



ANTI-CORRUPTION REPORT

#GhanaSaysNo





METOGU ANTI-CORRUPTION REPORT BY



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ACRONYMS

| | |
|---------------|---|
| AACMA | Asante Akim Central Municipal Assembly |
| AASDA | Asante Akim South District Assembly |
| ADA | Adaklu District Assembly |
| AMA | Accra Metropolitan Assembly |
| AshMA | Ashaiman Municipal Assembly, |
| BOT | Beneficial Ownership Title |
| BOST | Bulk Oil Storage and Transport |
| CHRAJ | Commission for Human Right and Administrative Justice |
| CPI | Corruption Perception Index |
| CSC | Community Scorecard |
| DACF | District Assembly Common Fund |
| DCE | District Chief Executive |
| EOCO | Economic and Organized Crime Office |
| ETC | Entity Tendering Committee |
| FGD | FGDs |
| GACC | Ghana Anti-Corruption Coalition |
| GII | Ghana Integrity Initiative |
| GYEEDA | Ghana Youth Employment and Entrepreneurial Development Agency |
| HMA | Ho Municipal Assembly |
| KMA | Kumasi Metropolitan Assembly |
| LaDMA | La Dade-Kotopon Municipal Assembly |
| MMDA | Metropolitan Municipal and District Assembly |
| MMDCE | Metropolitan Municipal and District Chief Executive |
| MWEDA | Mpohor Wassa East District Assembly |
| NCCE | National Commission for Civic Education |
| NDC | National Democratic Congress |
| NHIA | National Health Insurance Authority |
| NHIS | National Health Insurance Scheme |
| NPP | New Patriotic Party |
| NTDA | North Tongu District Assembly |
| OSP | Office of the Special Prosecutor |
| PPA | Public Procurement Act |
| RTI | Right to Information |
| SDA | Shama District Assembly |
| SADA | Savannah Accelerated Development Authority |
| SFP | School Feeding Programme |
| STMA | Sekondi Takoradi Metropolitan Assembly |
| TI | Transparency International |
| YEA | Youth Employment Agency |

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EXECUTIVE SUMMARY

The Metogu project is a systematic and on-going appraisal research report of the 2016 manifesto promises of the NPP government on corruption. The report is a combination of a survey and Focus Group Discussions (FGD), which sought views on corruption related issues in the “Change Agenda for Jobs” Manifesto of the NPP. Apart from the survey and FGD methods used in the data collection, an evaluation framework was developed to assess the extent to which NPP has been able to deliver on its promises as contained in its 2016 Manifesto. The project highlights the anti-corruption promises in the manifesto, maps those the government has achieved and identifies areas that are at variance with the promises and proffers recommendations on the way forward. The analysis is focused on seven themes:

1. General Corruption Issues;
2. The Creation of the OSP (OSP);
3. The passage of the Right to Information (RTI) Bill;
4. Reforms of the Public Procurement Act and Value for Money;
5. Beneficial Ownership Title;
6. The passage of the Public Officers’ Code of Conduct Bill and the Assets Declaration Regime; and,
7. The National Health Insurance Scheme and the School Feeding Programme.

An assessment of the perception of corruption in Ghana shows that the perception remains very high within the first 16 months of the NPP government. 9 out of 10 respondents sampled believed that corruption is very high in Ghana. 82% of respondents sampled in four regions in Ghana think that most Ghanaians are corrupt, believe that one has to pay facilitation and illegal fees before accessing public services and say they do not see giving gifts to public officials as bribery. The respondents also felt that corruption was more pervasive in the public sector than in the private sector. It is however, worthy to note that 74.1% of the respondents are encouraged by government’s determination to fight the scourge of corruption.

A scrutiny of the implementation of the manifesto promise of the government with regard to the creation of the OSP to fight corruption showed that in 7 out of 10 respondents supported this action. This mirrors the successful passing of the OSP Act that created the OSP, shows a belief that the Special Prosecutor can effectively deal with corruption cases and a general acceptance of Martin Amidu as the first Special Prosecutor to lead the fight against corruption. However, 3 out of 10 respondents think there is bound to be political interference in the work of the Special Prosecutor. Besides, another 3 out of 10 respondents also believed that government could starve the office of Special Prosecutor of resources and make it redundant given the euphoria that greeted the creation of two similar offices EOCO and CHRAJ in the past, who suffered a similar fate.

For the passage of the Right to Information Bill, 8 out of 10 respondents (79.6%) think the bill if passed will help majority in the fight against corruption. This was based on the fact that the law will help in the disclosure and access to information from duty bearers. However, a significant number of the respondents doubt that the Bill will be passed into a law by the end of 2018. Indeed, the Bill was recently withdrawn from Parliament and had to be re-laid a few months later, thus, confirming the fear of most skeptics that the Bill will never be passed into law in Ghana.

Furthermore, with regards to the Public Procurement Act and Value for Money audits, the study showed that 56.8% of the respondents felt that competitive bidding through the PPA guidelines would ensure value for money in the procurement process. However, 46.5% of the respondents believed that the New Patriotic Party (NPP) government has not used competitive bidding in the award of most of its contracts since assuming power. Secondly, 4 out of 10 respondents thought the Auditor General is

not adequately resourced to undertake periodic value for money audits although value for money audits always help to identify potential corrupt acts. Up to 6 out of 10 respondents opined that collaboration between the OSP, Economic and Organized Crime Office (EOCO), the Commission for Human Rights and Administrative Justice (CHRAJ) and Audit Service will help in the fight against corruption.

An assessment of the promises with regards to the operationalizing of the Beneficial Ownership Title (BOT) as a tool to help fight corruption revealed that 6 out of 10 respondents thought either government is not committed or not sure if government can adopt such a tool in the fight against corruption. Further, the amendment of the Regulations of the Company's Code is yet to be laid before parliament even though the government has passed several Acts in parliament since assuming power.

The promise to enact, popularize and enforce a Code of Conduct Bill for public officials to declare their assets received a low level of trust from the respondents. In fact, two-thirds of the respondents did not trust government to enact such a law before 2018 ends in spite of the fact that acts of corruption occur on a daily basis in the public sector. However, 6 out of 10 respondents believed that the President will not sanction his appointees who failed to declare their assets.

On the election of MMDCs, respondents believed the government cannot fulfill this promise within the four year mandate. This comes against the backdrop of the information put out in the public domain by the sector minister that this can only be done in 2021. The promise to restructure the National Health Insurance Scheme (NHIS) has also received a low level of trust.

With up to 52.3% of the respondents saying they thought government cannot restructure the scheme because it has not initiated any measure to revamp the NHIS apart from paying part of the debt owed by the Scheme. About 85.6% of the respondents believed that there is lack of transparency in the award of contracts for catering services for the School Feeding Programme. This, they believed has resulted in a lot of corruption cases. A controversial case in point was the "fight" between the NPP Northern Regional Minister and the Minister for Gender and Social Protection over contracts for the School Feeding Programme.

Other issues of corruption were raised and sampled in this study and it was established that a majority of Ghanaians believe that corruption will be never ending as, the promise to initiate a process to amend the Criminal Offences Act which will make corruption a felony instead of a misdemeanor has not been done. Also, the laws establishing the development authorities have no strong anti-corruption framework leaving the President of the Republic with sweeping powers to appoint the Boards, Chief Executive Officers and all the employees of the development authorities. The social accountability system whereby citizens have the voice and power to ask questions when the need arises is also missing from the Acts.

In conclusion, the government was seen to have honoured some of its promises, particularly the creation of the OSP but to have slugged its delivery on the many other promises it has made.

1. Introduction

In the run-up to the 2016 elections in Ghana, corruption dominated the discourse of all the political parties. And, indeed, the Sustainable Development Goal 16 specifically focuses on the issue of corruption and highlights the need to deal with it worldwide. Holding duty bearers for their manifesto promises is important because such promises influence voter behavior and serve as the yardstick to measure the performance of political parties. Conducting a rigorous study into how the NPP government is dealing with the issue is therefore an important effort. The overarching aim of the “Metogu” (keep the pressure up) project is to investigate how the NPP government is delivering on its manifesto promises on anti-corruption as well as other specific sector promises where it proposes to use new tools in fighting the problem of corruption.

As a low middle-income country with a huge infrastructure deficit, the abuse of public office to the benefit of an individual, close relatives and political associates is a developmental challenge. Acts of corruption deny the state the needed resources for development; distort the democratic process and above all undermine the common good of the people. Undoubtedly, there has been a growing interest in how to curb corruption to which this study will make a contribution.

The growing acceptance of Transparency International’s (TI) Corruption Perception Index (CPI) as a mode of gauging the temperature of how experts look at the level of corruption in a country has attracted a lot of interest in the mass media. However, evidence exists with regard to ideological biases where experts (who are the respondents to the corruption perception index study) look at the issue through a spectrum of political biases and an erroneous perception of how Africa works. This, therefore, calls for a study in which ordinary citizens are offered the chance to speak out about how they feel about the issue of corruption and how government is dealing with it.

The overarching objective of this study is to critically review the key areas the NPP government highlighted and promised to use policy and other action to deal with in its 2016 manifesto, with a view to keep the pressure on government to deliver on this promises relating to corruption. In doing this, the study used a combination of survey and FGDs in order to generate a data set that cuts across a broad spectrum of the Ghanaian populace. Specifically, the study addresses seven key themes that include:

1. General Corruption Issues;
2. The Creation of the OSP;
3. The Passage of the Right to Information Bill;
4. Reforms/Compliance with the Public Procurement Act and Value for Money audits;
5. Beneficial Ownership Title;
6. The passage of the Public Officers’ Code of Conduct Bill and Reforms of the Assets Declaration Regime; and,
7. The National Health Insurance Scheme and the School Feeding Programme.

In a nutshell, the aims and benefits of the Metogu project are threefold: give community members a voice in front of public servants whom they voted for based on a manifesto; give government officials information on the assessment on communities’ perceptions of how successful the government has been with respect to delivering on its manifesto promises and, finally assist potential government officials to become more self-reflective in the promises they make

2.1 Methodology

Gathering supply side information; in this case promises and assurances given by the politicians and demand side information; how ordinary citizens assess the delivery of such promises in this case is the axis of result-based assessment. Pinning the NPP government to the deliverables mentioned in its manifesto in terms of corruption is one of the ways citizens can become “citizens and not spectators”. The Metogu project first developed a questionnaire (from the NPP manifesto) for the main survey and a community scorecard for the FGDs. An analytical framework, in which the key promises with respect to corruption, were then identified and analyzed.

2.2.1 Choice of Research Regions and Communities

Geographical spread of the study

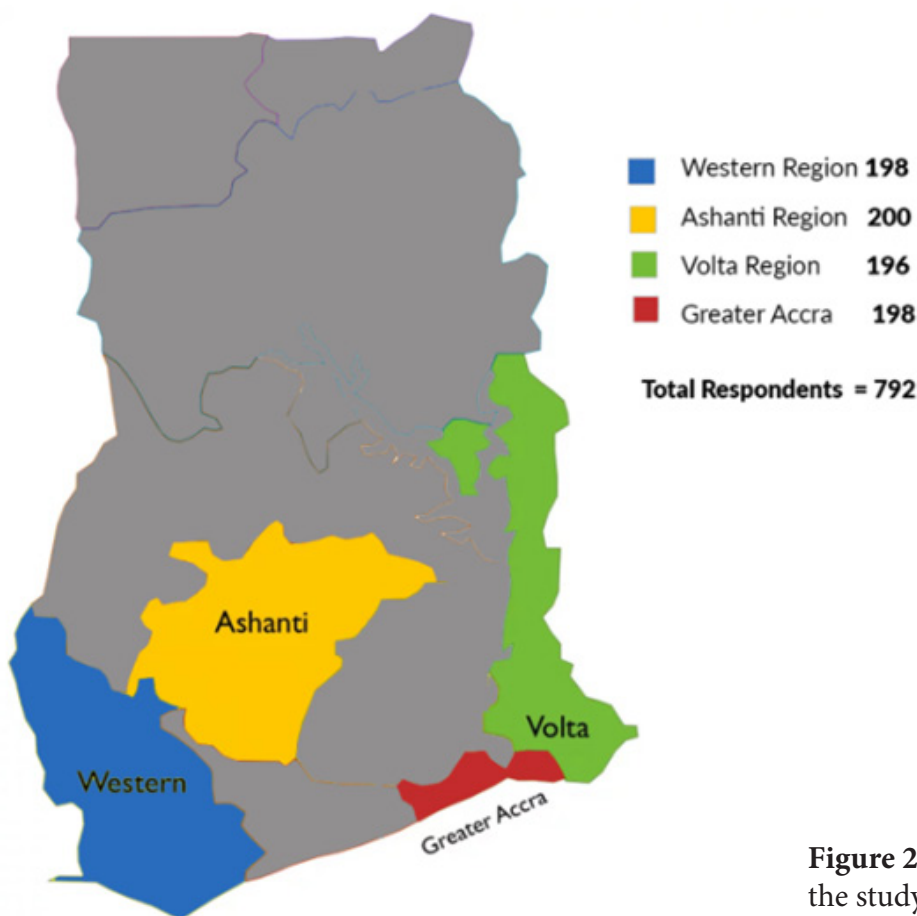


Figure 2.1: Geographical spread of the study

Four regions were selected for the administration of the questionnaire and the community scorecard. Two swing regions in terms of elections in Ghana (Greater Accra and Western) were selected. In addition, the two strongholds (Ashanti and Volta) of the ruling and the major opposition party were also selected. This was done to capture varied and divergent thoughts in the responses to the research tools. From the Greater Accra Region, Ashaiman Municipal Assembly (AshMA), Accra Metropolitan Assembly (AMA) and La Dade-Kotopon Municipal Assembly (LaDMA) were selected. In the Western Region, Mpohor Wassa East District Assembly (MWEDA), Shama District Assembly (SADA) and Sekondi Takoradi Metropolitan Assembly (STMA) were also selected. In the Volta Region, the Ho Municipal Assembly (HMA), North Tongu District Assembly (NTDA) and Adaklu District Assembly (ADA) were selected for the study. From the Ashanti Region, the Kumasi Metropolitan Assembly (KMA), Asante Akim Central Municipal Assembly (AACMA) and Asante Akim South District Assembly (AASDA) were selected.

2.2.2 Sampling and Data Collection

The data for this study were collected from a survey and FGDs using an adapted Community Scorecard (CSC). The survey was conducted in three selected districts in the Greater Accra, Volta, Western and Ashanti regions of Ghana. The key sub-themes of the survey were teased out of the 2016 electoral manifesto of the NPP government. Over 700 respondents (aged 20 years and above and selected through purposive sampling) from the four regions responded to the survey, with at least 150 from each region. For the FGDs, 12 respondents were randomly picked from each district. In total, 36 respondents participated in three separate FGDs in each region, summing up to 144 respondents in 12 separate focus groups. The sample for the survey cut across a wide spectrum of the populations of the four regions. The great advantage of these two approaches for eliciting information from the respondents is that they were conducted one after the other with strict adherence to identical protocols for each region. This clearly lays the foundation for a comparable regional data. Tables 1.1 and 1.2 capture the samples from each district and region. The FGDs allow for deeper interrogation of the issue of corruption and how it can be curbed.

The quality of the information elicited from the respondents was guaranteed through the training of the moderators of the FGDs who also conducted the survey, the critical trust building with the respondents, the assurance of the confidentiality of the responses, the translation of the questionnaire into the local languages wherever the need arose and an adoption of a workable definition of corruption. The possibility of a respondent's bias also was reduced to the barest minimum especially in the FGDs where there was the presence of counter-balance views from the political parties and civil society groups. Indeed, Government and public sector actors responsible for project delivery were part of the respondents. This helped to determine anti-corruption activities as well as highlight any possible implementation challenges.

