%20Ghana,the%20Special%20Prosecutor%20\(OSP\)](https://www.ghanaiantimes.com.gh/11-anti-corruption-agencies-sign-mou-to-share-information/#:~:text=The%20rest%20are%20the%20Ghana,the%20Special%20Prosecutor%20(OSP))

<sup>4</sup> MyJoyOnline, Akufo-Addo on CSOs: The President Was Performing for An Audience – Bright Simons, 21 August 2021, <https://www.myjoyonline.com/akufo-addo-on-csos-the-president-was-performing-for-an-audience-bright-simons/>

to other political administrations as also being corrupt. This phenomenon has been known to affect public officers' decisions who, in the performance of their duties, could be sanctioned unfairly or tagged as a member of a political party.<sup>5</sup>

5. Weak enforcement of anti-corruption legislation<sup>6</sup> due in part to government interference or lack of commitment to act. Ghana's legislation is partly comparable to international standards but it often falls short in effective implementation. For example, the Whistleblower Reward Fund (Clauses 20-27) of the Whistleblower Act, 2006, (Act 720)<sup>7</sup> is yet to be operationalised<sup>8</sup>. Again, the use of single source or restricted procurement methods of awarding contracts under Public Procurement Act, 2003 Act 663 (as amended with Act 914)<sup>9</sup> has in many cases not been strictly adhered to as justifications for its use by many public entities do not meet the requirements.<sup>10</sup>
6. Unregulated discretion<sup>11</sup> in the use of public authority has and remains a key challenge for the main accountability institutions and the executive in the performance of their anti-corruption duties. Discretion can mean that the executive, heads and management of some public institutions abuse their authority without any sanctions due to the vague nature of their mandate.<sup>12</sup> For instance, the president has the power to appoint and dismiss without limitations, making it difficult to restrict the application of the power for public service or other positions in independent institutions.
7. Limited accountability and access to proactively published public data<sup>13</sup> makes it difficult for citizens to effectively participate in governance and demand accountability from duty bearers.

## KEY OPPORTUNITIES TO ACCELERATE COMMITMENT IMPLEMENTATION

There are a variety of opportunities for the government to accelerate the implementation of anti-corruption commitments going forward:

1. Ghana Open Government Partnership (OGP) Fourth National Action Plan (NAP-4) 2021-2023<sup>14</sup> is a clear window for the government with the support of key stakeholders, including CSOs, to make realistic and impactful commitments towards the fight against corruption.

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<sup>5</sup> News Ghana, Sad, We Can't Fight Corruption with Equalization, 8 April 2014, <https://newsghana.com.gh/sad-we-cant-fight-corruption-with-equalization/>

<sup>6</sup> GAN Integrity, Ghana Corruption Report, September 2020, <https://www.ganintegrity.com/portal/country-profiles/ghana/>

<sup>7</sup> Government of Ghana, Whistleblower Act, 2006 Act 720, <http://elibrary.isg.gov.gh/fq/laws%20of%20ghana/2%20REP/WHISTLEBLOWER%20ACT,%202006%20ACT%20720.htm>

<sup>8</sup> Ghana News, Government Urged to Establish Whistleblower Reward Fund, November 2019, <https://www.ghanamma.com/2019/11/20/government-urged-to-establish-whistleblower-reward-fund/>

<sup>9</sup> Government of Ghana, Public Procurement Act 2003, [https://ppa.gov.gh/wp-content/uploads/2019/01/Public-Procurement-Amendment-Act-2016-ACT663\\_RePrinted.pdf](https://ppa.gov.gh/wp-content/uploads/2019/01/Public-Procurement-Amendment-Act-2016-ACT663_RePrinted.pdf)

<sup>10</sup> Kissi, E., & Osei-Tutu, E. & Tutu, S., Sole Sourcing Procurement: The Ghanaian Procurement Experience, 2018, [https://www.researchgate.net/publication/341580734\\_SOLE\\_SOURCING\\_PROCUREMENT\\_THE\\_GHANAIAN\\_PROCUREMENT\\_EXPERIENCE](https://www.researchgate.net/publication/341580734_SOLE_SOURCING_PROCUREMENT_THE_GHANAIAN_PROCUREMENT_EXPERIENCE)

<sup>11</sup> Unregulated discretion is when a public official with state-backed authority exercises discretion in key decisions in line with or contrary to technical advice.

<sup>12</sup> Modern Ghana, Stop the Abuse of Power, 16 June 2010, <https://www.modernghana.com/news/280576/stop-the-abuse-of-power-emile-short.html>

<sup>13</sup> The Fourth Estate, Testing RTI Law: The 33 Public Institutions that Passed or Failed, 11 October 2021, <https://thefourthstategh.com/2021/10/11/testing-rti-law-the-33-public-institutions-that-passed-or-failed/>

<sup>14</sup> Open Government Partnership, Ghana Action Plan 2021-2023, 5 October 2021, <https://www.opengovpartnership.org/documents/ghana-action-plan-2021-2023/>

2. The UNCAC periodic peer review mechanism, which will take place in June 2024, also presents an opportunity to reflect on successes and map out strategies for the implementation of identified gaps.<sup>15</sup>
3. Under the 1992 Constitution of the Republic of Ghana, the attorney general under Article 88 (3) is responsible for the initiation and conduct of all prosecutions of criminal offences.<sup>16</sup> The government must, therefore, work with the attorney general and parliament to amend Article 88 (3&4) to make way for the private prosecution of corruption cases.
4. The government must create a platform to coordinate collaboration among state accountability institutions, CSOs and the general public. The platform could take the form of periodic meetings for accountability institutions to deliberate on the sharing of information and experiences, organise periodic public engagements for CSOs and the general public, develop mechanisms for case referrals and host joint activities and investigations.

