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**National Strategies for Combating Corruption;
The Ghana Experience**

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Introduction

Up to the mid 1990's, corruption was mostly regarded as a criminal offence. Apart from the difficulty of establishing guilt due to the secretive nature of the crime, applicable sanctions under criminal law hardly countered the broad effects of corruption which contemporary thinking has determined to include increases in general poverty levels, erosion of political legitimacy and international credibility. The international development community could not be proactive in the face of endemic corruption within partner countries given the norm that tackling corruption was a matter of municipal law and therefore outside the jurisdiction of international development agencies.

Currently however, largely impelled by Transparency International (TI) and The World Bank Group (The Bank), there has been a sea change in attitudes towards corruption and its control. TI led the rethink with a strategy of disseminating knowledge about tackling corruption as a developmental issue and suggested the utility of doing so through partnerships of different sectors of society. The Bank enhanced the TI approach with the concept of Action Planning backed by data collection and analysis. Consequently, the scope for combating corruption has widened to cover the entire dynamic process of governance.

What is an Action Plan?

Based on the Bank approach, an Action Plan is a prioritized array of strategic reform options sequenced to mainstream anti-corruption measures throughout a country's governance system. The principles underlying the development of an action plan are that it must be participatory, originate from within a country, be built on rigorous data analysis and inform the initiation of concrete reforms by the political leadership of a country. The three core elements are thus knowledge through data gathering, leadership and collective action¹.

In terms of process, the political head of a country has to write formally to the President of the Bank to request the conduct of a diagnostic survey. If the Bank accepts to do a survey, in-country expertise is commissioned through a tender process. Upon completion of the survey, in-country multi-stakeholder coalitions are expected to develop action plans based on the survey results in as broad and inclusive a manner as feasible. The plans so formulated are supposed to have broad acceptability and thence utility as the strategic reference point for government, private sector and civil society in the effort of combating corruption.

The Case of Ghana

Ghana was one of seven African countries chosen to pilot a model course in Action Planning developed by the World Bank Institute (WBI) in 1999. The others were Benin, Ethiopia, Kenya, Malawi, Tanzania and Uganda. This paper will seek to assess Ghana's

experience with that process through a historical review of the evolution of the Ghana Anti-Corruption Coalition (GACC) and the Action Plan that the GACC developed.

At the first workshop of the WBI course held in Washington DC, three organizations, the Commission on Human Rights and Administrative Justice (CHRAJ), an independent constitutional body with a threefold mandate including corruption control; the Serious Fraud Office (SFO), a statutory investigatory agency under the Attorney-Generals' Office and the Institute of Economic Affairs (IEA), a civil society policy think tank were identified as a core group and tasked with building a coalition and drafting an action plan, then referred to as a 'matrix'. Two civil society organizations, the Ghana Center for Democratic Development (CDD-Ghana), a policy think tank and the Ghana Integrity Initiative (GII) then a chapter in formation of TI almost immediately enlarged the core group when they subjected the matrix produced by the group to a review. The revised matrix, along with those of the six other countries, was presented to the World Bank President, James Wolfensohn, at the second of the course workshops held in Durban during the 9th International Anti-Corruption Conference of 1999.

Because of the Bank's active involvement at the time, Donor and Government interest in the new trend of fighting corruption was high. The enthusiasm was manifest in the ease with which sponsorship to the Durban conference was obtained for a large twenty-one-man delegation made up of the budding Coalition, government officials, private sector representatives and civil society including the media.

After Durban, the Coalition drew in the Private Enterprise Foundation (PEF) an umbrella private sector advocacy organization, the Ghana Journalists Association (GJA) and the National Institutional Renewal Programme (NIRP), the secretariat that was overseeing ongoing public sector reforms. Through most of the years 2000 to 2001, The Bank hosted these eight institutions at meetings usually chaired by the Country Director and attended by the full complement of Donors in Accra.

