

AN ASSESSMENT OF NATIONAL ANTI- CORRUPTION INSTITUTIONS IN
AFRICA: A CASE STUDY OF GHANA

BY

ADIMA YAMBASU

A DISSERTATION SUBMITTED IN PARTIAL FULFILMENT OF THE
REQUIREMENTS FOR THE DEGREE OF MASTER IN PEACE AND
GOVERNANCE IN THE INSTITUTE OF PEACE, LEADERSHIP AND
GOVERNANCE OF AFRICA UNIVERSITY

2014

ABSTRACT

Corruption in Africa has been highly debated mainly due to the fact that it has become cancerous affecting societies and affecting people from diverse background. Globally, the mid-1990's paved way for new international attention to corruption. Among these international attention was the establishment of transparency international (TI) an NGO founded in 1993, to publish an influential perceptions Index. The United Nations (UN) and African union (AU) both has a convention against corruption which sets out a comprehensive agenda for combating corruption in the public and private sector. This gave rise to the establishment of anti-corruption institutions in Africa. In Ghana, the 1992 constitution under the fourth republic which came into effect on the 7th of January 1993 made provision for anti-corruption institutions. The study assesses national anti-corruption commissions in Ghana looking at their successes and challenges especially issues that hinders their effectiveness and also making relevant comparisons to the legal and institutional frameworks in other African countries and finally give practical recommendations on these issues to these anti-corruption commissions. The study was informed by Klitgaard model on corruption which states that corruption in Africa lies deep in bureaucratic and political institutions and tend to flourish where institutions are weak and government policies generates rent. In addition, the study looks at the various anti-corruption institutions in Ghana. The data was collected through interviews, questionnaires and focus group discussions and methodically analysed mainly through thematic analysis. The research found out that there are endogenous and exogenous factors affecting the effectiveness of national anti-corruption commissions in Ghana and if these factors are not checked, anti-corruption institutions will keep failing when it comes to effective delivery. The study went on to propose recommendations based on the findings of the study on measures that are necessary to ensure the effectiveness of anti-corruption institutions in Ghana as they work to create zero tolerance against corruption nationwide.

DECLARATION

I hereby declare that this is my original work and has not been submitted not will it ever be to any university for the award of a degree.

Signed _____ Date _____

Adima Yambasu

This dissertation has been submitted for examination with my authority as a university supervisor.

Signed _____ Date _____

Supervisor

Professor G. Menelik

Signed _____ Professor B.I Logan

Supervisor

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ACKNOWLEDGEMENTS

I would like to express my sincere gratitude to God Almighty for seeing me this far. I Owe all to him. My sincere gratitude to my family especially my parents for their immense love, prayers and support throughout my stay at Africa University. To my supervisors, Professor G. Menelik and Professor B I. Logan, Thank you for your patience, assistance and for working with me in making this dissertation a success. To all friends, well-wishers and all those who made this dissertation a success, Thank you and God Bless.

DEDICATION

This study is dedicated to my wonderful family for their unconditional love and support throughout my studies. God bless you all.

LIST OF ACRONYMS

ACC	-	Anti-Corruption Commission
ACECA	-	Anti-Corruption Economic Crimes Act
APNC	-	African Parliamentarian Network against Corruption
AU	-	African Union
CHRAJ	-	Commission on Human Rights and Administrative Justice
CSO	-	Civil Society Organization
DANIDA	-	Danish International Development Agency
DFID	-	Department for International Development
DPP	-	Director of Public Prosecution
ECOWAS	-	Economic Community of West African States
GACC	-	Ghana Anti-Corruption Commission
GII	-	Ghana Integrity Initiative
GTZ	-	German Technical Corporation
IG	-	Inspector General
NCCE	-	National Commission for Civic Education
PCB	-	Prevention of Corruption Bureau
PEF	-	Private Enterprise Foundation
PPA	-	Public Procurement Authority

PPME	-	Public Procurement Model of Excellence
SADC	-	Southern African Development Community
SFO	-	Serious Fraud Office
TI	-	Transparency International
UN	-	United Nations
UNCA	-	United Nations Conventions against Corruption
UNDP	-	United Nations Development Program
USAID	-	United States Agency for International Development

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CHAPTER 1: INTRODUCTION

1.0 Introduction

Corruption as an old phenomenon is widely practiced in today's society. The word 'corrupt' stems from the Latin verb "corrumpere" which can be translated as "to spoil", "to damage" or "to bribe". The corresponding noun corruption refers to bribery and corruption but also to a general state of physical or moral decay. Corrupt practices are not a specifically modern phenomenon. As early as in ancient Egypt, priests had to face strict punishment if they abused their judicial functions by accepting bribes. Also the Arthshastra, a two thousand five hundred year old Indian manuscript, already demanded a better control of corruption for centuries in Africa, individuals have looked for and found ways to make undue profit from their power or to commit public resources to personal use. That is the fundamental attitude known as corruption in the society. It is understood that the practice of corruption varies in different societies with regards to the social, political, economic, culture and geographical environments.

"The problem of corruption is both an endemic and a universal one which affects all world nations but in varying degrees and forms. According to Alatas (1990: 11), the problem is "trans-systematic; that is, it inheres in all social systems - feudalism, capitalism, communism and socialism", including African communal system. In sub-Saharan Africa, the pandemic has reached cancerous proportions and become a matter of global concern. It has permeated virtually all institutions, both public and private, and governmental and non-governmental, and become a way of life and a principal method for the accumulation of private property.

As corruption is closely linked to governance, the idea to combat corruption through the promotion of good governance has spread across the globe”. Alatas (1990:11).

A democratic administration is one in which all the people are enabled to express free choice on all matters affecting them. A simplification of the democratic ethics is that it allows the unrestricted exercise of the free will of the people determining the cause of their affairs by references to the will of the majority thereof demonstrably expressed. In political terms it implies the right of the people to choose freely their representative, it being recognized that there is no scope, except in the tiniest of the mini states, for direct expression of the will. The freedom to select representatives is expressed by the conducting of free and fair elections in which all those who can are enabled to express their wish. Accordingly, democracy cannot be said to exist in a situation where the freedom of choice is constrained by whatever factors (Doig, 2000).

Good governance plays an important role in the development process, and requires the highest standards of integrity, openness and transparency. The main requisites for good governance include: Political legitimacy for the state through democratic elections and transfer of power and an effective political opposition and representative government. Accountability and transparency in the sharing of information, gender equality, separation of powers, effective internal and external audit, effective means of combating corruption and nepotism, competence of public servants, impartial and accessible justice systems; and the absence of arbitrary government power.

“Action towards curtailing corruption is perceived as a commitment towards creating good government. As such, discussion of corruption is almost always conducted within the framework of good governance. Corruption and governance lie along continuum but occupying opposite poles. Whereas governance, with its end goal of creating a good government aims to serve the interest of the people, corruption through the use of public office and resources serves the narrow interest of family and allies”. Democratic governance is bound by rules aimed to create a transparent and accountable government; corruption plays discreetly and sometimes directly on these rules to make decisions which will benefit those who have access to power and the highest bidder.

Thus, more insidiously, Doig (2005) “Corruption has a far reaching negative effect on the national psyche which eventually goes back to undermine the whole system of good governance itself. Systemic corruption breeds a culture of corruption and skews the people’s perception of what is right and wrong”. For a number of countries where it has been effectively institutionalized, where wealth and power have become the measure of success, corruption has become socially acceptable, sometimes even aspired to. Energies of a large number of people are channelled towards occupying positions in the government to partake of the fruits that a corrupt system has to offer.

1.1 Background

Corruption as the use of entrusted powers for private gain. Practices that are deemed by the law as corrupt include acts such as bribery, extortion, mismanagement of

public funds, stealing by public servants, neglect of duty, causing financial loss to the government, making false claims, embezzlement of funds, abuse of office, to mention but a few TI (2005). In a generalised description, corruption is a practice poaching on national resources and calculated desire in the absence of public discipline. The abuse of office includes nepotism, favouritism, influence peddling, forgery, false accounting in public institutions and others.