Table 2.1 Breakdown of Respondents by Region and District

| Region | Metropolitan/Municipal/District Assembly | CSC/FGD | Survey |
|----------------------|--|------------|------------|
| Greater Accra Region | Ashaiman Municipal | 12 | 51 |
| | La Dade-Kotopon Municipal | 12 | 54 |
| | Accra Metropolitan | 12 | 57 |
| Western Region | Mpohor Wassa District | 12 | 54 |
| | Shama Municipal | 12 | 54 |
| | Sekondi-Takoradi Metropolitan | 12 | 54 |
| Volta Region | Ho Municipal | 12 | 53 |
| | North Tongu District | 12 | 53 |
| | Adaklu District | 12 | 54 |
| Ashanti Region | Kumasi Metropolitan | 12 | 57 |
| | Asante Akim Central Municipal | 12 | 53 |
| | Asante Akim South District | 12 | 54 |
| Total | | 144 | 648 |

Table 2.2 Breakdown of Respondents in CSC/FGD and the Survey in Each District

| Category of participants | CSC/FGD Survey | |
|-----------------------------------|----------------|-----------|
| Ruling party | 2 | 10 |
| Opposition parties | 2 | 10 |
| Traditional and Religious leaders | 2 | 8 |
| CSOs | 2 | 8 |
| Assembly officials | 2 | 4 |
| Assembly members | 1 | 5 |
| Media | 1 | 5 |
| Total | 12 | 50 |

2.2.3 The Questionnaire and Community Scorecard

Focus Group Discussion

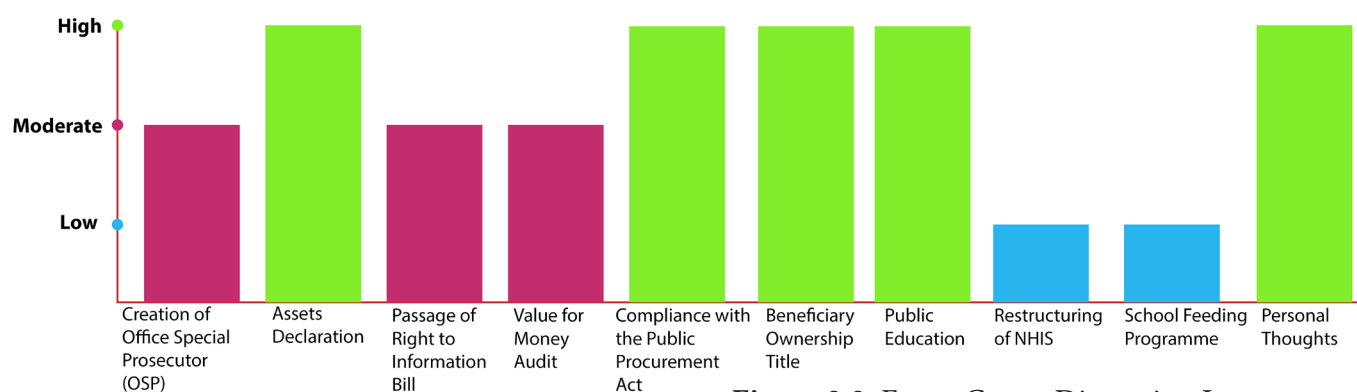


Figure 2.2: Focus Group Discussion Issues

The main tool for the survey data collection was a questionnaire based on the NPP manifesto promises. The questionnaire was divided into thematic areas, namely: General Corruption Issues, the Creation of the OSP, passage of the RTI Bill, compliance with the Public Procurement Act and Value for Money audits, Beneficial Ownership Title, a Public Officers’ Code of Conduct and Assets Declaration Regime, the NHIS and the School Feeding Programme (SFP). The adapted CSC was designed in a similar format and used as a guide for the FGDs. A pilot survey was conducted in the Western Region. This enabled Penplusbytes to identify grey areas in the questionnaire and challenges with the administration of the questionnaire.

The CSC is a citizen-driven accountability measure for the assessment, planning, monitoring and evaluation of service delivery. It is used to elicit feedback information from the citizens who are the end users of the services provided by the government. A modified version of this tool helped to assess how the government is fulfilling its promises as contained in its campaign manifesto and other policy statements. The study involved the communities, government and party officials in this assessment and identified progress made and what needed to be done where government is trailing in the required action. The community served as the unit of analysis of the Community Scorecard.

The Community Scorecard was administered through a FGDs in each of the selected Metropolitan, Municipal and District Assemblies (MMDAs). Scores were given for the performance of the government on each theme and sub-themes after which justification were specified. Consensus was thereafter built among participants on the general score for each sub-theme.

2.2.4 Analytical Framework

Several analytical techniques were employed in analyzing the various themes teased out of the 2016 manifesto of the NPP. To measure the intensity and success of the fight against corruption, subjective indicators through surveys and FGDs was used to collect data on perceptions of corruption. In the questionnaire, a Likert scale and dichotomous questions were used to gauge the perception of a cross-section of Ghanaians on issues on connected with corruption. Within the context of this work, the response “Don’t know” means “indifference” to the test question under consideration. Percentages of the responses were summed up and analysed under each theme. Graphs and charts were thereafter used to add the pictorial dimension to the analysis. To further understand the choice of the respondents, a community scorecard technique was adopted where respondents had the chance to grade the government (from low to high) and provide justification for the grading in focus groups.

The second phase of the analysis involved matching actions against pronouncements, promises/pledges and laws against actual implementation (or implementation plans) and tracking progress through a participatory process involving citizens and public officials. Here the benchmark concept was adopted to provide empirical dimension on the key promises under investigation. The benchmark concept involves key ingredients, such as policy area, solution activator, specificity of promise and intended action and focus. Table 1.3 captures the key elements of the benchmark concept. Colour codes (green, yellow and violet) were used to indicate the level of government efforts towards fighting corruption and delivery on some sector manifesto promises. Green indicates when a promise is met, red means a promise is broken and yellow means a promise is in the works.

Table 2.3: Key Elements of the Benchmark Concept

| Policy area | Solution activator | Specificity of promise | Intended action | Focus |
|-------------|---|------------------------|--|---|
| | Central government /ministry | Vague | New legislation | Government, including parliament, judiciary |
| | Region | General | Amend or revise legislation or constitution | Social actors or agency |
| | Local/municipal/communal | Specific | Repeal legislation | Economic actors |
| | Domestic agency/regulatory board/agency | Detailed | Financial or budgetary measure Administrative/regulatory/judicial action | Political actors |
| | Non-domestic | | Create, disband or modify activity of existing ministry, create a new government agency or modify scope of existing once | Mass public (the whole nation) |
| | | | Create or modify independent agency | |

2.2.5 Limitations of the study

This research sought to find out the extent to which the NPP government has been able to fulfill its campaign promises as contained in its 2016 elections Manifesto within the first 15 months in office. The study was able to achieve this aim to a large extent. Nevertheless, there are some limitations, which might have affected the results of the study. The research was conducted in only four regions of Ghana. To generalize

the results, the study should have covered the whole of Ghana.

However, the homogeneity of the respondents means that the whole of Ghana does not need to be covered by the study, as more likely that not homogeneous groups have and express similar opinion on a good number of things. Again, the study is limited to the perception of people about a social phenomenon as against the real situation on the ground. The information gleaned from the respondents (both survey and focus group discussion) may have been affected by the political bias in terms of how opponents and supporters view the issue of corruption. However, there are key benchmarks against which one can compare the NPP government's fight against corruption with the perception of the respondents some of whom may be its opponents. These include the identifiable things the government has been able to do so far in the fight against corruption. The time span of 15 months within which the current government's fight against corruption is measured is limited, and it may look too early to have achieved maximum results. However, given the fact that fulfilling campaign promises is a process, it is better to keep the pressure up on government to fulfill its promises now than wait until the end of four years. Hence, the measure within the first 15 months. Besides, this study will be repeated from time to time throughout the four year mandate.

3.0 Data Analysis and Discussion of Results

The manifestos of the various political parties serve as the reference point for gauging the connection between electoral promises and the actual delivery of the winning party. Indeed, party manifestos contain deliverables that mirror the party’s vision on tackling Ghana’s key developmental challenges. The NPP government mounted a spirited campaign with corruption as a flagship issues during the run up to the Ghana 2016 election. The party promised among other things to establish the Office of the Special Prosecutor (OSP) to investigate certain acts of corruption past and present; ensure the passage of the Right to Information Bill; ensure the strict enforcement of the Public Procurement Act, 2003 (Act 663); resource the Auditor General’s office to set up a Procurement Audit Unit to conduct value for money audits; ensure Public Officers’ Code of Conduct and Asset Declaration Regime and to establish the Beneficial Ownership Title law. This study sub-divides the issues under themes in the analysis section.

3.1 General Corruption Issues

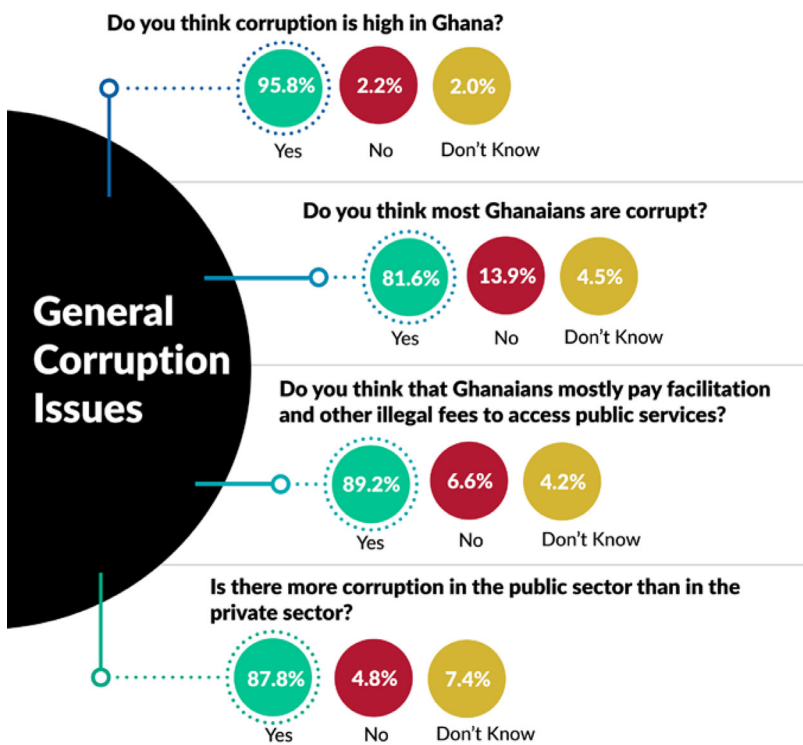


Figure 3.1: General Corruption Issues

A baseline to assess the general perception of the levels of corruption in Ghana showed that 9 out of 10 respondents believed corruption is high (95.8%) whilst 1 out of 10 respondents thought either corruption does not exist or they felt they did not know enough about the issue to respond. Comparing the results across the four regions that were surveyed, an overwhelming 97.5% of the respondents in the Ashanti and Western Region think that corruption in Ghana is very high whilst 95.2% of the respondents in Greater Accra perceived corruption to be very high. The region with the least perception of corruption in Ghana is the Volta Region where 93.2% of the respondents felt that corruption was high in Ghana. Supporting the perception of the endemic nature of corruption in Ghana, some respondents in the FGDs opined that:

Corruption has been imbedded in our culture (Western region). Our cultural and traditional set up creates the avenue for Ghanaians to be corrupt because we appear to adore those who have money but we never question the source of their money (Greater Accra region).

Ghanaians are led into corruption because even in places where one is not supposed to pay for anything, atten-

dants will put up an attitude that demands that you part with some money to have access to what you need (Ashanti region).

These findings imply that people in Ghana are most likely to perceive the level of corruption as being very high. This finding more than confirmed the 2015 Transparency International's Corruption Perception Index report in which almost 8 out of 10 Ghanaians thought corruption had increased. In addition, the fall of Ghana from the 56th position with a score of 47 out of a clean score of 100 in 2015 to the 70th position with a low score of 43 out of a clean score of 100 in the 2017 CPI, is an indication of the fast rising perception that corruption is engrained into the politico-socio-cultural fabric of Ghana.

Closely related to the general perception of the level of corruption in Ghana, the study tried to find out if most Ghanaians are indeed corrupt. Eight out of 10 respondents thought Ghanaians are corrupt. And across the regions, more than two-thirds, that is, 79% and 75.3% of the respondents from the Greater Accra and Volta Regions, respectively thought most Ghanaians are corrupt. Similarly, 86.4% and 86% of the respondents in Western and Ashanti Regions respectively held the view that most Ghanaians are corrupt. On average, 81.6% of all the respondents felt that corruption was high in Ghana. Delving into the nuances of why most Ghanaians are perceived as corrupt, an overwhelming 89.2% of the respondents felt that most Ghanaians are compelled to pay facilitation and other illegal fees before accessing public services. In contrast, 6.6% of the respondents said Ghanaians do not pay such illegal fees. Reflecting on this survey result, some participants at the FGDs posited that:

It has become the norm for persons to pay facilitation fees aside official fees if one wants to be attended to promptly. Sometimes if the facilitation fees are not paid, one is unduly delayed and frustrated, so paying the facilitation fees has become an accepted norm (Ashanti region).

It has become a norm so if you don't pay, you will be deprived of what you are entitled to. Corruption has become an accepted culture so the demand and supply sides are both freely doing so (Western region).

Comparing the private to the public sector in terms of perception of corruption, 87.8% of the respondents perceive corruption to be more pervasive in the public sector than the private sector. However, 4.8% of the respondents posit that corruption is more endemic in the private sector than the public sector. A small number of respondents (7.0%) did not know which of the sectors was more corrupt. Probing the issue further, the study tried to gauge if giving gifts to public officials amount to bribery. More than half (56.9%) of the respondents strongly agreed that such a practice amounts to corruption. However, 37.2% of the respondents strongly disagreed with the view that giving gifts to public officials is a form of bribery.

Narrating his experience with corruption, a participant from the Greater Accra region during the FGDs said,

Corruption exists both ways. The private sector is the supply side of corruption to the public sector. When it comes to contracts, the private sector has to interface with the public sector, so the kickbacks and procurement malpractices that go on are engineered by a private sector that is willing and able to play a role in the corruption process. The temptation is to believe that public sector workers are more corrupt because our attention is always there. I believe that there are willing players that are able to play on the two sides with respect to corruption (Greater Accra)

Although the private sector plays a role in corruption, we think the "headquarters of corruption" in Ghana is the public sector. They are the ones who trigger the process and are the receiver of the end product. A case in point was a police officer who asked a driver who jumped the red light to send him money (the bribe) through mobile money as the driver claimed that he had no cash on him at the time the crime was committed. Most private sector workers are paid very well and given the necessary resources to work with as compared to the public sector where salaries are very low and resources to even work with are not there. Sometimes one is even forced to take money to buy just A4 sheet to enable one to get the work done (Greater Accra).

These narratives support the survey findings and demonstrate that corruption permeates the public and private sphere of the Ghanaian society. In validation of the perception that there are givers and takers in any corruption scenario, citizens are craftily driven into making choices that carry consequences of corruption. Probing the issue further, the study tried to gauge if giving gifts to public officials amounts to bribery. More than half (56.9%) of the respondents strongly agreed that such a practice amounts to corruption whilst 37.2% of the respondents strongly disagreed that giving gifts to public officials is a form of bribery.

In the FGDs, the participants who strongly supported the notion that giving gift amounts to bribery justified this position with the statement that,

There is nothing like “free lunch,” whatever one gives, be it material gift or money could in the future influence the receiver of the gift to make a decision in favour of the giver of the gift. In contrast, the more than one-third that strongly disagreed with equating gifts to bribes opined that, Not all gifts are bribes because as per the Ghanaian culture, when a visitor comes to your home he/she must be made to feel welcomed. So giving gifts when a public officer visits you might not amount to bribery. The motive behind the giving of a gift makes it a bribe or not so it should never be generalized that giving material gifts and money amounts to bribery. Also not all gifts make one corrupt and some people can never be influenced by gifts in their decision making.

Rating the current government (NPP) in its determination to fight corruption, 29.5% of the respondents rate the government’s efforts as highly unsatisfactory whilst 39% of the respondents rate the government’s efforts as average. One-third (35.1%) of the respondents rate government’s effort in the fight against corruption as highly satisfactory.

From the community scorecard ratings as depicted by table 3.1, it is clear that citizens’ perception of corruption and related issues in Ghana is very high. On all the four test questions under citizens’ thoughts on general level of corruption, citizens rated corruption as very high in Ghana.

Table 3.1 Citizens’ General Perception of Corruption and Related Issues in Ghana

| Citizens general thoughts on corruption | Rating |
|---|---------------|
| Majority of Ghanaians are corrupt | High |
| Ghanaians mostly pay facilitation fees to access public services | High |
| Corruption exists more in public service than the private sector | High |
| Giving gift item(s) to public officials is the same as paying cash bribes | High |

3.2 The Creation of the OSP

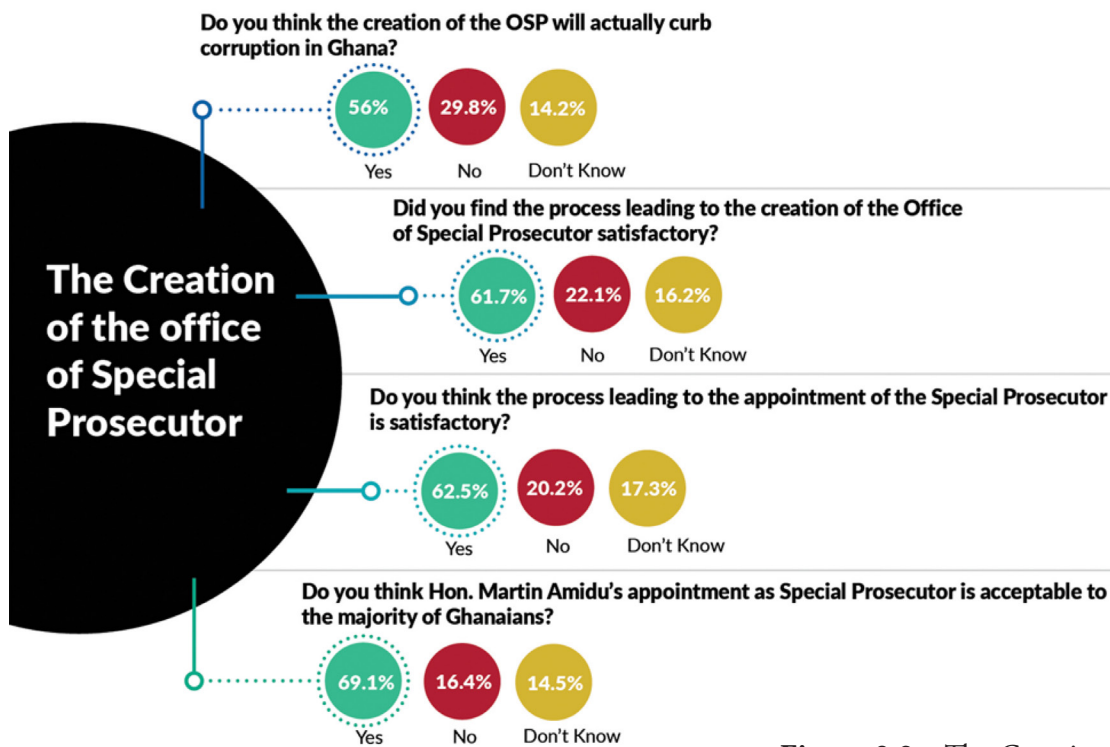


Figure 3.2a: The Creation of the OSP

One of the key promises of the NPP government in the run up to the 2016 election in Ghana was the creation of the office of the Special Prosecutor to fight corruption. This office, in the view of the NPP, is necessary given the myriad of corruption allegations, such as the branding saga, GYEEDA, SUBAH and SADA, among other allegations of wrongdoing, that were made against the National Democratic Congress (NDC) when it was in office. Interrogating this issue, 7 out of 10 respondents (71.9%) strongly agreed that corruption is so high that there is need for the creation of the OSP to address it. In contrast, only 2 out of 10 respondents (22.4%) strongly disagreed that corruption needs the office of the Special Prosecutor to address. Probing further to find out if the OSP can actually curb the menace of corruption, more than half of the respondents (56%) firmly believed that the office of the Special Prosecutor can address the problem of corruption whilst one-third of the respondents (29.8%) felt the office of the Special Prosecutor cannot curb corruption in the public sector. In contrast to the survey results, participants in the FGDs provided diverse opinions about the ability of the OSP to curb corruption.