## KEY RECOMMENDATIONS

1. Future commitments must be made after broader consultations with key stakeholders, including CSOs, to reflect the country's priorities and create a sense of ownership by all for successful implementation.
2. Commitments should be connected to existing anti-corruption frameworks such as the 1992 Constitution of Ghana,<sup>17</sup> the National Anti-Corruption Action Plan (NACAP),<sup>18</sup> with priorities geared towards education, prevention and deterrence and the holistic approach of bringing all stakeholders together to clearly spell out their roles to ensure impact in the fight against corruption as well as other international commitments including those of the Open Government Partnership (OGP)<sup>19</sup> among others. By analysing these frameworks and commitments against the current country context, the government should be committed to the following:
  - a) Parliament and various account committees at the entity level must ensure the effective implementation of the Auditor General's recommendations,<sup>20</sup> including recovering or disallowing of expenditures and delivering sanctions to the Public Accounts Committee (PAC) by ministries, departments and agencies (MDAs) as well as metropolitan, municipal and district assemblies (MMDAs)<sup>21</sup>
  - b) In the current Public Office Holders Declaration of Assets Act, 1998 (Act 550),<sup>22</sup> assets are declared in sealed envelopes not verified by any officer, and only a small percentage of officers eligible to declare comply. The government must ensure that the new Conduct of Public Officers' Bill before parliament is passed by end of 2022 to ensure an open and

<sup>15</sup> UNCAC Coalition, UNCAC Review Mechanism, <https://uncaccoalition.org/uncac-review/uncac-review-mechanism/>

<sup>16</sup> Constitute Project, Ghana's Constitution of 1992 with Amendments through 1996,, [https://www.constituteproject.org/constitution/Ghana\\_1996.pdf](https://www.constituteproject.org/constitution/Ghana_1996.pdf)

<sup>17</sup> Government of Ghana, Criminal Offences Act, 1960 Act 29, <http://elibrary.isg.gov.gh/fq/laws%20of%20ghana/2%20REP/CRIMINAL%20OFFENCES%20ACT,%201960%20ACT%2029.htm>

<sup>18</sup> Republic of Ghana, National Anti-Corruption Action Plan (NACAP) (2015-2024), 20 December 2011, <https://chraj.gov.gh/wp-content/uploads/2018/04/NACAP-2015-2024.pdf>

<sup>19</sup> Open Government Partnership, Ghana Current Action Plan 2021-2023 Action Plan 4, <https://www.opengovpartnership.org/members/ghana/>

<sup>20</sup> Ghana Audit Service, <https://ghaudit.org/web/>

<sup>21</sup> Open Government Partnership, Ghana Action Plan 2021-2023, 5 October 2021, <https://www.opengovpartnership.org/documents/ghana-action-plan-2021-2023/>

<sup>22</sup> Government of Ghana, Public Office Holders (Declaration of Assets and is Qualification) Act, 1998 Act 550, [http://elibrary.isg.gov.gh/fq/laws%20of%20ghana/2%20REP/PUBLIC%20OFFICE%20HOLDERS%20\(DECLARATION%20OF%20ASSETS%20AND%20IS%20QUALIFICATION\)%20ACT,%201998%20ACT%20550.htm](http://elibrary.isg.gov.gh/fq/laws%20of%20ghana/2%20REP/PUBLIC%20OFFICE%20HOLDERS%20(DECLARATION%20OF%20ASSETS%20AND%20IS%20QUALIFICATION)%20ACT,%201998%20ACT%20550.htm)

transparent assets declaration by public officers. This will ensure that assets declared are verified by the receiving agency and the information published is in line with the constitution and other best practice examples from across Africa.<sup>23</sup>

- c) Ensure that the Office of the Special Prosecutor is adequately supplied with the necessary human, financial and other resources<sup>24</sup> with its independence strengthened and safeguarded by allowing full freedom in recruitment of staff and in the conduct of investigations.
  - d) The Right to Information (RTI) Act, 2019, (ACT 989)<sup>25</sup> is now operational but the roll-out of the requisite infrastructure and administrative machinery, which began in 2020, is still ongoing. A right to information commission has also now been established and an executive secretary appointed. The government must now complete the roll-out of the administrative structure for the RTI Secretariat to all regions of Ghana by end of 2022.<sup>26</sup>
  - e) Facilitate greater access, availability and use of beneficial ownership data compliant with the FTAF recommendation<sup>27</sup> and the Anti-Money Laundering Act, 2020 (Act 1044)<sup>28</sup> by establishing a public register.<sup>29</sup>
3. Future commitments should identify a specific policy area or anti-corruption mechanism and outline clear measurable actions of how the government of Ghana wants to advance in their anti-corruption work. It should avoid non-committal language and vague statements of intent.