From the America to Africa, Europe to Asia and elsewhere across the globe, corruption, is an embarrassingly ingrained societal phenomenon. In spite of its universal prevalence, corruption has proven to be particularly harmful on the African continent. As the former United Nations Secretary General, Kofi Annan, once said, “Corruption hurts the poor disproportionately by diverting funds intended for development, undermining a government’s ability to provide basic services, feeding inequality and injustice, and discouraging foreign investment and aid.

Corruption in Africa has led to the diversion of scarce state resources for wasteful or inefficient purposes, widespread unemployment, inequitable distribution of wealth, and the corrosion of societal morality. In a nutshell, it has subverted the common good for private gain. Also often ignored in the corruption discourse, but equally lethal in its impact, is private sector corruption, including money laundering and tax evasion. In Ghana, according to the report from the office of ombudsman in Ghana (2001), it is said that today, a new category of people are emerging and they suddenly fall into paradoxical situation. Directorate of ethics and integrity office of the president (2001), “If they want to hold their grounds in combating corruption of others, they are face with equal condition, this is seen in government tenders who have to bribe. In other words, they combat corruption by corruption. This becomes a

serious obstacle in the fight to create zero tolerance against corruption in the West African country.

However, as an immerging part of the world in the process of democratization, is a victim to the negative effects of corruption on democratic governance” (Umutoniwabo, 2012).

1.2 Problem Statement

Corruption has become a serious problem not just in Africa but the world at large. Corruption is both pervasive and significant around the world. If one can scrutinize the current situation in Africa, it is more relevant to analyse the existence of corruption. This is based on the level of the following issues: the level of service delivery systems, the level of embezzlement of public funds, increment of bribery in tender issues, favouritism, illiteracy, electoral fraud to mention but a few. Base on the above corrupt activities, one can prove that corruption is rampant in African societies. Reno (2008)

Some governments have established preventive and reactive strategies or measures to combat the virus. Preventive strategies include plans of action containing the number of commitments designed to prevent corruption by setting up Commissions for the management of public resources and the use of public authority for building voluntary compliance and for strengthening systems of supervision and monitoring. Whereas reactive strategies include plans of action that contain the number of measures to improve Government’s ability to sanctions.

Despite the prevailing strategies that have been established by African governments, the African populations are still not aware of the socio- economic and political problems that are caused by corruption. Examples can be consistent mismanagement of public funds, different security threats arising like economic refugees in neighbouring countries looking for greener pastures, the wide gap between the rich and the poor to mention but a few.

Corruption undermines the rule of law, democratic governance, accountability and sustainable development. It breaches the contract between citizens and public officials, and this has grave consequences for successful government (Ayttey, 2000). Moreover, it is a consequence of a collapse of governance and is a cause of its continued failure. This makes Corruption an antithesis to democracy and the rule of law. Corruption diverts resources that are needed to improve the lives of citizens to enrich a few, at great cost to many. Corruption prevents the state from fulfilling its constitutional obligations, erodes the legitimacy of our democratic governments and subverts the rule of law. It gnaws away at the ethical fabric of our society, and stifles economic growth. It has a powerful negative effect on foreign investment by destroying investor confidence (Ayttey, 2000).

1.3 Research Purpose

The purpose of the study is to critically analyse how anti- corruption institutions are working in the fight against corruption. Due to the fact that corruption is a

governance issue, it involves effective functioning of institutions and management of society through its political, economic, social and judicial mechanisms. When these formal and informal institutions break down, laws and policies that ensure accountability and transparency of the government become harder to implement.

1.4 Research Objectives

The main objective of the study is to identify and analyse the role of anti-corruption institutions in the fight against corruption in Africa using Ghana as a case study. Research will examine available mechanisms to curb the scourge in Ghana and also offer recommendations in tackling this widespread phenomena called corruption especially through these anti- corruption institutions.

1.5 Specific objectives

The specific objectives of the research are:

- 1.5.1 To assess the key issues affecting the effectiveness of anti-corruption institutions in Ghana.
- 1.5.2 To analyse and describe the key institutions and mechanisms of anti-corruption in Ghana
- 1.5.3 To establish and compare the legal and institutional framework set to combat corruption between Ghana and other African countries.
- 1.5.4 To give practical recommendations on how to deal with corruption and build institutions with zero tolerance to corruption.

1.6 Research Questions

The research questions of this study are as follow:

- 1.6.1 What are the factors affecting the effectiveness of anti- corruption commission in Ghana?
- 1.6.2 What are the implementation challenges affecting the legal and institutional frameworks of corruption in Ghana.
- 1.6.3 What other mechanisms are enforce to tackle corruption in Ghana and to what extent are they relevant?
- 1.6.4 What are the performance measurements of the Anti- Corruption Commissions in Ghana?
- 1.6.5 What environments are most conducive for anti- corruption commissions?

1.6 Significance of the Study

The significance of the study is to contribute to the exploration of the multiple facets of corruption through anti- corruption commissions in terms of their success and challenges in a bid to create a zero tolerance to corruption in Ghana.

1.7 Limitations of the Study

The study seeks to analyse a comparative case study on the legal and institutional framework of corruption in Ghana as it relates to anti-corruption institutions. The limitations are as follows:

- Due to time and financial constraints by which the research should be conducted, it is not possible to collect the desired data required for such a global and multi-faceted research. Despite these, the researcher will ensure to make maximum use of the time and resources available to conduct the research effectively.
- Due to the sensitivity of the topic corruption, some respondents will be unwilling to give their candid opinion and accurate information. The researcher will ensure that respondents who are willing to participate are contacted as a way of ensuring their honest views and opinions.
- This research investigates and explains corruption with specific case study to Ghana. Therefore results may differ in terms of responses and approach relating to other countries on the African continent or even globally.

1.9 Delimitation of the Study

This study is delimited to the study of anti-corruption institutions in Africa with a case study of Ghana, analysing the success and challenges of these anti- corruption commissions in the fight against corruption.

CHAPTER 2: LITERATURE REVIEW

2.0 Introduction

This chapter provides a critical look at existing knowledge on the phenomenon and presents an over view of the major variables and explanations of anti- corruption institutions. This contributes to the understanding of the discussion pertaining the study.

2.1 Corruption (The Concept Definition)

According to Christopher Korale (Deryke, 2001:79), corruption is in two main folds; “first, it is an abuse of an influential position for private gain, secondly; it is an exploitation of a system for securing unmerited advantage”. Leadership and power have been strong features of African communities with regards to military takeover governments which have been frequents disrupting democratic processes including free and fair elections. One of the reasons of this is that a leader is usually looked upon as one who should wield power and authority to personal advantage. Politicians compete for public office not so much to serve the people but to win power and privilege for themselves and their families.

This focus on the power and privilege it underplays in the link between responsibility, authority (that is power) and accountability. The leaders accept a responsibility and are given the authority to make things happen in pursuit of the desired outcome. The leader must be prepared to be judged on the basis of the quality of that outcome. The misuse of authority will frequently frustrate the objectives of

responsibility and almost certainly prevent faithfulness in accountability (Deryke, 2001).

Corruption in the government involves three broad layers. First is corruption within the broader political system. This includes the demands of electoral politics, the extensive use of patronage in political appointments, and the existence use of “pork barrel” funds. Second, is corruption within the public sector, which is usually focused on three major problems: spotty performance of mechanisms for identifying and sanctioning employees engaged in corrupt and illicit behaviour, considerations of pay and employment, and government procurement Third is corruption within specific agencies, which involves grand corruption (involving widespread syndicates and millions of money); and petty corruption (which involves smaller amounts of money, such as grease money to facilitate the delivery of goods and services. (Primer on Corruption: 2005).

