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Political Economy Analysis of Corruption in Ghana

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Abbreviations

AFRC	Armed Forces Revolutionary Council
ARIC	Audit Report Implementation Committee
BTI	Bertelsmann Transformation Index
CCU	Commercial Crimes Unit
CDD	Center for Democratic Development
CHRAJ	Commission for Human Right and Administrative Justice
CID	Criminal Investigation Department
CPI	Corruption Perception Index
CPP	Convention People's Party
CSO	Civil Society Organization
DCE	District Chief Executives
EOCO	Economic and Organized Crimes Office
FAA	Financial Administration Act
FAR	Financial Administration Regulation
GII	Ghana Integrity Initiative
GIZ	Deutsche Gesellschaft für International Zusammarbeit
ICRG	International Country Risk Guide
IEA	Institute for Economic Affairs
NPP	National Patriotic Party
NDC	National Democratic Congress
PNDC	Provisional National Defense Council
PAC	Public Accounts Committee
PPA	Public Procurement Act
PUFMARP	Public Financial Management Reform Program
SFO	Serious Fraud Office
WGI	Worldwide Governance Indicator

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1. Executive Summary

Political Context

Ghana on the one hand, since its return to democratic rule in 1993 has experience a continuous growth in consolidating its democracy leading it to be one of the mostly referred to success story of democracies in Africa. On the other hand, corruption continues to be a problem which has eaten into the political fiber of the country in spite of several proclaimed measures by governments since the 1990s. This paper therefore seeks to explore the question whether the country has evolved on the control of corruption if not why and what can be done.

Main Findings

Although data from the World Bank's control of corruption indicator shows that the country has progressed from the 50th to the 75th percentile in the last five to six years, a deeper look into other indicators like the Bertelsmann Transformation Index on the resource efficiency and the Afro barometer surveys that these recorded changes do not indicate substantive progress. Reponses from expert interviews conducted by the author also speak to this fact.

A diagnosis of the politic in relation to governance shows that the country's transitions to pluralism resulted in a competitive particularistic regime instead of ethical universalism. Prior to the return to pluralism, access to and the distribution of power was closed, it was open to only those within the ruling elite, and although return to democratic rule led to more groups taking in the contestation for power, it is still limited. Currently, power is alternated between two major parties both in terms of the executive and legislative. The situation even get worse with the fact that once a political party takes office, all top public positions tend to be filled with members from the winning party. This creates conducive environment for the system to be played out to favor those in the ruling group; rent seeking opportunities for instance are easily created and exploited to their advantage.

Additionally, findings from this research show that the country is very low on incumbent accountability, and low on the implementation of the many anticorruption laws. There is also a low normative constraint which means that ordinary citizens hardly mobilize themselves to demand for a more accountable and transparent governance.

Lessons Learnt

- The consistent progress in consolidating democracy in Ghana has not led to a corresponding progress in the fight against corruption.
- Measures aimed at establishing an anticorruption legal framework should go beyond just ensuring the passage of anticorruption bills to the proper and effective implemented of these frameworks
- The lack of an effective accountability or a system for proper check and balances on the governments create a field day for corrupt agents.
- External stakeholders can help these agents by supporting training and capacity building programs to build them up.

2. Introduction

Corruption continues to be a global menace in spite of the many campaigns aimed at curbing it. Within the sub-Saharan African region, corruption has been considered as one of the key factors undermining development (Uneke, 2010). In the case of Ghana the situation is not any different; the political history of the country shows that corruption got rooted since the early days after independence or even before independence, and since then it has become systemically entrenched in the politics of Ghana. Virtually any government that takes office tends to use the system of patronage among other things as a way of rewarding its supporters. The situation unfortunately has not changed in spite of the use of several means both radical and civil to address it. The last two military interventions (in 1979 and 1981 by the Armed Forces Revolutionary Council headed by the *Flight* – Lieutenant *Jerry* John *Rawlings*) in the politics of the country were all partly done to end corruption (Ayee, 2000). The Limann's [1] government was for instance ousted in a coup two years after taking office due to allegations of corruption (Ayee, 2000, 187). However due to the already entrenched nature of the phenomenon in the political system, the governments that took office after the coups ended up being corrupt themselves. The Provisional National Defense Council[2] (whose leadership conducted both coups), which took over after the 1981 coup was later found not to have been corruption-free. In 2009, a British court found a UK civil engineering company, Maybey and Johnson, guilty of bribing a number of Ghanaian government officials in the 1990s to be awarded contracts. These officials were all members of the same PNDC/NDC[3] government that ousted governments over corruption.

Since the return to democratic rule in 1993, Ghana has experienced a consistent growth in the consolidation of its democracy. Additionally, governments that have taken office since then have also taken steps to tackle the corruption menace. The question however is whether Ghana has evolved on the control of corruption and if not why and what could be done?

Theoretical Framework

The theoretical framework of this study is built on a theoretical proposition made by Mungiu-Pippidi (2006). Many anticorruption initiatives according to Mungiu-Pippidi (2006, 86); "fails because they

[1] Hilla Limann was the only president of Ghana during the third Republic from September 1979 to December 1981. He was elected into office after the 1979 coup led by Jerry John Rawlings.

[2] The PNDC was the party that took office after Limann was ousted from power in December 1981. The head of the PNDC, Jerry John Rawlings was the brain behind both the 1979 and 1981 coups.

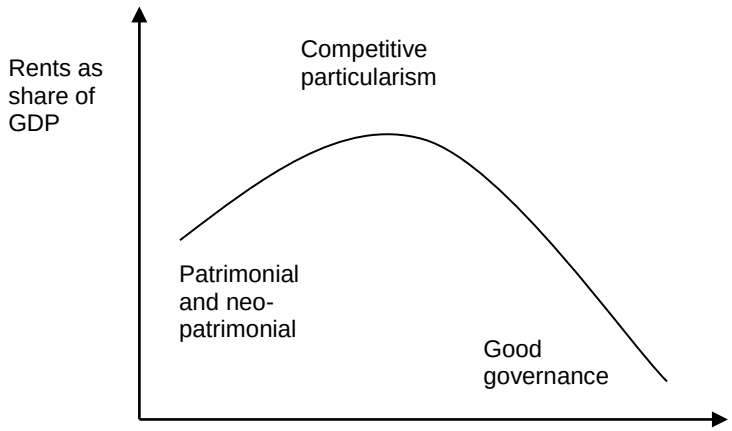
[3] NDC- National Democratic Congress is the political party which was founded by the Head of the PNDC in 1992 and governed the country from 1993 to 2000.

are nonpolitical in nature, while most of the corruption especially in developing and postcommunist countries are inherently political" (Mungiu-Pippidi 2006, 87). In the first places she makes the assumption that what in most cases is classified as corruption in developing countries is not the same as corruption in developed countries. *Corruption in developing countries she claims is "particularism" - a mode of social organization characterized by the regular distribution of public goods on a non-universalistic basis that mirrors the vicious distribution of power within such societies"*, and for the purpose of this study the above definition of corruption would be used. Most anticorruption mechanism she said however does not address this particularistic norm since the root of this phenomenon itself is linked to power. In order words, since power tends to be held by those in government, who at the same time are supposed to ensure the effectiveness of anticorruption strategies, nothing tends to be achieved.

She further asserted that countries in transition from patrimonialism, where particularism was the order of the day, to pluralism may end up in three distinct paths; the first is a return to patrimonial/neo patrimonial regime. The *neo-patrimonialism* is said to be popular in most African countries, and power is monopolized (Bratton and van de Walle, 1997: 277, Mungui-Pippidi 2006). This creates the situation where the few with privileged access are able to create rent seeking opportunities for themselves which leads to unfair distribution of public goods. To a large extent the existing institutions in these countries are informal and acceptance of corruption is moderate in addition to the lack of a clear distinction between the state and the private assets.

The second category, competitive particularistic regime, is found among most countries which have recently managed to consolidate democracy. In these countries, although there are democratically elected governments, and power tend to alternative between groups, they are however characterized by high contestation. The political competition as Hell and Kaufman (2000) put it is the state and all its resources: whoever seizes the state seizes the day (Mungui-Pippidi, 2010). The distribution of goods is also considered as unfair since only those who get elected together with their cronies do get access to the opportunities for rent making. Most importantly, a change however in the group in power does not bring about any improvement since irrespective of the group in power; power distribution, distribution of public good, rent and state ownership tends to be limited. As Figure 1 below indicates "the public therefore perceives an increase in corruption, as competitors increase the spoils in order to generate rent" (Mungiu-Pippidi, 2010, 13).

Figure 1: Rent-Seeking by Power Distribution



Source: Munigui-Pippidi (2010)

The third type of regime, universalism, is however very different from the above described regimes. Universalism according to her is when the society has an open access to power and every individual is treated the same, so the distribution of public goods among other things are done in a predictable manner as depicted in the Table 1.

Table 1: A Typology of Corruption

Regime	**Power Distribution/ access**	**Rent and State Ownership**	**Distribution of Public Goods**	**Formal/ Informal Institution**	**Social acceptability of corruption**	**Distinction public/ private**
Neo-patrimonialism	Closed Access	One or few owners	**Unfair but predictable**	Informal rules	Moderate	No
Competitive Particularism	Uneven and Disputed	Contested	**Unfair and** Unpredictable	Competitive and substitutive	Low	Poor
Universalism	Open access	**Autonomous**	**Fair and** Predictable	Complementary	Very Low	Shape

Source: Munigui-Pippidi (2006)

The main argument being made with this theory is that anticorruption measures in countries where particularism is the norm should target at dealing with the issue of power since it lies at the root of corruption. It also argues that transitions to pluralism could lead to three distinct regimes; neo-Patrimonialism which is a return to patrimonial practices, competitive particularism which tends to be characterized by high contestation for state spoils and thirdly universalism which is claimed to be the ideal society where everyone expects to be treated equally. Finally, "electoral revolutions can lead to the consolidation of democracies when it is followed with a revolution against particularism" Mungiu-Pippidi (2006).

Approaches and Methodology

In order to explain why the country has not possibly evolved on the control of corruption, the author conducts a qualitative diagnosis of systemic corruption based on indicators which go beyond just aggregated perception index. These indicators are explored in order to see how aside the development of pluralism and rents, other things like power distribution, rents creation, and social access play out in the country. The use of indicators is to help evaluate the progress on the country's efforts on the control of corruption, and due to is specificity it becomes relatively easy to identify areas or issues to be addressed.

Expert Interviews

Since this project is country focused, it became imperative to engage experts who were conversant with the developments of the fight against corruption in the country. The author conducted 20[4] interviews with actors and analysts from key institutions with competency extending to corruption related issues. The selection criteria are; heads of a public anticorruption agencies; and senior analysts who have insight, as well as can share hands-on experience to that regards. The members of the two categories are:

- Actors and heads of institutions from the civil society, media, judiciary, politicians, and bureaucrats.
- Analysts, who are able to offer a more detached perspective found within the academics, business environment analysts, and a donor agency.

[4] The names of 18 out of the 20 interviewees who did not have a problem disclosing their identity are listed in the Annex however the remaining two who wanted to remain anonymous are not listed.

Although the interviews were semi-structured, each interview tends to be somehow different depending on the competency of the interviewee. The study also makes use of some secondary data which are of relevance to the discussion.

Structure of Work

This paper is divided into five main parts with several subsections. The second part "Perception Indexes on Ghana's corruption control" uses results from surveys and responses from expert interviews to explore whether Ghana has evolved on curbing corruption. There is also a brief comparison of Ghana's performance on the control of corruption with an African regional average. Section three "Diagnosis", contains a diagnosis of how systemic corruption plays out in Ghana. There are two main parts to this section; Patrimonial and Competitive Particularistic regimes which try to describe the nature of systemic corruption in Ghana with the mains argument being that democratization has not resulted in a relative reduction in corruption. The fourth sections "dimensions of effective anticorruption mechanism" focuses on whether the anticorruption mechanism in Ghana has evolved on the three dimensions of corruption; which are power discretion, material resources, and constraints. The final section includes an agent of change analysis which identifies and briefly discusses two main agents of change; civil society organizations and the media which need to be empowered to effectively serve as a check on the government. There are a couple of areas which are recommended by the author for help.

Limitations

The limitation of this study exit in terms of the data used; there is a considerable use of indicators, perception indices, and survey which could be argued to be telling the story from one side.