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<sup>23</sup> Open Government Partnership, Ghana Action Plan 2021-2023, 5 October 2021,

<https://www.opengovpartnership.org/documents/ghana-action-plan-2021-2023/>

<sup>24</sup> Graphic Online, CSOs Demand Adequate Funding of Special Prosecutor, 5 November 2021,

<https://www.graphic.com.gh/news/politics/anti-corruption-csos-demand-adequate-funding-of-special-prosecutor.html>

<sup>25</sup> Government of Ghana, Right to Information Act, 2019, (Act 989),

[http://elibrary.jsq.gov.gh/fq/laws%20of%20ghana/2%20REP/RIGHT%20TO%20INFORMATION%20ACT,%202019,%20\(ACT%20989\).htm](http://elibrary.jsq.gov.gh/fq/laws%20of%20ghana/2%20REP/RIGHT%20TO%20INFORMATION%20ACT,%202019,%20(ACT%20989).htm)

<sup>26</sup> Open Government Partnership, Ghana Action Plan 2021-2023, 5 October 2021,

<https://www.opengovpartnership.org/documents/ghana-action-plan-2021-2023/>

<sup>27</sup> GIABA, Anti-money laundering and counter-terrorist financing measures Ghana Mutual Evaluation Report, May

2017, (page 61-63), <https://www.fatf-gafi.org/media/fatf/documents/reports/mer-fsrb/GIABA-Ghana-MER-2018.pdf>

<sup>28</sup> Government of Ghana, Anti-Money Laundering Act 2020,

[https://fic.gov.gh/AML%20ACT%202020%20\(ACT%201044\).pdf](https://fic.gov.gh/AML%20ACT%202020%20(ACT%201044).pdf)

<sup>29</sup> Open Government Partnership, Ghana Action Plan 2021-2023, 5 October 2021,

<https://www.opengovpartnership.org/documents/ghana-action-plan-2021-2023/>

# INTRODUCTION

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The 18th IACC in Copenhagen featured a series of high-level meetings among countries in the Organisation for Economic Co-operation and Development (OECD) and non-OECD countries as well as international and regional organisations. As part of these meetings, participants made a set of statements on the steps that each intends to take to make progress in the field of anti-corruption, based on existing commitments, such as Open Government Partnership (OGP) action plans, UK Summit, United Nations Convention against Corruption (UNCAC), OECD instruments, Sustainable Development Goals (SDGs), etc.<sup>30</sup> Participants at the high-level meetings agreed to establish a follow-up mechanism engaging all stakeholders (including governments, international and regional organisations, companies and civil society) in monitoring the implementation of these commitments.

The aims of the follow-up mechanisms are to:

- assess the level of progress towards the implementation of the commitments
- provide further analysis on, and complement, other reporting mechanisms
- focus on the qualitative nature of the commitments rather than quantitative scoring or ranking
- provide insights into what has and has not worked and why
- provide insights into the opportunities and challenges for implementation as a basis for understanding where technical support should be targeted

The follow-up mechanism aims to capture the context and conditions under which the commitments are being implemented as well as recording progress in the implementation of the commitments. It provides further analysis on, and complements, other reporting mechanisms, rather than duplicating them.

This report presents the results of the first round of monitoring for Ghana.

The report contains the following sections:

1. Filtering of commitments: presents the results of selecting the Ghana's commitments based on an assessment of their level of specificity and measurability, and hence the feasibility of monitoring each one of them.
2. Analysis of the Ghanaian context: presents a brief analysis of the extent to which the commitments overall are considered pertinent to the country context.
3. Progress in implementing the commitment: presents the level of progress of the commitments selected for monitoring as well as the challenges and opportunities for implementation.
4. Recommendations: presents the key recommendations to accelerate the implementation of commitments.

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<sup>30</sup> 18th IACC High Level Segment Commitments, <https://iaccseries.org/18th-iacc/18th-iacc-high-level-segment-commitments/>

# FILTERING OF COMMITMENTS

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In total, Ghana presented two commitments at the 18<sup>th</sup> IACC in 2018. Of these, none of the commitments are deemed feasible to monitor based on their level of specificity and measurability, as presented below:

**COMMITMENT 1: There is a need to increase collaboration among the anti-corruption institutions and also with civil society organizations (CSOs) and the media. Going forward, we will like to strengthen the collaboration.**

IS THE COMMITMENT SPECIFIC? NO

Although this commitment is in line with the National Anti-Corruption Action Plan (NACAP), the formulation of the commitment makes it a general statement of intent or support to reduce corruption or strengthen anti-corruption. This commitment lacks specificity in the area of focus for the collaboration.

Reaching out to the delegates to understand the specific intention behind the commitment in order to strengthen the commitment has not been successful since key members of Ghana's delegation have resigned or were not reappointed.

IS THE COMMITMENT MEASURABLE? NO

The commitment does not identify any measurable actions for monitoring. It also lacks indicators for identifying progress and achievement or otherwise.

IS THE COMMITMENT SELECTED FOR MONITORING NO

**COMMITMENT 2: An option worth considering is the private prosecution of 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 money lost to corruption.**

IS THE COMMITMENT SPECIFIC? NO

This statement can be divided into two commitments where the second is predicated on the first one. Both commitments identify "the private prosecution of corruption and corruption related offences" as a specific anti-corruption mechanism. However, both statements cannot be considered specific enough due to the phrase "an option worth considering". This phrase is non-committal and therefore does not meet the specificity benchmark for this report.

**IS THE COMMITMENT  
MEASURABLE?**

**NO**

The second part of this commitment identified a clear measurable action to “introduce a generous reward scheme”. This could have been considered for monitoring, but its dependence on the first part of this commitment means the commitment will be difficult to monitor due to the lack of specificity and measurability of the first part.