“Certain types of corruption may not necessarily involve money. It may involve gift-giving or influence-peddling. It can also come in the form of future benefits. With this type of corruption, the boundary between a corrupt and a non-corrupt behaviour becomes quite thin. Take for instance the act of giving a gift to a public official as a token of appreciation for services done. In some cultures, this may be ethically condoned. Laws and definitions of corruption, in this regard, become culturally bound” (Umutoniwawo, 2012).

Corruption also reflects poor governance of government. That is public officials are not qualified, laws are not adhered to, and lack of public transparency and accountability. Government governance itself refers to the process of decision-making by the government and the process by which they are implemented (or not implemented). Poor governance is often regarded as one of the root causes of all evil within societies. Although definitions of governance differ, there seems to be broad consensus that good governance has various characteristics: It is accountable, transparent, responsive, effective and efficient, and follows the rule of law, thereby assuring that corruption is minimized in society (Treisman, 2000).

Corrupt acts involve at least one government actor, many corrupt acts also involve non-government actors who seek private advantages from governments. Transparency International (2005), the article 4 of the convention defines corruption as the use of the entrusted powers for private gain. Robert Klitgaard et al (2002:2) define corruption as the misuse of office for private gain. The office is position of trust, where one receives authority in order to act on behalf of an institution, be it private, public, or non-profit. Corruption means charging an illicit price for a service or using the power of the office to further illicit gains.

UNDP classifies corruption into two types: spontaneous and institutionalized (or systemic). Spontaneous corruption is usually found in societies observing strong ethics and morals in public service. Institutionalized corruption, on the other hand, is found in societies where corrupt behaviours are perennially extensive or pervasive.

In these societies, corruption has become a way of life, a goal, and an outlook towards public office. (UNDP 2014)

2.2 Conceptual Framework

Corruption as a phenomena and its dynamics can be depicted in a simple model suggested by Klitgaard (1998) “C (Corruption) = M (monopoly) +D (discretion) - A (accountability)”.

This concept states that corruption will tend to emerge when an organisation or persons has monopoly power over goods and services which generates rent and the discretion to decide who will receive it (thus on how rents will be allocated and is accountable).

Corruption appears to take place when it satisfies a certain formula. According to Robert Klitgaard (1998), monopoly of power, when combined with discretion and absence of accountability, will result to corruption. Thus, the formula: $C=M+D-A$, where C is corruption, M is monopoly, D is discretion and A is accountability.

UNDP modified Klitgaard formula by adding other dimension: Integrity and Transparency. This creates the formula $C= (M+D)-(A+I+T)$, where C is corruption, M is monopoly, D is discretion, A is accountability, I is integrity and T is transparency. This suggests that the absence of AIT (primarily as a consequence of

weak governance) in addition to monopoly and discretion, results in corruption. This formula strengthens the theory that corruption is primarily a failure in governance.

Another school of thought explains that corruption is the end result of the politics of privilege, rent seeking and clientelism. Hutchcroft (1997). Corruption is nurtured by politicians who coddle supporters and followers, who in turn pressure them to engage in corruption to spread the benefits of a corrupt regime. Corruption creates a cycle that would make sure that benefits are concentrated on these small sector of the populace.

It can also be explained by the principal-agent theory of Jensen and Meckling (1976). “The agents (in this case, the politicians and bureaucrats) are able to abuse the advantages offered by such discretionary power in the wake of the incoherent interest of the principal (in this case, the electorate or the public at large”).

2.3 Theoretical Framework

According to Klitgaard, the root of corruption in Africa lies deep in bureaucratic and political institutions and its effects on development varies with country condition. Bribery, embezzlement and other corrupt acts affect public trust and they tend to flourish when institutions are weak and government’s policies generates rent. The theoretical literature provides many viewpoints in explaining the existence of corruption. “In the absence of a theory-based consensus on what determines corruption, empirical researchers typically experiment with a set of variables that may be correlated with corruption. Others focus on a particular variable of interest, using a set of control variables. If one runs a regression using a particular

combination of explanatory variables, it is possible that one variable of interest is significant but becomes insignificant when other combinations of explanatory variables are used. The same holds for the sign of the estimate: the impact of a variable may change if different variables are controlled for". Klitgaard (1998).

"Women's participation is also argued to correlate with corruption. Swamy et al. (2001) indicate that the more women are involved in the public arena, the lower corruption will be. They also conclude that a higher share of women in parliament and in government reduces corruption. Following Gottfredson Hirshi (1990) and Paternoster and Simpson (1996) (p. 52), they provide four (4) arguments to explain the finding. First, "women may be brought up to be more honest or more risk averse than men, or even feel there is a greater probability of being caught". Second, "women, who are typically more involved in raising children, may believe they have to practice honesty in order to teach their children the appropriate values". Third, "women may feel more than men the physically stronger gender that laws exist to protect them and therefore be more willing to follow rules." Lastly, "girls may be brought up to have propensity to indulge in criminal behaviour." Countries situated far away from the equator are measured as absolute latitude and tend to have lower corruption levels (La Porta et al., 1999).

This may be interpreted as colonial influence, as settlers preferred another climate. Meanwhile, Ades and Di Tella (1999) argues that "trade distance correlates to corruption. Corruption is high in countries located far away to large exporting nations. This distance protects such countries from the penetration of foreign

competitors due to high transport costs. As this “natural protection” rises, corruption also increases. Similarly, remoteness isolates countries to have an anti-corruption regime” (Bonaglia et al., 2001).

A recent study that was conducted by the World Bank Jeff Huther and Anwar Shah (2000) argued that different approaches need to suit different circumstances. In situations where corruption was endemic, people were often well aware of it and so awareness campaigns were unnecessary, or merely increased popular frustration. Similarly, understaffed and underfunded commissions might have little effect. In these circumstances, they argued, the anti-corruption effort was best focussed on public service reforms that reduced opportunities for corruption in procurement and increased capacity to deliver services. World Bank Report (2000).

According to Kauffman and Kraay (2002) “Corruption is, to a greater or lesser extent, a problem in every country. However, African countries are, due to their poverty, probably least able to bear its negative consequences. Many African countries are experiencing social, political and economic changes spurred by institutional reforms that are often implemented with the cooperation of Western donors. It is now widely believed that the effectiveness of a large number of institutional reforms intended to fight poverty depends on the integrity of a country’s political and administrative systems. What is more, the process of institutional change itself is suspected of providing an environment that generates additional opportunities and incentives for corrupt practices. The Global Coalition for Africa sums up this vulnerability of countries in transition as follows: “Once established,

democratic political systems and open economies provide the best opportunities for controlling corruption. In periods of transition, however, when one set of rules has broken down, but another has not yet become institutionalised, opportunities for corruption can flourish, while the openness enjoyed as a result of political liberalisation makes corruption more evident.”

The necessity of further institutional reforms in order to reduce poverty in African countries and the supposed causal link between corruption and poverty explain the Government effectiveness captures the quality of public service provision, the quality of the bureaucracy, the competence of civil servants, the independence of the civil service from political pressures, and the credibility of the government's commitment to policies. Meanwhile, the rule of law variable denotes mainly the extent to which agents have confidence in and abide by the rules of society and perceptions of the incidence of crime, the effectiveness and predictability of the judiciary, and the enforceability of contracts”.

Therefore, rule of law measures the success of a society in developing an environment in which fair and predictable rules form the basis for economic and social interactions, and importantly, the extent to which property rights are protected. (Kaufmann and Kraay, 2002: 177-178). This may explain why the two variables are robustly correlated with corruption.

2.3.2 Country Profile

Ghana a former British colony, gained independence on 6th march 1957 by Kwame Nkrumah the then leader of the Conventions People's Party (CPP). Ghana, officially called the Republic of Ghana, is a sovereign state and unitary presidential constitutional republic, located along the Gulf of Guinea and Atlantic Ocean, in West Africa. With a population of 25.37 million (2012), English is the official language.