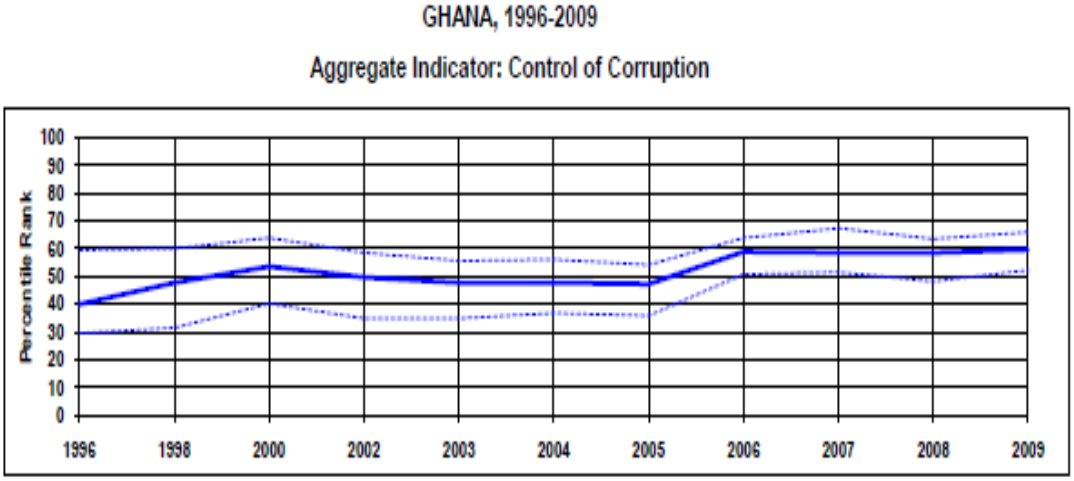
3. Control of Corruption

Perception Indexes on Ghana's Corruption Control

Several administrations since Ghana's return to multi-party democracy have declared their commitment to curbing corruption, these have however, largely remained mere rhetorical gimmicks like Kuffour's "Zero Tolerance for Corruption", or cosmetic legislative reforms with huge implementation gaps. An in-depth analysis of a series of indicators such as the World Bank's control of corruption, and some surveys like the Afro-barometer as would be shown in this section speaks

to this fact. Subsequent paragraphs in this section seek to delve into some of these indicators to see whether Ghana has evolved on the control of corruption.

According to the worldwide governance indicator on the Control of Corruption, Ghana recorded progress from a score of 39.8 in 1996 (indicating the 50th percentile) to a score of 53.4 (representing the 75 percentile) in year 2000 which was before the beginning of Kuffour's administrations. There was however a decline in the country's scores between the period from 2002 (49.5) to 2005 (47.1), and then an increase again from 2006 (58.7) to the current score 59.5 in 2009 (Chart-1). When one therefore compares the country's performance in 1996 to 2009, one sees an increase in scores from 39.8 to 59.5 respectively, the question however is does this change represents a real or significant progress in the control of corruption?



Source: World Bank

A further look at other indicators which captures the government's performance on curbing corruption also leaves us with the same question. According to an aspect of the Bertelsmann Transformation Index (BTI) *"resource efficiency"* indicator[5], the country's score does not indicate any significant progress on the control of corruption. Although the records go back to only 2003, however it allows for some sort of comparison between years 2003 and 2008. In 2003, the country scored 6[6] out of 10 on the resource efficiency indicator. According to the report for that year, the country's use of its resources was considered as not being efficient. There was nonetheless a slight upward adjustment in the scores for 2006 of 1.4, placing the country score at 7.4; this however did not change right through to 2008. We might however want to be a bit careful in saying that the

[5] This captures the extent to which the government has successfully contain corruption.

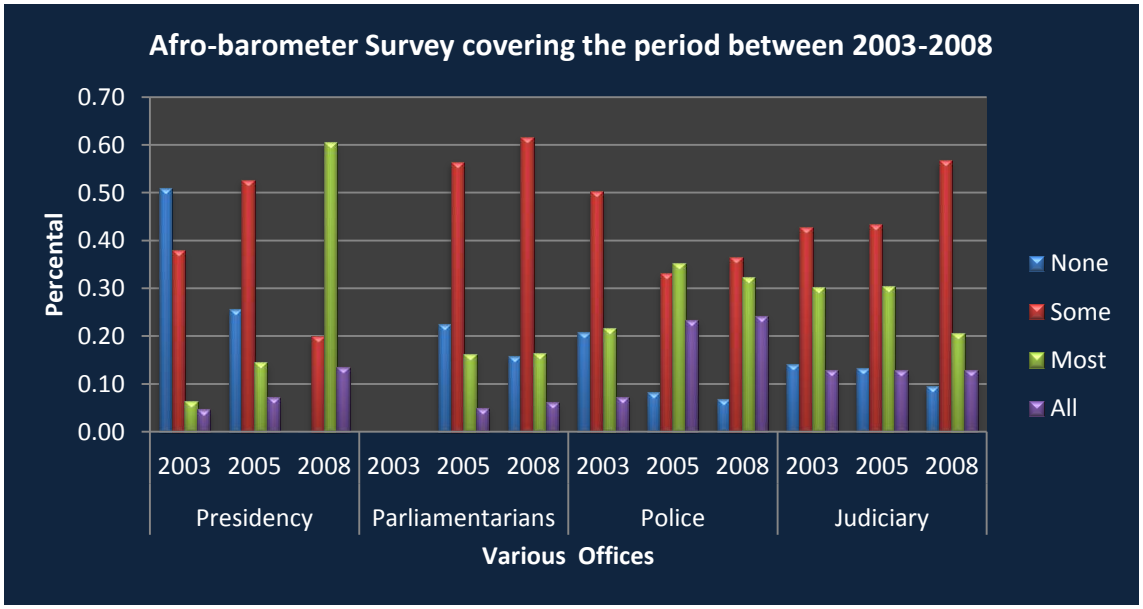
[6] http://bti2003.bertelsmann-transformation-index.de/33.0.html?&L=1

country had improved in curbing corruption by managing it resource a bit more efficiently since the relationship might be spurious. The 2008 report for instance argued that the country is now using only a fraction of its available resources effectively. It added that in spite of some positive development such as government' adherence to fiscal discipline, this is however being interrupted by the problem of weak administrative system (BTI, 2008).

Moving to some popular surveys carried within the country, one of which is the Afro- barometer survey. A sub-section of the Afro barometer survey tries to capture the citizens' perception on whether there has been any positive change in the fight against corruption. It also allows for a time series comparison between 2005 and 2008 which would in a way help to answer the question whether the recorded progress both on the control of corruption indicator as well as the resource efficiency indexes are significant.

Additionally, this survey would help to assess the citizenry's corruption perception not only within the executive, but also within other parts of the government; like the legislature and the judiciary. The graph below shows the response given by respondents to the question: "how many of the following people do you think are involved in corruption, or haven't you heard enough about them to say? The focus in this section would only be on the first part marked "office of the presidency", the other two parts would be referred to in other subsections.

Figure 2: Survey showing citizen's corruption perception within some parts of the government



Source: Afrobarometer Survey

The first part of the graph bearing “presidency” looks at the period between 2003 and 2008; this marks the early parts and the last year of the Kuffour’s administration respectively. The graph shows a striking trend; citizens’ corruption perception within the office of the Presidency from 2003 to 2008 seems to have greatly increased. In 2003, less than 10% (specifically 6.4%) of the respondent felt most of the people within the office of the president were involved in corruption. However, this figure rose through the 2005 survey 14.5% to a little more than 60% of the respondents thinking that most people within the office of the president were corrupt. This was the case in spite of the huge inaugural speech proclamation of “Zero Tolerance for Corruption”.

Whereas the worldwide governance indicator on the control of corruption and the Bertelsmann’s indicators on the resource efficiency indicates a slight progress in the country’s fight against corruption, the results from the Afro barometers indicates otherwise; indicating that the citizens’ corruption perception about the office of the presidency had great increased over the same period of time. From the above evidences presented the picture of Ghana’s progress on the fight against corruption is mixed and inconclusive.

A move away from perception indexes and surveys, to some substance shows that on the one hand, some key analysts have argued that Ghana has experienced some sort of changes in the fight against corruption, yet these changes have not really resulted in a big decrease in corruption as one would expect. On the other hand, some people especially found within the academic field feel nothing has really changed. According to a series of expert interviews conducted by the author (on whether there has been a change in the country’s corruption control), majority of the respondent felt something has changed although they felt that the changes have not translated into a reduction in the incidence of corruption. According to them the changes recorded have taken the form of *greater public awareness, media pluralism, some sort of changes in the governance structure* among other things.

On the issue of ***greater public awareness***, some interviewees felt the country in recent years has experience an increasing public awareness on the pervasiveness of corruption in the society, its effects and the role of the individuals in curbing it. Mr. Aggrey Darko a public policy lecturer at the University of Ghana for instance argued that; “what has changed is public awareness and perhaps enthusiasm (and with enthusiasm he means the higher sense among the Ghanaian society, especially among the Civil Society to fight corruption) but the enthusiasm alone will not grow fold… we need to move beyond the awareness to building serious institutional capacities to deal with corruption”. The growing public awareness has however been attributed to two main factors; one being the increasing activities of the CSOs found within this field and media pluralism. The head of research of the Ghana Anti-corruption Coalition, Mr. Asamoah, indicated that their organization (Ghana Anti-Corruption Coalition) has for instance been engaged in the promotion of the effective

implementation of the whistle blower act educating people on how to use the Act (Asamoah, B. personal communication, Jan 3, 2011).

The second form of change has been ***pluralism of the Ghanaian media*** of which some says has to a large extent helped to bring to light some of the corruption cases. The media according to Dr. Aggrey Darko has been phenomenon, and has increasingly helped to expose corrupt practices. Mr. Vitus Azeem, the Chief Executive of Ghana Integrity Initiative, (the local Chapter of Transparency International), also noted that; "due to media pluralism you see and read allegations of corruption amid public officials, and public institutions. Some of the media houses have been able to follow - up on these things, interview the people involved and come up with some write ups. And some of these write ups have led to investigations and some people have also taken anti-corruption cases to appropriate institutions and CHRAJ and it has been investigated".

There has been a ***change in the organizational structure*** in most public institutions to promote good cooperate governance. These changes have taken the form of reforming public institutions to be able to practice good financial management involving institutionalizing accountability units within public agencies and department. The Acting Director-General of the Internal Audit Agency, Ransford Agyei reported that the institution of general auditors now lays a lot of emphasis on good corporate governance structures within public agencies and department. These structures he mentioned comprises of the boards of the respective institution, the management, internal and external auditors. He added that most public institutions now have audit committees in the name of Audit Report Implementation Committees (ARIC) and the mandate of this committee has been to pursue the implementation of recommendations containing in the report by the external and internal auditors. Additionally, internal auditors are now been brought to the fore to do actual internal auditing instead of pre-examination. Even though some still do the pre-examination, however those professionals especially for the ministries and other high departments and agencies are now doing the actual internal auditing which involves viewing and improving risk management in the organization, and ensuring that control systems are effective. A lot of institutions have also created Internal Audit Unit.

In addition to these organizational changes, there have been some ***improvements in the anti-corruption legal framework***. The country for instance in 2003 passed the *Whistleblowers Act;* and although its implementation has been problematic, efforts are being made especially by the CSOs to aid the effective implementation of the act. The *Public Procurement Act (PPA)* was also passed to help bring more transparency into public procurement and contracting (this would be discussed thoroughly in a subsequent chapter). *Also the country's Financial Administrative Regulation (FAR) and the Financial Administrative Act (FAA*) have also been revised to beef-up efforts on corruption control.

Nonetheless, as was mentioned in a presiding paragraph, some section of the academia argue nothing at all has changed especially with regards to past and current government's effort in curbing corruption. According to Dr. Vladrimir Antwi-Danso, a lecturer at the Legon Center for International Affairs (Personal Communication, Feb. 2011); the anticorruption drive in Ghana is not achieving its goals. He argues that there is undoubtedly a drive against corruption in the country and institutions are being put in place in that regards, but for him the mere fact that institutions are being put in place and the legal framework speaks to the issue by trying to show that there is that drive, does not necessarily mean that the drive is achieving our goals. He added that the fight against corruption from his perspective was not being won due to the monetization of politics. In his own words; "nothing has changed, we are going to the worst and the basic reason why nothing has changed is that politics has been seriously monetized; politics is now "monetics". You have to be rich in order to get into politics"; and elections he felt "is the watershed of corruption in this country, of course when you spend your money you have to recoup the money, you have to get contracts and who awards contracts to whom?" Secondly, one cannot expect politicians to deliver on their campaign promises of fighting corruption if they themselves came into office through corrupt means; to him "corruption cannot beget non-corruption".

To conclude on this subsection, it is evident from the above presented information that although Ghana has experienced some changes on the fight against corruption, which to some extent reflected in "control of corruption" indices, it is however unclear whether the fight against systemic corruption in the country is actually being won; evidence on this is really inconclusive.

Ghana's performance compared to Regional Average

In spite of the lack of conclusive evidence on whether Ghana has really evolved on the control of corruption, one thing which however does not look questionable has been the country's relative "better" performance compared to most of its peers on the continent. The ensuing paragraphs would try to compare the country's performance to a regional average using a quantitative model. The comparison would also be done using the WGI scores. This would help us to fairly understand why in spite of the inconclusive evidence of progress in the fight against corruption; Ghana still performs comparatively better in the control of corruption to some other countries on the Continent?

Table 2: Country Performance against the Regional Average

Variable	Sources of Variable	Country score	Regional Average
Corruption	World Bank	-.0626473	-.5333817
Ethnic Fractionalisation	Alumina et al 2003	.673332	.6593733
Protestant	La Porta et al 1999	25.8	13.61522
British Colony	Hadenius & Teorell 2007	1	.4042553
French Colony	Hadenius & Teorell 2007	0	.3404255
Human Development	UNDP	60.47862	48.43813
Economic Freedom Index	Heritage Foundation	55.95287	53.39866
Openness to trade	Penn World Tables	89.68171	74.10371
Dictatorship	Cheibub, Gandhi & Vreeland 2009	0	6.595745
Regime type	Beck et al 2000; 2001; Keefer 2009	0	.2888889

Sources: complied with data from the above listed sources

Comparatively, Ghana's performance stands above the regional average of most of the variables used on the model; whereas the regional average for corruption within this model (Table 2) stands at – 0.533, the country score for Ghana has been -0.06. Even in cases where the trend in the model predicts higher corruption, the country's performance indicates otherwise. For instance, the model predicts that the higher the level of ethnic fractionalization, the higher the corruption in a particular country; and although Ghana scores slightly more on ethnic fragmented (with a score of 0.673), than the region average (0.659), the country still has lower levels of corruption of 0.063 than the regional average of 0.533 (See Annex 1a for an in-depth analysis of the variables).