**IS THE COMMITMENT SELECTED  
FOR MONITORING**

**NO**

# COUNTRY CONTEXT

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Since Ghana gained independence in 1957, corruption has been a major development challenge from the first to the fourth republics.<sup>31</sup> The state criminalised corruption in sections 239-240 of the Criminal Offences Act, 1960 (Act 29)<sup>32</sup> with the view to making corruption and its practice a crime punishable under the laws of Ghana. Since then, measures and strategies towards fighting corruption have included:

- a) embarking on moralising crusades by enlisting the help of religious and community leaders to exhort citizens to uphold the values of integrity and to manifest high moral ethics in their personal lives
- b) public execution of persons for corruption
- c) passage of draconian decrees that included the imposition of long custodial penalties
- d) confiscation of properties found or believed to have been corruptly acquired by public office holders
- e) declaration of a policy of zero tolerance for corruption
- f) strengthening the nation's anti-corruption legislative framework through the passage of several anti-corruption laws
- g) embarking on public sector and financial management reforms and strengthening national anti-corruption institutions such as the Ghana Police Service, Commission on Human Rights and Administrative Justice (CHRAJ) and the Economic and Organized Crime Office (EOCO).<sup>33</sup>

Many of these efforts mentioned have largely been ineffective as presented in the National Anti-Corruption Action Plan<sup>34</sup> of 2015. The fourth republican constitution of 1992,<sup>35</sup> again, recognised the need to tackle corruption as Article 35(8) states that “the state shall take steps to eradicate corrupt practices and the abuse of power”. Various acts of parliaments have since sought to actualise this, including the Public Procurement Act, 2003 (Act 663),<sup>36</sup> Whistleblower Act, 2006 (Act 720),<sup>37</sup> Anti-Money Laundering (Amendment) Act, 2014 (ACT 874),<sup>38</sup> Audit Service Act, 2000 (Act 584),<sup>39</sup> Public

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<sup>31</sup> Asomah J.Y. What Are the Key Drivers of Persistent Ghanaian Political Corruption? *Journal of Asian and African Studies*. 2019;54(5):638-655. doi:10.1177/0021909619826339

<sup>32</sup> Government of Ghana, Criminal Offences Act, 1960 Act 29, <http://elibrary.isg.gov.gh/fq/laws%20of%20ghana/2%20REP/CRIMINAL%20OFFENCES%20ACT,%201960%20ACT%2029.htm>

<sup>33</sup> Republic of Ghana, National Anti-Corruption Action Plan (NACAP) (2012-2021), <http://www.gaccgh.org/publications/National%20Anti-Corruption%20Action%20Plan%20.pdf>

<sup>34</sup> Republic of Ghana, National Anti-Corruption Action Plan (NACAP) (2015-2024), 20 December 2011, <https://chraj.gov.gh/wp-content/uploads/2018/04/NACAP-2015-2024.pdf>

<sup>35</sup> Constitute Project, Ghana's Constitution of 1992 with Amendments through 1996,, [https://www.constituteproject.org/constitution/Ghana\\_1996.pdf](https://www.constituteproject.org/constitution/Ghana_1996.pdf)

<sup>36</sup> Government of Ghana, The Public Procurement (Amendment) Act 2016 ACT 914, [http://elibrary.isg.gov.gh/fq/laws%20of%20ghana/2%20REP/THE%20PUBLIC%20PROCUREMENT%20\(AMENDMENT\)%20ACT,%202016.htm](http://elibrary.isg.gov.gh/fq/laws%20of%20ghana/2%20REP/THE%20PUBLIC%20PROCUREMENT%20(AMENDMENT)%20ACT,%202016.htm)

<sup>37</sup> Government of Ghana, Whistleblower Act, 2006 Act 720, <http://elibrary.isg.gov.gh/fq/laws%20of%20ghana/2%20REP/WHISTLEBLOWER%20ACT,%202006%20ACT%20720.htm>

<sup>38</sup> Government of Ghana, Anti-Money Laundering Amendment Act 2014 Act 874, <https://www.mint.gov.gh/wp-content/uploads/2017/06/Anti-Money-Laundering-Ammendment-Act-2014-Act-874.pdf>

<sup>39</sup> Government of Ghana, Audit Service Act, 2000 Act 584, <http://elibrary.isg.gov.gh/fq/laws%20of%20ghana/2%20REP/AUDIT%20SERVICE%20ACT,%202000%20ACT%20584.htm>

Financial Management Act, 2016 (ACT 921)<sup>40</sup> and the Right to Information Act, 2019, (ACT 989).<sup>41</sup> The National Anti-Corruption Action Plan (NACAP) was adopted by parliament in 2014 as a comprehensive action plan encompassing preventive and curative measures, as well as prescribing specific roles for stakeholders in Ghana.

Additionally, the country has state anti-corruption bodies such as the Commission for Human Rights and Administrative Justice (CHRAJ),<sup>42</sup> Economic and Organized Crime Office (EOCO),<sup>43</sup> Ghana Audit Service (GAS),<sup>11</sup> Internal Audit Agency (IAA),<sup>44</sup> Ghana Police Service (GPS),<sup>45</sup> National Investigations Bureau (NIB),<sup>46</sup> Attorney General's Department (AG), Office of the Special Prosecutor (OSP) among other institutions that play complementary roles in countering corruption. The government has over the years progressively increased budgetary allocations to state anti-corruption institutions like CHRAJ, GAS and OSP to enhance the delivery of their mandates, although these institutions require more resources.