GACC Activity

In pursuit of the Bank's requirements, a member of the Coalition prevailed upon the President-who had been in power for close to nineteen years and therefore had a lot to loose-to request the Bank to conduct the survey in order to provide empirical basis for tackling the problem. Another member won the tender and conducted the survey under the supervision of a sub-committee of the Coalition. Meanwhile, the Donors in Accra rejected the matrix developed and presented in Durban as not being strategically prioritized. Consequently, a Donor funded a consultant to aid the Coalition in fine-tuning the Action Plan.

Fine turning turned out to mean periodically subjecting the evolving plan to the Coalition/Donor meeting at the Bank offices for critical appraisal and approval. An intriguing development was that most Donors sought to put in the plan the programs they were pursuing in the country. In the event, the plan that was finally adopted by the Coalition/Donor meeting contained what the Donors were doing on the ground individually and what the Coalition thought ought to be done. Contrary to the Bank

sequence, the plan was not built on the survey because it was being done concurrently. Moreover, it did not reflect Government policy from a political perspective because beyond the Presidential request for the survey, the political executive did not participate in the meetings in spite of numerous representations to the Presidency for a Presidential nominee to the Coalition. The refusal may have been due to a fear of the unknown given that it was an election year and with hindsight, the Coalition realized that it ought to have been more proactive in wooing and building a critical mass for reform within the political executive. Essentially then, the process at that stage reflected the character and opinion of the limited membership of the Coalition and the Donor community. The lack of broad local input in the critical formative period, especially the non-participation of the political leadership, brought to the fore questions of ownership, validity of content and responsibility for implementation.

Sidebars to the shadow cast by the lack of expected political representation were the status, structure and financing of the Coalition. These uncertainties were compounded by the rather close involvement of the Donor community. The Bank process does not provide a template for organization of the Coalition in terms of internal structures. Neither does it hint at a role for in-country Donor representatives. Thinking on the basis of government, private sector and civil society, the GACC did not anticipate the enormous Donor influence that could be and was brought to bear on the process, necessarily for the Donors because anti-corruption was central to the progress of their development initiatives. The fledgling Coalition lost to the Donors the initiative of shaping itself, especially since funding was an issue. Whilst the Coalition members and a few Donors thought a virtual association was sufficient for the purpose at hand, most other Donors thought the Coalition as a loose association of bodies with diverse and even somewhat conflicting institutional mandates and objects lacked credible form and insisted on some legal underpinning, particularly if the Coalition was to become eligible for financial support. In response, though full of doubt, the Coalition registered the name 'Ghana Anti-Corruption Coalition' (GACC) as a company limited by guarantee under the rules for non-for-profit organizations. Considering that the GACC was made up of an independent constitutional body whose constitutive act specifically exempted it from external direction and control in any form, two public sector statutory agencies sworn to serve the government of the day and five civil society organizations pursuing self determined public causes, the mere registration under the company law did not and could not have had the effect of reconciling or subsuming the different mandates, rights and authorities of the constituent members. The move was at best uneasyⁱⁱ.

Corruption was a major issue in the year 2000 election, which the incumbent lost. At his inaugural, the new President declared a policy of zero tolerance for corruption and promised to promulgate a code of conduct to guide political appointees and establish an office in the Presidency to monitor the code. In early 2001, the Vice President launched the GACC and unveiled the Action Plan in a huge national event and promised to work closely with the GACC. The GACC assumed that the new political executive would participate in the Coalition on the strength of its pronouncements and the fact that whilst in opposition, some prominent members associated with the anti-corruption drive. After effectively assuming power however, the political executive reconsidered its initial

pledge to provide a nominee to sit on the GACC and instead, offered a liaison through the Attorney General. Admittedly, the reason given by the political executive to the GACC at the time seemed plausible but current difficulties in implementation point out otherwise. The political executive said sitting on the Coalition would detract from the Coalitions' watchdog role over the government since it would amount to the target for scrutiny watching over itself. Better would be a liaison relationship, which would allow the parties to operate freely and cooperate when necessary. The Coalition rationalized that the three public sector bodies on it were representative enough of the policy process and that any gaps could indeed be filled by the liaison. But the reality is that that position assumes a narrow view of anti-corruption, restricting it to watchdog functions of oversight and enforcement instead of the broad multi-sectoral, multi-pronged preventive and educative measures espoused by the Bank process and believed to be capable of transforming a culture of impunity. Substantive reforms go to the legal and institutional framework of governance and are so fundamental and sweeping in effect that a direct political mandate cannot be dispensed with.