The appointment of the Special Prosecutor definitely will instill fear in some of the government officials and that will lead to some reduction in corruption. I believe the presence of the special prosecutor will definitely lower one's level of taking money illegally. (Greater Accra).

Corruption cannot be stopped outright. It has not been done anywhere in the world and not in Ghana. But when we consider the person the President has given the mandate to handle corruption, his track record and the laws governing his appointment, I am very much sure he can work confidently and successfully. I also know that most politicians and the public officials at large are aware of his high level of integrity and commitment to fight corruption. However, it is the prosecutor who identifies and chooses the cases of his interests. If he is not interested in a particular case he will not investigate and prosecute. Therefore, his office cannot totally curb corruption (Ashanti region).

The appointment of the Special Prosecutor is still at the behest of the Attorney General because the fourth republican constitution says that state prosecution is the mandate of the Attorney General, and the Attorney General is part of the government of the day who decides who to prosecute and who not to prosecute. It will,

therefore, be difficult for this office to totally curb corruption (Volta Region).

The OSP cannot entirely uproot corruption because as long as the government workers are inadequately paid, they will continue to be corrupt though the OSP will serve as a deterrent to potential corrupt officials (Western Region).

I think when it comes to corruption in the public sector, there is already the Public Accounts Committee (PAC) of Parliament and we have heard of instances where individuals dip their hands into the state coffers and we don't get to know what was done to these individuals. So I believe it's going to be superfluous if we are going to put our hopes in this office to deal with these things when even in high profile cases we are unable to deal with it let alone cast our nets further into other government agencies and departments. In addition, the creation of CHRAJ had the same euphoria but never succeeded in solving corruption in the public sector. Moreover public servants are smart and will always find a way out. Ghanaian leaders design systems to fail so they can have their way (Greater Accra Region).

The concerns of the participants in the FGDs present a mixed bag though they indicate confidence in the OSP to fight the menace of corruption. If the euphoria that greeted the creation of CHRAJ is anything to go by and the subsequent failure of that office to live out its mandate, then, it is important for the leaders and the led, to reset the corruption fight. Besides, the prosecutorial powers of the Attorney General, which are derived from the 1992 Constitution, should be carefully looked so as to determine the proper functionality of the OSP is concerned. In spite of the dissenting views on the creation of the OSP and the ability of the Office to fight corruption, it is clear that the office has come to stay and must be made to succeed.

As the creation of the OSP needed a legislation to give it the legal backing, the study sought to find out if respondents found the process leading to the passing of the OSP Bill into law satisfactory. From the results gleaned from the field, almost two-thirds (61.7%) of the respondents thought the process leading to the passing of the bill into law was satisfactory whilst the other one-third thought the process was fraught with irregularities. Probing further, the study tried to find out the thoughts of the respondents on the process leading to the appointment of the Special Prosecutor to head the Office.

From the survey results, 62.5% of the respondents were satisfied with the process leading to the appointment of Mr. Martin Amidu whilst the rest of the respondents were not satisfied with the process leading to his appointment. Closely related to the appointment of the Special Prosecutor is the issue of acceptability of the personality nominated to occupy the OSP. Two-thirds (69.1%) of the respondents thought the appointment of Mr. Martin Amidu is acceptable to the generality of Ghanaians. This finding is not surprising given the background of Mr. Martin Amidu and his fierce fight against corruption. Some excerpts of the perception of the discussants in the FGDs are as follows:

Mr. Martin Amidu has the capability and knowledge to do the work. Given the resounding affirmation that greeted his nomination, vetting and subsequent appointment as the Special Prosecutor, we believe he will instill fear into government officials, civil servants and any duty bearer called to serve this country.

Despite the general acceptance of Mr. Martin Amidu, the discussants believe corruption is not the fight of one man or one office. This assertion explains the fluidity of corruption and the temporal dimension of any single strategy to fight it. It is, therefore, important to get everyone who desires to see Ghana develop to contribute to the fight.

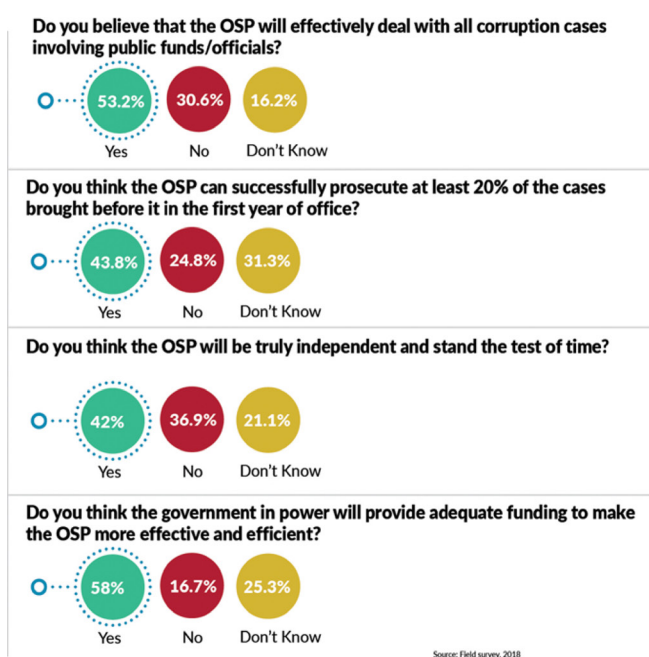
Getting to the real fight of the OSP against corrupt practices, 52.3% of the respondents firmly believed that the OSP would effectively deal with all corruption cases involving public funds or officials. However, one-third of the respondents thought that the OSP cannot effectively deal with all cases of corruption involving public funds or officials. Probing to find out why the Special

Prosecutor cannot effectively deal with all cases of corruption, the participants in the FGDs thought that,

The effectiveness of that office is dependent on the Attorney General's department, the governing board, the caliber of people to be employed in the office and the willingness of government to pursue all cases of corruption irrespective of who is involved. Once any of these organs fail to diligently perform their duties, the effectiveness of the Special Prosecutor will be badly affected (Greater Accra).

The office of the special prosecutor is managed under a political fix. The key is already handed to the politician at the top from the onset, which is obviously made clear by the Attorney General nominating, the President appointing and Parliament approving the appointment. When this is looked at from a broad perspective, you'll understand that this whole thing has not yet been given out to the public; it remains at the partisan political realm where the politician can still manipulate it (Greater Accra).

Although many Ghanaians want to see the nation do well in the fight against corruption, the willingness of every institution to perform its functions and leadership to show direction is very important.



The Creation of the office of Special Prosecutor

Figure 3.2b: The Creation of the OSP

Probing deeper into the work of the OSP, the study sought to find out if the OSP can successfully prosecute at least 20% of the cases brought before it in the first year of office. Four out of 10 respondents (43.8%) thought that the OSP can successfully prosecute at least 20% of the cases of corruption brought before it in the first year. On the other hand, 24.8% of the respondents thought that the OSP cannot successfully prosecute at least 20% of the cases brought before it while 31.3% of the respondents did not know whether the office will be up to undertake their task or not. This assertion was based on how independent the Office Special Prosecutor will be.

The issue of the independence of the OSP appears to be at the core of the functionality and the effectiveness of the fight against corrupt practices. Pursuing this, 4 out of 10 respondents (42%) thought the OSP will be truly independent given the character of the Special Prosecutor. However, 3 out of 10 respondents dissented on the issue of the independence of the office. Following up on the dissenting views on the independence of the Special Prosecutor, some of the discussants at the FGDs felt that:

The Special Prosecutor will have interferences from the government because the government is not committed to the fight against corruption; a typical example is the BOST Contaminated Oil saga (Greater Accra).

I think the challenge of the independence of the OSP arose from how the law was crafted because an independent body was not

allowed to do the appointing of the special prosecutor. The Special Prosecutor may recommend some people who are members of the ruling government to the Attorney General to be put before court. The Attorney General being a party member will definitely be seeing through things, that this person is a financier of the party during elections and will not pursue the case. Eventually, the AG may play the boss card because it's going to conflict with the interest of her/his political party. For this reason, the Special Prosecutor cannot be independent (Greater Accra Region).

Definitely the person occupying that office is not going to be working alone. After he collects the evidence, he will send whatever he has prepared to the AG. It is the AG who will then decide what action to take. If he is going to be independent then he should investigate, prosecute, and finish everything without anybody getting involved. But this one, he will do the investigation, collate all the information that is needed for whoever is going to be a judge.

I felt that firstly, how we have operationalized the special prosecutor is going to affect its independence in a way. This is because it has a board it reports to and the attorney general's office looms large over it. This will mean that there are some cases, which the attorney general would have to authorize. In that case independence in the sense of the word isn't there but again this issue will be countered by the personality holding the position as the special prosecutor. The fierce independent minded nature of this man gives us the feeling that if there would be invisible hands trying to manipulate his affairs he would not allow it. I also feel that the flaw in the making of the law is balanced by the personality of the individual holding the position. For now I feel his fierce independent nature would balance any invisible acts of control (Greater Accra).

Inasmuch as the Attorney General derives her prosecutorial powers from the 1992 constitution, it is refreshing to note that the Special Prosecutor has a high degree of independence from the executive arm of government. What is worrying in the functions of the OSP is the possibility of a usurpation of the work of other agencies such as EOCO and CHRAJ by the OSP in the fight against corruption.

Closely related to the independence and proper functioning of the OSP is the provision of adequate funds and resources by the government to make the office more effective and efficient. According to the results, more than half (58%) of the respondents think the government in power will provide adequate funding to make the OSP effective and efficient. However, 1 out of 10 respondents think the government in power could starve the office of the necessary funds and 2 out of 10 respondents do not know whether adequate funds will be provided or not. Some participants at the FGDs expressed the following views:

Government can use resources to make the OSP ineffective because other agencies are suffering. Moreover, there are constant delays in the release of the District Assembly Common Fund.

In the present situation where the flagship campaign promise of one district one factory has not taken off due to non-availability of cash, the budgetary allocation to OSP may be woefully inadequate to fund its activities. It has happened to EOCO and CHRAJ so it can happen to OSP.

If the present government is trying someone and at the end of the day judgment was not given before they exit power a new government whose person is being prosecuted can decide not to continue the case by denying the OSP the needed funds to prosecute the case.

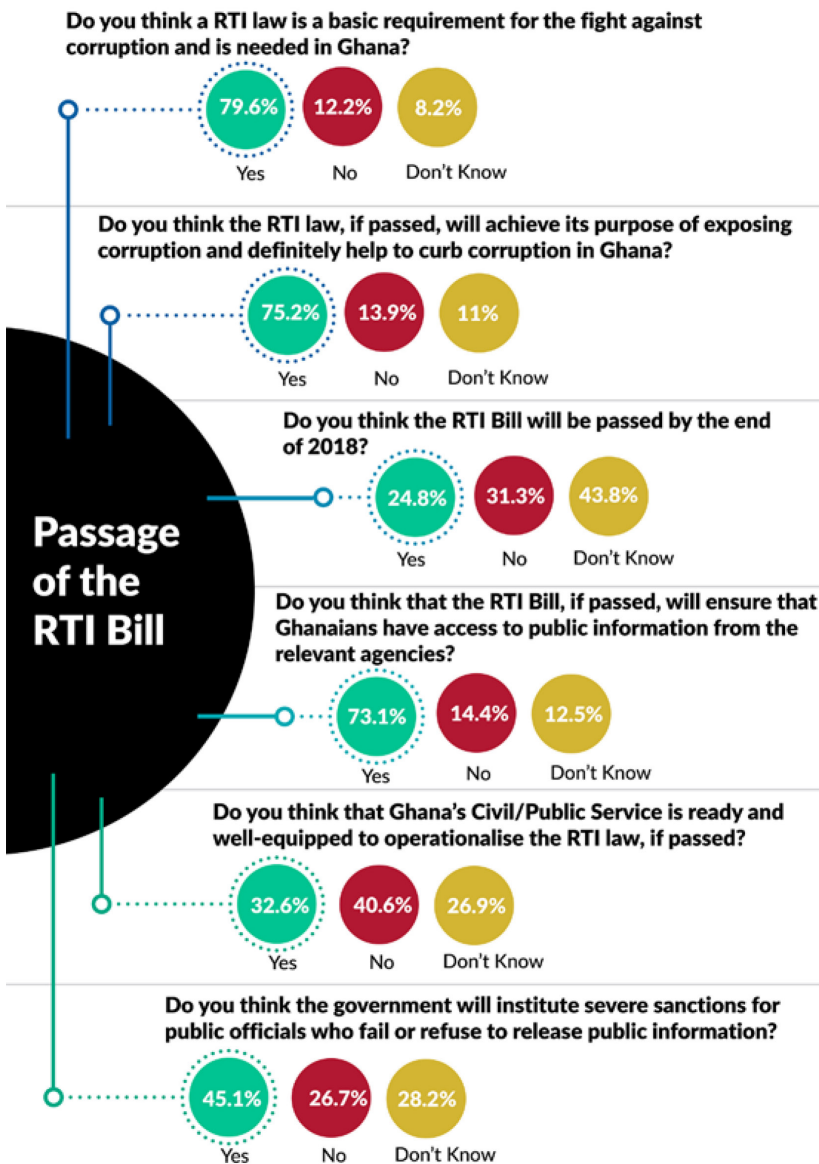
The perception of a possible inclination to starve the new office of the needed funds to function is borne out the inability of the previous governments to meet the statutory funds that must be allocated to similar agencies such as EOCO and CHRAJ, among others.

The creation of the OSP attracted a moderate rating from the participants in the FGDs. According to the CSC, participants rated “moderate” the ability of the OSP to stop corruption among government officials and in the public sector. These ratings tally with the survey results where one-third of the respondents think the OSP cannot totally eliminate corruption in Ghana. Table 3.2 captures the ratings.

Table 3.2 Creation of OSP (OSP)

| Creation of OSP (OSP) | Rating |
|---|----------|
| Corruption among government officials will stop with OSP | Moderate |
| The OSP will be truly independent | Moderate |
| The creation of the office will solve the problem of corruption in the public sector | Moderate |
| Special Prosecutor office may conflict with the Attorney General’s Department. | Moderate |
| The government in power can use funding to make the office less effective and inefficient | Moderate |

3.4 Passage of the Right to Information Bill



Source: Field survey, 2018

Figure 3.3: Passage of the Right to Information Bill

Disclosure and access to information form a critical axis of the fight against corruption. One other key promise of the NPP government is the passage of the Right to Information Bill into law to make it

compulsory for all duty bearers holding public office to disclose any information related to malfeasance. The right to information is a fundamental human right recognized under International Conventions on Human rights. The right to information bill is to operationalize Article 21 (1) (f) of the 1992, which states that, **“All persons shall have the right to information subject to such qualifications and laws as are necessary in a democratic society.”** Indeed, the bill if passed will increase transparency on the part of duty bearers and act as a key tool in the fight against corruption. The study tried to find out if respondents think that the right to information bill is a basic requirement for the fight against corruption. From the results, 8 out of 10 respondents (79.6%) think the law is a basic requirement for the fight against corruption whilst 20.4% of the respondents dissented in relation to this assertion. As a follow up to this question, the study also tried to find out if the Right to Information Bill, if passed, will achieve its purpose by helping expose corrupt practices. According to the results, 75.2% of the respondents think the law will help in the disclosure and access to information concerning corrupt practices. This, they believed would help curb the menace of corruption. In contrast, 13.9% of the respondents said they do not believe the law, if passed, would achieve the intended purpose. Narrating why the Bill, if passed into law, will not directly curb corruption some participants in the FGDs expressed the following concerns:

The RTI bill is actually not targeting corruption but it's to make public service transparent and also account to the citizens, so whatever information is passed may or may not be about corruption, we have the right to that information.