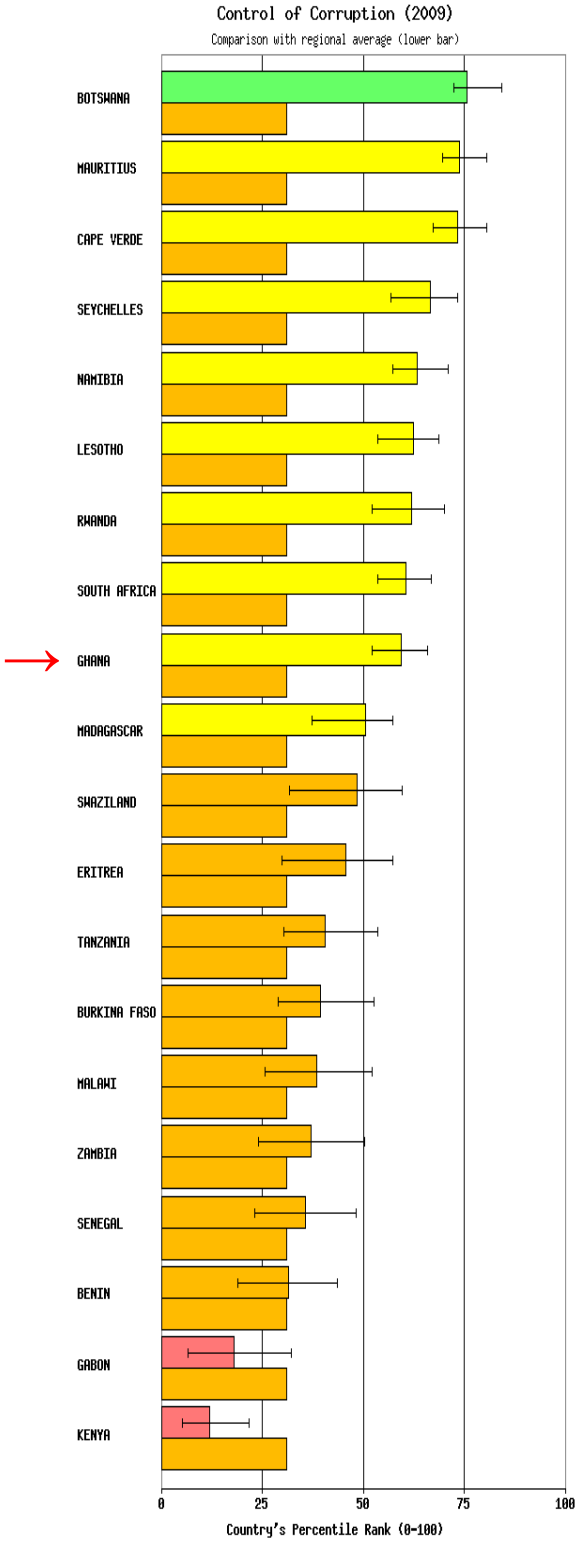
Moving to some indexes; Ghana's performance on the WGI's control of corruption compared to the regional average presents a similar picture. According to Figure 3 below, Ghana scores 59.5 which is above the regional average of 31.1 with a standard error of 0.15. Additionally, when compared within the group of well performing countries on the Continent, it is the 9th; coming after Botswana, South Africa, Rwanda among others. Figure 4 also shows the country' performance compared with others within the same income category; and it appears Ghana's performance (59.5) falls far ahead of its income category average of 23.4 then.

In all, this chapter has tried to give an insight into Ghana's performance on the control of corruption; beginning with an analysis on indices and survey which measures the progress on the fight against corruption. The evidences present however did not prove conclusive on the fight against corruption; whereas the worldwide governance indicator on the control of corruption and the Bertelsmann's resource efficiency shows a not so huge progress, results from the Afro barometer survey on

citizens' corruption perception within the office of the president has drastically increased from a less that 10% to about 60% between 2003 and 2008. Responses from the expert interviews conducted by the author also shows that whereas some believe that there has been some changes in the fight against corruption, these changes has not necessarily translated in to a reduction corruption levels. On the other hand, some excepts found especially within the academia were doubtful about the country's anticorruption mechanism, saying it is not achieving anything.

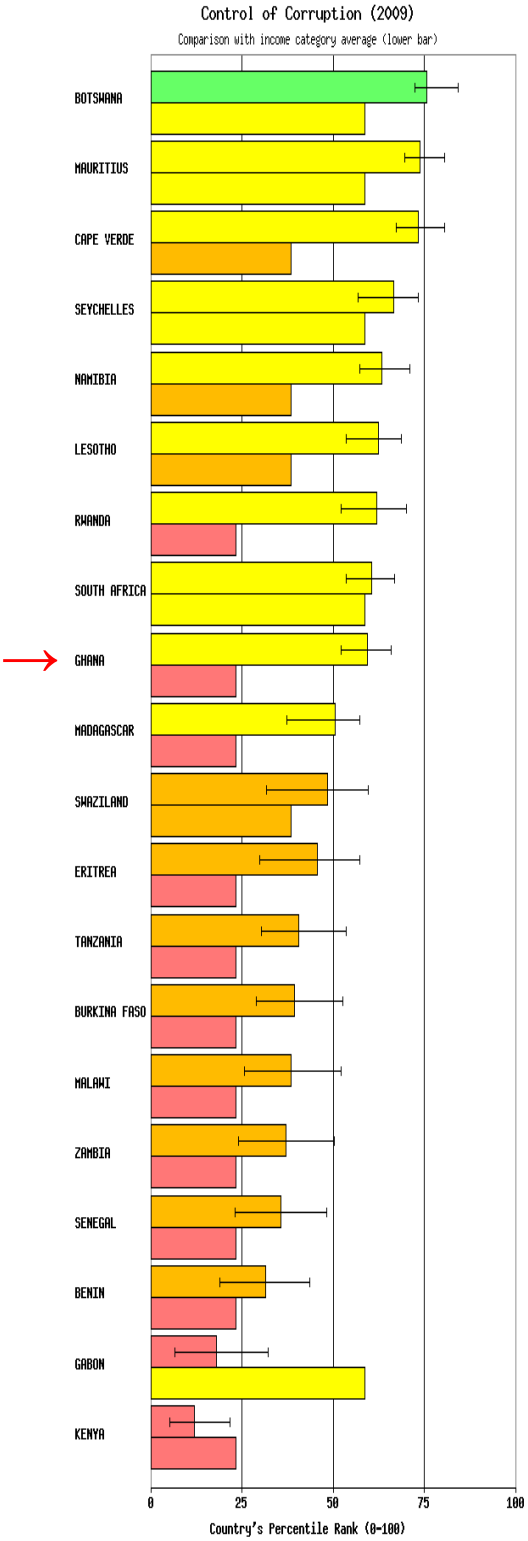
However one thing that remains undoubtful is the country's better performance in relation to most of its peer's on the continent. Finally, one also observes that although the country since the 1990s has experience a consistent growth in democratic consolidation, however this has not been the case with regards to the control of corruption. The question therefore is; ***why has the return to, and the continuous consolidation of democratic rule in the country has really impacted on the fight against corruption?*** The next chapter sort to explain why that is the case.

Figure 3



Source: Kaufmann D., A. Kraay, and M. Mastruzzi (2010), The Worldwide Governance Indicators: Methodology and Analytical Issues
Note: The governance indicators presented here aggregate the views on the quality of governance provided by a large number of enterprise, citizen and expert survey respondents in industrial and developing countries. These data are gathered from a number of survey institutes, think tanks, non-governmental organizations, and international organizations. The WGI do not reflect the official views of the World Bank, its Executive Directors, or the countries they represent. The WGI are not used by the World Bank Group to allocate resources.

Figure 4



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4. Diagnosis

"Democracy gives citizens a role in choosing their leaders. Thus, corrupt elected officials can be voted out of office. But democracy is not necessarily a cure for all corruption".
Rose-Ackerman (1997)

Evidence on the progress of the anticorruption drive in Ghana remains patchy; this is even the case in spite of the country's relatively good progress on democratization. This chapter is therefore seeks to explain why in spite of the consistent progress in Ghana's democratization process, there is not much progress in the fight against corruption. To do this, this chapter is divided into two parts: the first part neo-patrimonial regime in Ghana briefly looks at systemic corruption in Ghana before the return to democratic rule in 1993. This part is however very short and with much of the cited evidence being limited to Nkrumah's era. The second part "Competitive Particularistic Regime in Ghana" unlike the first part would be more elaborate, since the focus is to explain why in spite of the progress in consolidating democracies, much has not been achieved in terms of curbing corruption. Furthermore, indicators such as power distribution, "rent and state ownership", and the exhibition of a clear distinction between public and private spheres, would be used in describing how much has not changed despite the move from patrimonial rule to pluralism.

The table gives a general overview of the two forms of Regimes to been discussed in this chapter.

Neo-Patrimonialism

A study of Ghana's recent political history shows a movement from a neo-patrimonial regime type to a competitive particularistic regime. The period between the first Republic and the early years of the fourth republic could be classified as Patrimonialism/Neo-Patrimonialism; a concept which has been extensively explained by several scholars like Erdmann_ & Engel (2007), Bratton and van de Walle (1997), and Eisenstadt (1973). Like any other country with a patrimonial regime type, government during these periods exercised closed access to power with few identifiable owners of rents and state assets and poor distribution of public goods. There was also no distinction at all between the private assets of those in power and State assets. The next three paragraphs would briefly discuss these elements of neopatrimonial regime using an indicator each. Access to power is measured in terms of the monopolistic use of political power; rent is also measured in terms of the demand for illegal payments in return for government contracts (Lindberg, 2003; 123); and finally the extent of the use of public resources for private is used to assess the existence of a distinction between the public of private realm which according to Soest (2007, 623) does not exist.

The Nkrumah's regime from 1957 to 1966 for instance was an epitome ***of a regime with closed access to power***. Nkrumah having gained access to power after Independent established a socialist system of governance where power was monopolized. Subsequently, all other political parties were outlawed and prohibited from engaging in any political activities moving the country a one-party system. Heidenheimer (2009) argues that the ruling Nkrumahist party became the instrument for structuring patterns of access and exclusion; indicating that people who aligned themselves with the ruling party enjoyed a preferential access to influence.

Additionally, ***rents seeking activities flourished among those within the circle of the ruling party the Convention Peoples' Party (CPP)***. Mukum Mbaku (2004: 133) wrote that commissions set up to investigate the ousted Nkrumah government revealed that "kickback of 5 and 10 percent were expected to be paid in return for government contracts. The Convention Peoples' Party garnered about 90% of its income in this ways amounting to over $5million between 1958 and 1966 which Nkrumah used freely for his own purposes. There were examples of properties like the A. G. Leventis purchased in 1962 at an inflated price with the understanding that 2.4illion would be turned over to Nkumah for his own use". There is also ***no distinction at all between public and private assets;*** Smertin (1987) argues that Nkrumah for instance made no distinction between State apparatus and the ruling party. He even advocated for party leadership of the state which implies that all State organs were subjected to the CPP. A case in point was when all key post within the state apparatus was filled up by party officials. Additionally, the administration of the Convention People's Party administration treated public funds as both party and personal property; this Smertin said became a national disease. After Nkrumah was ousted in the coup of 1996, Krobo Edusei, a cabinet minister and perhaps the most loyal of Nkrumahists told a commission of inquiry that he personally carried gold bars to Cairo for Nkrumah; gold bars which were state property" (Awoonor, 1990: 153). There were several others evidence of the use of state vehicles by the CPP, in addition to public funds being used as loans to farmers in order to secure their votes (Osei-Hwedie,and Osei-Hwedie, 2000). Osei-Hwedie et al (2000), also stated in their book that Mr. J. A. Braimah, the then Minister for Transport and Communication was said to have taken an amount of $1400 from an Armenian contractor, Kassardjan so as to influence the award of roads contract in the country.

The above cases presented above show the personalization of the state by individuals in power. And one also sees that these forms of governance do exhibit the lack of incumbent accountability since these acts go unpunished. Heidenheimer et al (1989) cited that a respondent to an interview who was once part of the Nkrumah regime admitted of have flawed formal rules and suggested that corruption rules were applicable to those outside of the governing circle-losers since those within the governing circle – beneficiaries from corruption - do disregarded corruption laws.

Competitive Particularism

This section on competitive particularism in Ghana tries to show that the existence of a relatively stable democratic rule in the country has not resulted in governance by the standard of ethical universalism. The definition of the term democracy as used in this study looks beyond Schumpeter's minimal procedural definition which implies the existence of a free and fair election, political right and civil liberties to also include elements from Merkel's definition of embedded democracy[7].