Despite all these laws and architecture, corruption remains a serious developmental challenge with disastrous impacts on the Ghanaian society. Many citizens still consider that the government of Ghana is not doing enough to rid the country of corruption, and these sentiments are reflected in the various survey findings including the Corruption Perception Index (CPI), Global Corruption Barometer and AfroBarometer surveys.<sup>47</sup>

The CPI since 2012, when the index became comparable, does not show an encouraging picture for Ghana. In 2021 Ghana had a score of 43 out of a possible clean score of 100 and ranked 75 out of 180 countries/territories.<sup>48</sup> A trend analysis of Ghana's CPI score since 2012 indicates the best score was 48 (2014). Since then, Ghana was on a downward trajectory until 2018 when the country made a little though not significant progress (less than 3 score point change). This means, since 2012, Ghana has never made any significant improvement in its score; rather, Ghana dropped significantly in 2016 (by 4 score points) and 2017 (by 3 score points). Again, highlights of the 2019 AfroBarometer<sup>49</sup> and Global Corruption Barometer (GCB) – Africa report<sup>50</sup> showed that, apart from traditional authorities, the top six institutions cited as corrupt were all public institutions.

Ghana has signed on and ratified many international conventions including the United Nations Convention against Corruption (UNCAC) and African Union Convention on Preventing and

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<sup>40</sup> Government of Ghana, Public Financial Management Act, 2016 Act 931, <http://elibrary.jsg.gov.gh/fq/laws%20of%20ghana/2%20REP/PUBLIC%20FINANCIAL%20MANAGEMENT%20ACT.%202016%20ACT%20921.htm>

<sup>41</sup> Government of Ghana, Right to Information Act, 2019, (Act 989), [http://elibrary.jsg.gov.gh/fq/laws%20of%20ghana/2%20REP/RIGHT%20TO%20INFORMATION%20ACT.%202019.%20\(ACT%20989\).htm](http://elibrary.jsg.gov.gh/fq/laws%20of%20ghana/2%20REP/RIGHT%20TO%20INFORMATION%20ACT.%202019.%20(ACT%20989).htm)

<sup>42</sup> Government of Ghana, Commission on Human Rights and Administrative Justice Act 1993 456, <http://elibrary.jsg.gov.gh/fq/laws%20of%20ghana/2%20REP/COMMISSION%20ON%20HUMAN%20RIGHTS%20AND%20ADMINISTRATIVE%20JUSTICE%20ACT.%201993%20456.htm>

<sup>43</sup> Government of Ghana, Economic and Organised Crime Act, 2010, 804, <http://elibrary.jsg.gov.gh/fq/laws%20of%20ghana/2%20REP/ECONOMIC%20AND%20ORGANISED%20CRIME%20ACT.%202010.htm>

<sup>44</sup> Government of Ghana, Internal Audit Agency Act, 2003, Act 658, <http://elibrary.jsg.gov.gh/fq/laws%20of%20ghana/2%20REP/INTERNAL%20AUDIT%20AGENCY%20ACT.%202003%20ACT%20658.htm>

<sup>45</sup> Government of Ghana, Police Service Act, 1970, Act 350, <http://elibrary.jsg.gov.gh/fq/laws%20of%20ghana/2%20REP/POLICE%20SERVICE%20ACT.%201970%20ACT%20350.htm>

<sup>46</sup> Government of Ghana, Security and Intelligence Agencies Act - 1996 (Act 526), <https://home.gis.gov.gh/wp-content/uploads/2020/05/Security-and-Intelligence-Agencies-Act..pdf>

<sup>47</sup> Ghana Integrity Initiative and Ghana Anti-Corruption Coalition, Citizens Anti-Corruption Manifesto, 2020, <https://tiqhana.org/dmsdocument/128>

<sup>48</sup> Transparency International's Corruption Perception Index 2012-2020, <https://www.transparency.org/en/cpi/2020/index/nzl>

<sup>49</sup> AfroBarometer, <https://afrobarometer.org/>

<sup>50</sup> Transparency International, Global Corruption Barometer Africa 2019: Citizen's Views and Experiences of Corruption, 11 July 2019, <https://www.transparency.org/en/publications/gcb-africa-2019>

Combating Corruption (AUCPCC), both in 2007.<sup>51</sup> A review of Ghana's commitments under the AUCPCC in 2018 focused on Article 6 – Laundering of the Proceeds of Corruption, Article 7 – Fight Against Corruption and Related Offences in the Public Service, Article 8 – Illicit Enrichment, Article 9 – Access to Information, Article 10 – Funding of Political Parties and Article 12 – Civil Society and the Media.<sup>52</sup> The findings of the assessment indicated that Ghana partially complied with most of the articles reviewed with some outstanding issues including the criminalisation of conflict of interest, verification and disclosure of asset declaration and the criminalisation of illicit enrichment.