The essence of transparency and accountability is not necessarily to fight corruption but to make sure there is participatory democracy so that the people will be involved in the governance process.

The RTI bill may not necessarily make it easier for citizens to access information on matters of national security for instance,

however, the transparency clause will ensure that citizens can access key information that may connect with corrupt acts.

The Right to Information Bill which was first drafted in 1999 has been on the drawing board since 2003 and many Ghanaians have become skeptical of parliament ever passing the bill into law. A recent further reinforcement of this skepticism was the President's assertion on the 61st Independence Day celebration that the bill will be passed into law before parliament rises'. This did not happen. In fact the bill was laid before Parliament on March 23, 2018. However, it was withdrawn and had to be re-laid because the legislative arm of government deemed it, 'not an urgent issue'. Given this the study sought to find out if citizens believed the bill will be passed into law by the end of 2018. From the results, 2 out of 10 respondents said they are sure the bill will be passed into law before 2018 ends. In contrast, one-third of the respondent opined that the bill would not be passed into law before 2018 ends. A significant number, 4 out of 10 of the respondents are not sure whether the bill will be passed into law or not in 2018. The discussants in the focus groups noted that,

Past governments have not been able to pass it even though they promised to do that. However, when voted into power,

government upon government have a feeling that citizens will use the law to hunt them, if passed, and so have declined to pass the law. The parliamentary processes also may delay the passing of RTI Bill (Western region).

Inasmuch as the bill has been on a torturous journey since its birth, signals shown by the present government indicate the bill may be passed into law by the end of the year.

The study tried to find out if the Right to Information Bill if passed into law would ensure that Ghanaians have access to public information from relevant agencies. According to the study, more than two-thirds (73.1%) of respondents think that, if the bill is passed into law, access to critical information in the fight against corruption will be relatively easy. However, the remaining one-third thinks such an access will not be possible. To buttress the need to have access to

relevant information in the fight against corruption, the discussants at the FGDs explained that,

One step towards the fight against corruption is an investigative work. If RTI bill is not passed, it will even render the office of the SP irrelevant since he cannot go / send people to fetch information for him as the institutions cannot be compelled to release the said information (Ashanti region).

Closely related to the above is the readiness of Ghana's Civil and Public Service to operationalize the Right to Information law if passed. When the respondents were asked if the public sector is equipped to operationalize the law, if passed, the responses were a mixed bag. Out of the total sample, 32.6%, 40.6% and 26.9% of the respondents thought the public sector is equipped, not equipped and not sure if it is equipped to operationalize the law, respectively.

Operationalizing the law if passed comes with disclosure of information on the part of duty bearers. The study again sought to find out if respondents believed government will institute severe sanctions against public officials who fail to release public information. Results gleaned from the field indicate that 4 out of 10 respondents think government can institute severe sanctions to punish those who refuse to disclose information when requested. In contrast, 2 out of 10 and 3 out of 10 of the respondents think that government cannot institute any severe sanctions and do not know whether government can institute such sanctions, respectively. Discussants at the FGDs opined that,

If the bill becomes law civil society groups will not sit idle and say this will not be operationalized. They will demand information and if it is not given, may lead to court cases like Occupy Ghana is doing. And if it goes to court, the court would compel the state or the agency concerned to release the information. Although the government may try not to, pressure from civil society would let the government operationalize it.

Given the importance of information in the fight against corruption, the government can only enhance its image and deepen the democratic process by passing the bill into law. The community scorecard rating for government's effort towards the passage and operationalization of the right to information bill is moderate as shown in table 3.3.

Table 3.3 Passage of Right to Information Bill

| Passage of Right to Information Bill | Rating |
|--|---------------|
| The government (Executive) is committed to passing the RTI bill before the end of 2018 | Moderate |
| The bill, if passed, will achieve its purpose in exposing corruption | Moderate |
| The government will operationalize the law, if passed, within two years | Moderate |

3.5 Compliance with the Public Procurement Act and Value for Money

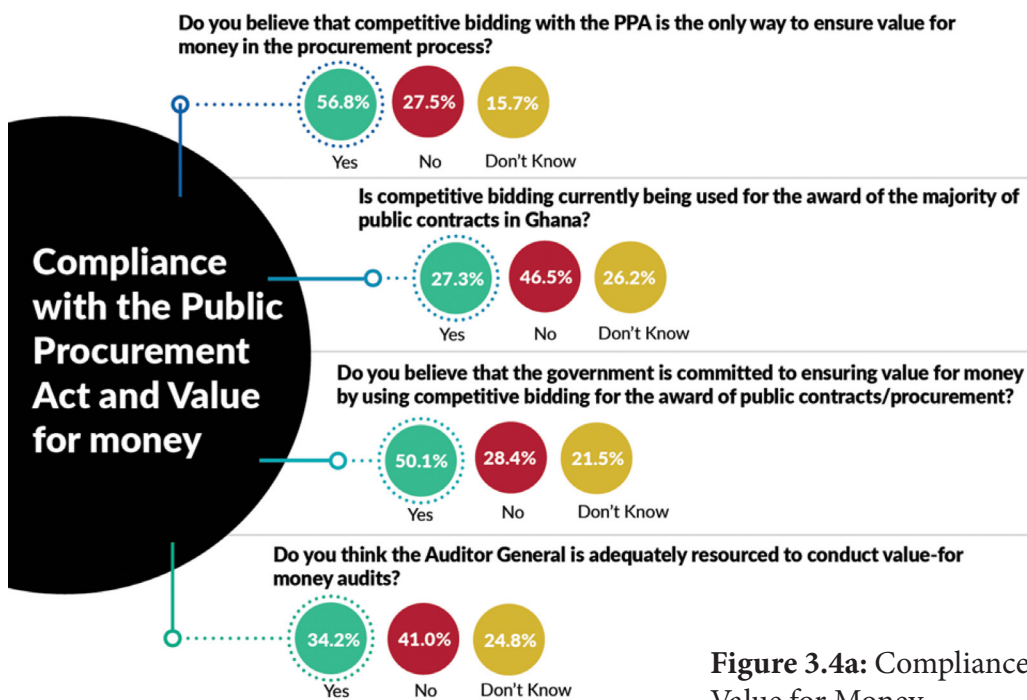


Figure 3.4a: Compliance with the Public Act and Value for Money

Value for money is a key principle enshrined in Ghana’s Procurement Act. This principle is operationalized if the Public Procurement Authority (PPA) engages in competitive bidding in the procurement process. Indeed, competitive bidding “assists in both value-for-money evaluation and in lowering corruption risk” (Pyman, Wilson and Scott, 2009 p.1). Finding out if competitive bidding is the surest way to get value for money, results from the study indicate that 56.8% of the respondents believe competitive bidding through the PPA regulations is the only way to ensure value for money in the procurement process. Contrary to this finding, a significant percentage (27.5%) of the respondents believed competitive bidding by PPA regulations cannot ensure value for money. Inasmuch as competitive bidding may ensure value for money, the realistic evidence as established by Atiga and Azanlerigu (2017) in their longitudinal study of violations of the Public Procurement Act, 2003 (Act 663) is that “goods, services and works are procured without due recourse to the law, meaning value for money is compromised” (p. 11). Interestingly, the punitive measures in the Act are not deterrent enough to scare potential perpetrators. For instance, Section 92(1) of the Act states that; *any person who contravenes any provision of this Act commits an offence and where no penalty has been provided for the offence, the person is liable on summary conviction to a fine not exceeding 1000 penalty units or a term of imprisonment not exceeding five years or to both.*

Competitive bidding has been identified as one of the main ways to ensure transparency in the award of public contracts. Interrogating this issue, the results show that 46.5% of the respondents believe that competitive bidding is not used in the award of majority of public contracts whilst 27.3% of the respondents believe that competitive bidding is used. A significant percentage (26.2%) of the respondents did not know whether competitive bidding is used or not.

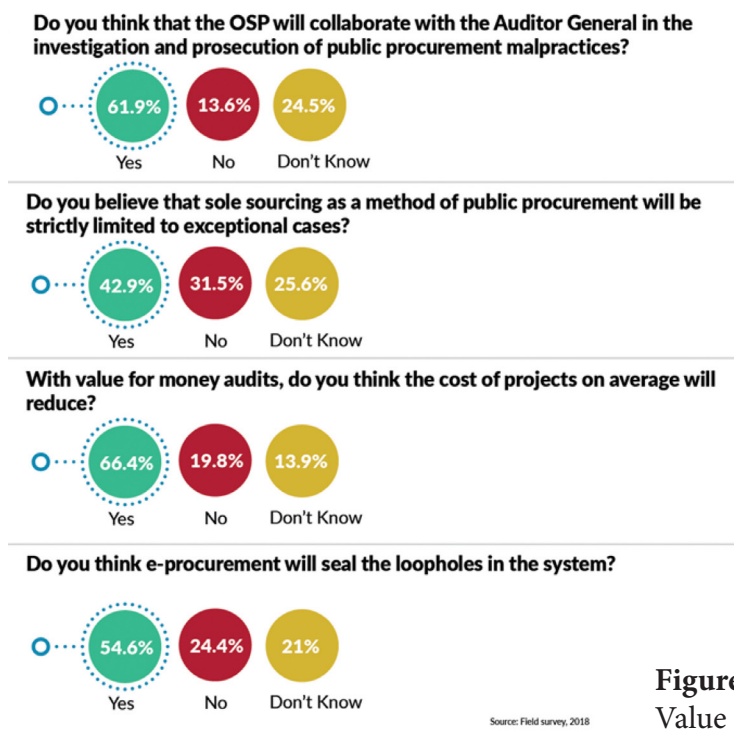
One critical issue at the heart of public procurement is the commitment to the use of competitive bidding to ensure value for money. According to the results, half of the respondents (50.2%) believe that government is committed to ensuring value for money by using competitive bidding. A check on the PPA report site appears to corroborate these views, as out of 100 contracts, circa 75% are won through competitive bidding and the rest through sole sourcing and other methods. However, what the authors of this study found is that these figures don’t tell the whole story. What is hidden is the quantum of money involved in such sole sourcing contracts. Whilst the amount of money involved in most of the competitive bidding contracts are small, one can get a single sole sourced contract in millions of Ghana Cedis. This is a smart way of masking corruption and demonstrating lip service to competitive bidding and, for

that matter, any commitment to fighting corruption. Table 3.4 shows the citizens perception on the compliance with the Public Procurement Act.

Table 3.4: Compliance with the Public Procurement Act

| Compliance with the Public Procurement Act | Rating |
|---|----------|
| The appointment of a Procurement Minister will help reduce procurement malpractices | Moderate |
| Adherence to the Public Procurement Act will enhance efficiency in spending | High |
| Using sole sourcing sparingly will reduce corrupt procurement activities | Low |

Periodic value for money audits conducted by the Auditor General has been identified as one of the ways of monitoring compliance with the law on procurement. However, the Auditor General needs to be adequately resourced to be able to undertake this periodic monitoring. According to the results, 4 out of 10 respondents thought the Auditor General is not adequately resourced to undertake periodic value for money audits whilst one-third of the respondents think it is adequately resourced to undertake such audits. Resourcing the Auditor General comes in the form of not only adequate budgetary allocation of funds but also capacity building of personnel with the requisite knowledge who are well-paid. In a study conducted by Asamoah and Ofoosu-Mensah (2018), poor capacity building support and low motivation of Ghanaian institutions fighting corruption is the bane in the fight against corruption. It is therefore important for government to adequately resource the Audit Service through capacity building and motivation to thoroughly carry out periodic value for money audits.



Compliance with the Public Procurement Act and Value for money

Figure 3.4b: Compliance with the Public Act and Value for Money

Collaboration between the OSP and the Audit Service to investigate and prosecute public officials engaged in procurement malpractices is an innovation that can help in the fight against corruption. Probing this new way of thinking in the study, it came to light that 6 out of 10 respondents think this collaboration will help in the fight against corruption whilst 1 out 10 respondents do not think such a collaboration will be feasible. Given the changing and multifaceted nature of corruption, collaboration between the various agencies fighting corruption is a key strategy to adopt. This strategy, if adopted, will eliminate the duplication of roles by the various agencies fighting corruption.

Sole sourcing as a method of public procurement according to the Act is to be limited to exceptional

cases with prior approval from the Public Procurement Authority. However, sole sourcing as a method of procurement has not been used as specified by the law. Gauging the perception of the respondents with regards to the use of sole sourcing, 42.9% of the respondents believed sole sourcing would eventually be strictly limited to exceptional cases. In contrast, 31.5% believed sole sourcing would never be limited to exceptional cases. Proferring the idea of the abuse of sole sourcing in the procurement process at the FGDs, discussants opined that:

The underground dealings before a contract is awarded are to be blamed. Insiders go to offer information to prospective bidders and you would be surprised one person would even register more than one company and apply (Greater Accra).

Sole Sourcing is meant for some projects that need immediate attention which following the normal tendering procurement process might delay. However, most government projects are awarded to persons affiliated to the government in power because such persons sponsored the party to win power. It is not surprising that sole sourcing has been overly abused (Ashanti region).

Probing the flagrant use of sole sourcing, Atiga and Azanlerigu (2017) in a similar study identified that the process and procedure for sole sourcing was the second most violated in the Act of the procurement law. Their study identified ministries such as Education, Local Government and Rural Development, Health and Finance and Economic planning as using sole sourcing as a procurement method without due approval from the Public Procurement Authority (PPA). What was worst is that, "... in some instances, many of these ministries bypassed the Entity Tender Committees (ETC) and procured goods and services when they ought to have used National Competitive Tendering" (Atiga and Azanlerigu, 2017 p.47). As a measure to curb the abuse of sole sourcing in the procurement of goods and services, discussants suggested that, sole sourcing should be sparingly used and follow strictly the laid down regulations in the Public Procurement Act and those who flout the law by using sole sourcing should be severely punished.

Value for money audits have a relationship with the cost of projects. Bouncing this idea off the respondents two-thirds of the respondents think value for money audits would reduce the cost of projects. Taster views from the discussants at the FGDs on value for money audit indicate a mixed bag:

In spite of the existing procurement law, politicians talk about having other quicker ways of getting their things approved. So I believe the creating of this value for money office is another creation of nothing. This is because the procurement law should be able to deal with this particular sector and deal with it effectively. Indeed, it is about you taking whatever you want before approving it so why the need for another office?

I think that office when created would actually ensure that projects meet the needs of the people. Let's use the SSNIT case as an example, when some automated stuff was needed for a particular job 32 million dollars was the initial cost but 72 million dollars was spent and what we got is not even going to do the job. When we have this value for money audit, it is going to tell us whether the amount we spent is going to tally up with the results the people want. So I believe it is going to ensure citizens' needs are met when it comes to money spent.

If the RTI bill is passed into law and we have the Value for Money Audit Unit functional, an overview of what is going on in the system is created. This allows us to access information freely and compare prices. Therefore, whoever is in charge of any project knows all eyes are on him/her.

When budgeting for a state project the cost of delays is also factored in, so what the value for money audit unit will do is that it will at least bring us closer to the normal market rate because government projects take a really long time to complete and so the contractor would have to re-evaluate and re-price.

Given the strong leaning on the value for money audit and the inherent transparency it will bring to bear on the procurement process, government needs to activate action on this if it is really committed to the fight against corruption. Table 3.5 depicts the rating of government effort with regard to value for money audit.

Table 3.5: Value for Money Audit

| Value for Money Audit | Rating |
|---|----------|
| The Value for Money unit of the Audit Service, if set up, is capable of dealing effectively with procurement malpractices | High |
| Value for money audits will ensure that all projects meet the actual needs of citizens | Moderate |
| The cost of projects will be comparable with market prices | Moderate |

Another innovation identified as a sure way to seal the loopholes in the procurement system is the adoption of e-procurement. This involves automation of the procurement process where transaction costs are reduced, supplier base is broadened, procurement processes are aligned, duplication of tasks is reduced, information is provided on timely basis and productivity and efficiency is ensured. According to the study, more than half of the respondents (54.6%) think e-procurement will seal all the loopholes. Nevertheless, 24.4% of the respondents dissented while 21% of the respondents were not sure as to whether e-procurement can seal the loopholes in the procurement system or not. In spite of the high level of confidence the respondents had in e-procurement to seal the loopholes in Ghana's procurement system, a study conducted by Sarpong, Jianguo, Antwi, Udimal, Musah and Khan (2017) into e-procurement in Ghana identified barriers such as inadequate IT infrastructure, lack of adequate legal environment and corruption of public officials as the most important barriers in the adoption of e-procurement systems in Ghana. Given the internet infrastructure deficit of Ghana, the high abuse of the procurement process by public officials and the absence of e-procurement in the regulatory Act that guides the procurement process, there will be the need to address these issues and importantly amend the Act to accommodate e-procurement before one can think of implementing such an innovation.