Figure 5 below which entail the International Country Risk Guide (ICRG) corruption indicator tries to capture the extent of corruption by composting variables like the form of demands for special payments and bribes connected with import and export licenses, exchange controls, tax assessments, police protection and loans. The second curve (Figure 6) is a Freedom House Imputed Polity indicator which shows the evolution of democracy.

[7] Merkel's embedded democracy entails five interdependent elements which are electoral regimes, political rights, civil liberties, horizontal accountability and effective power to govern.

Figure 5

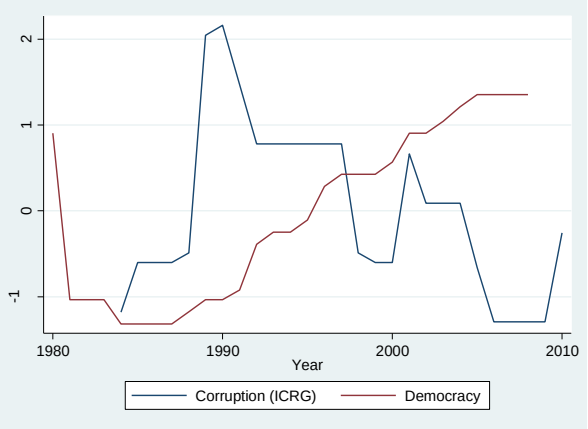
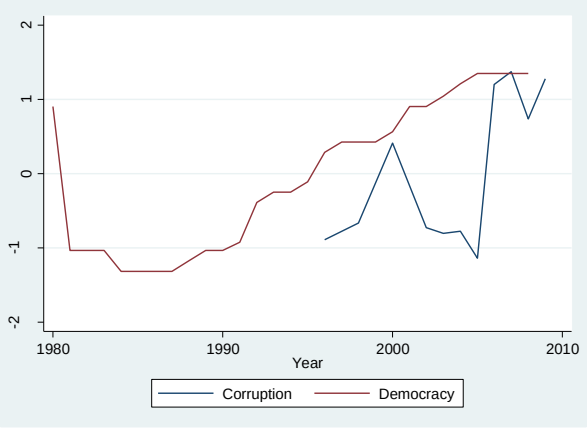


Figure 6



The graph (Figure 5) signifies that since Ghana's return to multi-party democracy in 1992, there has been and continues to be a consistent growth in pluralism (with 5 consecutive elections so far). It also indicates that the return to democratic rule correlated with an initial decrease in the risk of corruption; that is from 1990 to somewhere 2000. However one observes that although pluralism continues to grows consistently, the risk of corruption variable experienced a back and forth movement with an initial decrease and then an increase. The same can be said of the curves in Figure 6 which include the world governance indicator instead of the ICRG indicator.

This could mean that the regularly held elections only manage to bring change in the parties in government but do not bring about improvement in the control of corruption since once they are elected into office they often behave much like old autocrats (Lindberg, 2003, 135). The remaining part of this section therefore tries to explain power distribution among other features of competitive particularism plays out and it could explain the above indicated trend.

Power Distribution

Although the return to pluralism in 1993 brought about some sort of competition, access to power nonetheless has been highly contested and privileged to a few groups; which for now have been the two major political parties; the National Democratic Congress and the National Patriotic Party; which Lindberg (2003, 134), describes as the recycling of elites. Currently, the political play ground does not seem to make it easy for other political parties to get into the race even if they take part in elections. This is due to the high cost of elections coupled with no forms of party funding from governments. This has led to the situation where the less-able political party now and in the near future seems to be out of the race for power. The limited access to power is also made worse by the fact that the country runs a system of "winner takes all"; where there is hardly a government formed out coalitions. The political party which wins election tends to have sole access to power and in

most cases they tend to have the majority in parliament as well which makes it easy for them to pass laws with little constraints.

Another contributing factor has been some sections of the constitution which makes it possible for public appointment to be politicized. According the Constitution of Ghana, the president has the mandate to appoint heads of key public institution. Article 144 (I), (2), and (3) for instance says the Chief Justice, other Supreme Court members and the Justices at the Court of Appeal shall be appointed by the president. Additionally, Article 195 indicates that the power to appoint persons to hold or to act in an office in the Public Service is vested in the President. This has therefore created the case where the President after taking office, he tends to fill positions in the country with his cronies. Prof. Gyimah-Boadi (2010), for instance argued that; "one of the first acts of successive government has been to dissolve the boards of State-controlled enterprises such as the Ghana Commercial Bank, and state agencies like the Serious Fraud Office (now known as EOCO) and the Ghana Law Reform Commission so as to appoint their own loyalists to those positions". And in most cases the incompetence of some of those appointed to these boards is rarely punished.

The above condition speaks to the fact that pluralism in the country has come to be associated with some kind of a competition for state capture, with the state representing the major source of spoils for all political contenders (Mungiu-Pippidi, 2006). As would be shown in subsequent paragraphs, the distribution of power affects other factors like the distribution of public good and rent-seeking opportunities. This is because once a party ascends office there is the incentive to try to seize as much as one can before the other party gets to take office, there is therefore the tendency for real corruption perception to increase.

Rent and State Ownership

The rent and state ownership refers to how public resources are captured and exploited by corrupt official for their benefit. One way of assessing this phenomenon is by looking at public spending and identifying the extent to which preferential allocations are done; which is the allocation of public funds to activities which could easily be exploited for rent creation, or the promotion of certain policies all with the intention of favoring certain aspect of the society especially those in power. This task would be difficult to embark on in Ghana since allocations are shredded in lack of transparency. On the one hand, there is very little transparency in the country budgetary allocation process; which makes it difficult for one to ascertain how the process is captured for rent promotion. On the other hand, the annual Auditor-General's report do presents a glimpse of how much money get lost to the State through cash irregularities like the misapplication of funds, embezzlement, and the unauthorised use of Internally Generated Funds. According to the 2008 report alone a total of

3,024,000 old Ghana cedis (approximately 1,977,763 US dollars) was lost through case irregularities (Auditor-General's Report, 2008).

Another way of checking the capture of state resources through rents is public procurement and contracts. In spite of the passage and implementation of the 2003 Public Procurement Act, public procurement and public contracts still remains an area captured for rent seeking. Procurement in Ghana forms a chuck of government expenditure. According to the Executive Director of Public Procurement Agency, Mr. A.B. Adjei "apart from personal emoluments (salaries and allowances), between 50-70% of the remaining revenue of government goes into procurement which means either government is procuring work, services or goods" (Interview by Bernard, 2009). He added that this formed the bases of government's decision to pass a procurement law so as to ensure greater transparency and efficiency in procurement.

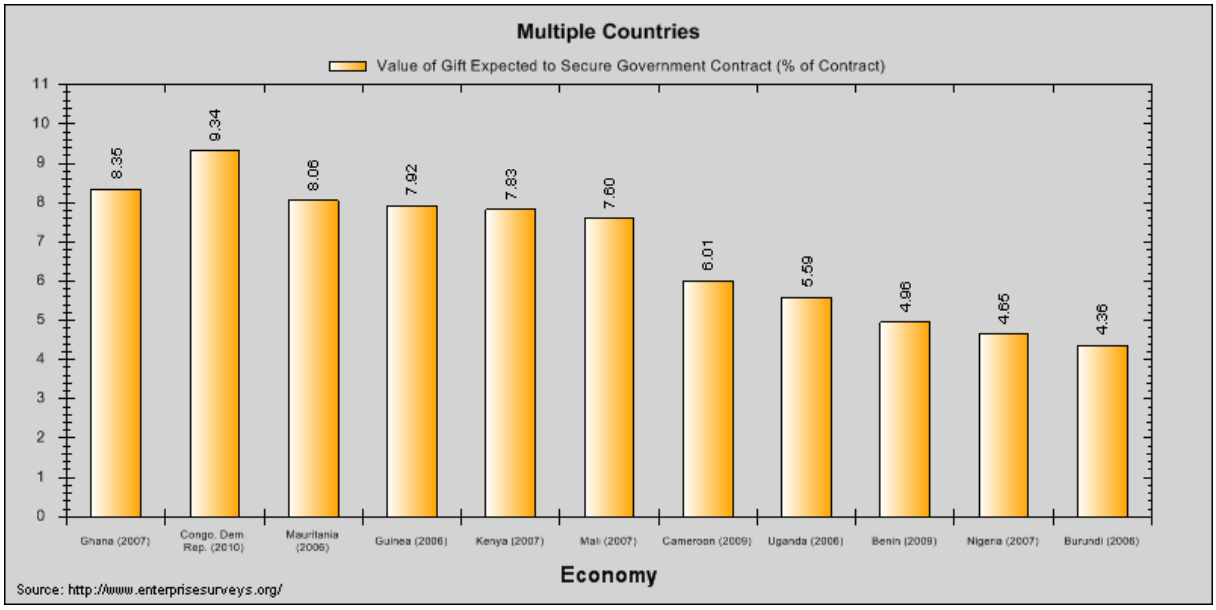
Prior to the passage of the Act in 2003, the public procurement process was guided by several policy initiatives which lacked uniformity making it possible for procurement to be exploited for corrupt deals. Some of the policy initiate before 2003 was the Public Financial Management Reform Program PFMRP. The reform program was instituted in 1996 to regulate the public financial management system in the country. But as has already been mentioned, these policies initiatives did not prevent the exploitation of procurement for corruption. In 2003 the Public Procurement Act (PPA) was passed to provide an administrative and institutional framework within which public procurement is to be done. The question therefore is whether the passage and implementation of the Public Procurement Act has helped to ensure an end to corruption in that sector.

More than five years after the implementation of the procurement act, public procurement in Ghana is still burden with several kinds of malfeasances such as unfair advantages in awarding contracts, demands for unofficial payments in the form of kickbacks and bribes, incidences of conflict of interest, non-compliances with procurement regulations, among other things. There are several cases where the act has been ignored in awarding contracts. For instance during the tenure of the formal administration, the Ministry of Health was recorded to have awarded a contract worth 335 million US dollars to Dr. Arthur Kobina Kennedy who is a member of the ruling party by completely bypassing the PPA. When this issue was raised during an interview with Dr Kennedy, he confirmed that the contract was truly awarded to him and it was done without compliance to the stipulated procedure within the PPA (GII, 2008). Again in 2007, there was a recorded case of procurement irregularity involving the Yendi district executive Alhaji Mohammed who claimed he was awarded contracts some of which worth 27,000 and 30 000 US dollars. These contracts he said were awarded to him and he was supposed to execute them to generate funds for the ruling party; which he even did using borrowed documents from private companies (Country Report, Transparency International, 2007). The above given examples of procurement irregularities are however not limited to how the contract is awarded but also it includes the demand for certain percentages better

known as “Kickbacks” or informal payments from prospective bidders. These monies either go to the private pockets of people within the inner circle of those in charge of making the decision or to the party coffers.

The Enterprise Survey conducted in 2007 shows that Ghana (first bar on Figure 7) is leading after Congo on the issue of the value of gift expected to be paid in order to secure government contracts.

Figure 7: Values of Gift expected to secure Government Contract (% of Contract)



Source: http://www.enterprisesurveys.org

According to the survey, 61.23 per cent of companies said they were expected to give gift to secure government contract. This figure alarmingly is far above the regional average of 36.34 per cent and 26.06 per cent for the global average. This shows that informal payment is a huge problem in Ghana, which also implies that in spite of the passage of the Public Procurement Act (meant to introduce transparency and fair competition into public procurement in Ghana), there is still the exploitation of public procurement for rent seeking. People in power still exploit public procurement as a means for creating rent for themselves, depriving the tax payer of value for monies paid.

Another survey carried out by the Ghana Integrity Initiatives in 2005 (Voice of the People Survey, July 2005), shows that a total of 66.2% of the 900 respondents believed that consideration of party faithful was a means for awarding contracts by the government. And 54% felt backdoor was one consideration for getting contracts; and the backdoor activities mean that contracts are awarded with total disregard to procurement regulations which then undermines fair competition and transparency.

Although the above given evidences are true for the previous governments it is however difficult to argue if the situation has changed after the new NDC government took over office in 2009. Normally it takes time for these reports to come to the public domain and in most cases this happens after the implicated government has left office.

Distribution of Public Goods

In this discussion, the distribution of public goods is limited to only the periods covering electioneering years. The evidence presented in this subsection tends to indicates that the allocation of public goods during election years usually tends to be unfair and unpredictable. Ruling parties do engage in the practice of "privatizing public goods for partisan purpose" (CDD). The immediate pass government was reported in some instances to have made use of targeted transfers to core supporters as a form of raising votes. A study conducted by the Center for Democratic Development shows the NPP was reported to have denied one village in a self-help electrification project in the Northern Region in favor of another village. When a local administrator was contacted on the issue, he confirmed it by saying that the village was denied the project because it was not a supporter of the ruling party.

Research has also shown that the NDC government during the 1990s also practiced targeted distribution of public goods; however this was done in a different way. According to the quantitative study conducted by Andre & Mesple-Somps (2009), covering the period between 1992-2000, the government was reported to have distributed more public goods to non-NDC pro districts than to pro-NDC districts. The study which was aimed at analyzing the mechanisms which drive the allocation public goods in Ghana and whether there were politically motivated distribution of public goods. Although the writers were quick to add that this difference in dimension could be partly attributed to the fact that the government wanted to govern a peaceful country, he also added that it was also made to pursue electoral objectives (Andre & Mesple-Somps, 2009). This shows that although the distributions of public goods during the two eras are different in dimension, they were however inspired by political favoritism; which makes it unfair.