Ghana is ranked 64 out of 172 countries in Transparency International's 2012 Corruptions Perceptions Index and represents number 7 in Sub-Saharan Africa. This rather positive result reflects the achievements the country has made in its effort to improve government effectiveness, transparency of the regulatory framework and control of corruption. Corruption has been on the political agenda for some years now and the government's anti-corruption legal framework is comparably strong. But although not perceived as equally extensive as in other African countries, corruption does remain a significant problem in Ghana. Especially petty corruption still prevails, particularly within public institutions. Furthermore, with recently discovered off-shore oil fields, concerns are being raised whether the country is able to manage its oil revenues in a transparent manner and avoid the infamous 'resource curse'.

2.4 Anti-Corruption Commission and Government Relationships

Anti- Corruption Commission are established to fight corruption; its work, however successful can be of little use if the country is perceived to be becoming more corrupt or where the government does not understand or acknowledge the role in fighting

corruption as part of a wider reform or developmental agenda. To explain further, the purpose of an ACC as part of the governmental structure is to move that structure away from corruption and toward whatever type of state the developmental agenda is promoting.

At present the development agenda prioritises a democratic state, promoting short- and long-term goals toward what might be termed the core components of the liberal democratic model: political legitimacy for the state through universal suffrage and regular elections; the peaceful transfer of power; an effective political opposition and representative government; accountability.

2.5 The GACC as Corruption Prevention

Corruption prevention is the first priority of the GACC's. There will always be cases to prosecute and there is always a need for education but the ACCs' may not be the best delivery vehicle. The danger is that corruption prevention lacks the drama and public relations value of high profile prosecutions and lacks the appeal to donors of community education which engages with NGOs and communities rather than apparently corrupt and inefficient state institutions. Corruption prevention does not receive the priority it deserves but, properly resourced and focused, it can close loopholes and tighten processes and make a significant impact on reducing corruption, particularly in relation to wider reform objectives.

2.6 International Legal Framework

Africans are very much aware of the dangers of corruption and have set up these mechanisms At the African regional level; legal instruments on corruption include the African Union Convention on Preventing and Combating Corruption 2003, Southern African Development Council (SADC) Protocol against Corruption, and the Economic Council of West Africa (ECOWAS) Protocol on the Fight against Corruption. These instruments are aimed at promoting and strengthening the development of mechanisms and policies that would prevent, detect, punish and eradicate corruption on the African continent.

2.7 ACC and Government Relationships

Anti- Corruption Commission are established to fight corruption; its work, however successful can be of little use if the country is perceived to be becoming more corrupt or where the government does not understand or acknowledge the role in fighting corruption as part of a wider reform or developmental agenda. To explain further, the purpose of an ACC as part of the governmental structure is to move that structure away from corruption and toward whatever type of state the developmental agenda is promoting. At present the development agenda prioritises a democratic state, promoting short- and long-terms goals toward what might be termed the core components of the liberal democratic model: political legitimacy for the state through universal suffrage and regular elections; the peaceful transfer of power; an effective political opposition and representative government; accountability

2.8 The United Nations Convention against Corruption

The United Nations convention against corruption was adopted on 31st October 2003 and entered into force on 13th December 2005. It was signed by 140 states and ratified by 84 states as of February 2007. The United Nations Convention against Corruption 2003 (UNCAC) represents the first binding global agreement on corruption that has elevated anti-corruption action to the international stage. It is open to all countries and regional economic organizations. It is described as the only anticorruption convention that is truly global that signals the international agreement on the importance of addressing corruption within a comprehensive framework and by setting common standards. It covers preventive measures as well as aspects related to criminalization and law enforcement and establishes for the first time a global framework for asset recovery.

As an international institution in the fight against corruption, article article 36 of the UNCAC stipulates that each state party will ensure the existence of a body or body of persons specialized in combating corruption through law enforcement. Article 36 further reiterates the need for independence and of the officers of those institutions in order to effectively address corruption, by providing that those persons or staff of such bodies should have the appropriate training and resources to carry out their tasks.

With reference to the public sector, the UNCAC champions for the recruitment and promotion of civil servants based on principles of efficiency, transparency and objectivity. In the promotion of a code of conduct for public officials, public officials

are required to make declarations of their investments, assets and substantial gifts from which a conflict of interest may arise. Article 9 of the UNCAC provides for public procurement and management of public finances which state parties are expected to establish systems based on transparency, competition and objective criteria. As will be illustrated later in the chapter, the Kenya Public Officers Ethics Act requires disclosure of wealth of civil servants but such disclosures amount to nought given the fact that they are not publicly available.

As preventive measures, the UNCAC emphasises on the existence of specialized corruption prevention bodies, which are afforded the necessary independence within the country's institutional and legal framework. It also ensures the efficient, transparent and objective systems for the recruitment, hiring, promotion and retirement of civil servants and non-elected public officials. In addition to that, it requires transparency in the funding of political parties and electoral campaigns, the Introduction and popularization of codes of conduct for public officials, enforced by disciplinary or other measures, the Whistleblower protection: establishing measures and systems to facilitate the reporting by public officials of acts of corruption to appropriate authorities, declaration of interests for preventing conflict of interests, Public procurement systems based on transparency, competition and objective criteria in decision-making, that are effective, inter alia, in preventing corruption and allowing and facilitating freedom of information.

It also calls for the criminalization of the following: Bribery of national public officials, foreign public officials and officials of public international organizations,

embezzlement, misappropriation or other diversion of property by a public official for his or her benefit or for the benefit of another person or entity, trading in influence and acceptance or solicitation of undue advantages, the abuse of function or position by a public official. Illicit enrichment, defined as “a significant increase in the assets of a public official that he or she cannot reasonably explain in relation to his or her lawful income”.

Bribery in the private sector (both active & passive), embezzlement of property in the private sector, laundering of proceeds of crime, and the establishment of a wide range of predicate offences (including, at a minimum, corruption-related offences), committed both within and outside the jurisdiction of a State Party, concealment of property, when the person involved knows that such property is the result of corruption-related offences.

2.9 The African Union Convention against Corruption

The African Union Convention on Preventing and Combating Corruption was adopted in Maputo on 11 July 2003 to fight rampant political corruption on the African continent. It represents regional consensus on what African states should do in the areas of prevention, criminalization, international cooperation and asset recovery. The Convention covers a wide range of offences including bribery (domestic or foreign), diversion of property by public officials, trading in influence, illicit enrichment, money laundering and concealment of property and primarily consists of mandatory provisions.

The objectives of the convention are to established to promote and strengthen the development in Africa by each State Party, of mechanisms required to prevent, detect, punish and eradicate and related offences in the public and private sectors, To promote, facilitate and regulate cooperation among the State Parties to ensure the effectiveness of measures and actions to prevent, detect, punish and eradicate corruption and related offences in Africa, Coordinate and harmonize the policies and legislation between state parties for the purposes of prevention, detection, punishment and eradication of corruption on the continent and to promote socio-economic development by removing obstacles to the enjoyment of economic, social and cultural rights as well as civil and political rights and to establish the necessary conditions to foster transparency and accountability in the management of public affairs.

State parties are required to empower their domestic courts and other competent authorities to give valid confiscation or seizure orders of bank, financial or documents with a view to implementing the AU Anti-Corruption Convention. In addition, state parties are forbidden to use any information received that is protected by bank secrecy for any other purpose other than the proceedings for which such information was requested. An innovative provision is its express provision forbidding states to invoke banking secrecy to justify state parties' refusal to cooperate with regard to acts of corruption and related offences. This reduces opportunities for heads of states and other state officials to exploit the global banking system to conceal or launder the proceeds of corruption from their countries. It equally serves to reduce the attractiveness of jurisdictions that often serve as

destinations for stolen money. The AU Anti-corruption Convention therefore seeks to reflect African realities in the fight against corruption and is particularly important in its reference to the African Charter on Human and Peoples' Rights in the fight against corruption.