3.6 Beneficial Ownership Register

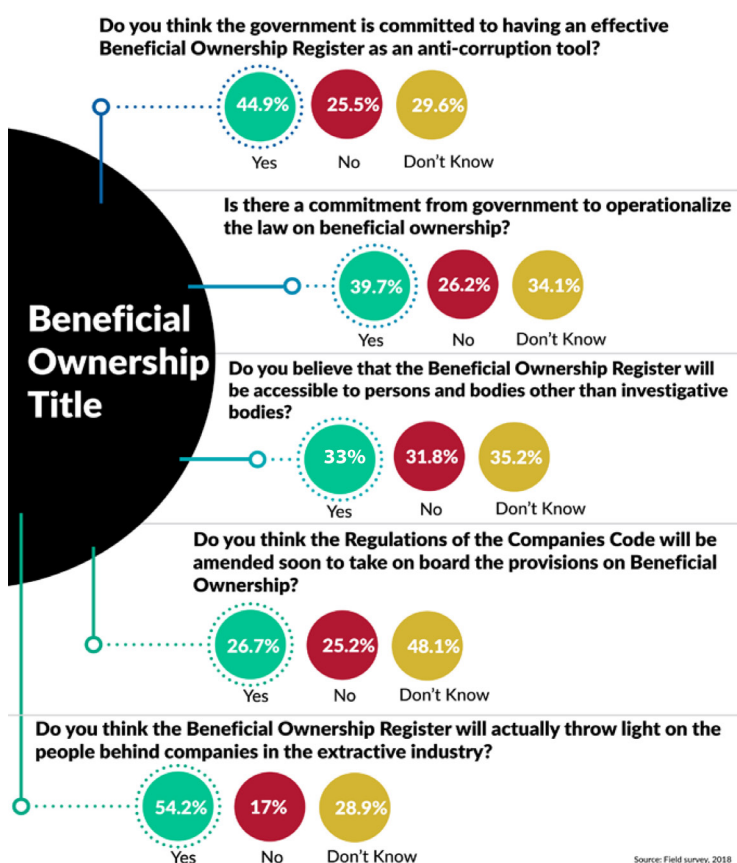


Figure 3.5: Beneficial Ownership Title

Beneficial Ownership Register as a tool to fight corruption gathered momentum in the wake of the huge financial irregularities revealed by the Panama Papers. Detailed information about all duty bearers and business owners as well as their families is critical in the operationalization of this tool. 4 out of 10 respondents (44.9%) believed that government could adopt this tool to reduce corruption in the country. In contrast, 6 out of 10 respondents thought that either government is not committed or not sure if government can adopt such a tool in the fight against corruption. Probing further to establish if there is a correlation between commitment to have the BOT register and commitment to operationalize it, the bi-variate correlation analysis was employed. The results show that, at 0.01 level of significance, the correlation coefficient is 0.611. This finding means that commitment to have the tool has a positive correlation with commitment to operationalize it. This finding may suggest that as respondents' perception on government having the BOT register improves, it might influence their perception of government's commitment to the operationalization of the law. It is, therefore, important for government to show commitment to adopt the tool in the fight against corruption and operationalize it.

Another thorny issue connected with this anti-corruption tool is the accessibility of the Beneficiary Register to persons and bodies other than the investigative bodies. According to the study, 33% of the respondents believe that the register will be made available to whosoever desires to access it. In contrast, 31.8% of the respondents do not believe the register will be made available whilst 35.2% of the respondents do not know whether government will make the register available or not. Inasmuch as this will be a good tool to fight corruption, it is important to be mindful of the security of information about all duty bearers such that they are not overly exposed to criminal gangs.

As part of public concern for the subtle way corporate entities hide their wealth, there was the need to raise the bar of transparency where companies will be required to disclose information about their beneficial owners. In doing so, the Regulations of the Companies Code need to be amended to take on board the provisions of beneficial ownership. From the survey, respondents were equally divided on whether the Regulations of the Companies' Code should be amended to take on board the beneficial ownership provisions in the fight against corruption. It was found out that 26.7% of the respondents thought that the NPP government will soon amend the Regulations to the Companies' Code whilst 25.2% did not think the government will do that to bring about transparency to cover beneficial ownership. Almost half of the respondents (48.1%) were not sure the government will amend the Regulations of the Companies' Code.

In the face of the survey findings and what the Vice President (Dr. Bawumiah) said during the workshop on Supporting New Beneficial Ownership Transparency Champion in February, 2017 where he announced that the government *“have since organized a consultative workshop on beneficial ownership for state and non-state actors while the Companies Code had also been amended (Companies Code (Amendment) Act, 2016 (Act 920)) to make provision for beneficial ownership regime a reality.”* What is important is the provision of resources for the establishment of public beneficial ownership registers. When such registers are established “persons who actually own and take advantage of capital or assets of the legal person, as well as on those who really exert effective control over it are known” (FATF, 2014). Given the menace of global terrorism and money laundering, such central companies' registers, if established, will be one of the effective ways of tackling corruption and Ghana living up to its international obligations. Indeed, more than half of the respondents believed that beneficial ownership register will actually throw light on the people behind companies in the extractive industry. Table 3.6 shows the premium placed on the beneficiary ownership title as a way to address corruption.

Table 3.6: Beneficiary Ownership Title

| Beneficiary Ownership Title | Rating |
|---|--------|
| The BOT will expose persons who hide behind companies to loot the nation | High |
| Establishing a companies' register, if published, will lead to transparency in the extractives industry | High |

3.7 Public Officers' Code of Conduct and Assets Declaration Regime

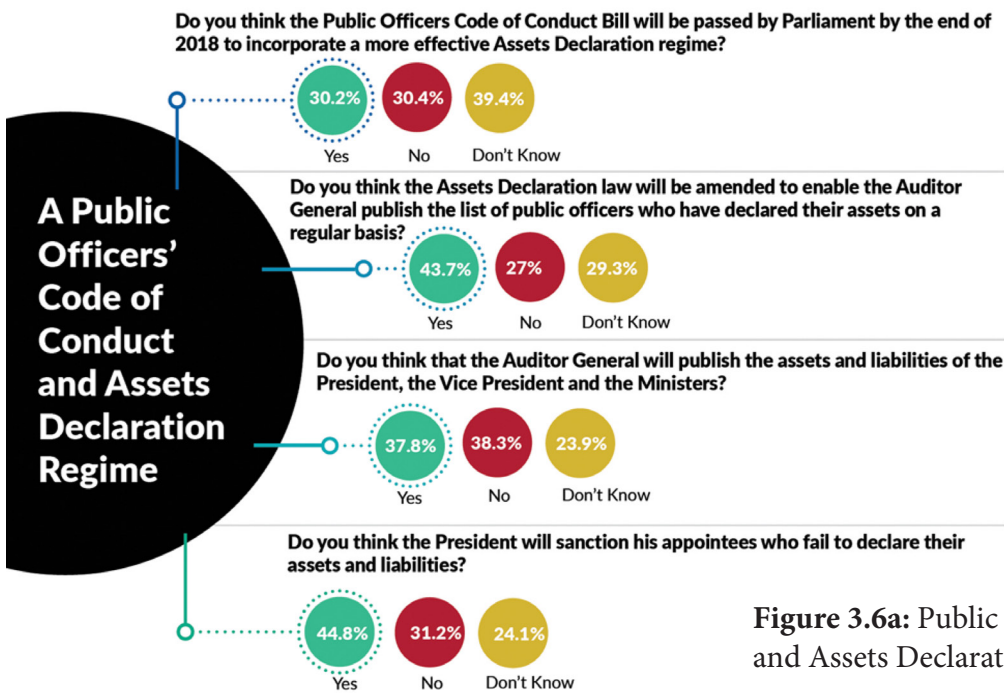


Figure 3.6a: Public Officers' Code of Conduct and Assets Declaration Regime

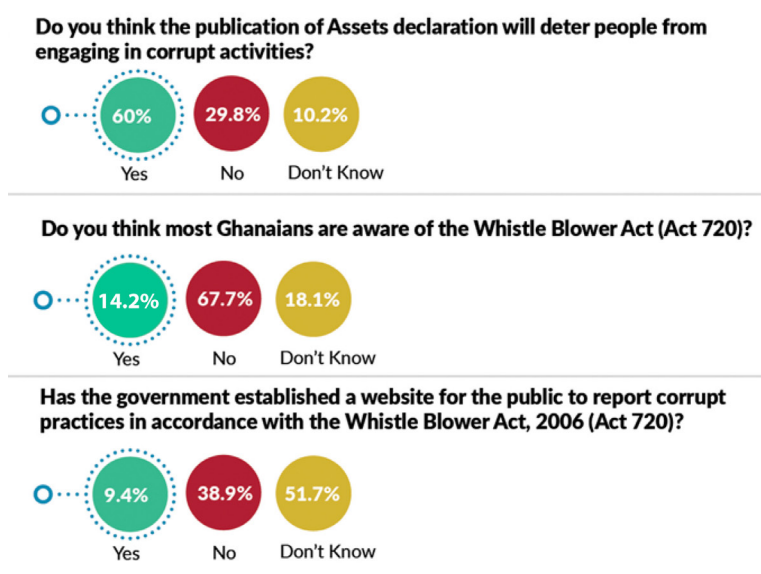
Effective disclosure systems backed by good ethical behavior are critical elements in any anti-corruption programme.

However, *“Ghana’s assets declaration regime, as it currently exists, has been ineffective and incapable of combating corruption”* (Agyeman, 2016 p.3). To combat this problem, the NPP government identified effective public officers’ code of conduct and assets declaration as a twin tool to use in the fight against corruption. To this end, the government promised in its manifesto to “enact, popularize and enforce a comprehensive code of conduct for public officials so as to give full meaning and effect to the provisions of Article 284 of the Constitution”(p.137). The study sought to find out if the Code of Conduct Bill, which will contain more effective Assets Declaration regime would be passed by Parliament by the end of 2018. According to the results, one-third of the respondents think the bill will be passed before 2018 ends. In contrast, two-thirds of the respondents did not trust government to enact such a law before 2018 ends. Given the low level of trust in the government’s ability to pass the law and the daily basis on which corruption occurs, it is only prudent for such a law to be passed now to indicate the determination of the government to fight corruption.

Closely related to the code of conduct is the promise to amend the Assets Declaration law to enable the Auditor General publish regularly, the list of public officers who have declared their assets. Gauging the thoughts of the respondents on asset declaration, 43.7% of them think the law will be amended whilst 27% of the respondents do not think the law will be amended to enable the Auditor General publish the list of public officers. Three out of 10 respondents do not know whether the law will be amended or not. The survey also revealed that 37.8% of the respondents think the Auditor General will publish the assets and liabilities of the President, the Vice President and the Ministers as a form of leadership by example. In contrast, 38.3% of the respondents do not think the Auditor General can publish such a list. Indeed, a significant percentage of the respondents (23.9%) were also not sure whether the Auditor General could publish the list or not. The nature of an asset declaration law is such that public officials actively participate in the process of how it is applied and the subsequent administration. Thus, asset declaration appears to be one tool that will allow duty bearers to voluntarily initiate the process of fighting corruption. It is, therefore, important for government to amend the law and take the fight against corruption to the doorstep of public officials who will become part of the system to fight corruption.

Punitive measures against public officers who fail to declare their assets have been identified as another

er tool in the kit-box of anti-corruption to jump-start the crusade against corruption. According to Agyeman (2016), “sanctions should be explicit and severe and include criminal prosecution for deliberate errors” (p.37) and failure to declare assets. According to the study, 4 out of 10 respondents think the President will sanction his appointees who fail to declare their assets and liabilities. In contrast, 6 out of 10 respondents believe that the President either cannot sanction his appointees or respondents do not know if he has the courage to do so. This is mainly due to the fact that, in the 15 months since the current government was sworn in, there is no full list of government appointees who have declared their assets. A clear contravention of the Public Office Holders (Declaration of Assets and Disqualification) Act of 1998 - Act 550 which requires that all public officials, ministers of state and cabinet ministers declare their assets within a period of six months after coming into office. Given such a perception about the President, Kpundeh (1998) contended that, “political will to punish offenders remains the single most critical starting point for sustainable effective anti-corruption strategies and programmes.”



A Public Officers' Code of Conduct and Assets Declaration Regime

Figure 3.6b: Public Officers' Code of Conduct and Assets Declaration Regime

The Whistle Blower Act, 2006 (Act 720) empowers people who are privy to corrupt acts to report to the appropriate agency for the necessary action to be taken. The study sought to find out if respondents are aware of the existence of such an Act and, if they are, whether the government has honoured its promise to set up a website to report acts of corruption as a way to operationalize the law. According to the survey, 7 out of 10 respondents are aware of the Whistle Blowers Act. However, 9 out of 10 respondents said they are not aware of the government setting up any website through which corrupt practices could be reported.

Table 3.7 shows government's effort at educating the public on the Whistle Blowers Act.

Public Education

Government efforts at educating citizens on the Whistle Blowers Act to help them report corrupt officials

Rating

Moderate

The government will establish a website for the public to report corrupt acts in accordance with the Whistleblower Act

Moderate

3.8 General Promises

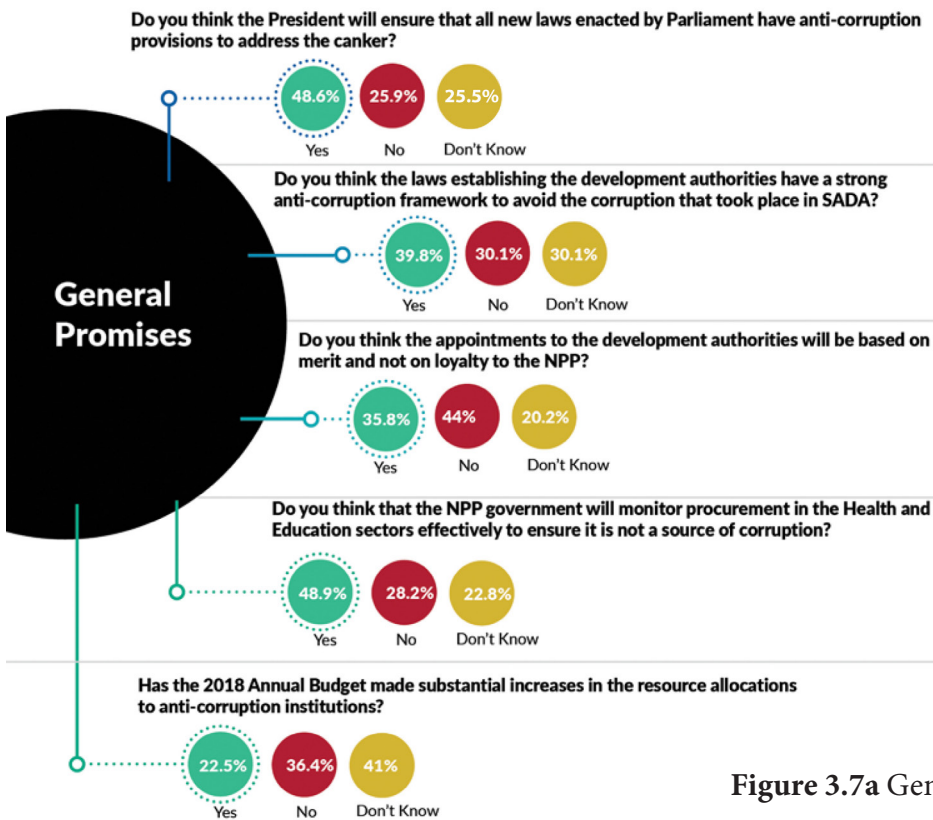
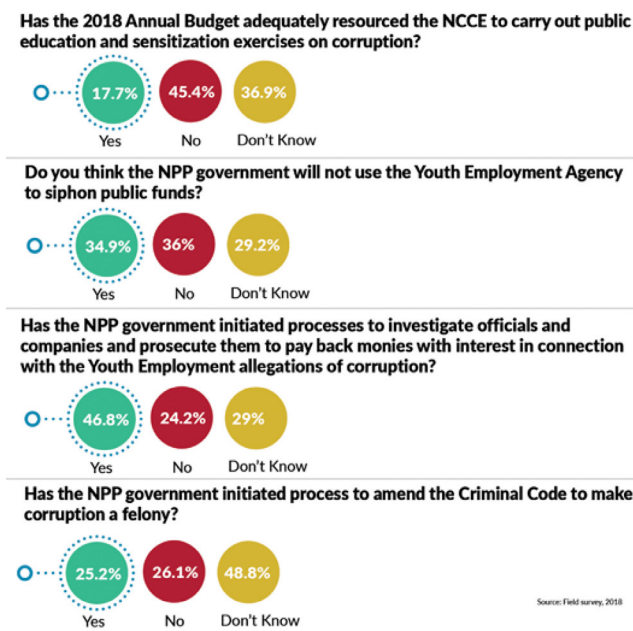


Figure 3.7a General Promises



General Promises

Figure 3.7b General Promises

On the assessment of the general promises by the NPP government, some sub-sectors that also vulnerable to corruption were also examined. The sub-sectors included Land Administration, Decentralization, National Health Insurance Scheme and Education.