Either way (whether transfer to favor swing voters or core supporters of the incumbent), public goods distribution tend to be unfair and unpredictable since one group always stands to lose and one is unable to tell which group that could be. Additionally, it shows that distribution of the goods is not optimal. Some economic models have shown that the allocation of public good tends not to be optimal in democracies; since political parties do use two modes of distributing public goods especially during electioneering year. The first mode of distribution is the "swing voter targeted transfer"; which refers to the allocation of public goods to the median voters who are likely to vote for either party. And the second mode of distributed tend to favor the support base of the political

party where targeted transfers are made to “core supporters of the incumbent” (Andre & Mesple-Somps, 2009).

Distinction between the public and private spheres

There is a poor distinction between the public and private sphere which is evident by the common practice of using public resources for personal or party use. Public resources such as vehicles and financial resources are often reported to have been used by officials for their personal and party use. This phenomenon even becomes more heighten during electioneering years; where one sees the blatant manifestation of the abuse of their office for their benefit and that of the party. A study conducted by the CDD for instance pointed to several instances of the abuse of incumbency during the 2004 electioneering year (CDD, 2004). The recorded abuses took the form of administrative resources, budgetary allocation and state media resource. According to the report, the abuse of administrative resources, which involves the use of institutional resource such as human and financial for campaigns as opposed to governance, was the most often reported case. For example the then Northern Region DCE was said to have joined a campaign rally which was held for the aspiring parliamentary candidate from his party. Another DCE in the Bring Ahafo Region was also said to have supplied metro buses to the youth wing of the then ruling party to convey them to an official visit by Kufour. These and many facts speak to the fact that in Ghana public officials seem not to exhibit any clear distinction between public resources and their personal ones.

In addition to the above described phenomenon the pervasiveness of nepotism in a society could help to measures the extent to which the public and private sphere is separated. Nepotism is still considered a problem in Ghana; result from “Voice of the People Survey” (2005) again helps us to ascertain this. According to the report nepotism has eaten very deep into the fiber of the Ghanaian society to the extent that nobody seems to see anything wrong with it. In the survey, 53.9% of the respondents believe that nepotism was a means use by the government apart from tender in awarding contracts in the country.

The above presented evidence all point to the fact that a lot has not changed in terms of the above used indicators. Prior to the return to pluralism, access to and the distribution of power was closed, it was open to only those within the ruling elite, and although with the introduction of elections, more groups can partake in the contestation for power, it is still limited. Currently, power is alternated between two major parties both in terms of the executive and legislative. The situation even get worse with the fact that once a political party takes office, all top public positions tend to be filled with members from the winning party. This has created the environment where the system is played out to favor those in the ruling group; rent seeking opportunities for instance are easily created and exploited to the advantage of those in the ruling party.

This may also imply that any anticorruption efforts in the country should be aimed at providing a check on the use of power which leads us to the theme of the next chapter; ***to what extend does the anticorruption mechanism in Ghana has been able to provide a check on the use of power?***

5. Dimensions for Effective Anti-corruption Mechanism

Several efforts have been made in regards to raising legal constraints in the fight against corruption in Ghana; the Global Integrity report (2008 and 2009) for instance rates the country's legal framework aimed at fighting corruption as very strong. However, a comprehensive anticorruption mechanism is one which goes beyond just raising legal constraints to addressing other dimensions of corruption such as resources which are normally exploited by corrupt agents, as well as, raising other forms of constraints which helps to increase the cost of being corrupt. According to a model developed by Klitgaard (1991), corruption could be equated to monopoly plus discretion minus accountability, however since this model tends to describes a state of equilibrium rather than a causal model (Mungiu-Pippidi, 2010: 7), the author tend to use a built-on model advanced by Mungiu-Pippidi (2010) which describes more of a causal link. This formula equates corruption to resources, and resources here refer to power discretion plus material resources minus constrains.

Corruption = Resources (Power discretion + Material Resources – Constrain)

Power discretion in this dimension goes beyond the monopoly of power and privileged access in order to influence and make decision under different arrangement. The second dimension is material resources which refer to financial resources (like public budget, and foreign aid), as well as other forms of resources (like state assets, and public sector employment). The third dimension, constraints, looks at both legal and normative constraints which makes corruption unattractive for corrupt agents. The focus of this part would however be to ascertain whether the country has evolved on these dimensions of corruption. Specifically, it would address the question whether the anticorruption efforts are really providing a check on the use of discretional power, material resource and also raising enough constraints. Although the three dimensions of corruption mentioned could be used in a much broader sense, its use would however be limited to one indicator enough. The use of "discretionary power" for instance is limited to only looking at the level of accountability within the government; and material resources on the other hand, would be limited to public procurement since it forms a chuck of the national budget (aside salaries and allowances). Finally, while legal

constraint is measured in terms of the existing anticorruption legal framework; the normative aspect would evaluate the level of active participation of citizens in demanding for a ethical universalism rules and lastly, institutional constraints would give a brief insight to the various anticorruption agencies in the country.

Power Discretion

According to Mungiu-Pippidi (2010), ***corruption tends to be high when discretion is high and accountability is low***; this means that the extent of corruption could be dependent on the level of discretionary power public officer can exercise and the degree to which they are held accountable for their actions. The existence of an effective accountability system would therefore help to reduce the probability of a person with discretional power to be corrupt since he or she knows he would be held accountable. The question is how accountable is the government to its people, and for it actions? The term accountability (as used on the World Bank's page) is used to imply the obligation of government to explains and justify its decisions to its citizens, as well as, the ability of law enforcing agencies to sanction government officials who are found to have gone against the laws of the country[8]. Ghana to a large extent could not be regarded as having evolved on the use of discretional power due to the low level of government accountability reported in some indices. Moving back to the NDC era, there seems to be no time series indicator covering the period between 1993 to 2000 which measures government accountability; the earliest available indicators starts from 2003. Data however covering the period between 2003 and 2009 shows a download trends in executive, legislative and judicial accountability. The 2003 Global Integrity Report for instance rated executive accountability in Ghana as weak, and although judicial accountability was rated strong in 2003, both in addition to legislative accountability in 2009 experienced a downward movement to very weak. The poor government accountability could indicate that the country has not progressed on discretional power, since public officers have no incentive not to abuse the power and resources at their disposal to serve their personal interest.

Elaborating on the current situation; one may see that although the country is low on incumbent accountability, there is however high of what Dr. Ofori-Mensah termed; "post-regime accountability". In describing the situation Dr. Ofori-Mensah argued that although the past years have brought about more post-regime accountability where past government officials are prosecuted by new governments in office, there is however the lack of incumbent regulation. Sitting government officials are hardly made to account for their actions and decisions even if it has resulted in the nation losing money. On the one hand, although government ministers are not legally exempted

[8] http://siteresources.worldbank.org/PUBLICSECTORANDGOVERNANCE/Resources/AccountabilityGovernance.pdf

from prosecution, there is however no records of the prosecution of sitting ministers for wrong doing in spite of the several allegations against some of them. The constitution on the other hand, grants immunity to the president. According to the Article 57 (5) of the Constitution of Ghana the President could not be held personally liable to any civil or criminal proceedings in court while he is in office. Having said that one; although one sees virtually no forms of incumbent accountability, there is nonetheless evidence of post-regime prosecutions which are normally marred in allegations of political witch-hunting. According to Ofori-Mensah (Personal Communication, Feb. 2011); "in the fourth republic the most effective anticorruption tool has been a section of the criminal code (Section 179a), the so called "law on causing financial loss to the State". It has been used as a potent tool to bring people to account. But unfortunately, it has been used to bring those not in the ruling party to account rather it has been used to bring post-regime accountability". For instance during Kufour's administration, a number of ex-government officials (members of the NDC party which were then in the opposition) were prosecuted for various corruption charges, however some sitting government officials of the time were also implicated in corruption scandals, these officials were however not prosecuted they were rather made to resign (Gyimah-Boadi, 2010).

The above situation leads to the creation of the notion that ***people within government circles stand above the law***. When a public official is accused of corrupt engagement, he or she is not made to account. Prof. Boafo-Arthur (Personal Communication, Feb. 2011) cited an example from the current government. According to him an article was published by the Daily Guide New Paper which implicated a presidential aide for the inability to account for US $197, 000. The implicated presidential aide Mr. Stanley Dogbe claimed he spent the money on Christmas hampers for Editors and Reporters. The government nonetheless has not taken any action against Mr. Dogbe and he is still within government's book, and still being paid[9].

The above evidence which is also similar to findings by Linderg (2003, 124) may indicates that a high sense of the lack of incumbent accountability which runs through all the governments that have taken office since the return to democratic rule. The country's anticorruption crusade has shown not to have evolved in the issue of discretional use of power, although several efforts have been made especially in the legal front. The question is what use would a good legal framework be if these rules are not applied equally to all? The criminal code for instance could be used without partiality, which could then show that the country truly is being ruled by the law. The policy implication for the stakeholders in the fight against corruption therefore is that; pushing for the passage of laws is just one side of the fight against corruption, other forms of constraints should be raised to ensure the proper application of these laws.

[9] http://news.myjoyonline.com/politics/201009/52430.asp

Material Resource

The second dimension of corruption, material resources, refers to rents that are accrued to individuals or the party in government. Since this issue has been dealt with in detailed under the diagnosis section, very little would be said of it in this part. As was discussed in chapter two there has been little or no improvement in this regard. Public procurement and contracts still serves as avenues for the creation of rents even years after the implementation of the public procurement act. In 2007, four years after the passage of the act, 61.23 per cent of companies competing for public contract said they were expected to give gift in order to win these contracts. This shows that anticorruption measures should to be focused on ensuring that procurement is done not only according to the act but also those doing it are made to act not in self-interest.

Apart from huge procurement irregularities, another aspect of governance which has not experience much improvement has been transparency in the budgetary allocation. The lack of transparency creates conducive environment for the abuse of resources through the promotion of preferential allocations. The Open Budget Index measuring the level of a country's openness in the budgetary process ranked Ghana 54 (OBI, 2010). Although this represents a slight increment from the previous ranking of 48 in 2008, it however does not undermine the fact that there is the lack of the appropriate level of transparency required during a budgetary process. The Open Budget Initiative for instance noted that, the budget has insufficient information on the transfer to public corporation, expenditure arrears, among other things. Additionally, it is difficult to track spending, revenue collection and borrowing done during the year which leads to the abuse of public funds. In July 2010 for instance, a multi-stakeholder review of the Medium Term Macroeconomic Framework showed huge discrepancies in the country's fiscal management including over spending. There was a stated example of over 300% overspending revealed in some sectors (OBI, 2010; 2008).

Constraints

Certainly constraints are essential in the fight against corruption. As has already been mentioned this part would briefly look at the three aspects of constraints namely legal, normative and institutional constraints.

Legal Constraints

The last decade has witnessed the passage and implementation of several anticorruption legislations which includes the Whistleblower Acts, Public Procurement Act, Asset Declaration Law, the law on causing financial loss to the state to other laws bordering on financial management. This even reflects in the Global Integrity Index rating the country as very good on anticorruption laws. In

2009 for instance Ghana scored 100 on the anticorruption law indicator. In spite of the existence of a good anticorruption legal framework, the country however has not evolved so much on the legal constraints to corruption. This is due to the low or lack of proper implementation of these laws and the inability of some of these laws to effectively block existing loopholes within the public sector. A point in case is the public procurement acts.

Since independence Ghana has had several procurement regimes. Until 2003 there was no comprehensive legal framework guiding how public procurement is done in the country. According to Mr. Agyei the series of legislative Instruments and policies employed by governments relating to how public procurement should be carried out all had their respective challenges with regards to dealing with the issue of corruption. Additionally, during the 1990s there were demands for the public financial management system to be improved with a focus on reducing government expenditure and increasing revenue. This led to the initiation of the Public Financial Management Reform Program (PUFMARP) of which procurement formed a major part of it; procurement apart from salaries and allowance forms 50-70% of government expenditure. There was however some weaknesses in the new reform program due to the lack of uniformity; which made it difficult to determine whether somebody was doing procurement in an effective and efficient way or otherwise. Mr. Agyei for instance argued the procurement framework had no thresholds with stipulated method of procurement so people were abusing the system. The major requirement for procurement then was the presentation of quotations; so someone could collect three quotations from three brothers, or one person can go and look for two or three quotations for a contract worth $5 million and you could not hold him to it; because by collecting more than three quotations is enough to show transparency" (Agyei).

Therefore the passage of the Public Procurement Act in 2003 was aimed at addressing these challenges. The current procurement act has several thresholds within which the value of the contract determines which entity is supposed to be responsible for making the decision. The law now places a limit on how much of the procurement could be approved by the internal management team and beyond that amount the entity must seek approval from the Ministerial Tender Review Board. The ministerial board also has a threshold and above that threshold the procurement must be approved by the Central Tender Review Board. The question ***however is who are those heading these various procurement boards and how has the law ensure the neutrality of these people?*** It is not only about placing threshold holds but also ensuring that the human elements in the procurement process is placed under check if not the system would still be abuse as is the case in the country.

