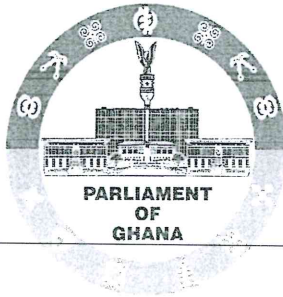




**IN THE SECOND SESSION OF THE SIXTH  
PARLIAMENT OF THE FOURTH REPUBLIC OF GHANA**



**REPORT OF THE COMMITTEE ON CONSTITUTIONAL,  
LEGAL AND PARLIAMENTARY AFFAIRS**

**ON THE  
NATIONAL ANTI-CORRUPTION ACTION PLAN  
(2012-2021)**

***JUNE 2014***



## **1.0 INTRODUCTION**

1.1 The National Anti-Corruption Action Plan (NACAP) (2012-2021) was presented to the House on **Wednesday, 18<sup>th</sup> December, 2013** and referred to the Committee on Constitutional, Legal and Parliamentary Affairs for consideration and report in accordance with Order 179 of the Standing Orders of the House.

1.2 The Committee met with the Commissioner for Human Rights and Administrative Justice, Ms. Laretta Lamptey, her two (2) Deputies, Mr. Richard A. Quayson and Mr. Joseph Whittal and other Officials of the Commission. Mr. Vitus Azeem of Ghana Integrity Initiative and Hon. Emmanuel Bandua, who were members of the Working Group, also attended upon the Committee. These officials took the Committee through the NACAP (2021-2021). The Committee is grateful to them for throwing more light on the Report.

## **2.0 REFERENCE**

2.1 The Committee during its deliberations referred to the following documents and laws:

- 1992 Constitution
- The UN Convention Against Corruption
- The African Union Convention on Preventing and Combating Corruption
- UN Convention Against Transnational Organized Crime

- UN Declaration Against Corruption and Bribery in the International Commercial Transactions and
- The Standing Orders of the House.

### **3.0 BACKGROUND TO THE FORMULATION OF THE NACAP (2012-2021)**

3.1 Corruption is a complex phenomenon. It is an insidious plague that has a wide range of corrosive effects on societies. Its roots lie deep in bureaucratic institutions and its effect on development varies with country conditions.

3.2 Corruption has been variously defined by different people to encompass many and common elements. The World Bank's definition of corruption is the "**abuse of public office for private gain**". This definition is however said to be inadequate since there is also corruption in the private sector. NACAP's has therefore defined it to mean "**the misuse of entrusted power for private gain.**" This definition, even though an improvement on the World Bank's definition, is not comprehensive enough to cover all types and instances of corruption.

3.3 There is a general acknowledgement of the multi-dimensional character of corruption, as well as the broad societal recognition that the canker undermines good governance, the rule of law and development. Corruption is also understood to foster public sector incompetence and

ineptitude; debase public morality; promote and sustain inefficient service delivery; perpetuate poverty; and ultimately, entrench underdevelopment. Corruption flourishes where distortions in the policy and regulatory regime provide scope for it and where institutions of state are weak. The adverse economic effects of corruption are severe, especially on private institutions and the growth of world economies.

3.4 Whilst costs may vary and systemic corruption may coexist with strong economic performance, global experience suggest that corruption is one of the most severe impediments to development and growth in transition and emerging economies. For this reason, concerted and relentless efforts are being made globally to curb the menace. This is evidenced by the ratification of International Conventions such as the United Nations Convention Against Corruption (UNCAC), the African Union Convention on Preventing and Combating Corruption (AUCPCC) and the ECOWAS Protocol on the Fight Against Corruption (ECOWAS Protocol). Ghana has ratified the UNCAC, the AUCPCC and the ECOWAS Protocol.

3.5 Corruption has been a major bane to Ghana's socio-economic and political development since independence. Over the years, recognition of the widespread nature of

corruption and its adverse impact on the Ghanaian society, has produced a wide array of policies and measures aimed at combating the phenomenon. They include the following:

- i. 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;
- ii. Public execution of persons for corruption;
- iii. Passage of draconian decrees that included the imposition of long custodial penalties;
- iv. Confiscation of properties found or believed to have been corruptly acquired by public office holders;
- v. Declaration of a policy of zero tolerance for corruption;
- vi. Strengthening the country's Anti-Corruption Legislative Framework through the passage of several Anti-Corruption Laws;
- vii. Embarking on public sector and financial management reforms; and
- viii. Strengthening National Anti-Corruption Institutions such as Ghana Police Service, Commission on Human Rights and Administrative Justice (CHRAJ) and the Economic and Organized Crime Office (EOCO).

3.6 In spite of all the measures afore-mentioned, the NACAP indicates that several studies conducted have shown that the menace is still endemic in the Country due to the following:

- i. Inadequate appreciation of the complex mix of factors implicated in corruption;
- ii. Lack of public participation in the development and implementation of Anti-Corruption measures;
- iii. Failure to foster local ownership in the formulation and implementation of the various strategies;
- iv. Lack of effective and sustained coordination in the implementation of Anti-Corruption measures;
- v. Lackadaisical government commitment to, and limited support for, the implementation of Anti-Corruption Strategies.

3.7 In the quest to come up with effective measures to deal with corruption in the country, the Commission for Human Rights and Administrative Justice (CHRAJ) organised a Workshop in July 2009 to solicit views from stakeholders on the way forward. The stakeholders were drawn from Ministries, Departments and Agencies, Academia, Independent Governance Institutions, the Executive, Civil Society and individual Anti-Corruption experts/petitioners.