The political executive position on direct participation in the Coalition therefore generated contrary opinions within the Coalition more so because it had serious implications on following through with the Bank process of action planning and implementation. Though not explicitly stated (which is a flaw) the Bank process necessarily requires unequivocal political executive commitment if it is to succeed. The assumption by the Bank that the letter of initiation from the President secures that commitment is not enough. It is a necessary but not sufficient condition.

Donor interest in the GACC waned with the lack of palpable political executive support to the extent that the Bank literally refused to support the organization of the national workshops to validate the action plan and survey. This was a serious impasse since the workshops were an integral part of the action planning process as conceived by the Bank. Naturally, though other donors funded the national workshops, financial support to the Coalition thereafter dwindled as the Bank's attitude influences the behavior of other Donors to a large extent.

Current Status

There is a significant slowdown in the drive for transparency. Moderates in the political executive secured the adoption of the GACC Action Plan into the Ghana Poverty Reduction Strategy Paper (GPRSP), the vehicle and focus for development over the medium term. But the Action Plan is not integrated into the GPRSP neither is government in dialogue with the GACC about implementation. However, a combination of factors including the environment of pervasive corruption that it inherited, its ideological background of liberalism and some amount of civil society suasion, have nudged the Government towards a tentative re-engineering of the legal and institutional framework for anti-corruption. It has repealed the criminal libel law, stopped ongoing prosecutions of journalists, adopted drafts of access to information and whistleblower protection legislation developed by civil society and accelerated work on procurement legislation started by the previous government. The government is also tightening public financial management, encouraging judicial reform, opening itself up to media scrutiny

and providing more resources to the security services. Early in the administration, it prosecuted a sitting Minister of State who is serving a sentence (an unprecedented move in Ghana's post independence history). These are significant anti-corruption actions but because they are not within a strategic prioritized and sequenced framework, as pertains in the Action Plan, results have been disjointed and incoherent, hardly denting the fundamental problem of corruption or convincing to a cynical public.

Also, the political executive has so far been unable to fulfill the promise of a code of conduct and the establishment of a monitoring office in the Presidency. The anti-corruption lobby senses that it is because the political executive realizes that noble as self-regulation is, which is what the code would accomplish, corruption in its larger ramifications would not be controlled but even worse, the existing watchdog institutions may be emasculated and the fragile ethical infrastructure further distorted through duplication of mandates and diversion of operational resources.

The anti-corruption lobby is not faring too well either. It is unable to exert any significant persuasive force on the political executive probably because of a tendency to go it alone instead of pooling efforts, whilst the GACC seems to have achieved name recognition but is yet to establish operational capacity to impel the implementation of the Action Plan.

Lessons learnt

- *Process*

More attention, time and resources ought to be devoted to a pre-planning stage if an action plan is to have credibility and thence a chance of implementation. Before the actual plan is built, a coalition based on consensus must be put in place. Furthermore, the sustainability of the coalition must be determined and a strategy for expansion pursued. Expansion ought not to aim only at size but at locating and growing a critical mass of moderates and reformers and providing them motivation and protection against vested interests. In re-grouping for instance, the GACC strategy is to 'lobby, educate, influence and commit' progressive politicians to the cause. Though such a process takes time and effort and the outputs and or outcomes are not immediately measurable, it is of enormous value in establishing the environment for fostering the partnership necessary to forge consensus on adoption of difficult remedial measures. Had the GACC started that way, it may well have advanced further than it has.