The government, led by the Vice President H.E. Dr. Mahamudu Bawumia since 2017, launched an agenda to digitalise the Ghanaian economy. The introduction of paperless port operations, the integrated e-immigration system, e-procurement, e-parliament, e-justice, e-cabinet, online passport application service, digitising the birth and death registry and the development of an interoperability system to integrate government databases all represent significant milestones in Ghana's journey to digitisation, bringing services closer to communities while helping reduce corruption, especially bribery, by reducing the human interaction.<sup>53</sup>

These efforts notwithstanding, recent actions by the government have raised concerns about its commitment to the fight against corruption. For example, in November 2020, barely a month after the general elections, Martin A. B. K. Amidu (the former special prosecutor) resigned after submitting a corruption risk assessment report which raised the possibility of “bid-rigging” and “illicit financial flows” in the government's plans to sell the rights to most of the country's precious metal royalties to a special-purpose vehicle company<sup>54</sup> registered in the British Crown dependency of Jersey. He cited political interference in the performance of his function as the main reason for his decision to resign.<sup>55</sup>

Again, in July 2020, President Akufo-Addo instructed Mr. Domelevo (former auditor general) to take an accumulated leave, but the directive was highly criticised by civil society organisations (CSOs) including GII, who further called for the reinstatement of Mr. Domelevo. According to the CSOs, the president's action was linked to a special audit conducted by Mr. Domelevo to investigate the payment of US\$1million to Kroll and Associates Limited by the then senior minister, Yaw Osafo, for some consultancy services.<sup>56</sup> As auditor general, Mr. Domelevo, was later asked to retire barely a day after his return from the accumulated leave.<sup>57</sup> The directive came in the wake of the standoff between the auditor general and the audit service board over his nationality and date of birth. The Coalition of Civil Society Organisations Against Corruption issued a statement and campaigned to register their disappointment with the president's decision to forcefully retire the auditor general who

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<sup>51</sup> GTZ, Comparative Analysis of Anti-Corruption Legislation in the Republic of Ghana with the United Nations Convention against Corruption and the African Union Convention on Preventing and Combating Corruption, <https://legal.un.org/avl/documents/scans/GhanaAnti-CorruptionManual.pdf?teil=II&j>

<sup>52</sup> Ghana Integrity Initiative, Towards Enforcement of Africa's Commitments to Anti-Corruption: Civil Society Engagement within the 2018 African Year of Anti-Corruption: A Focus on Ghana's Obligations under the African Union Convention on Preventing and Combating Corruption, 2018.

<sup>53</sup> Ghana MoC, Government Embarks on Digital Inclusion Agenda, <https://www.moc.gov.gh/government-embarks-digital-inclusion-agenda>

<sup>54</sup> Natural Resource Governance Institute, Risk and Reward in Ghana's Agyapa Gold Royalties Deal: Eight Points for Consideration, 1 October 2020, <https://resourcegovernance.org/blog/risk-reward-ghana-agyapa-gold-royalties-deal>

<sup>55</sup> Graphic Online, Why Martin Amidu resigned as Special Prosecutor, 16 November 2020, <https://www.graphic.com.gh/news/politics/why-martin-amidu-resigned-as-special-prosecutor.html>

<sup>56</sup> PenPlusBytes, CSOs Statement on President Akufo Addo's Decision to Force the Auditor General to Take His Accumulated Leave, 7 July 2020, <https://www.penplusbytes.org/csos-statement-on-president-akuffo-addos-decision-to-force-the-auditor-general-to-take-his-accumulated-leave/>

<sup>57</sup> Graphic Online, Domelevo Attains Compulsory Retirement Age - Audit Service Board Alleges He's Not Ghanaian , 3 March 2021, <https://www.graphic.com.gh/news/politics/domelevo-attains-compulsory-retirement-age-audit-service-board-alleges-he-s-not-ghanaian.html>

had excelled in his role since assuming office through recovering millions of cedis for the state by activating his surcharge and disallowances mandate.<sup>58</sup>

Upon assumption of office in 2017, the government of H.E. Nana Addo Dankwa Akufo-Addo initiated and held periodic meetings (at least annually) with the National Anti-Corruption CSOs Coalition to discuss issues of concern in the fight against corruption. One such meeting was dedicated to discussing the CPI and how it is calculated and its implication. These meetings have, however, not met the expectations of civil society as requests made are not commensurate with actions taken by government. During the last encounter in 2021, the president attacked CSOs claiming that they wanted him out of office during the 2020 polls.<sup>59</sup>

Although commitment 1 – “There is a need to increase collaboration among the anti-corruption institutions and also with civil society organizations (CSOs) and the media. Going forward, we will like to strengthen the collaboration” – can generally be considered as an important commitment which can be traced to the NACAP, the commitment (statement) is vague in its current form because CSOs have been collaborating with anti-corruption institutions at various levels in the past and continue to do so even now.

However, the uncoordinated engagement strategies adopted lead to repetitive actions and hence diminish the impact. Inter-institutional collaboration or the lack of it among state anti-corruption institutions is another challenge that came to the fore once again in the wake of the special prosecutor’s claim that he was still investigating the former secretary to the Inter-Ministerial Committee on Illegal Mining (IMCIM) after the Ghana Police Service’s Criminal Investigative Department exonerated the former secretary to the IMCIM in 2019.<sup>60,61</sup> This was after the TigerEye PI’s petition to the Office of the Special Prosecutor over its investigative video which showed state officials allegedly taking bribes to sidestep the procedures for the procurement of mining licences.