3.8.1 Land Administration

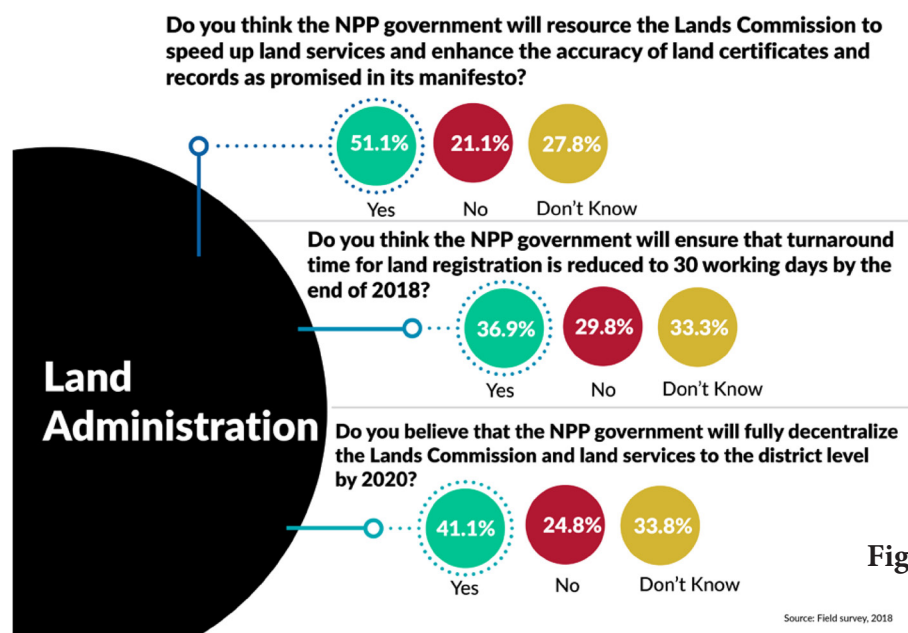


Figure 3.8 Land Administration

The dire housing deficit of Ghana which stood at 1.7 million units in 2016 and is expected to hit 2 million by the end of 2018 (IMANI, 2016) compelled the NPP to make a number of promises in the context of land administration in order to leverage on the housing sector to create jobs. Three key promises made in the 2016 manifesto include: resource the Lands Commission to speed up land services and enhance the accuracy of land certificates and records; ensure turnaround time for land registration is reduced to 30 working days by the end of 2018; and, fully decentralize the Lands Commission and land services to the district level by 2020.

Gauging respondents' opinion on the ability of the NPP to digitize the Lands Commission to enhance service delivery by the end of 2018, half of the respondents (51.1%) think the NPP government will be able to do this whilst 21.1% and 27.8% believe that either the government cannot do this or do not know if it will be able to do this respectively. In spite of the fact that half of the respondents believe the government will be able to fulfill this promise, the dissenting position that government cannot fulfill this promise is significant. Reflecting on the current state of land litigation, multiple sales of land, land insecurity and the land-guards syndrome, protracted land disputes and collusion of officialdom, digitization of the land commission will take a lot of resources and time, therefore, early start of this project will be a good step towards fulfilling the promise.

Closely related to the digitization and efficient service delivery is the issue of turnaround time for land registration. NPP promised to reduce to 30 working days the turnaround time of land registration. According to the survey, 3 out of 10 respondents believe the NPP government can fulfill this promise whilst the rest of the respondents thought otherwise. The dissenting voice on the ability of the NPP government to reduce turnaround time for land registration to 30 working days is significant. The argument being that the platform (digitization) on which such a service would be delivered does not currently exist and, therefore, the turnaround time of 30 days at the moment is not feasible.

Another key promise of the NPP government within the context of land administration is to fully decentralize the Lands Commission and land services to the district level. Indeed, it promised to “reduce the cost of land services, by making such services accessible electronically and at the district levels.” Four out of 10 respondents believed that the NPP government can fully decentralize the Lands

Commission and land services to the district level by 2020. However, 6 out of 10 respondents did not think the government is capable of delivering on this promise. An assessment of this promise against the necessary factors that can help fulfill it revealed that, the ICT Infrastructure in most districts in Ghana is woefully inadequate. Besides, the digitization of land administration has not taken off. It is, therefore, not possible to electronically devolve land services to the district level.

3.8.2 Decentralization (Election of MMDCEs)

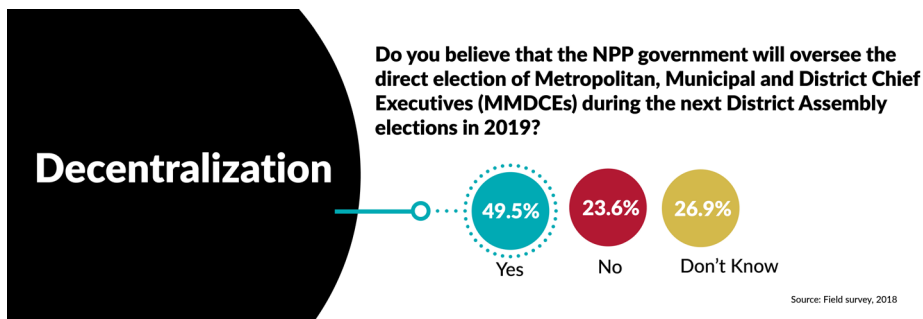


Figure 3.9: Decentralization

On political decentralization, the mode of appointing MMDCEs has generated a lot of debate which straddles two schools of thought: direct election of MMDCEs to promote effective decentralization and eliminate the winner take all syndrome (Debrah, 2009) and appointment of MMDCEs which undermines the quest for bottom-up approach to decision making (Dapatem, 2002). Taking the first leg of the debate, the NPP government promised to “oversee the direct election of MMDCEs within 24 months of election into office, to coincide with the next District Assembly elections in 2019” (NPP Manifesto p.141). According to the survey, 49.5% of the respondents believe that the NPP government will be able to fulfill this promise by 2020 whilst 23.6% of the respondents believed NPP cannot fulfill this promise and 26.9% of the respondents said they do not know whether the NPP government can fulfill this promise or not. Those who think the NPP government cannot fulfill this promise felt that there was some inconsistency in the public pronouncements by the Minister of Local Government and Rural Development (MLGRD) and her deputy with regards to the feasibility of the promise. While the Minister hinted that the election of MMDCEs can only come on in 2021, her deputy called for the amendment of Article 55 (3) of the 1992 Constitution to enable the district assembly elections to take place in 2019.

3.8.3 The National Health Insurance Scheme (NHIS)

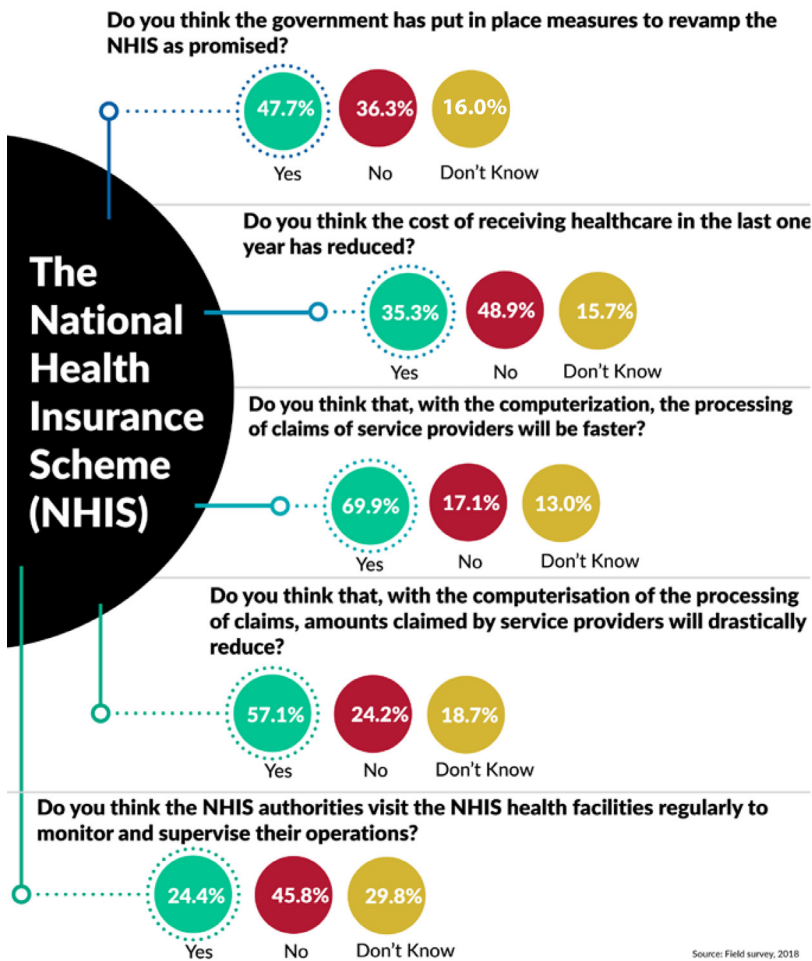


Figure 3.9: The National Health Insurance Scheme (NHIS)

It has been documented that any nation's effort to develop and bring social change to its people would come to naught if the health issues of the people are not given top priority. Against this backdrop, the NPP promised in its manifesto to “review and restructure the sources of funding, as well as the institutional arrangements for the management of the National Health Insurance Fund (NHIF)” (p.118). Up to 47.7% of the respondents held the view that the government has put measures in place to revamp the NHIS.

The government has shown commitment to raise funds from various sources to revamp the NHIS (Western region)

The government has started paying the debts and that is highly commendable because there cannot be any efficient and effective health insurance when the government owes the service providers. The government has also abolished the capitation system in the Ashanti Region and that is making card holders have easy access to any hospital they want (Ashanti region).

However, 36.3% and 16% of the respondents do not believe or do not know, respectively, if government has initiated any concrete strategy to revamp the NHIS. They hold the view that the NPP government cannot fulfill this promise. Contributing to this perception, 64.7% of the respondent thought that the cost of receiving health care in the last one year has not reduced at all.

It is not just about clearing the debts but the sustainability of the NHIS and its coverage as well. Citizens have not seen any comprehensive plan launched to tell us that this is what the government is doing when it comes to coverage and sustainability. In the absence of that comprehensive plan the government has not done well to revamp the scheme. (Greater Accra region)

The workers at the hospitals are “polluting” the insurance. The President should check them if not, even after paying the debt they will still find a way around the system to syphon funds away into their private pockets (Ashanti region).

Based on the mixed views expressed by the respondents, it is important government initiates a dialogue with civil society groups who have adequate knowledge about the scheme to fashion out a comprehensive plan on how to address the challenges of finance that confronts the scheme. Besides, government should also liaise with the Food and Drugs Authority to heavily levy products that increase our health risk like alcohol and cigarette.

Technology has come to complement human efforts for an improved way of doing things. Respondents were quizzed about the computerization and the processing of claims of service providers to make things faster. This position drew a resounding affirmation from the respondents where 7 out of 10 respondents think computerization will bring about a faster way of processing claims for service providers. Closely related to the computerization of claims is the issue of corruption where amounts claimed by service providers are perceived to be padded. Every 6 out of 10 respondents believed that with the computerization of the processing of claims, amounts claimed by service providers would drastically reduce, thus, curbing corruption. This overwhelming endorsement of computerization as a means leading to the reduction in the amounts claimed by service providers calls for administrative action and an integrated database of service providers and claimants. This will enable cross-checking of figures when routine monitoring is done.

On whether there are regular visits by NHIS authorities to NHIS-covered health facilities to monitor and supervise their operations, 45.8% think that NHIS authorities do not regularly visit while and 29.8% of the respondents do not know about such regular visits. Some of the discussants at the FGDs supported this assertion. They argued that,

We haven't seen any monitoring report from the NHIA and the findings from their monitoring. Secondly, the NHIA hasn't sanctioned any service provider for non-performance or poor services (Greater Accra Region).

Based on this, participants recommended that

The National Health Insurance Authority should have an office at all NHIA accredited hospitals to verify all claims by card holders who use the facility before such claims are submitted for payment (Ashanti Region).

The NHIA should intensify its monitoring mechanisms and sanction offenders who try to sabotage the system to serve as a deterrent to other offenders in other health facilities. Also, the NHIA Public Relations Officers at the district levels must utilize the radio stations to intensify education on the NHIS as for example it was carried out in Ashanti Region some time ago (Ashanti Region).

Table 3.8 shows the rating of the participants at the FGDs of government's effort to fulfill its promises on revamping the NHIS and the monitoring of the performance of workers who man the health facilities of Ghana.

Table 3.8: Restructuring of NHIS

| Restructuring of NHIS | Rating |
|--|---------------|
| The government has put in place measures to revamp the NHIS | Low |
| There is improvement in the services of the NHIS | Moderate |
| The cost of receiving healthcare has reduced | Moderate |
| The NHIA visits the health facilities regularly to monitor their performance | Low |

Monitoring of activities of the National Health Insurance Scheme on the one hand and general procurement activities of the health ministry on the other is a way to effectively check any corrupt activity related to procurement in the health sector. Against this backdrop, the issue of monitoring the procurement activities of the Ministry of Health was put to the respondents to elicit their views on the ability of the NPP

government to monitor them. Respondents were divided over this. Whilst 48.9% of the respondents thought the NPP government will monitor the procurement activities of the Ministry of Health to curb corruption, 28.2% of the respondents thought the NPP government cannot monitor their activities, and a significant percentage (22.8) did not know whether NPP can monitor them or not.

3.8.4 Education (School Feeding Programme)

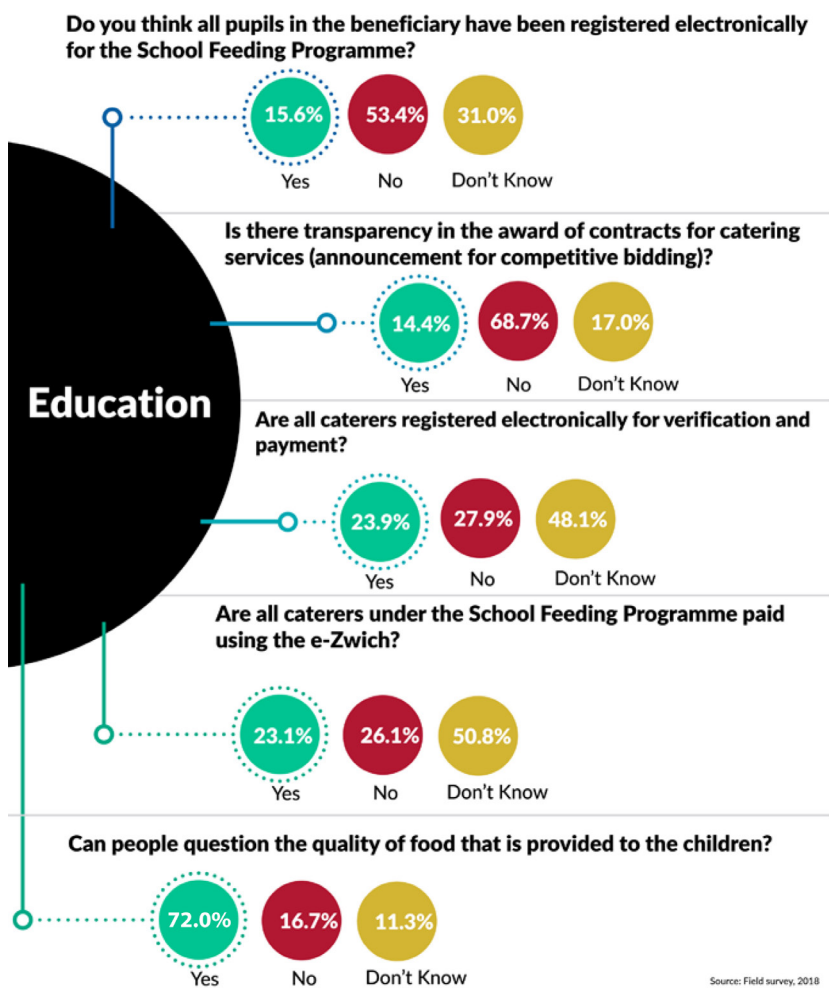


Figure 3.10: Education

On the school feeding programme, it has been argued that it is one social policy that resonates with most Ghanaians as the way to address the challenge of retention of pupils at school in deprived communities throughout contact hours. Given the pervasiveness of partisan politics in the choice of caterers and the perceived lack of transparency in the award of contracts, it was interesting to find out the perception of the respondents on the activities connected with the school feeding programme. Up to 53.4% of the respondents held the view that they do not think the beneficiary pupils have been registered electronically for the School Feeding Programme although the government promised to do so. Contributing to the high perception of corruption connected with personnel operating the School Feeding programme, an overwhelming 68.7% of the respondents believed that lack of transparency in the award of contracts for catering services is responsible for corruption cases. To curb the issue of corruption, caterers were supposed to be registered electronically for verification and payment. In their response, only 23.9% of the respondents believed all caterers are registered electronically whilst 27.9% and 48.1% respectively believed that either caterers were not electronically registered or did not know whether they were registered or not.

Similarly, the use of e-Zwich to pay caterers under the School Feeding Programme was also identified as a tool to fight corruption and delays associated with the programme. Probing this issue, 23.1% of the respondents believed that all caterers are paid by the e-Zwich method. In contrast, 26.1% and 50.8% of

the respondents respectively think that either the caterers were not paid by e-Zwich or they do not know about the use of that method for payment.