Consensus building with the political executive is at the core of implementation because it is a fact that the primary responsibility for initiation and implementation of public policy is that of the political executive. Thus an action plan that does not have the blessing or active backing of the political executive is not likely to be ever implemented, however well conceived. Political executive backing means political will to commit to substantial reforms.

Political will refers to the demonstrated intent of multi-actors (state and non-state) to attack corruption in a systemic manner at all levelsⁱⁱⁱ. It implies the desire of all segments of society to work together to provide the political space necessary to fight corruption

effectively. Without political will, little headway can be made in pursuing substantial reforms that threaten vested interests. For the political executive, radical measures without clear support could undermine political legitimacy and security of tenure, hence the need to demonstrate civil society preparedness to provide backup through the coalition building mechanism.

- *Roles*

If a coalition is to thrive, centers of authority must be established from the beginning. Potential coalition partners must be identified and roles and functions assigned beforehand. Depending on the regulations and rules prevailing in a country, the coalition must be pre structured in terms of status, internal management, implementation responsibility and sources of finance. An often overlooked but really material partner is the Donor community. Practically, Donors must be explicitly recognized as part of the process though not as members of the coalition.

Coalition builders must strive to locate or at least seem to locate the source of the reforms in the political executive. This helps in garnering political will in terms of ownership. Where the reforms do not originate from the political executive, there is political unease about the adoption of standards set by others and a sense of intrusion on the mandate to govern. In the Ghanaian situation, the political executive certainly feels uneasy about adopting the action plan or being seen to follow the anti-corruption lobby's lead because it wants to be in the driving seat.

The GACC is now structured as a plenary with a steering committee of elected and permanent members supported by a small program secretariat. Membership is institutional. It has two main functions. The first is coalition building through networking, lobbying and information dissemination. The second is coordination of anti-corruption activity by acting as a clearinghouse, monitoring and evaluating constituent member activity and sourcing resources. Mainstream technical activity like research, analysis, training and development of specific anti-corruption measures is left to constituent members with the expertise. However, it is still dependent on Donor finance.

- *Content*

It is tempting for the various partners to try and input all their concerns and activities into the plan but it is not useful because the plan may become unwieldy and loose focus. Content must be focused on real anti-corruption measures that install and grow a transparency-enhancing legal and institutional framework. The ethical and watchdog infrastructure must be targeted for strengthening. For instance, verifiable disclosure rules, including assets and procurement are of paramount strategic value; access to public information ought to be guaranteed; the financial and operational independence of supreme audit agencies, investigatory bodies and the judiciary secured and the public accounts committee of parliament or equivalent authority effectively linked to enforcement. The media must be free, rules against corruption clear and unambiguous and advisory services in public service ethics promoted. Awareness creating activities aimed at behavioral change are also important.

Conclusion

Action planning provides coherence and flexibility in sequencing but its utility is limited by the extent to which the plan can be and or is implemented. An action plan has very little chance of implementation if it is not backed by society wide consensus anchored on the commitment of the political leadership. Consensus affords political security and builds in buffers against potential instability.

That state of affairs can only be hoped for with careful, diligent and flexible coalition building prior to the development of the plan. The current World Bank process of action planning does not provide for a clear preparatory phase and in that sense is inadequate. A good plan is participatory and focused in intent and activity on the ethical and watchdog infrastructure.

ⁱ World Bank Institute *'Towards Collective Action to Improve Governance and Control Corruption in Seven African Countries'*, 9th IACC (Durban 1999), pp 7. See also World Bank Institute *'New Empirical Tools For Anti-Corruption and Institutional Reform'*, (July 1999).

ⁱⁱ The Coalition's unease proved well founded when later on the new government questioned the legality of cobbling together these diverse bodies and threatened to pull the SFO out of the Coalition.

ⁱⁱⁱ See Sahr Kpundeh *'Political Will'*, unpublished monograph WBI (2001)