The procurement act as it stands now although it has helped to bring some level of transparency and openness; nevertheless it is not strong on issues relating to implementation. Additionally, issues relating to capacity and resources all tend to undermine the goals of the act. There are still

political heads chairing tender boards at the local authority including district chief executives (REPORT TI). The Act also does not constrain public officials sitting on procurement boards from acting in self-interest. Even though the Act oblige public officials to act in accordance with the Country's Code of Conduct, it does not however restrain them from entering into contracts or allocating public contracts to entity they draw direct benefit from (Country Briefing, DDD). It is therefore not surprising to hear of allegations of companies which are politically aligned with ruling parties benefiting from public contracts. For example, the Sulbas and Barikase construction companies (which were both affiliated with the NPP ruling party) were alleged to have benefited from special considerations relating to the winning of government contracts (TI).

The same kind of trend is observed in the enforcement of the other anti-corruption laws. One sees the application of the criminal code to ex-government officials excluding the incumbent although some of them are accused of similar wrong doings. The Asset Declaration Law is also not an exception. Although Article 286[10] of the 1992 constitution demands that government officials should declare their assets before taking office and at the end of their term in office, this is hardly adhered to. A report issued by the Ghana Anticorruption Coalition, revealed that not all the ministers of state had declared their assets several months after taking office; and even though the president had issued a fiat asking all his appointees to declare their assets; only 57 out of the 73 ministers have done it. Additionally, only six out of an unspecified number of the presidential staffs had complied. This was also the case with the parliamentarians; only 55% (127) of them has adhered to the law.

Aside the issue of non-compliance, the Asset Declaration Law according to Mr. Ayamdoo (CHRAJ) is somehow flawed and leaves room for officials to embezzle state funds. Since the act does not mandate the spouses and children of public officials to declare their assets, public official sometimes put assets under the name of their spouses and children thereby forfeit the aim of the law (Ghana Progress Report, 2006).

One therefore sees that although the country has a good anticorruption legal framework, the country however cannot be said to have evolved on legal constraints because either these laws are not being properly implemented or the laws themselves are flawed.

Normative Constraints

Against the backdrop that the existing legal framework in Ghana is unable to pull adequate constrains to corruption, (due to loopholes and the lack of proper implementation), a normative kind

[10] Article 286 states a person who holds office…..must submit to the Auditor General a written declaration of all property and assets owned by him, whether directly or indirectly-before taking office, at the end of the every four years and at the end of his term.

of constraint could help. This kind of constrains could take the form of a more bottom-up approach where active citizens are mobilized to counter corruption. Citizens who are vocally strong against corruption could engage several non-violent civil instruments like civil disobedience, petition, vigils, sit down strikes and several others to demand for a more transparent and accountable governance. Active citizen participation in bringing an end to corruption is essential due to the fact that it is the ordinary citizens who tend to directly or indirectly lose from the lack of good control measures against corruption. Secondly, it is argued that other element of anti-corruption mechanisms such as public anti-corruption agencies and legislations are normally weakened in the sense that the very institutions which are responsible for ensuring their effectiveness are also the same institutions that are being accused of corruption. So an active citizenry could play essential roles.

Over the last decade, Ghana has seen an increasingly vocal citizenry (partly due to the pluralism of the media and active civil society organization which would be discussed in a subsequent sections), which do voice their disapproval to corruption. Several corruption cases which get exposed through either the print or electronic media do normally draw strong condemnations from the general public in Ghana. However these responses tend to be limited to just voicing out their displeasure without any further action. In addition to the inaction, reactions to these corrupt cases are most at times highly politicized; the type of responses is sometimes influence by whether the official involved belongs to a particular political party or not. So the strong public condemnations tend not to pose any form of constraints to public officials.

Institutional Constraints

Institutional wise, Ghana has been endowed with several anticorruption agencies. These are the Commercial Crimes Unit of the Ghana Police Service (CID), the Judiciary, the Economic and Organized Crimes Office (EOCO); which was formally known as the Serious Fraud Office, the Commission for Human Rights and Administrative Justice (CHRAJ) and several others. The mandate of these institutions is to combat corruption through the enforcement of the laws of the anti-corruption laws of the country. The subsequent paragraph would give an insight into some of these mandates, as well as, some of the challenges they do face.

Commission for Human Rights and Administrative Justice (CHRAJ)

CHRAJ is one of the two independent anti-corruption institutions in Ghana. It was established in 1993 under the 1992 Constitution and Act 456. The commission is known to be a three-functioned agency with mandates as spelt out in the constitution covering anti-corruption, human rights and as an ombudsman which makes it a bit loaded (Ofori-Mensah, personal communication, Jan. 25,

2011). The Commission's anti-corruption mandate stems from article 218 (e) which demands that the Commission "investigate all instances of alleged or suspected corruption and misappropriation of public moneys by official and to take appropriate steps including reports to the Attorney General and the Auditor General, results from such investigations."

CHRAJ, in spite of the limited resources (Gyimah-Boadi, 2005) has been very helpful in Ghana's anti-corruption agenda. The agency has been called upon to embark on several investigations where public officials have been found to have engaged in misappropriation and corrupt practices. According to Gyimah-Boadi (2005), one notable incidence was in 1995 where 2 sitting ministers of state, a presidential adviser, and a highly placed public official were alleged to have engaged in acts of corruption and illegal acquisition of wealth and the abuse of office. "The investigations were also to determine whether the officials had complied with the 1992 Art. 286 which requires all public officials to submit a declaration of all assets within 3 months of coming into force of the constitution" (Gyimah-Boadi, 2005).

Although CHRAJ has the power to initiate investigations into alleged incidence of corruption, this power is however limited: this is due to the fact that CHRAJ could only initiate investigations after receiving complaints from an identifiable complainant. CHRAJ in 2005 following a newspaper publication initiated an investigation against one sitting minister of State, Dr. Richard Anane within Kuffour's administration for allegedly engaging in sending a lot of money to his mistress among other things. CHRAJ conducted a thorough investigation and produced a report indicating that the said minister had abused office and lied to Parliament about how much money he had supposedly remitted to his mistress (Dr. Ofori-Mensah, Personal Communication).

The minister following the report from CHRAJ appealed. He however did not appeal on the merit of the evidence brought against him, he rather appealed against the jurisdiction of CHRAJ. According to him constitutionally, CHRAJ did not have the jurisdiction to initiate an investigation (based on media speculations) without a petition from an identifiable complainant. The judge who sat over this case also said CHRAJ had over-stepped its boundary. CHRAJ nonetheless appealed this at the Supreme Court (since it is the Supreme Court which can interpret the Constitution), and the Supreme Court ruled and said CHRAJ did not have the jurisdiction to investigate the case. So in spite of the huge corruption evidence against the minister the case was thrown out; not based on the invalidity of the evidence rather against technicalities (Ofori-Mensah, personal communication, Jan. 25, 2011).

Economic and Organized Crimes Office (EOCO)

The EOCO formally known as the Serious Fraud Office (SFO) was also established 1993 as an independent anti-corruption agency. It establishment was during the early years of the Fourth

Republic amidst intense controversy and protestations from certain political groups and segment of the civil society. This was due to the perception that the institution was a way of stifling the entrepreneurial abilities and freedom of the individuals (J.R.A., Ayee, 2000). However, as was recommended by the Anin Commission's Report[11], there was the need for multiple anti-corruption agencies for the fight against corruption, so the volume of work necessitated that the SFO be retained (Prempeh, 2003).

The constitutional mandate of the SFO has however been to investigate, monitor and upon the authority of the Anthony General prosecute all suspected crime that are likely to cause financial loss to the state. Over the past 17 years, the SFO has been able to achieve its mandate because huge sums of money have been recovered and people have been careful (Anonymous Respondent (EOCO), Personal Communication, Jan. 20, 2011). The institution's power to investigate has however been met with criticism. According to Ayee (2000), the executive director of the institution (according to his discretion) could initiate investigations with the police into the activities of any individual, if that person is suspected to have engaged in offence, involving alleged serious financial of economic loss to the state.

In 2010, the SFO was however upgraded and renamed the Economic and Organized Crimes Offices (Art 804). Its mandate was also expanded because of the dynamics of crime. The expanded mandate include anti money laundering mandate, human trafficking and all other serious crimes.

Commercial Crimes Units of the Ghana Police Service (CCU)

The CCU is an established unit within the Criminal Investigations Division of the Ghana Police Service meant to fight economic crimes just like the EOCO. There has been a lot of institutional collaboration between the CCU and the EOCO due to the complexities of economic crimes which then requires multiple agencies to fight it. The CUU is sometimes said to refer cases of public and private financial loses involving huge sums of money and those that demand forensic audit of knowledge of taxation to the EOCO (Prempeh, 2003). The CUU as an anticorruption institution has however been largely unpopular due to the public's corruption perception within the Ghana Police Service. According to Dr. Ofori-Mensah a policy analyst at the Institution for Economic Affairs, "People don't actually mention this but the police also are made to have an anticorruption function. They do have a bureau within the police. But given the perception we all have about the police, I don't think that would fit into the debate, why people do not take it seriously" (Dr. Ofori-Mensah, personal communication, Jan. 25, 2011).

[11] Anin Commission was a commission set up after the overthrown of the Nkrumah's regime to investigate allegations of corruption which took place during Nkrumah's.

Figure 2 in Chapter 1, shows the result of the Afro-barometer survey on citizen's corruption perception within the police service. The trend in the survey indicates that the police have been consistently perceived to be corrupt. The 2003 survey for instance result shows that less than 10% of the respondent perceived most policemen to be corrupt, this however increased to a little more than 20 % in 2005 and more than 30 % perceiving most policemen to be corrupt. And although the police service has tried to correct this image much has not changed. According to Justice Atuguba (personal communication, Jan. 20, 2011) a Supreme Court Judge of the Supreme Court of Ghana, "People still do not have too much confidence in the police, over the years they are known to be soliciting moneys from people but it has improved probably with the major economic crimes …"

Judiciary

The Judicial service of Ghana is also an anti-corruption institution with a mandate to bring people to justice and accountability. This therefore implies that the independence, competence and professionalism of the judges in Ghana are critical for the success of the country's anti-corruption efforts. On the issue of independence; the Judiciary in Ghana is ***reasonably independent*** (IEA). Article 127 of the Constitution of Ghana says no person whosoever shall interfere with the judges or judicial functions. However, there has been a history of ***executive interference with the judiciary***. This to some extent could be traced to the way judges are appointed. According to the Global Integrity Report, although in law there is a transparent procedure for appointing national level judges; in practice these are not very clear and accessible. The president has the mandate to appoint national-level judges on the recommendations of the Judicial Council, and they are then confirmed by Parliament. However, with the ruling party having the majority in Parliament, these appointments are always confirmed (GIR).

In the last two years, the current government has lost some corruption related legal cases against some members of the previous administration. This has been partly attributed to the fact that the previous government had filled up the Judiciary with its faithful. According to Justice Atuguba a Supreme Court judge, "there is a strong perception that the judiciary is sympathetic to the previous administration this is because most of the judges were appointed during the Kuffour's administration so although there have been some high profile cases that have come to the court they were scuttle although not based on merit, but sometimes for technicality".

A point in case was in 2008, following the release of the Ghana Auditor General's Ghana@50 celebration report, which showed that a huge amount of money was spent and those who spent the money did not account for it properly. The current government (which took office in 2008) also discovered that a lot of businesses that provided facilities, equipments, cars and services were not paid meanwhile the moneys that were approved by Parliament for these had all been spent. The

government therefore set up a commission of enquiry to look into how the moneys were spent. The Commission reported and fingered individuals who the commission thought should be made to answer for it. The government therefore tried to prosecute these individuals but the accused persons filed an objection saying the government could not prosecute them because the Commission of Inquiry is more or less sitting as a High Court. The Court of Appeal Judge who was responsible for the case upheld the motion of the defense saying the accused persons were entitled to an appeal because the Ghana@50 Commission of Inquiry had the powers of the High Court (Ofori-Mensah, Personal Communication, Jan. 25, 2011).

The Judiciary has also been perceived by some section of the citizen as being corrupt; a quick look at the Afro barometer survey (Figure 2) shows that this corruption perception is high. In 2008 while close to 60 percent of the respondent felt some members of the judiciary is corrupt, a little over 20 percent felt most of the judiciary is corrupt. Justice Atuguba however said that although the ordinary citizen perceives the judiciary as corrupt, he would not say it is that intense. According to him, corruption within the judiciary takes various forms and affects people of various categories. For instance, the administrative staff of the judicial service is the essential part of the service that the ordinary person deal with, and it is these people who are likely to either demand for unofficial fees, or would be bribed to carry out their services; which Justice Atuguba attributed to the low salaries. Similarly, the executive member of the Judicial Service Associated lamented that the perceived corruption in the judicial service is due to the poor remuneration. The table below shows a comparison of the salary of judges in Ghana to their counterpart in South Africa and Zambia. The figure presented in this table seems to validate the assertion that the service is really under paid, so any efforts aimed at tackling corruption in the services should also try to correct this phenomenon.