This could have partly influenced the signing of a memorandum of understanding among eleven key accountability institutions in 2020 to exchange information and collaborate in the fight against corruption and crime.<sup>62</sup> The institutions were the Commission on Human Rights and Administrative Justice (CHRAJ), the Parliament of Ghana, Office of the Attorney General, Ministry of Justice and the Economic and Organised Crime Office (EOCO), the Ghana Audit Service, Financial Intelligence Centre (FIC), Narcotics Control Board (NaCoB), Internal Audit Agency, Bureau of National Investigation (BNI), Ghana Police Service and Office of the Special Prosecutor (OSP).

The commitment would, therefore, have been better placed if it had focused on creating a platform for mutual engagement and collaboration among the state accountability institutions, CSOs and the general public while taking advantage of existing synergies. The platform could take the form of periodic meetings among heads and other key management staff of accountability institutions to deliberate on the sharing of information and experiences, and organise periodic public engagements

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<sup>58</sup> Corruption Watch Ghana, 500 CSOs Want President to Rescind Decision on Domelevo,

<https://corruptionwatchghana.org/2020/07/10/500-csos-want-president-to-rescind-decision-on-domelevo/>

<sup>59</sup> The Fourth Estate, Simplified: Why CSOs Want Parliament to Investigate \$1.65 Billion Aker Energy Deal, 7 August 2021, <https://thefourthstategh.com/2021/08/07/simplified-why-csos-want-parliament-to-investigate-1-65-billion-aker-energy-deal/>; StarrFM, Some CSOs Wanted Me Out of Office – Akufo-Addo, 19 August 2021, <https://starrfm.com.gh/2021/08/some-csos-wanted-me-out-of-office-akufo-addo/>

<sup>60</sup> Pulse, Galamsey Fraud: Martin Amidu Dares CID for Exonerating Charles Bissie 22 July 2019,

<https://www.pulse.com.gh/news/local/galamsey-fraud-martin-amidu-dares-cid-for-exonerating-charles-bissie/vszhj4t>

<sup>61</sup> Corruption Watch, An Assessment of the Office of the Special Prosecutor, One Year on, 13 May 2019,

[https://www.cddgh.org/wp-content/uploads/2019/05/OSP-AFTER-ONE-YEAR\\_ASSESSMENT-1.pdf](https://www.cddgh.org/wp-content/uploads/2019/05/OSP-AFTER-ONE-YEAR_ASSESSMENT-1.pdf)

<sup>62</sup> Ghanaian Times, 11 Anti-Corruption Agencies Sign MOU to Share Information,

[https://www.ghanaiantimes.com.gh/11-anti-corruption-agencies-sign-mou-to-share-information/#:~:text=The%20rest%20are%20the%20Ghana,the%20Special%20Prosecutor%20\(OSP\)](https://www.ghanaiantimes.com.gh/11-anti-corruption-agencies-sign-mou-to-share-information/#:~:text=The%20rest%20are%20the%20Ghana,the%20Special%20Prosecutor%20(OSP))

for CSOs and the general public as well as develop mechanisms for case referrals and hosting joint activities and investigations.

Referencing Commitment 2 – “An option worth considering is the private prosecution of corruption and corruption related offences. Corruption is basically an offence against 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 money lost to corruption” – of Ghana’s presentation, it is difficult to ascertain how the “private prosecution” commitment could be actualised considering the current status of the law.

To put it simply, private prosecution is a criminal prosecution pursued by a private person or body and not by a statutory prosecuting authority.<sup>63</sup> In some countries, the public prosecutor is not the only one with the right to prosecute those accused of a crime. Thailand, Taiwan, certain American states and most of the 53 members of the British Commonwealth allow private citizens to prosecute offenders.

The main challenge with Ghana implementing a private prosecution of corruption is Article 88(3) of the Constitution of Ghana<sup>64</sup>. The attorney general, under Article 88 (3) of the 1992 constitution is responsible for the initiation and conduct of all criminal prosecutions. Article 88 (4) provides that all offences prosecuted in the name of the Republic of Ghana shall be at the suite of the attorney general or any other person authorised by him/her in accordance with any law. Currently, there is no sign of actions from the government on amending Article 88(3) for the private prosecution of corruption to commence.

The closest the country has come to prosecuting corrupt officials beyond the attorney general is the establishment of the Office of Special Prosecutor (OSP) (Office of Special Prosecutor Act, 2017 Act 959) with the mandate to prosecute corruption and procurement related corruption. It is, therefore, difficult to say that Ghana can implement commitment 2 under the current dispensation. This statement is based on the fact that the country’s priorities in the fight against corruption as espoused in the recent past have not in any way been directed towards private prosecutions.

The two commitments lack clarity, are narrow compared to the country’s anti-corruption gaps, have no benchmarks for measuring and are, therefore, not attainable. Some recent commitments which are feasible and workable and have been pursued despite the fact that there have been inter-party transitions that have included commitments made during the UK Anti-Corruption Summit<sup>65</sup> in 2016. The government of Ghana through the then president committed the country to eleven issues, including putting in place a beneficial ownership regime, preventing the facilitation of corruption, public procurement and fiscal transparency, improving transparency in commodity markets, reporting corruption, asset recovery, tax transparency as well as using innovation to propel the anti-corruption agenda.