3.8 At the Workshop, participants undertook a review of past measures aimed at combating corruption among other considerations and observed that the measures were piecemeal, ad hoc, uncoordinated and difficult to monitor. Participants upon this recognition proposed a more strategic,

coordinated, all-inclusive and sustained approach which will also address the limitations of previous measures for fighting corruption. Consequently, a group dubbed the “National Working Group” consisting of representatives of major stakeholders including the Executive, Parliament, Judiciary, Ministries, Departments and Agencies and Civil Society Organisations, was inaugurated to facilitate the formulation of the NACAP (2012-2021).

#### **4.0 MISSION OF THE NACAP**

4.1 The mission of NACAP is to contextualize and mobilize efforts and resources of stakeholders, including Government, individuals, civil society, private sector and the media, to prevent and fight corruption through the promotion of high ethics and integrity and the vigorous enforcement of applicable laws.

#### **5.0 STRATEGIC OBJECTIVES OF THE NACAP**

5.1 The following are the strategic objectives of the NACAP:

- i. To build public capacity to condemn and fight corruption and make it a high-risk and low gain activity;
- ii. To institutionalize efficiency, accountability and transparency in the public, private and not-for profit sectors;



- iii. To engage individuals, the media and civil society organisations in the report and combating corruption;
- iv. To conduct effective investigations and prosecution of corrupt conduct.

## **6.0 OBSERVATIONS**

- 6.1 As noted earlier, corruption remains endemic in Ghana despite the wide array of measures pursued in the past to control the menace. The Committee observed that the development of NACAP has taken account of the limitations and shortcomings that characterised the previous anti-corruption strategies and why those strategies did not work. The NACAP integrates Anti-Corruption measures into the programs and activities of public sector organisations, particularly MDAs and MMDAs and key actors in the private sector. This will allow for collective action and sustained co-ordination of efforts, as well as the judicious application of resources of stakeholders to combat corruption.
- 6.2 The Committee noted the measures outlined in the NACAP to deal with corruption. Success would however depend on human resource capacity and adequate funding of the various institutions involved in combating corruption. There is therefore the urgent and perennial need to enhance the capacity and resource-base of Anti-Corruption Institutions

such as the CHRAJ, EOCO, Audit Service, Ghana Revenue Authority, Parliament, Judicial Service, Financial Intelligence Centre, Ghana Police Service and the Attorney-General's Department.

6.3 The fight against corruption will bear little fruit without raising the awareness of public officials and the general public to the dangers of corruption and the duty of every citizen to combat corruption. The Committee noted that the NACAP contains a comprehensive strategy for public education to improve understanding of issues relating to corruption generally; and foster a broad societal appreciation of the causes, costs and ramifications of corruption and its linkage to the erosion of human rights. The Committee is convinced that vigorous education will strengthen citizen's resolve to resist, condemn and report corruption.

6.4 The Committee finally observed that monitoring and evaluation are necessary to ensure successful implementation of NACAP. Monitoring and evaluation will form the basis for a systematic measurement of progress. To facilitate monitoring and evaluation, the NACAP Implementation Team will collect information and make it available to implementation agencies to assist them;

- a. make decisions about their budgets for anti-corruption activities;
  - b. track progress of implementation of NACAP within their respective institutions;
  - c. assess strategies, systems and processes to identify and correct deficiencies/weakness in implementation of NACAP; and
  - d. promote collaboration among implementing agencies by sharing implementation reports.
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## **7.0 RECOMMENDATIONS**

The Committee is convinced that corruption exists in both the public and private sectors of our country. It operates and exists in dark and opaque systems and societies. It hates light, participation, and accountability. It frowns at questions or scrutiny. It is an enemy to openness, transparency and suitability. It befriends greed, avarice and selfishness. It cannot survive in a system of good governance or a clean and just society.

7.1 As a result, in addition to what NACAP has excellently captured, the Committee recommends the following for the consideration of the House:

- The adoption of a definition of corruption in Ghana to encompass and capture all aspects and types of

corruption. We propose a definition of corruption as **“the misuse or abuse of office or power for parochial or private gain”**.

- The implementation and practice of an all-inclusive, participatory, transparent and accountable, good or smart governance;
- The passage of a comprehensive code of conduct and rules of ethics to govern our actions and inactions and create a value based society;
- The curtailment of wide and high discretionary powers and a healthy balance of power particularly in the three arms of government;
- The appointment of people with the necessary competencies to be in charge of the monitoring, evaluation and periodic review of this all important national action plan against corruption.

## **7.0 CONCLUSION**

7.1 The Committee having considered the NACAP carefully, deems it appropriate to remind Members and Ghanaians as a whole of the statement of Professor Robert Klitgaard, formerly of the University of Natal, a widely respected expert on corruption that **“when in a society, the shameless triumph, when the abuser is admired, when principles end and only opportunism prevails, ... when everything becomes corrupt but the majority is quiet**

**because their slice is waiting, when so many “whens” unite, perhaps it is time to review our activities, re-evaluate those around us and return to ourselves.”**

7.2 Finally, the Committee commends the members of the Working Group and all those who made it possible for the crafting of such a good anti-corruption action plan and accordingly recommends to the House to adopt its Report and approve the NACAP for implementation.

Respectfully submitted.



**HON. ALBAN S.K. BAGBIN**  
Chairman, Committee on  
Constitutional, Legal and  
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**ERIC OWUSU-MENSAH**  
Clerk, Committee on  
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