Table 3: Comparing some facts about the judicial service in Ghana, South Africa and Zambia

	Ghana	**South Africa**	**Zambia**
Legal system:	**Common law, adversarial, plural**	**Common law, adversarial, prosecution part of the judiciary**	**Common law, adversarial, plural**
Judge's salary at start of career:	**US $5,290**	**US $38,454**	**US $26,340**
Supreme Court judge's salary:	**US $8,488**	**US $89,134**	**US $27,340**
Annual budget of judiciary	**US $17.4 million5**	**US $881.7 million**	**US $16.0 million**

Are all court decisions open to appeal up to the highest level?	**Yes**	**Yes**	**Yes**
Judges per 100,000 people	**0.9**	**1.1**	**0.4**
Institution in charge of disciplinary and administrative oversight	**Not independent**	**Effectively independent**	**Effectively independent**
Are all rulings publicized?	**No**	**Yes**	**No**
Code of conduct for judges	**Yes**	**No**	**Yes**

Source: Global Corruption Report, 2007 Transparency International

Another indicator assessing the Judiciary is ***judicial accountability***. The judicial service of Ghana cannot be said to be up to the task of ensuring accountability within itself. According to the Global Integrity Index on Judicial Accountability, the judiciary performed poorly; in 2006 and 2008 for instance the country scored 35 and 39 respectively. An instance of the lack of proper judicial accountability is with regards to the Asset Declaration Law. Although the judiciary is required by Article 550 of the country's Constitution to declare their asset, this has been not properly enforced within the Judiciary. Even in cases where assets are declared, there is no independent verification of the assets that are disclosed. Auditing according to the Global Integrity Report is only done when a case comes up for investigation (GII, 2006). This shows the poor checks and balances within the system.

Ghana Audit Service

The Auditor-General's Office has a specific anti-corruption mandate of auditing all public account and of all public offices in Ghana. The work of this institution helps to *prevent corruption by making corruption riskier and more difficult* (UNODC). Global Integrity has consistently from 2003 rated this institution as being very strong except in 2009 where it fell from a score of 92 in 2008 to 83. According to the 2009 Global Integrity Report, the audit service is to a large extent *independent and free from political interference* which seems to fall in line with Article 187 of the 1992 Constitution of Ghana which states that "the auditor-general shall not be subject to the direction or control of any other person or authority (GII, 2006). Additionally, the appointment and removal of the Auditor-General is subject to the Article (146)[12] which also applies to Justices of the Supreme and Regional

[12] Article (146) states that a "Justice of the Supreme Court or a Chairman of the Regional Tribunal shall not be removed from office except for stated misbehavior or incompetence or on ground of the inability to perform the function of his office arising from infirmity of body or mind"- Constitution of Ghana.

Courts. The performance of the Ghana Audit Service can be compared to some of its peer in the region. According to the Global Integrity Scorecard South Africa (92), Rwanda (87), Namibia (87) and Kenya (91) were all scored as being strong and very strong.

The Audit Service do regularly publish annual reports which brings to light the loss of huge sums of money from public funds. For instance according to the report for the financial year covering 31st December, 2001-2004, "contractual lapses with financial value exceeding GH¢ 48.36 billion were noted against 45 district assemblies" (Public Account Committee Public Fora). Other forms of recorded financial malfeasance were; unsubstantiated payments (GH¢33.29 billion), procurement and stores irregularities (GH¢15.59 million), overdue loans (GH¢50.22 billion), case irregularities (GH¢3.35 billion), tax irregularities (GH¢4.94 billion), misapplication of Common Fund (GH¢6.50 billion), deductions by administrator of the common fund with failure to deliver equipments (GH¢11.27 billion), and several more (GIZ, 2010). In 1993; the report from the Auditor-General also showed corruption and embezzlement totaling GH¢401billion by high government officials over a ten year period (1983-92), but no one was indicted (Ayittey 2000: 109).

The reports also help to do a time series comparison on whether the country is getting better on good financial management. Currently, the trend has shown that the several financial misappropriations which are normally recorded are with striking similarities which tends to question the government's fight against corruption. It also shows that the government does not make good of the report; because if governments takes these reports seriously and prosecute people found to have misappropriated Public Funds, would the trend continue or repeats itself? Dr. Ofori-Mensah of the IEA for instance argued that there are striking similarities in the Auditor General's report; it does not take much to sit down, take up reporting year on year and compare either specific reports or specific district assembly. As has been indicated in Global Integrity survey; "action of government on audit reports appears grossly unsatisfactory, especially if it involves political figures and party faithful, making the audit a mere formality. The delays also make it impossible to track past public officials who have been found to have engaged in fraud and embezzlement of public funds".

Public Accounts Committee (PAC)

The existence of an effective public accounts committee could boast up anti-corruption measures due to its ability to do what is termed "naming and shaming". The Public Accounts Committee of Ghana was established based on Article 103 of the 1992 Constitution. It has over the years been responsible for going through the Auditor-General's report and then invite people who were mentioned in the report to have been responsible for the misappropriated funds in addition to people who did not follow due process. According to the Clerk to the Committee Mr. Amokoah the committee tries to give credence to the report by re-emphasizing the recommendations and

sanctions that were proposed. The work of this committee has received some credence from the public. According to Prof. Baffour-Attah, the director of the Legon Center for International Affairs University of Ghana, the work of the PAC is the only specific measure targeted at reducing corruption, all others remain rhetoric; " with the exception of the work of the Public Accounts Committee which goes into the account of all government agencies and institutions and almost all the time they are able to uncover certain criminalities and matters that bother on corrupt practices……but apart from that I do not see any program or specific measures which have been put in place".

The Ghanaian PAC however has faced with some limitation; the PAC in Ghana unlike its peer in Uganda does not have the jurisdiction to prosecute people it finds to have engaged in financial malfeasance. According to Lartey Obeng of the Good Financial Governance, Domestic Accountability Desk of the German International Cooperation; the PAC in some countries like Uganda do have a standby police at the public hearings, so people who are found guilty are immediately taken away. Additionally, the committee in 2010, PAC passed a Resolution which requires that Budget for specific government departments would only be approved by Parliament when their respective ARIC (Audit Report Implementation Committee) clears that department or ministry (Mr. Amoako-Attah D. personal communication, Jan. 2011). This Resolution however could not be implemented this year owing to the backlog of un-cleared reports (Lartey Obeng, personal communication, Feb. 3, 2011). The committee in the last few years has experienced a backlog of the auditor's report which they are now trying with the help of the GIZ to clear. The GIZ has tried to organize retreats for the committee whereby the members of the committee meet with the Auditor General to go through the reports for clarification and understanding before a public hearing all aimed at helping at clearing the backlog of reports.

In conclusion, the above presented evidences show country has not evolved on most of the indicators on the three dimensions of corruption considered in this chapter. There seems to be a poor sense of government accountability, as well as an intense exploitation of rent creation opportunities. And even in the case of the existence of a quiet good legal framework, the framework is however undermined by the poor implementation as well as some identified flaws. In terms of normative constraints, one sees that although there is an increasingly informed public who in most cases voice their disapproval to corruption, their actions have not evolved to entails other non-violent initiatives in demand for accountable governance. Finally, although most of the existing public anticorruption agencies in the country are really engaged in the fight against corruption, their performance is sometimes weakened by some limitations like limited finance, and their competencies. What then is the way forward for the fight against corruption in Ghana? What can be done better or could be done and which agents could be empowered to bring one of the emerging successful democratic countries on the African continent to a state of corruption free?

6. Drivers of Change Analysis and Lessons Leant

Having shown the following that first; evidence on Ghana's progress on curbing corruption is inconclusive; secondly, the country's relative success in stabilizing democratic rule has not really correlated with a relative progress in curbing corruption; and thirdly, that on the three dimensions of corruption, the country has not shown much improvement, our next aim therefore is; what is the way forward for a policy maker or a stakeholder who is interested in winning the fight against corruption? To answer this: this chapter would first and foremost, try to identify the agents of change who are in the forefront in the fight against corruption in the country in order to inform concerned policy maker or stakeholder on who to empower for a result-based anticorruption drive. Secondly, based on the key issues which showed up in the study, a couple of recommendations would be briefly identified and discussed.

Drivers of Change Analysis

In 2005 the CDD in collaboration with the Overseas Development Institute conducted drivers of change analysis which however focused on the broader development of the country. This section is however focused on the third part of the change features; agents. To a large extent, the drivers of change in the fight against corruption in Ghana have been led by agents; while the institutional and structural factors play a relatively minor role. There has been no substantial structural change found within the period that this study covers; however one may argue that a related structural change experienced in Ghana's recent history is the move back to democratic rule in the 1990s. This could be argued as forming the bases for all other changes that took place. With the return to democratic rule came the liberalization of the airwaves for the proliferation and growth of the media, as well as, the emergence of a conducive environment for a vibrant civil society. However when it comes to the main force behind most of the changes that has been experienced in the country's fight against corruption, the media and the civil society organizations serve as the most obvious elements. They have provided most of the pressure on governments to move towards a more transparent and accountable governance. The ensuing paragraphs would therefore try to briefly show how the media and the civil society organizations in the country have served as agents of change. A third possible agent of change, which is some public anticorruption agencies like the CHRAJ, SFO and the Auditing agencies, would not however be discussed; one due to limited space but also because they have been briefly discussed under institutional constraint in 4th section.

Civil Society Organizations (CSOs) as Agents of Change

The civil society in Ghana has been very dynamic and critical in the country's fight against corruption. Since its emergence or re-emergence in the early 1990s, the CSOs have gradually moved from minimal to greater engagement in serving as the watchdog in the society and have advocated for more transparent governance. Their activities have involved media campaigns against corruption, and educating the public on the negative effects of corruption. They are also engaged in the policy making and legal framework process. The work of Ghana Integrity Initiative, a national chapter of Transparency International, which was established in 1999 with the sole focus of fighting corruption for instance, is considered as being very influential in the political economy of addressing corruption in Ghana (Johnston, 2005).

Also the Ghana Anticorruption Coalition which was established in 2000 has been key in the fight against corruption. The coalition constitutes a cross-sectoral groupings of public, private and CSOs with the aim of harnessing efforts to fight corruption. The GACC has been involved in researching into corruption issues, networking like-minded groups, individuals and institution to lobby and advocate for policy reforms, sensitization and public education (Azeem, 2010).

Several other organizations have also been actively engaged in shaping the country's fight against corruption. Dr. Ofori Mensah of the Institute for Economic Affairs indicated that the Institute of Economic Affair has played very important roles in advocacy against corruption, and they also try to reach out to different communities. In 2003, the IEA in addition to other CSOs for instance was actively engaged in crafting the Whistleblowers Act.

The CSOs in Ghana therefore has been undeniably an essential agent in the fight against corruption, without their participation the fight would not have gone far. They however are lacking in terms of capacity building; both material and technical capacities in order to be effective in advocating for policy reforms and measures and the lack of this do reduces their capacity (Azeem, 2010). Secondly, most of their financial support comes from external donors; which has severe implications in terms of sustainability, program ownership and contextual issues (Azeem, 2010).

Media as an Agent of Change

The early 1990s also brought about the proliferation of a relatively free and independent media which has ever since grown and has been actively involved in advocating for more transparent governance, and exposing corrupt deals. Since the return to democratic rule in 1993 and the liberalization of the airwave in 1996, there have been 24 televisions, more than 137 FM radio station, and 300 plus newspapers have been operating in the country (Gadzekpo, 2008). The media is vibrant and its pluralism has brought about diversity as far as media sources are

concerned. They have been activity engaged in exposing several corrupt cases. Sometimes these exposure leads to the initiation of investigation and prosecution by agencies like the CHRAJ. Their work also leads to greater public awareness and the demand for accountability and responsiveness from public officials which also gives politicians or potential corrupt official some sleepless night (Azeem, Personal Communication, February, 2011).

Although the media do serve as an active watchdog in the demand for transparency and accountability in the political sphere, however they are sometimes seen as being politically aliened. According to Mr. Amatoh a senior fellow at the Center for Democratic Development, one need to sometimes watch out because the media do politicized issues. He added that; "some media houses, the moment you mention them, even the 6 year old child can tell you this media house belongs to NPP, this paper belongs to NDC and that to me is not helpful and you read their stories and listen to their news too you can clearly see where they are coming from". Mr. Ofori Mensah also noted that the media lack some core skill. Although the media do play a key role in exposing corruption it however performs poorly when it comes to the quality of debate. He also added that they lack investigative journalism skills this he said sometimes reflect in the kind of allegation they make; which he said is speculative and reckless. This however does not underscore the fact that they are doing well.

Lessons Learnt

1. The consistent progress in consolidating democracy in Ghana has not led to a corresponding progress in the fight against corruption. As has been argued by Mungiu-Pippidi (2006), such efforts like the electoral revolutions should be complemented with a revolution against particularism. In the same way that the various actors in Ghana have helped to bring the country's democracy far, the same efforts should be targeted at ending particularistic norms.
2. *Measures aimed at establishing an anticorruption legal framework should go beyond just ensuring the passage of anticorruption bills to the proper and effective implemented of these frameworks.* What could be done in the Ghanaian case is that stakeholders and if possible eternal stakeholders should aim at strengthening the media and the civil society organisations in ways and means that they can put more pressure on the government to implement these laws. For instance, the consistent broadcast by the media on the failure of the government to implement anticorruption laws like the Asset Declaration law could create a lot of inconvenience for sitting governments. And since incumbent government are interested in being retained in office they would be forced to come clean. It must be emphasised however that such measure may not be applicable to a country which has not attained a certain level of a functioning democracy.