Again, the NACAP agenda is consistent with some of the commitments which were made at the UK Summit. As such, any commitment by the state should reference this document to ensure that the country is able to document and track any results. The opportunities to build on an existing framework present the country with a clear set of indicators to measure its impact while reflecting on what else can be done to propel the anti-corruption agenda. As a member of the Open Government

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<sup>63</sup> Edmonds, T. and Jugnarain, D., [Private Prosecutions: A Potential Anticorruption Tool in English Law](#). Open Society Justice Initiative, Open Society Foundation, 2016

<sup>64</sup> Constitute Project, Ghana’s Constitution of 1992 with Amendments through 1996, [https://www.constituteproject.org/constitution/Ghana\\_1996.pdf](https://www.constituteproject.org/constitution/Ghana_1996.pdf)

<sup>65</sup> Ghana Country Statement, UK Prime Minister’s Summit on Tackling Corruption in London, 12 May 2016, [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/522707/Ghana.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/522707/Ghana.pdf)

Partnership (OGP), Ghana is better placed to set an agenda based on the thematic pillars of the OGP. The current action plan (NAP4) has taken into consideration the political economy, government priorities and the gaps requiring attention. With these in mind, it is important that any future commitments need to be informed by our current realities which include the law, policy and other frameworks the country is committed to in order to ensure the potential for implementation.

Finally, the development of the UK Summit 2016 commitment tracker<sup>66</sup> as well as the IACC Monitor<sup>67</sup> are an example which could be replicated by state stakeholders to ensure institutional memory in instances where there have been attritions and transitions, since government is a continuum.

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<sup>66</sup> Ghana Integrity Initiative, Ghana Corruption Pledge Tracker, <https://ghanaanticorruptionpledgetracker.org/>

<sup>67</sup> Transparency International, IACC Monitor, <https://iaccmonitor.org/commitments/>

# RECOMMENDATIONS

<p>Future commitments must be made after broader consultations with key stakeholders, including CSOs, to reflect the country's priorities and create a sense of ownership by all for successful implementation.</p>	<p>The executive arm of government, Office of the Attorney General and Ministry of Justice (MOJAGD), Commission for Human Rights and Administrative Justice (CHRAJ)</p>
<p>Commitments should be connected to national priorities and existing anti-corruption frameworks, such as the 1992 Constitution of Ghana, the NACAP and other international commitments including the OGP, among others. Analysing these frameworks and pledges against the current country context, the government should be committed to the following:</p> <ul style="list-style-type: none"> <li>a) Ensuring the effective implementation of recommendations of the Public Accounts Committee (PAC) by ministries, departments and agencies as well as metropolitan, municipal and district assemblies</li> <li>b) Providing a transparent, verifiable and publicly accessible assets declaration regime</li> <li>c) Ensuring that the Office of the Special Prosecutor is adequately supplied with the necessary human, financial and other resources, with its independence strengthened and safeguarded by allowing full freedom in recruitment of staff and in the conduct of investigations</li> <li>d) Complete the roll-out of the administrative structure for the Right to Information Secretariat in all regions of Ghana by end of 2022</li> <li>e) Facilitate quality, greater access, availability and use of beneficial ownership data</li> </ul>	<p>Audit Service, Internal Audit Agency (IAA), Public Accounts Committee (PAC), CHRAJ</p> <p>MOJAGD, parliament, CHRAJ</p> <p>The Presidency, Office of the Attorney General and Ministry of Justice and CHRAJ</p> <p>Ministry of Information, Right to Information (RTI) Commission, Public Records and Archives Administration Department (PRAAD), parliament</p> <p>The Registrar General's Department (RGD), MOJAGD, Ministry of Lands and Natural Resources, Petroleum Commission, Minerals Commission and Ministry of Energy</p>

<p>Future commitments must be measurable, specific and time-bound to aid monitoring of progress or otherwise. To avoid committing the country to international pledges which are not attainable, at least within the timelines set by the global platform(s) such as IACC:</p> <ol style="list-style-type: none"> <li>1. The government must commit to taking steps to amend Article 88(3) of the constitution to allow for the private prosecution of corruption cases</li> <li>2. The government must commit to creating a platform for regular engagement and collaboration between state anti-corruption institutions and CSOs including the media.</li> </ol>	<ol style="list-style-type: none"> <li>1. Ministry of Justice and Attorney General Department and Parliament of Ghana</li> <li>2. CHRAJ, Office of the Attorney General and Ministry of Justice, EOCO, Ghana Police (CID), audit service, Internal Audit Service, Financial Intelligence Centre (FIC), Narcotics Control Board (NaCoB), parliament, Office of the Special Prosecutor (OSP).</li> </ol>
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# ANNEX 1: LIST OF INTERVIEWEES

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Persons interviewed during the commitment monitoring

	Position	Organisation	Date	Location
1	Mr. Charles Ayamdoo Director anti-corruption	CHRAJ	19/10/2021	Accra
2	Dr. Kojo Asante Director of research	Ghana Centre for Democratic Development (CDD-Ghana)	23/11/2021	Accra
3	Stephen Azantilow Deputy director anti-corruption	CHRAJ	24/11/2021	Accra
4	Bright Sowu Deputy executive secretary	Ghana Anti-Corruption Coalition	25/11/2021	Accra

# ANNEX 2: STAKEHOLDERS CONSULTED

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Persons engaged during consultation on monitoring findings

	Position	Organisation	Date	Location
1	Stephen Azantilow Deputy director anti-corruption	CHRAJ	24/11/2021	Accra
2	Hon. Kwaku Agyeman Kwarteng Former deputy minister for finance	Ministry of Finance	15/11/2021	Accra
3	Wilhelmina Anguah Senior budget officer	Ministry of Finance	15/11/2021	Accra

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