While the NPP government promised to bring transparency and accountability to bear on the activities of the school feeding programme, it appears that this is not the case. The discussants at the FGDs argued that,

There is low transparency in the award of contracts for the catering services. Even by the time announcements are made for competitive bidding the caterers would have already been awarded the contracts. It is awarded purely on political lines to reward women organizers of ruling parties (Ashanti Region).

Only party members of the ruling party benefit; contracts are given to party activists especially party women organizers (Western Region).

About 90% of the appointed caterers are connected to political affiliation and there is no transparency in the process; they only serve their own party interests (Volta Region)

I am a witness to the fact that forms are sold to those who want to be caterers for the schools through advertisement but for the awarding of contracts, no matter what you do, there is no transparency. That is what every government does (Ashanti Region).

To demonstrate commitment to the fight against corruption, government must develop a legal framework for the School Feeding Programme so that caterers do not change with the change in government (Greater Accra Region).

To make the School Feeding Programme achieve its desired goal it is the important assess and monitor the quality of the food prepared for the pupils. About 71.1% of the respondents agreed that people can question the quality of food prepared for the pupils whilst 16.7% believed that nobody can question the quality of the food while 11.3% do not know whether one can question the quality of food or not. On whether stakeholders can question the quality of the food, some of the FGD discussants reported that,

At the beginning of the term when the contracts are awarded, the meals served are of high quality. But as time goes on, the quality of the food served becomes poor as the government is indebted to the caterers. The caterers would then become cash-strapped and unable to afford nutritious meals for the pupils (Ashanti region)

My nephews have told me to start giving them money so that they can buy food at school. When I questioned them, they told me that the food served to them at school was so bad that they have to throw the food served into the gutter and present the bowls as if they have eaten. Some complained of stomach upset too as a result of the food served them (Greater Accra region).

The food given to the pupils is mostly not a balanced meal due to the fact that the money given to the caterers to cook for the pupils is woefully inadequate. Thus, food served to the pupils most of the time fall short of the required nutritional value (Greater Accra region).

Table 3.9 shows the rating of government by participants in the FGDs with respect to award of school feeding programme contracts to party cronies with respect to the School Feeding Programme.

Table 3.9: The School Feeding Programme

| School Feeding Programme | Rating |
|--|--------|
| All pupils in public schools in deprived areas have been registered under the SFP | Low |
| There is transparency in the award of contracts for catering services (announcement for competitive bidding) | Low |
| All caterers are registered electronically for verification and payment | |

| | |
|--|------|
| (mobile money) | High |
| The quality of food provided to the pupils can be questioned | High |
| Children are required to provide support (water, firewood, etc.) to the caterers | Low |

3.8.5 Laws, Anti-corruption, Appointments and Party Loyalty

The criminal code, which was based on the English criminal code and common law tradition, was introduced in Ghana in 1892 (Ebbe, n.d). However, in 1960 the Criminal Offences Act, 1960 (Act 29), was enacted to consolidate and amend the law relating to criminal offences. This Act criminalizes certain acts whilst silent on others like corruption. As a lower middle-income country climbing the ladder of development, it is important to ensure that only a few individuals do not monopolise resources and enjoy the largess of government office and wantonly dissipate the collective resources. In this direction, the views of ordinary citizens about criminalizing corruption are crucial. The NPP in its 2016 manifesto promised to initiate a process to amend the Criminal Offences Act to make corruption a felony rather than a misdemeanor as is currently the situation.

About 25.2% of the respondents said they are aware the NPP government has initiated a process in the amending of the Criminal Offences Act. On the other hand, 26.1% of the respondents said they are not aware the NPP government had initiated such a process towards the amendment of the Criminal Offences Act. Almost half (48.8%) of the respondents said they do not know whether the NPP government has initiated the process towards the amendment or not. Given the overwhelming number of respondents who either do not believe government has initiated the process of amendment of the Criminal Offences Act or are not aware of any such move, it is important government gives timeline to some of these promises which are legislative in nature.

Gauging the perspectives of the respondents on the President ensuring that all new laws enacted by Parliament have anti-corruption provisions to address the canker, 48.6% of the respondents were of the view that the President will honour this promise given his background as a lawyer and lawmaker with an acclaimed strong conviction to fight corruption. However, 25.9% of the respondents thought that the President will not ensure this is done while and 25.5% of the respondents did not know whether the government can ensure new laws passed in parliament have anti-corruption provisions or not. The survey also sought to find out if laws establishing the development authorities will have a strong anti-corruption framework. This is against the backdrop of the many corruption allegations against the Savannah Accelerated Development Authority (SADA) established under the former NDC government. In the view of the respondents, 39.8% thought that the laws establishing the development authorities have an anti-corruption framework whilst the rest of the respondents either did not know if such a framework existed or believed that such a framework did not exist.

Closely related to the development authorities is the issue of appointment of people based on merit to run the affairs of the authorities. Up to 35.8% of the respondents thought the appointments of people to man the development authorities will be based on merit rather than party loyalty. In contrast, 44% of the respondents said the appointment to the development authorities will be based on party loyalty rather than merit.

3.8.6 Youth Employment Agency (YEA)

The Youth Employment Agency dominated the political landscape during the 2016 electioneering period due to corrupt practices associated with the agency. In fact, the GYEEDA report which indicted the former National Coordinator of the agency accused him, among other things, of “lack of transparency in the choice of service providers, the award of contracts and the visible breaches of the 1992 Constitution, the Public Procurement Act, the Internal Revenue Act and the Financial Administration Act” (p.88).

Respondents in this study were asked whether the NPP government would not use the Youth Employ-

ment Agency to siphon public funds as had been done in the past.

In their responses, 34.9% of the respondents think that NPP will not use the agency to siphon public funds. In contrast, about 36% of the respondents think that NPP will use the agency to siphon public funds. This was based on the idea that all politicians are the same: they promise one thing and deliver a different thing. A significant percentage (29.2%) of the respondents are not sure whether NPP will use the same agency to siphon public funds or not. Closely related to the corruption challenges associated with the agency is the issue of the NPP government initiating actions to prosecute officials and companies connected with the corruption issue. Results gleaned from respondents in the survey indicated that 46.8% of them think the NPP government has initiated many processes to investigate such individuals and companies. In contrast, 24.2% of the respondents believed that NPP has not initiated any action to investigate the actions of officials and companies connected with the corruption associated with the agency. Rather, it was the erstwhile NDC government that instituted a committee, which investigated the issue and subsequently provided the evidence that led to the jailing of two of the persons involved in the corruption case. Nonetheless, it is interesting to note that the NPP government has hinted of a prepared list of individuals connected to corrupt acts in the previous NDC government who will be prosecuted.

4.1 Results and Review of Corruption Related Promises

A review of the progress made in delivering on promises of the NPP government on corruption has shown mixed results

(see Table 3.10). For instance, the NPP government easily passed the OSP Bill. In fact, 29 bills were passed into law in 2017 and 2 bills in 2018. The challenge, however, is that many of these legislations do not address the issue of corruption. In other words, the policy directives that should have ensured that such legislations have clearly outlined modes of addressing corruption were not carefully considered. A case in point is the Acts that established the three Development Authorities (Northern Development Authority - NDA, Middle Belt Development Authority – MBDA and Coastal Belt Development Authority - CBDA), which were established as a result of the corruption cases levelled against the scrapped SADA. The Board, Chief Executive Officer, staff and all employees are to be appointed by the President. Given the sweeping powers of the President and the excessive partisanship that often characterizes such appointments, most of the respondents felt that the President will use his position to the benefit of his political associates, thus, depriving other qualified Ghanaians of the opportunity. Besides, the social accountability system where the ordinary citizens have the voice and power to ask questions when the need arises are also missing from the Acts. The promise of OSP can be rated as kept, however, the challenge is its operationalization in terms of adequate resources, independence and personnel in prosecuting corrupt officials irrespective of their political colour.

The talk about the RTI bill for the past two decades has rarely been accompanied by action. The verve and go-get-it energy displayed by the NPP in the run up to the 2016 elections has been missing in the way the RTI bill is being treated. Meanwhile, this is one bill that can complement the Whistle Blowers Act in getting information and exposing corrupt acts by ordinary citizens. This promise can be rated as still in the works because the bill has been downgraded from “urgent” to “ordinary” status in the Legislature. One does not know when it will be passed into law.

The NPP government promised to ensure strict compliance with the Public Procurement Act, 2003 (Act 663) so that the overly abused single sole sourcing primarily in the public sector would be stopped. However as stated earlier, the website of PPA revealed that out of 100 contracts, one can get 75% of them being won through competitive bidding and the rest through sole sourcing. The critical questions are: how many single/sole sourced contracts has the NPP government awarded since it came into power and what are the amounts of money involved? Did the NPP government promise to establish a Ministry of Public Procurement? Is this ministry the answer to the overly abused procurement process? From the study, it does not appear so.

Again, the NPP government promised to resource the Audit Service to do a number of things. In fact, this Service features prominently in the NPP government’s drive to stamp out corruption related to value for money in the procurement process, code of conduct and declaration of assets, among others. However, the budgetary allocation to the Service has not changed significantly and in addition, capacity building of personnel and not much has been done to motivate the work to effectively execute their mandate. As captured by Asamoah and Ofosu-Mensah (2018), poor capacity building support and low motivation of Ghanaian institutions fighting corruption is the bane of the fight against corruption. Has the NPP government drawn a comprehensive plan towards capacity building and motivation of the staff of Audit Service to carry out this important fight? The answer is definitely negative. These promises can be graded as still in the works because the government still has time to clean its act in relation to this promise.

On the promise to amend the relevant sections of the Criminal Offences Act, 1960 (Act 29) to make corruption a felony rather than a misdemeanor, there is no evidence to show that any action has been initiated. The promise to amend the Criminal Offences Act could also be graded as still in the works

because no timeline has been put on the amendment of this Act.

The NPP in its 2016 manifesto (p. 141) accused the erstwhile NDC government of instituting “a practice by which a large portion of the DACF is deducted at source for spending by the Ministry. Yet the government has just done the same by the new directive on the use of the DACF even though Parliament approved a new formula for the allocation of the Fund to the Assemblies. Only 33.3% of the allocated DACF is actually transferred for direct utilization.” This directive by the Common Fund Administrator will definitely deprive the MMDAs of the needed funds for capital projects at the local level. Already, indications are that the \$1m per district will be tied to the 1 District 1 factory project.

The promise to elect MMDCEs is a broken one. The NPP government was explicit and specific on this promise in the manifesto where it states, “the NPP will oversee the direct election of Metropolitan, Municipal and District Chief Executives (MMDCEs) within 24 months of election into office, to coincide with the next District Assembly elections in 2019”(p. 141). It is sixteen months into the administration of the NPP government and there is no sign of preparation towards the election of MMDCEs. Meanwhile, the MMDA elections are fast approaching. The sector minister under whose purview this promise falls only came up with a timetable towards election of MMDCEs in 2021. What guarantee is there that the NPP government will win the 2020 elections and superintend over such an election? Given the timeline and key issues connected to the election of MMDCEs, it is not possible this promise can be met.

On social services, the NPP promised transparency in utilising the best in technology and health insurance management protocols to tackle waste, corruption, and insurance claims fraud under the NHIS. Indeed, manual processing of claims are to be phased out, thereby linking services and drugs to hospital attendance, and treatment to diagnosis. So far part of the debt that the scheme is saddled with has been paid for which the government must be congratulated. However, the real fight against corruption within the NHIS is how to weed out padding of insurance claims. The government is yet to come out with a comprehensive plan to address how to phase out manual processing and link services to treatment and diagnosis. This promise can be rated as still in the works.

Overall, the government’s fight against corruption is a mixed bag. Nonetheless, there is goodwill among Ghanaians towards the government which translates into a belief that, given time, it will carry out an effective fight against corruption. Table 3.10 captures progress on some of the corruption promises of the NPP government.

| Promise | Solution activator | Specificity of promise | Intended action | Focus |
|---|--|------------------------|--|---|
| To create the Office of Special Prosecutor | Ministry of Justice and Attorney General | Specific | <ul style="list-style-type: none"> New legislation Create an independent agency and prosecutor <p>(Promise kept)</p> | Address corruption connected with government, public and civil servants, and alleged violations of the Public Procurement Act |
| Passage of the Right to Information Bill | Parliament and the executive arm of government | Specific | Pass the RTI Bill into law | Give legal backing to the right of citizens to demand access to critical information as required by the Constitution |
| Compliance with the Public Procurement Act to ensure Value for Money | Central government, MMDAs | General | <ul style="list-style-type: none"> To resource the Audit Service to carry out value for money audit in the procurement process <p>(Still in works)</p> | Address the flagrant abuse of sole sourcing as a method of procurement |
| Beneficial Ownership Title | Central government | Specific | Amendment of Ghana's Companies Act, Creation of Beneficial Ownership registers | Unmask the real power brokers and beneficiaries behind companies which engage in corrupt acts |
| Public Officers' Code of conduct and Assets Declaration Regime | Central government | Specific | Auditor General's Department to publish list of those who have declared their assets | Expose corrupt duty bearers who fail to declare their assets but use their offices to their individual and associates' benefits |
| Amend the relevant sections of the Criminal Offences Act, 1960 (Act 29) | Ministry of Justice and Attorney General | Specific | Amend an old Act (sections 3, 151, and 239-257) | Make corruption a felony rather than a misdemeanor |
| Land administration | Ministry of Land and | Specific | <ul style="list-style-type: none"> To digitize land registration and related services | Reduce multiple land sales and the |
| | Natural Resources | | <ul style="list-style-type: none"> Reduce turnaround time for land registration to 30 days Decentralize land administration to the district level <p>(Still in works)</p> | associated corruption practices |
| Election of MMDCEs | Ministry of Local Government and Rural Development | Specific | Amend or repeal a legislation or the constitution | <ul style="list-style-type: none"> Deepen the decentralization process |
| Revamping the National Health Insurance Scheme | Ministry of Health | General | Administrative/budgetary (560m out of 1.2b debt has been paid according to the 2018 budget); Computerisation of payment systems | Restructure the sources of funding and management of the agency; Reduce corruption in payment of claims |
| | | | (Still in works) | |

| | | | | |
|--|--|----------|---|---|
| Election of MMDCEs | Ministry of Local Government and Rural Development | Specific | Amend or repeal a legislation or the constitution Promise broken | <ul style="list-style-type: none"> • Deepen the decentralization process |
| Revamping the National Health Insurance Scheme | Ministry of Health | General | Administrative/budgetary (560m out of 1.2b debt has been paid according to the 2018 budget); Computerisation of payment systems (Still in works) | Restructure the sources of funding and management of the agency; Reduce corruption in payment of claims |
| Transparency in the School Feeding Programme | Ministry of Education, Ministry of Gender and Social Protection (Political actors such as Regional Ministers, MMDCEs, Education and Gender Ministries) | General | Electronically register all caterers Payment through e-Zwich (Still in works) | Introduction of transparency into the choice and award of contracts to caterers; Reduce corruption in the payment of caterers. |

Analytical Frame and NPP Promises Connected with Corruption

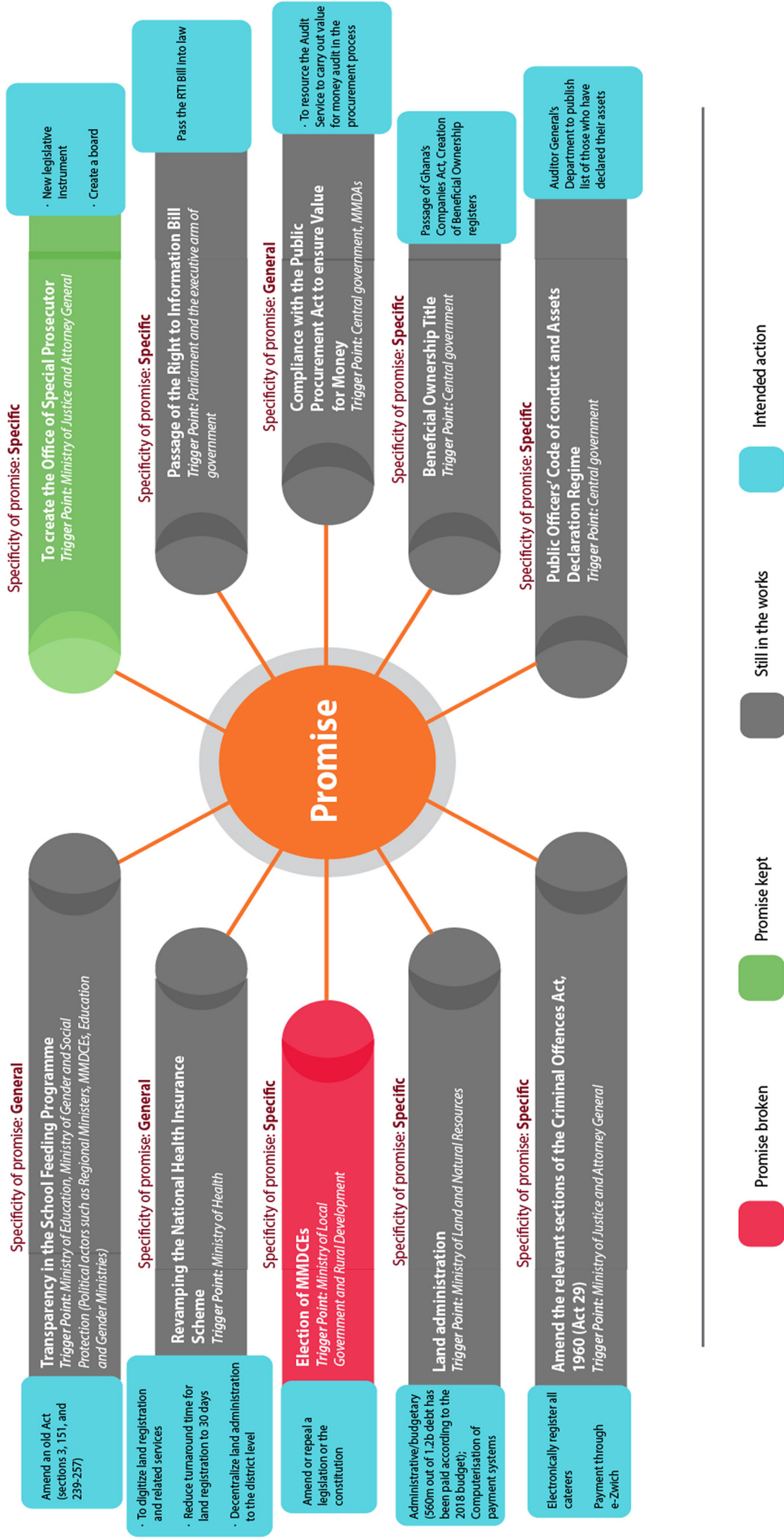


Figure 4.1: Analytical Frame and NPP Promises Connected with Corruption

5. Recommendations

Within the context of the analysis made, the following recommendations are offered to deal with the issue of corruption.