2.10 Independence

According to Udombana (2000), "the first and perhaps the greatest challenge to the fight against corruption in Africa is how to secure the independence of institutions charged with the implementation of the various anti-corruption laws". The Commonwealth Framework expressly makes the requirement of independence a prerequisite to the effectiveness of anticorruption institutions. Paragraph 21 of the Framework provides that, "Independent anti-corruption agencies such as ombudsman offices, inspectors-general, and anti-corruption commissions can be effective if they are genuinely free from being influenced by the executive branch of government and where there is a strong judiciary in place."

A recent World Bank publication has identified four different categories of anti-corruption institutions on the basis of their functions and the branch of government to which they are accountable (Udombana, 2000). The first category is the universal model of anti-corruption agencies which combines investigative, preventative and communicative functions. The second category is described as an investigative model and is characterized by a small and centralized investigative commission.

Both models are organizationally accountable to the executive arm of government. The third category, the parliamentary model includes commissions that report to

legislative committees and are independent from the executive arm of government. The fourth category is called the multi-agency model and it involves a collaborative effort by multiple agencies to reduce corruption. Each model, depending on other administrative dynamics would experience degrees of independence.

Ghana has made huge improvements in its legal framework to combat corruption when compared to other countries in the West African sub-region like Liberia and Sierra Leone. The first country in sub Saharan Africa to gain independence on 6th March 1957, The Ghanaian criminal code criminalises active and passive bribery, extortion, wilful exploitation of public office and the use of public office for private gain, irrespective of the nationality of the bribe payer/taker. Direct and indirect corruption is illegal, as well as attempting, preparing or conspiring to bribe and both agent and principal are liable. The Anti-Money Laundering Act 2008 also criminalises money-laundering related offences.

Ghana has been praised by the World Bank for strengthening its public procurement system with the Public Procurement Act 2003, making it one of the most comprehensive in the developing world (World Bank, 2006). The law requires contract awarding to be tendered and conducted by tendering award committees. Suppliers and consultants attempting to exert undue influence on procurement processes are subject to sanctions, including debarment from government contracts for five (5) years. However, according to Global Integrity, the legal framework prohibiting companies proven to have bribed in procurement process is not enforced in practice (Global Integrity, 2000).

The Public Office Holders Act requires some government officials to file asset disclosures, but there is no effective mechanism in place to monitor assets, incomes and lifestyles. The lack of effective conflict of interest regulations also opens the door to potential abuse of power and regulations governing gifts and hospitality are mere “guidelines” that lack adequate enforcement mechanisms. The Whistle-blower’s Act 2006, (Act 720) provides for the protection of witnesses and informants from prosecution and victimisation. It is rated as very weak on Global Integrity 2009 scorecard, due to a low level of enforcement in practice, but there haven’t been any reviews of the implementation of the act to date. In addition, as a relatively recent piece of legislation, citizens appear to need to gain confidence in anti-corruption implementing agencies in order to overcome their fear of victimisation when reporting corrupt acts (Transparency International, 2009). The cabinet recently approved a Right to Information Bill to promote greater government transparency that has not yet been passed by parliament as of 4 February 2011.

As an EITI pilot country, Ghana committed as early as 2003 to full disclosure of oil, gas and mining revenues under the Extractive Industry Transparency Initiative and achieved full compliant status in October 2010. Ghana has signed and ratified the United Nations Convention against Corruption and the African Union Convention on the Prevention and Combating of Corruption. Ghana entered and supported the New Partnership for Africa’s Development (NEPAD) and was one of the first countries in the region to participate in the peer review mechanisms. In apparent recognition of its anti-corruption record, Ghana has been elected at the beginning of 2011 to serve on the African Union Advisory Board on fighting corruption.

2.11 Institutional Framework

In the area of institutional framework, Ghana is making effort to create zero tolerance against corruption. In comparison to other African countries, Ghana has more established and effective institutional frame work to tackle corruption.

In the area of institutional framework to a zero tolerance against corruption, Ghana has set up some few commissions. At the national level, anti-corruption policies have also focused on establishing an adequate institutional framework against corruption, through the establishment and strengthening of a number of anti-corruption bodies and committees such as the Commission on Human Right and Administrative Justice (CHRAJ), the Serious Fraud Office which recently became the Economic and Organized Crime Office, the now disbanded Office of Accountability, the Auditor General, etc.

The Commission on Human Right and Administrative Justice (CHRAJ)

CHRAJ is charged with investigating alleged violations of human rights, including corruption of public officials, and taking action to remedy proven violations. The Commission has three mandates relating to human rights, the role of ombudsman, and anti-corruption and its independence is guaranteed by the constitution.

According to a 2005 report, civil society usually considers the CHRAJ to be strong on human right concerns and relatively weak on corruption, possibly due to the institution's lack of economic independence from government, lack of adequate resources resulting in low salaries, poor working conditions, and high rate of staff attrition are also often invoked for the relatively weak performance of the institution.

According to the US Department of State (2009), CHRAJ generally operates with no overt interference from the government but some critics questioned its ability to independently investigate high-level corruption. Critics often argue that investigations are mostly politically motivated.

The Serious Fraud Office (SFO) and the Economic and Organised Crime Office (EOCO)

Until recently, the Serious Fraud Unit was the second main anti-corruption body in Ghana. It was established in 1993 as an independent government body in charge of monitoring, investigating and, on the authority of the Attorney general, prosecuting corruption resulting in “serious financial or economic loss to the state”. The mandate of the SFO did not include investigations and prosecutions of offences relating to advance fraud schemes, drug trafficking, money laundering and organised crime. Like the CHRAJ, the SFO has been criticised for lacking independence and being subject to political pressure, as its director and much of its board are appointed by the executive (Freedom House, 2010).

The SFO has recently been replaced by the EOCO in an attempt to address some of these concerns. In August 2010, parliament passed the Organized Crime bill which seeks to establish a comprehensive legal framework to monitor, investigate and facilitate the prosecution of organised crime, including through the creation of the EOCO. Among other things, EOCO is also mandated to recover the proceeds of crime; monitor the activities connected with the offences to detect correlative crimes; take reasonable measures necessary to prevent the commission of crimes specified

and their correlative offences. There is no assessment available to date of its independence and efficiency.

The Ghana Audit Service

The Ghana Audit Service is established on a legal basis as the supreme audit institution and is responsible for reviewing public sector accounts. The independence of the auditor-general is guaranteed by the 1992 constitution. The activities of the institution are hampered by inadequate staffing and insufficient funding leading to delays in audits and a backlog covering more than two years. Reports are produced regularly and made public, but there are also delays and a backlog of audit reports. According to Global Integrity (2009), the government does not act on recommendations in a satisfactory manner, especially if it involves political figures and party supporters. Delays and backlogs also make it difficult to track past public officials who have been found to have engaged in fraud and embezzlement of public funds.

The Public Procurement Authority (PPA)

The PPA has been established in 2003 to ensure transparency in the awarding of government contracts. Similarly to the SFO, its board and executives are essentially appointed by the executive, which has been criticised by civil society as undermining its independence (Freedom House, 2010). Among other functions, the PPA provides information on regulations and relevant laws, and publishes tenders on its website. The PPA has established a committee to receive and investigate complaints from individuals and companies as well as set up tender committees and review boards

within government ministries and agencies. The PPA also developed a procurement monitoring and evaluation tool, called the Public Procurement Model of Excellence (PPME), which is used by the PPA to collect data and to assess the level of compliance and performance of Ghana's procurement entities. The PPA claims that corrupt practices have significantly reduced following the implementation of the Public Procurement Act 2003 because of its potential for punitive measures, a view which is shared by the OECD DAC Committee and the Auditor General Reports Business. Anti-Corruption portal (2010). However, a recent report by the World Bank suggests that only 37 % of government purchases were subjected to competitive biddings and refers to widespread abuses in public contracting, especially at the local level. (Freedom House, 2010).