- ❖ Secondly, CSOs and the media could be empowered to be able to bring up lawsuit against government or officials to coerce them to strictly and properly implement or adhere to all adopted anti-corruption legislations and measures. In the case of the Asset Declaration Law for instance, both incumbent and ex-government officials who have not adhered to the law could be sued by members of the CSO. There could also be the development of blacklist where officials who have been found not to have adhered to the anticorruption laws could be prevent from standing for any public office again.

- ❖ Thirdly, to ensure the effective implementation of the Public Procurement Act for instance, independent consultants (if possible) could be employed to oversee the procurement allocation process in Ghana. This way, the probability of the use of the procurement avenue for rent creation could be reduced. Additionally, companies that are found to have in anyway tried to bribe their way out or to unduly influence the procurement allocation decision or better still adhere to demands from corrupt procurement officials could be blacklisted. These blacklists could be regularly published.

3. *The lack of an effective accountability system for proper check and balances on the governments create a field day for corrupt agents.* The duty of holding government accountable if left to the government cannot be attained. There is here again the need to get non-state actors involved in the demand for transparent and accountable governance. There are currently on-going initiatives in some countries like Kenya where civil society organisations are actively engaged in tracking public spending. Similar initiatives could be supported. For instance, civil society should be helped to participate at the various stages of the budget cycle from budget formulation to tracking expenditure as well as monitoring to ensure that the allocated fund are well spent on designated projects.

4. This study has shown the imperative role of the CSOs and the media in the fight against corruption in Ghana and as well the need to support them. Subsequent paragraphs examine how these two agents can be supported to effectively play their watchdog roles. Both agents in Ghana have certain challenges in common; these are financial constraints, low capacity, and limited access to information which all combines to limit their performance.

    - ❖ External stakeholders can help these agents by *supporting training and capacity building programs to build them up*. The media for instance has been reported of lacking good investigative journalistic skills which sometimes undermine their effectiveness. Secondly, providing *funding to well-known CSOs* that have proven to be interested in the fight against corruption could be another way of ensuring the continuous effort of the CSOs in the fight against corruption. Although these kinds of support are already underway, there is the need for them to be increased. There is also the need for donors to somehow reform the

conditions for lending those supports. Vitus Azeem (2010) for instance noted that one challenge that CSOs face when it comes to securing funding from donor has been; “some donor’s unwillingness to support civil society capacity needs on infrastructure or institutional overhead (core funding)”. If donor are really interested in supporting these agents and as well interested in keeping these agent neutral, then they would have to show their unflinching support to these agents.

- The third limit to the effective functioning of these two agents has been their inability to get information. The access to information bill has been before parliament and has still not been passed which places limits on the ability of the CSO or media to demand for information. Without the information bill, it becomes difficult for them to demand for information which then impairs their ability to function effectively. Efforts should be made to coerce the government into passing the information bill. However, these efforts should not end with the passage of the bill since more efforts may be needed in educating the citizenry on the provisions made in the law and how they could use it to bring about more transparency into governance.

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Annex 1a

Regression Model

No of. Obs= 37 R^2 =0.8023 Adj- R^2=0.7364

Variable	Estimated Coefficient	Units	Source	Hypothesis
Ethnic Fractionalisation	-1.512272***		Alumina et al 2003	Proved
Protestant	0.0104386**	% of Pop	La Porta et al 1999	Proved
British Colony'	-0.5213558***	0/1	Hadenius & Teorell 2007	Disproved
French Colony'	-0.3991666**	0/1	Hadenius & Teorell 2007	Disproved
Human Development	0.010359*	-	UNDP	Proved
Economic Freedom Index	0.0393942***	0-100	Heritage Foundation	Proved
Openness to trade	-0.0058149***	% of GDP	Penn World Tables	Disproved
Dictatorship'	-0.0157582*	No of years	Cheibub, Gandhi & Vreeland 2009	Proved
Regime type	0.1759446*	0-2	Beck et al 2000; 2001; Keefer 2009	Proved
Constant	-1.21945		-	-

' Represents variables that were developed by us using the source given above

*** p<.01; ** p<.05; * p<.10

Source: Compiled by African Group:-Transitions to Good Governance Class at the Hertie School of Governance

Annex 1b

How does Ghana fit into the Regional Model?

Corruption: The Kaufman's control of corruption index serves as the independent variable for the regional quantitative model. It "captures perceptions of the extent to which public power is exercised for private gain, including both petty and grand forms of corruption, as well as the „capture" of the state by elites and private interests (Kaufman). From the regional model, Ghana scored approximately -0.63 compared to the regional average of -0.53 which imply the country performed better than the regional average.

Ethnic Fractionalization: This variable reflects the probability that two randomly selected people in a given country will belong to different groups. While the regional average is 0.659, the country score is 0.673 which indicates that the country in general ethnically fragmented than the regional average. According to the regional model, ethnic fractionalization is positively correlated with corruption. The figure from Table 1 suggests that Ghana is more fragmented than the regional average so moving by **H1** (Annex 1; which was proven in the model), Ghana would be expected to perform lower on the control of corruption. : This however did not turn out to be the case; which implies that the country is an outlier.

Protestant: Protestants as percentage of population in 1980. This variable is negatively correlated with the control of corruption; which means that the higher the percentage of protestant in a particular country, the lower the level of corruption in the country. To this effect the case of Ghana tend to fit the regional model; with a score of 25.8 which indicates a higher percentage of protestant than the regional average of 13.62, it is as well performing better on the curbing corruption.

British Colony: Dummy variable. 1 if a country were British colony and 0 otherwise. The British colony variable does negatively correlate with corruption; which implies that a formal British colony would perform badly on corruption than other formal colonies. Ghana being a formal colony of Britain, contrary to the results from the regional model is doing well on corruption.

Human Development (HD): This is a composite variable of economic inequality, life expectancy, access to drinking water and literacy rate. The index varies between 0 and 100 where higher values indicate better governance. The Human Development variable according to the regional model negatively correlate with corruption; which implies the higher the human development index of a particular country, corruption would be lower in that country. In this case Ghana fits well into the model with a higher HD figure compared to the regional average and a better performing figure for corruption.

Economic Freedom Index (EFI): This is a composite figure from 10 specific freedoms, which are weighted equally and turned into an index ranging from 0 to 100, where 100 represents the maximum economic freedom. This variable as well correlated negatively with corruption; the higher a country's performance on economic freedom, the lower the level of corruption in that country. This has been confirmed in the case of Ghana; which has a higher EFI compared to the regional average as well as lower corruption.

Openness to Trade (Constant Prices): is the total trade (exports plus imports) as a percentage of GDP in constant prices, with a reference year of 2005. GDP is obtained by adding up consumption, investment, government and exports, and subtracting imports in any given year. The openness to Trade variable also does correlate negatively with the corruption. In this case too Ghana fits into the regional model with a higher figure compared to the regional average in both the openness to trade and the corruption.

Annex 1c

Hypothesis for the African Quantitative Model

H1: Ethnic Fragmentation - Corruption will be higher in countries that have more Ethnic Fragmentation.

H2: Economic Freedom Index – Corruption will be lower where institutional arrangements and policies promotes economic freedoms

H3: Human Development Index – Corruption will be lower where life expectancy at birth, literacy rate and GDP per Capita are high

H4: Protestant – Corruption will be lower where there is a high protestant tradition

H5: Openness to trade – Corruption will be lower in an economy that is more open to trade

H5: British Colony – Corruption will be lower in countries which were British Colonies

H6: French Colony – Corruption will be lower in countries which were formally French Colonies

H7: Dictatorship – Corruption will be higher in countries with longer dictatorship regimes

H8: Regime Type- Corruption will be lower in countries which have stronger parliamentary systems

Annex 1d

Regression Model- Testing for Multicollinearity

Variance	VIF	1/VIF
Ethnic Fractionalisation	3.08	0.324277
Protestant	2.95	0.338858
British Colony	2.45	0.407787
French Colony	2.20	0.454669
Human Development	1.85	0.534515
Economic Freedom Index	1.53	0.653429
Openness to trade	1.48	0.677959
Dictatorship	1.38	0.725558
Regime type	1.10	0.908929
Mean VIF	2.00	

Summary of the two regime types as played out in Ghana

Indicators	**Power Distribution/access**	**Rent and State Ownership**	**Distribution of Public Goods**	**Social acceptability of corruption**	**Distinction public/ Private**
Neo-Patrimonialism	***Closed Access to Power:*** Access to power right from independence to the early days of the NDC rule was Closed. The country during this period witnessed a change in government from one military government to another to a democratic one. Access to power during the various military governments were closed, and even the democratic government were not any better with access to power being limited to the ruling elites	***Few Owners:*** Rent and State ownership was limited to the people within the circle of the government. Existing evidence points to the fact that public officials created rents seeking opportunities for themselves and their parties.	***Distribution of public goods is Unfair but predictable:*** Programs by the Limann's government for instance promoted the practice of workers of State factories helping themselves with products which are then sold above government controlled price	***Moderate:*** The acceptance of some forms of corruption like nepotism within the Ghanaian society was moderate.	***None:*** There was no distinction between public and private asset. Individuals and political parties in government made discretional use of states resources at their disposal.
Competitive Particularism	***Power access is highly contested and uneven*****.** Although elections are held regularly, power has been alternating between the two dominant parties	***Highly Contested:*** There is a high sense of state capture in Ghana. Any Political party which gain access to	***Distribution of public goods is unfair and unpredictable:*** Evidence of how public goods are	***Low:*** Nepotism still remains a problem in Ghana. Although this is generally frowned upon in the society, there has been so	***Poor:*** There are several evidence of public asset such as state vehicles, being used by public

	in the country. Inspite of the fact that other minority parties do participate in elections there however have no chance of gaining access to power. The situation is also aggravated with the system of the *"Winner takes all".* There is hardly a government formed out of a coalition. At the legislative front, the picture remains the same; since the major parties take all most all the seats in parliament.	power tries to create as much rent as possible during it tenure. One indicator among others which has been used to measure this phenomenon is how public contracts are awarded, to whom it is awarded and those who award them tend to benefit.	distributed in Ghana is mixed. However the bottom line is governments distributes public goods not based on the principle of ethical universalism; where distribution of public goods was guided by fairness and it was predictable.	far no civil action against it. Cases of nepotism which are made public through the media are condemned by the public; however this has not translated into citizens taking further non-violent actions to demand for an end to it.	official for their private gains. This is very evident especially during an electioneering year when incumbent candidate exhibits great abuse of incumbency.

Source: A Typology of governance adapted after Mungiu-Pippidi (2006)

List of Interviewees

Category one

Actors and heads of institutions from the civil society, media, judiciary, politicians, and bureaucrats

1. Agyei Ransford Acting Director General of the Internal Auditing Agency.
2. Akorly Galant Acting Director Ghana Audit Service
3. Amoakoh the Clerk to the Public Accounts Committee of the Parliament of Ghana
4. Amatorh Daniel Senior Research officer and Acting Head of Programs Development Center for Democratic Development Ghana
5. Asamoah, Bernard Head of Research Ghana Anticorruption Coalition
6. Asiedu Richard, Deputy Auditor General
7. Azeem Vitus Chief Executive of Ghana Integrity Initiative the local chapter of Transparency International
8. Ephson Ben, Editor of the Daily Dispatch
9. Joseph Klug, Senior Operations Officer for Benchmarking, Monitoring and Evaluation; Public Procurement Agency
10. Justice Atuguba WIliams of the Supreme court of Ghana
11. Kate -Public Affairs Department of the Parliament of Ghana
12. Dr. Ofori-Mensah Institute for Economic Affairs 25th January 2011 at 4:00pm

Category Two

Analysts, who are able to offer a more detached perspective found within the academics, business environment analysts, and a donor agency.

1. Aggrey Darku lecturer of Public Policy in the Political Science department at the University of Ghana.
2. Antwi Danso Vladimir DR. Senior Research Fellow Legon Center for International Affairs
3. Boafo-Arthur, Director of the Legon centre for International Affairs.
4. Kwesi Jonah, Head of Political Science Department, University of Ghana
5. Lartey Obeng Kweku, Domestic Accountability Desk on the Good Financial Governance Project, by the German International Cooperation February 3rd 2011
6. Suma Kobra Seth Ag. Executive Director for Association of Ghana Industries-AGI

Semi-structured Interview Questions

1. In the last years there has been an important anticorruption activity in this country.

2. Do you think this activity managed to reach its goal and corruption is the exception rather than the norm in your country?
3. What are you considering when saying yes or no?
4. Can you give some examples of practices which are changing (or staying the same)?
5. Would you say that access to public services is now rather more open and non-discriminative as a norm, or is it rather the other way around?
6. Does any company which applies for a public contract has an equal chance?
7. Is any person approaching the administration or a Court of Justice treated similarly?
8. Are groups who are constant losers? Who are they?
9. Is anyone speaking for them institutionally?
10. In your view, do elections and political parties play a central role in the mechanism of corruption? How?
11. Are the parties well defined ideologically, or rather vehicles for enrichment? Can you give some examples?
12. Some politicians have a strong anticorruption discourse. Do you find that after being elected they manage to deliver on it? What prevents them?
13. In your view, what are the most important obstacles to progress? Can you give an example?
14. Who are the people opposing changes? Why?
15. Can you find networks cutting business and politics, as well as other influential positions? Can you give examples?
16. Who are the people promoting changes? Why?
17. Why do you personally engage in anticorruption?

Even if at the national scale things move slowly, do you personally know of success examples (anticorruption actions which work)? Can you give some examples?