1. The OSP and other relevant anti-corruption state institutions must be given adequate human and material resources so that they can carry out their mandate in the fight against corruption. OSP must work with other anti-corruption state institutions like EOCO, CHRAJ and the Audit Service. This will make it easier in terms of pooling of resources and sharing of vital information needed to fight corruption. There must be a clear-cut job description for both the AG and the OSP. There should be internally generated funds (IGFs) for the OSP, for instance, by allocating a percentage of the money retrieved from corrupt officials to the OSP to fund its activities.
2. The fight against corruption has been difficult due to lack of political will and inability to adequately resource state institutions tasked to fight the scourge. It is therefore recommended that the law (Act 550) should be amended to give way to a more effective asset declaration regime where verifiability by the Auditor General and the public would be easy to facilitate constant monitoring. There should be a clause in the amendment, which will allow the Special Prosecutor to investigate and possibly prosecute public office holders who have been alleged to have illegally acquired assets, which their office cannot afford them to. Again, another clause should make it compulsory for assets to be declared, verified and published by the Auditor General or the individual will forfeit the position he/she has been appointed to. In addition, there must be a strong database that must be made accessible to citizens and civil society groups for easy cross-checking of what was and what is at the end of one's tenure of office.
3. In the basic and secondary school curriculum of Social Studies, a topic on anti-corruption should be introduced where corruption will be taught as something that retards development. This will help build patriotism in children so that they can grow with it. Besides, creating a culture that allows and encourages people to easily report corrupt practices and see their reports being acted on will help curb this menace. This calls for an attitudinal change revolution. NCCE should be adequately resourced to sensitize the ordinary citizens on various anti-corruption tools.
4. The main challenges facing the NHIS are finance and padding of insurance claims by some individuals and service providers. The government needs to consider tax on alcohol products, which should be channeled into the accounts of the scheme. Besides, budgetary allocation for the NHIS should be increased given the Abuja Protocol that the government of Ghana is a signatory to. Data on membership of the NHIS should be disaggregated into age categories to allow for easy monitoring of drugs prescribed, hospital attendance and diagnoses. Government also needs to dialogue with civil society groups who have adequate knowledge about the scheme to fashion out a comprehensive plan on how to address the challenges of the scheme.
5. The SFP has been heavily politicized and it is high time it is depoliticized. In this direction, there must be a legal framework for the school-feeding program, so that caterers are recruited through a competitive process and on merit but not on partisan basis with changes in government. The terms of the contract should be stated and renewed or terminated not based on change in government. The School Feeding Programme secretariat should be properly resourced to monitor the quality of food prepared for the pupils. Indeed, government should increase the money paid per pupil from 80 pesewas to about 1.60 cedis.
6. The government should team up team with independent bodies such as GACC, GII who already have anti-corruption websites so that it can pick up relevant information on corruption from them rather setting up yet another website. This will help save resources, which could be channeled into other activities of anti-corruption agencies. Besides, citizens are likely to be appre-

hensive about a government established website to report corruption of its own officials.

7. The passage of the RTI bill is a must, as the fight against corruption needs a multi-sectoral approach. All bank account numbers, SSNIT numbers, tax identification numbers and national ID numbers must be linked to a central database. Easy access to such a database will enable investigators to trace all income sources at a central point.

8. At the policy making level, the way the politicians craft their Manifesto should have some educational value in terms of ensuring that the manifestos serve as a comprehensive summary of the political party policy and ideological positions to guide voters, who may work out for themselves, which party comes closest to their ideal policy package and serve their needs and interest. At the same time also provide the mass media with input for their reporting on the party's policy positions.

6 Conclusion

The Metogu project is a continuous one aimed at assessing the promises made by the NPP government on corruption in their 2016 manifesto. During the period under review, the NPP government made some achievements relating to its promises and determination to fight corruption. These include: creating the OSP and appointing a Special Prosecutor, creation of the Ministry of Procurement, payment of part of the debt of National Health Insurance, among others. Nonetheless, there are key issues connected to corruption that must be tackled in the fight against corruption.

To start with, Ghanaians think that corruption is a deep-rooted issue and must be tackled with a multi-pronged approach. Ghanaians have accepted the OSP (OSP) but they are questioning its independence to do this job without recourse to unnecessary government interference. The public sees the OSP as a key player in the anti-corruption campaign. In order for it not to suffer the fate of its predecessors such as EOCO, CHRAJ and others, government must be willing to adequately resource this office to effectively fight the scourge of corruption.

Related to the above, there should be a more proactive and integrated way of tracking the financial inflows of public officials rather than the declaration of assets as an indication of how much wealth one gathers when in public office. Citizens have the general feeling that government will not put in place adequate measures for the asset declaration law to be effective hence more effort should be channelled into tracking their income sources.

Even though the NPP government has shown some commitment of exposing corrupt practices, citizens hold some reservations in the way the Right to Information Bill is being treated by the legislative arm of government where NPP holds majority. The withdrawal and re-laying of the bill has made citizens to worry about the determination of the government to fight corruption. Meanwhile, fighting corruption to a large extent is based on availability of the information and the RTI Bill, if passed and properly operationalized, will contribute immensely to the fight against corruption. Citizens generally hold the view that building stronger institutions and systems to ensure compliance with the Procurement Act is a more effective way of weeding out corrupt malpractices than mere appointment of a Procurement Minister. Citizens think sole sourcing should either be scrapped or properly monitored. Citizens also believe that when a value for money audit unit is set up and resourced well, it will serve as a check on some of the procurement malpractices in the system. Thus, making public services benefit more people and meet the needs of Ghanaians.

Citizens are too eager to see the amendment of the Regulations of the Companies' Code to include the Beneficiary Ownership Title (BOT) section so as to pave the way for the company register to be published. This, they believe, can provide enough information for citizens to monitor the owners of such companies and prevent them from hiding behind their companies to award contracts which favour them. The BOT, if implemented, will among other things, ensure transparency in government business.

There is a general feeling among citizens that the NPP government will not resource the NCCE to embark on anti-corruption education of citizens. The protection of the whistle blower was seen as a major factor that will make the implementation of the Whistle Blowers' Act effective since citizens entertain fear that they may be exposed.

Even though the NPP government has shown some commitment to revamp the NHIS such as payment of part of the NHIS debt, the scheme is still facing challenges in terms of finance, which affect the users. Besides, there appears to be no comprehensive plan to revamp the scheme and directly address the padding of insurance claims by service providers. The NHIA needs to improve its oversight responsibility over accredited health facilities. On the issue of transparency in the award of contracts to caterers involved in the school feeding programme, it was unanimously agreed that there is no

transparency as the government always awards such contracts to party members even if they are not qualified.

Generally, one can commend the government for its efforts in addressing the issue of corruption in the public sector given the 15 months under consideration. However, promises on corruption are meant to address an issue that is in a constant flux, an issue that is diverting resources that could have benefitted a large number of people and should, therefore, not be delayed. The issue of corruption is not a ticking of a checklist exercise; it is an issue that calls for multi-dimensional strategies that link all agencies concerned with and tasked to fight corruption.

APPENDIX I

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APPENDIX II

THE ADAPTED COMMUNITY SCORE CARD

Please indicate the likelihood of the following statements happening by indicating low (not likely to happen) to highly (Likely to happen).

Monitoring & Evaluation

| Area 1: Creation of Office Special Prosecutor (OSP) | Rating |
|---|----------|
| Checklist Statements | |
| Corruption among government officials will stop with OSP | Moderate |
| The OSP will be truly independent | Moderate |
| The creation of the office will solve the problem of corruption in the public sector | Moderate |
| Special Prosecutor office may conflict with the Attorney General's Department. | Moderate |
| The government in power can use funding to make the office less effective and inefficient | Moderate |

| Area 2: Assets Declaration | Rating |
|---|----------|
| Checklist Statements | |
| The Assets Declaration law will be amended to require the Auditor General to publish declarations | Moderate |
| The assets and liabilities of government appointees' as declared by them will be published | High |
| The government will institute measures to punish appointees who fail to comply with the law | Moderate |
| The publication of assets declaration will enhance the fight against corruption | High |

Legislative and other Reforms

| Area 3: Passage of Right to Information Bill | Rating |
|--|----------|
| Checklist Statements | |
| The government (Executive) is committed to passing the RTI bill before the end of 2018 | Moderate |
| The bill, if passed, will achieve its purpose in exposing corruption | Moderate |
| The government will operationalize the law, if passed, within two years | Moderate |

| Area 4: Value for Money Audit | Rating |
|---|----------|
| Checklist statements | |
| The Value for Money unit of the Audit Service, if set up, is capable of dealing effectively with procurement malpractices | High |
| Value for money audits will ensure that all projects meet the actual needs of citizens | Moderate |
| The cost of projects will be comparable with market prices | Moderate |

| Area 5: Compliance with the Public Procurement Act | Rating |
|---|----------|
| Checklist Statements | |
| The appointment of a Procurement Minister will help reduce procurement malpractices | Moderate |
| Adherence to the Public Procurement Act will enhance efficiency in spending | High |
| The announcements of tendering processes will be made within reasonable time | High |
| Using sole sourcing sparingly will reduce corrupt procurement activities | Low |

| Area 6: Beneficiary Ownership Title | Rating |
|---|---------------|
| Checklist Statements | |
| The BOT will expose persons who hide behind companies to loot the nation | High |
| Establishing a companies' register, if published, will lead to transparency in the extractives industry | High |

Attitudinal Change

| Area 7: Public Education | Rating |
|--|-----------------|
| Checklist Statements | |
| The government will adequately resource the NCCE to carry out education on corruption | Low |
| Educating the citizens on the menace of corruption is necessary to curb corruption | Moderate |
| Educating citizens on the Whistle Blowers Act will embolden them to report corrupt officials | High |
| The government will establish a website for the public to report corrupt acts in accordance with the Whistleblower Act | Moderate |

Health Sector

| Area 8: Restructuring of NHIS | Rating |
|--|-----------------|
| Checklist Statements | |
| The government has put in place measures to revamp the NHIS | Low |
| There is improvement in the services of the NHIS | Moderate |
| The cost of receiving healthcare has reduced | Moderate |
| The NHIA visits the health facilities regularly to monitor their performance | Low |

Education Sector

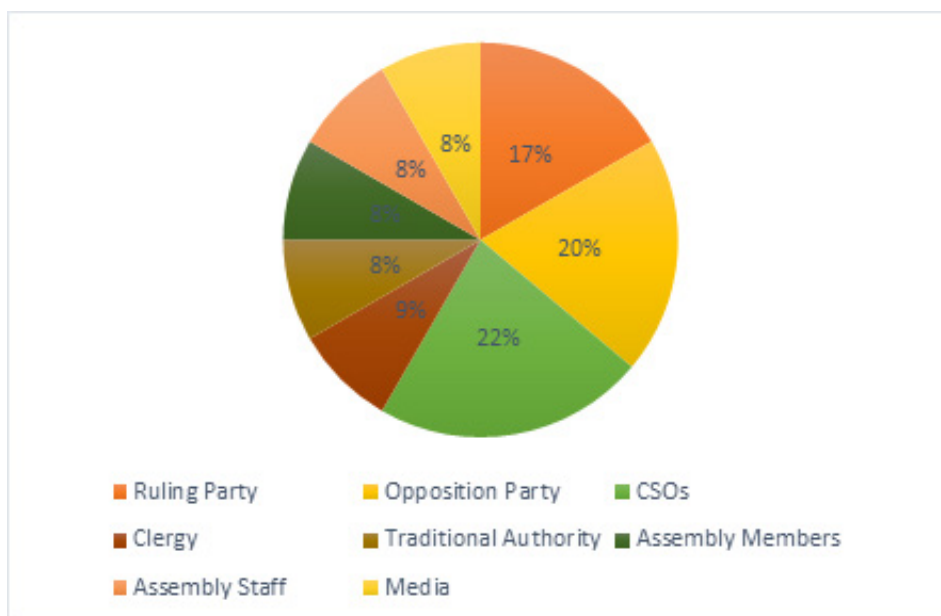
| Area 9: School Feeding Programme | Rating |
|--|---------------|
| Checklist Statements | |
| All pupils in public schools deprived areas in this district have been registered under the SFP | Low |
| There is transparency in the award of contracts for catering services (announcement for competitive bidding) | Low |
| All caterers are registered electronically for verification and payment (mobile money) | High |
| The quality of food provided to the pupils can be questioned | High |
| The community/children are required to provide support (water, firewood, etc.) to the caterers | Low |

General Corruption

| Personal Thoughts | Rating |
|---|---------------|
| Checklist Statements | |
| Majority of Ghanaians are corrupt | High |
| Ghanaians mostly pay facilitation fees to access public services | High |
| Corruption exists more in public service than the private sector | High |
| Giving gift item(s) to public officials is the same as paying cash bribes | High |

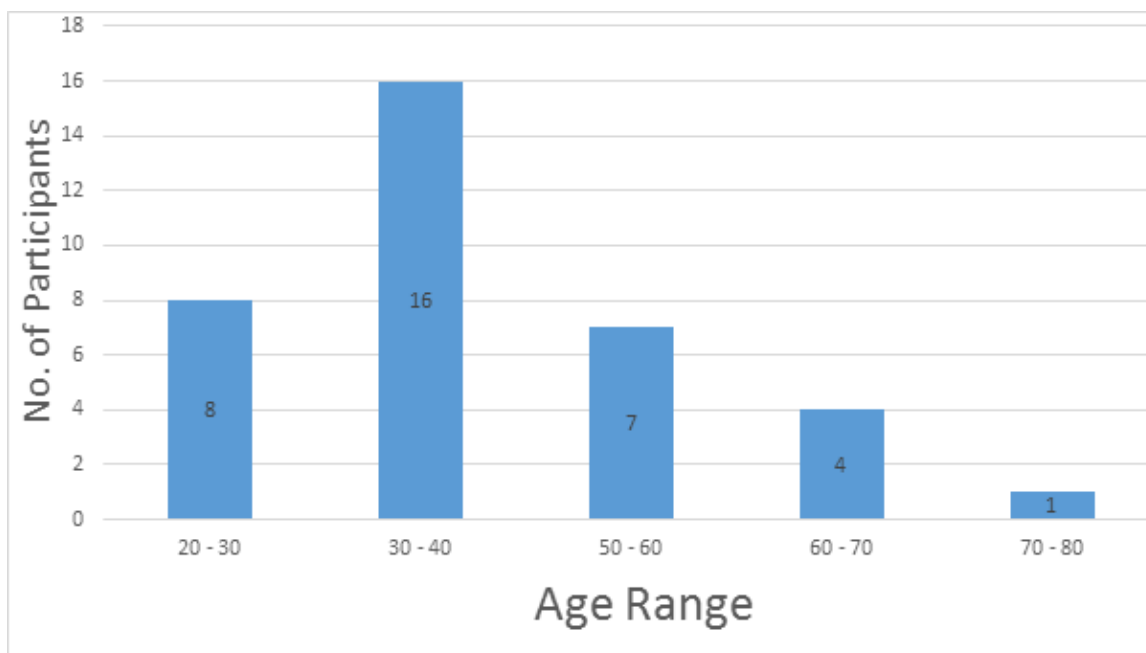
APPENDIX III

CATEGORIES OF PARTICIPANTS IN THE FGDSS



APPENDIX IV

CATEGORIES OF PARTICIPANTS





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