Media

In the fight against corruption by the media, Freedom of expression is constitutionally guaranteed and generally respected in Ghana, with numerous private radios and independent newspapers published in the capital city. According to the Bertelsmann Foundation (2010), there is no organised repression reportedly experienced forms of harassment targeting their economic well-being. The state-owned media, although less critical of government, has developed some degree of autonomy. Internet access is unrestricted and plays a growing role. Reporters without Borders have ranked Ghana first in its 2009 press freedom index on the African continent and 27th in the world.

Comparatively in Sierra Leone, the country enacted its first anti-corruption law in 2000 which created the Anti-Corruption Commission (ACC), tasked with probing corruption cases both in the public and private sectors. The ACC was established with DFID support in 2001 as an independent commission to investigate government corruption. The Anti-Corruption Act was revised in 2008, giving the ACC prosecutorial powers and strengthening its investigative capacity. The new law eliminated the need for the justice minister and the attorney general to approve each corruption prosecution. The amendment also added new crimes for indictments and increased penalties for some corruption offences.

The new version of the law also introduced provisions requiring all public officials, regardless of rank and positions, to declare their assets within three months of taking office. However, in practice public officials still only partially comply with these asset declaration requirements.

According to Freedom House 2010, there are no broad provisions to promote public access to government information (s). While official information, including sensitive information such as financial disclosure forms is published on internet sites. To some extent, it is often incomplete or not updated on a regular basis. Freedom House (2010).

According to the US department of state, the ACC's performance in fighting corruption has greatly improved since. According to the 2010 US Department of State country profile, ACC's investigations conducted since 2008 have led to the

removal of at least 13 officials, including two ministers, a chief of staff, a former Member of Parliament. In a number of cases, investigations resulted in convictions and prison sentences. The ACC also managed to recover approximately USD (2) two million for the government. (US Department of State 2010).

In spite of these notable improvements, the 2010 Bertelsmann Transformation Index reports a high level of impunity for office holders with regard to corruption and considers that progress still needs to be made in terms of systematically applying legal mechanisms against abuses of office.

The Office of the Ombudsman

The Office of the Ombudsman came into being in Ghana by the Ombudsman Act, 1997. After the creation of the ACC, it was to work closely with the commission and assist in handling citizens' complaints and petitions to government. In practice, its powers were not broad enough to address complaints and enquiries. The reputation of the office was also damaged when the individual who served as ombudsman from 2001 to 2007 was later alleged to have been involved in corruption (Freedom House 2010).

The Office of the Auditor General (A.G)

The Office of the Auditor General was established shortly after the nation gained its independence in 1961 with the mission to audit all government activities and operations and to submit timely reports to Parliament. The department has since considerably increased in size and additional legislation has been enacted to allow it to fulfil its mandate. The Audit Department issues reports first to the auditors to

address all unanswered questions, then submits its annual report to Parliament. Ghana Integrity Initiative (2010).

However, in practice, the role of parliament is constrained by lack of resources and capacity to effectively fulfil this function (Affiliated Network for Social Accountability 2010). The Affiliated Network for Social Accountability calls for strengthening the oversight role of Parliament in Ghana by establishing partnerships with CSOs and research institutions to increase its analytical capacity and information base. It also recommends creating a strategic planning and research unit to coordinate research, planning and monitoring and evaluation needs of Parliament to support the capacity development of all parliamentary committees.

In conclusion, these anti-corruption commissions each have their different roles when it comes to fighting corruption in Ghana.

2.11 Implementation Challenges of the GACC

Asset declaration

One of the main implementation challenges is the asset declaration. This is one of the anti-corruption tools designed to ensure that public officers do not unduly acquire wealth while in office. The Act places the responsibility of declaring assets in the hands of the officer mandated by the Act to make the declaration on a form provided by the Auditor General. Specifically, Section 1 (4) requests the officer to declare their assets and liabilities before taking office, at the end of every four years and at

the end of the term of his/her office and shall in any event be submitted not later than six months of the occurrence of any events specified in this subsection.

The Auditor-General is mandated under the Act to ensure the effective implementation of the Act and report defaulting officials to CHRAJ for the needed action to be taken against defaulters. Nevertheless, the implementation of Act 550 has been cited by all anti-corruption institutions like the Attorney General's Department and CHRAJ, etc. as one of the anti-corruption legislations that have been met with a myriad of implementation challenges.

About three years into the administration of the National Democratic Congress (NDC), the information on the number of officers who had declared their assets in compliance with the Act is still unavailable. The Ghana Anti-Corruption Coalition 2009 Annual Corruption Monitoring Draft Report which focuses on Strengthening Institutions to Tackle Systematic Corruption has made recommended measures that need to be taken to address corruption.

The Draft report recommended that government and parliament need to demonstrate the needed political will to amend the Act and empower the institutions mandated to implement the Act as well as sanction defaulting officials. The Draft report says the impact that Civil Society Organisations are making on the anti-corruption agenda needs to be sustained through the promotion of more interaction with the public on issues of corruption.

Absence of comprehensive legislation

There is the absence of a comprehensive legislation on corruption, with corruption dealt with in different legislation. In the absence of a national legal framework, There is no commitment on the part of successive governments to implement one. The challenge is to update and harmonize those laws with the UN and AU conventions and ensure active implementation.

Lack of public cooperation and anti-corruption culture

Corruption cannot be combated without the cooperation of the public. Even though organizations such as the Ghana Integrity Initiative (GII) and the Ghana Anti-Corruption Coalition (GACC), the National Commission for Civic Education (NCCE) and the media have engaged in public education campaigns, there seems to be inadequate public cooperation. This may be the result of a lack of an anticorruption culture, which is undermined by the structure of patron-client networks and the pervasiveness of corruption.

Inadequate coordination of anti-corruption agencies

In addition, there are various institutions combating corruption with no mechanism to harmonize their activities.

There is therefore a clear institutional dualism in the fight against corruption. There is the need for the enactment of a law to set up an organization that is solely responsible and has exclusive and expanded powers and functions to fight corruption.

Lack of resources, staff and expertise

Anti-corruption institutions lack resources, staff and expertise to effectively prevent and combat corruption and the political will to fight corruption has been questioned on many occasions. After the 2007 peaceful change of government, there are some positive indications of a stronger political will to address corruption and governance challenges in the country. Recent reforms of the Anti-Corruption Commission have extended its powers and contributed to significantly improve its capacity to investigate and prosecute corruption cases.

2.12 Special Magistrate and Anti-Corruption Courts

Recommendations to establish special courts for corruption cases have been marking the rule of various governments including Nigeria, Morocco, Romania special anti-corruption courts have been established in countries in South Asia. The establishment of special anti-corruption courts have several advantages:

Special anti-corruption courts are useful and necessary to expedite decisions in corruption cases especially in a judicial system plagued with a backlog of cases.

When the bulk of the system is deficient, such special courts are the only way to ensure due judicial process and prosecution of the corrupt, which is one of the essential elements in the overall fight against corruption. The special anti-corruption courts established under the Anti-Corruption and Economic Crimes Act, 2003 (ACECA) are to be presided over by a special magistrate. The innovative special anti-corruption courts are established to deal with the corruption cases as a matter of priority. By appointing specific magistrates to adjudicate corruption matters, the Judicial Service Commission¹¹⁹ is making special efforts to build the capacity of judicial officers in these courts to better handle anticorruption cases. Section 4 of the

ACECA emphasises that, ‘notwithstanding contained in the Criminal Procedure Code or in any other law for the time being in force, the offences in this Act shall be tried by special magistrates only’.

2.13 Role of Civil Society Organizations

In Ghana, civil society organisations continue to strive in their efforts to ensure zero tolerance against corruption despite the challenges they face on a daily basis. Corruption in Africa has reached cancerous proportions. In fact, so pervasive is this phenomenon in the region that it has been labelled the ‘AIDS of democracy’ which is destroying the future of many societies in the region. The corruption problem in Africa reflects the more general, and now legendary, climate of unethical leadership and bad morals found throughout most of the continent” (Bangura, 2007).

Despite their efforts, most civil society organizations have not been aggressive enough in requiring accountability from government officials. This has been as a result of the past political instability and the idea that majority of the general population is just at the beginning of enjoying freedom of expression. This has led to the operation of some government officials in a monopoly, which gives out opportunities for carrying out corrupt practices.

As an agent in the fight against corruption, The democratisation process has supported the emergence of a civil culture that manifests itself in a growing number of civil society organisations in the areas of business, trade unions, women and human’s rights (Bertelsmann Foundation 2010). In particular, in the area of anti-

corruption, Transparency international's chapter information, the National Accountability Group which is dedicated to achieving greater accountability in the public and private spheres. While the country rates very strong in terms of civil society organisations in the 2009 Global Integrity index, some observers argue that organisations that have both the interest and leverage to engage with public life remain largely urban and middle class, while the interests of the poor including women remain largely under-represented at the national level (Bertelsmann Foundation 2010).

In Ghana's case, According to the Bertelsmann Foundation 2010, political and civil society organisations can develop, meet and campaign for their issues freely and without major political interference. Permits are not required for meetings or demonstrations. NGO's have played a major role in drafting important anti-corruption related pieces of legislation such as the Whistle blowers' Act. There are many opportunities for civil society to engage in anti-corruption initiatives. The Ghana Integrity Initiative functions as Transparency International's local chapter and has established an Advocacy and Legal Advice Centre that provides legal assistance for victims and witnesses of corruption (Transparency International, 2012).

The Ghana Centre for Democratic Development works for promoting democracy, good governance and the development of a liberal political and economic environment in Ghana. The Private Enterprise Foundation (PEF) has been founded by four major business associations to promote the creation of an enabling business environment for the private sector. The PEF is a member of the Ghana Anti-

Corruption Coalition (GACC) which operates as a coalition of public, private and civil society organisations against corruption. Among other things, the local chapter of the African Parliamentary Network against Corruption (which is headquartered in Ghana) is active in capacity building, information campaigns, and the promotion of Anti-Corruption legislation.

Campaign finance

The Political Parties Act, 2000 (Act 574), leaves political party financing completely unregulated with the exception of banning non-citizens, foreign donations, in cash or in kind, to parties. There are no limits to donations from citizens including corporate citizens; there are no disclosure laws, detailing who gives what, beyond a threshold amount. In addition to these, there are no limits to candidate or party spending on election campaigns. Even though there is a requirement for annual submissions of audited accounts, including assets and liabilities, and the Electoral Commission can appoint and pay for auditors to examine party accounts, it is an open secret that party and campaign financing has been abused and fraught with corrupt activities.

2.14 Role of the International Community

In Ghana, the international community is also playing an important role in supporting national anti-corruption commission efforts. Many interventions have focused on promoting civil society participation and strengthening citizens' demand for good governance. For example, donors have supported anti-corruption coalition building

such as the Ghana Anti-Corruption Coalition which is often referred to as a success in the literature. DFID also supports several anti-corruption related programmes through its Governance and Transparency Fund, including promoting transparency in the forestry, water and education sectors, as well as in budget processes. USAID puts special emphasis on improving local governance, supporting activities aimed at increasing citizen participation including women in democratic processes and strengthening parliamentary and citizen oversight of the executive and local government respectively to ensure that national and local governments are responsive to the interests of their citizens especially in the health and education sectors (Affiliated Network for Social Accountability, 2010).

Multilateral organisations are also active on governance and anti-corruption programmes. As part of its governance programme, the United Nations Development Program (UNDP) also aims at strengthening participation in decision-making and decentralized governance processes at all levels. In particular, a UNDP civil society resource centre has been established to further strengthen the capacity of civil society organisations to engage decision makers on national development issues. UNDP also seek to improve access to justice and promote human rights especially for the poor and disadvantaged, through institutional capacity development and public education and engagement. The European Union also operates programs involving governance and justice, as do other international donors.

The World Bank is also supporting interventions aimed at improving economic governance and stabilising Ghana's economy by restoring budgetary discipline and

tackling long-standing public sector and energy issues. In particular, the Bank supports investments made in demand and supply-side approaches in order to improve natural resource management. The World Bank also supports oil management through its oil and gas capacity building project. According to the Bertelsmann Foundation (2010), the government of Ghana has proven to be a cooperative, constructive, reliable and dynamic partner in the international arena.

Ghana has become a regional centre for international conferences, training and meetings. It has developed mostly positive relations with its neighbouring countries and has shown a persistent commitment to the objectives of the Economic Community of West African States (ECOWAS).

The International community has played an important role in supporting the government's anti-corruption efforts, in particular through the financial and technical support provided to the GACC. Eventual withdrawal of donor support could compromise the GACC's long term sustainability. In order to address this challenge, Freedom House 2010 recommends intensifying the collaboration with civil society organisations to gain public support for oversight and investigative agencies.

CHAPTER 3: RESEARCH METHODOLOGY

3.1 Introduction

This chapter presents various methods used in carrying out this study. The methods, which were applied, are discussed in this chapter including the methods of data collection. The chapter further presents data collection, sample selection, data processing methods, and data analysis and ethical considerations.

3.2 Methodology

The researcher use phenomenology as the primary research methodology. The essence of using descriptive phenomenology as a research methodology is to understand the phenomena called corruption through anti- corruption commissions and also from the viewpoints of the experiencing persons. Qualitative method was used in the research to understand the phenomenon.

In addition, the researcher made use of two research assistants in Ghana.

The researcher went on to employ thematic analysis which is the most common form of analysis in qualitative research. The researcher chose thematic analysis to explain the phenomenon through specific research questions. The themes therefore become the category for analysis of the acquired data.

3.3 Study Population

Robson (1993) defines the term population as the body of individuals being researched or all the individuals of interest to the research. The survey population consisted of civil servants primarily from the anti- corruption commission, and the

ministry of education. Fifty participants were selected to participate in the study. Focus group discussion is to encourage the expressions of different opinions about the issue of corruption in relation to anti-corruption institutions in Ghana. The participants were from a cross- section of the Ghanaian population respectively to ensure diversity. The research was conducted on respondents aged 18 years and above because they are considered matured and can participate in the democratic process of the country.

3.4 Sample Selection

The researcher obtains a sample of fifty respondents from the anti- corruption commission and the ministry of education. Thirty males were selected because they constitute a large percentage of the civil service and twenty females. The researcher made use non-random sampling selected from the anti- corruption commission, to target people who are well informed about the issues of anti- corruption commissions. This is considered a sufficient number to generate a representative data.

3.5 Data Collection Instruments

To collect data, the researcher sent appointment letters to the people who were interviewed to seek their consent before the interview. An interview guide was used which contained questions that are phrased and asked to the respondents in the same manner and order.

As part of the study, the researcher also issue consent forms to respondents to assure them of privacy and confidentiality. The questions were asked and answers clearly recorded. As part of the data collection process, the researcher made absolute use of the method of observation with participants involved. In addition, the researcher reviewed newspaper sources, journals and other written documents.

3.5.1 Questionnaires

Questionnaires were used to collect data from the fifty respondents. Questionnaires are useful in a sense that that they are seen as the most flexible tool to collect both quantitative and qualitative data. The questionnaire consisted of a structured/ semi structured interview guide consisting of both open and close- ended questions.

The questionnaires were designed in two sections. Section A, which will entail personal information of the respondents and Section B which will entail issues on anti-corruption commissions and corruption in general.

3.5.2 Interviews

Data was also collected using personal interviews and it was supplemented by questionnaires. Out of the fifty respondents, five participated in interviews, and the other forty five responded to the questionnaires.

The breakdown of the five who were interviewed were all connected to the National Anti-Corruption Commission. The research made use of technology for participants

who were not available for interviews through telephone calls, social media and other online means of communication to carry out the study effectively and successfully.

3.5.3 Focus Group Discussions

This is a form of qualitative research. The researcher chose the focus group discussion to seek people's perception, opinion and beliefs on the issues of corruption and anti- corruption commission. The focus group discussion help the researcher gain in-depth information pertaining to the study from diverse sources in terms of occupation age etc. the focus group discussions and interview guide covered the following themes:

The understanding of corruption

The mechanisms to tackle corruption through national anti- corruption commissions and their effectiveness

Strengthening of the legal and institutional framework to effectively tackle corruption

The causes and effects of corruption in your country and how can they be reduced

The role of the citizens in the fight against corruption?

The role of government, N.G.O's, International community, media and other institutions in creating a zero tolerance against corruption?

3.4 Data Processing

This part of the study involved three processes or stage namely data editing, coding and tabulation. Data editing involves cross checking, filled interview schedule to ensure that all answers given by the respondents are correct and complete. In relation to coding, all the answers of all questions which are asked will be coded and frequencies done by the use of tables and figures. Audio tapes were repeatedly played to ensure that relevant information are included in the study. This helped in organizing the answers of each response category. The researcher ensured to collect every bit of information from the research assistants as part of the data process to make sure all relevant information are included in the study.

3.5 Data Analysis

The actual data analysis begins with verbatim transcription of the focus group discussion tapes. The audio- recorded tapes were played repeatedly and transcribed verbatim. Taking note of similarities and differences in themes. With regards to tabulation, the contents of this process involve determination of the frequency of response for every question tables and tally marks done based on the variables of the study, nature of question asked and their influence on the topic. Tables and figures are used to show the frequency of the response of each particular element on the response category so as to provide good data analysis and presentation. The researcher analysed the data manually and this involved usage of percentages and diagrams to describe the data. The analysis will be based on the variables of the study and the hypotheses formulated to find out whether they were refuted or supported. Relevant documents and artefacts were also be reviewed.

3.6 Permission to Carry Out Study

Permission for the researcher to effectively carry out the study was obtained from the Institute of Peace, Leadership and Governance (IPLG), The Africa University Research Council. The researcher also took permission to carry out the study from the National Anti-corruption commission.

3.7 Ethical Considerations

Throughout the process of data collection, different ethical considerations were put in place. Written consent forms were issued on the parts of the respondents to seek their consent before the research was carried out. The researcher also applied verbal consent where applicable. Participation of the research was voluntary and non- paid. Those who were not willing to participate were not forced or coerced. There was total confidentiality throughout the process of data collection from participants. Participants were free to withdraw from the entire process if they wish. The researcher protected the names, identity, and location of the respondents and made sure the respondents were aware of the entire process including the outcome as they wish. Results of the findings will be disseminated to various anti- corruption agencies

3.8 Conclusion

This chapter covered the research methodology which included the research design, data collection, tools, and ethical consideration. Permission to carry out study. The chapter highlighted the justifications for the choices of the methods chosen. The

design was qualitative in nature with emphasis on thematic analysis to capture an in-depth view relating to the topic. Time, finances and conveniences are all contributing factors as to why the researcher adopts this research design to effectively carry out the study.

CHAPTER 4: FINDINGS AND INTERPRETATIONS

4.1 Introduction

This chapter presents the study findings based on forty respondents. The study aimed at establishing the nature of corruption in Ghana through Anti-Corruption Commission. In this chapter, an attempt is made to see the results of this study and the real fact of the daily life as per corruption is concerned in Ghana. Due to time limitation, the researcher was unable to collect all the questionnaires pertaining to the study. Out of the 40 questionnaires that were sent, 34 were retrieved.

4.2 Characteristics of the Respondents

Table 1 Characteristics of the respondents

Basic characteristics (age)	Number of respondents	% Age
18-23	8	9,0
24-29	10	8,2
30-35	15	22,4
35-40	9	23,1
40 and above	8	18,3
Male	35	23,0
Female	15	10,0

4.3 Organizational Chart of GACC

1. The Investigation and Prosecution Department
2. The Prevention Department
3. The Ethics Education and Public Relation (PR) Department
4. The Ethics Infrastructure Coordination Department
5. The Planning, Procurement, and Finance Department
6. The Human Resources Management Department
7. The Change Management Department
8. The service department

Figure 1 Organizational Chart of GACC

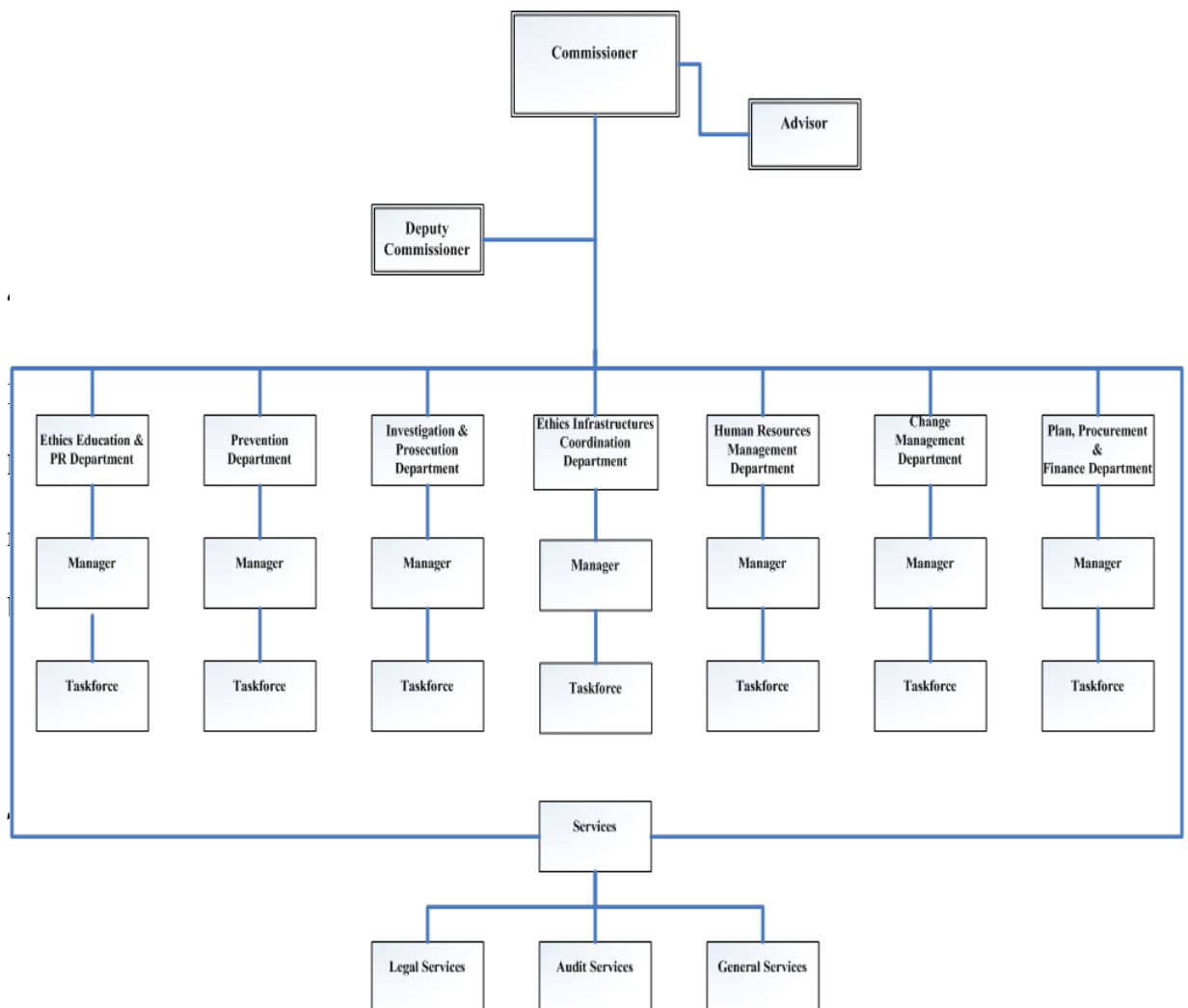
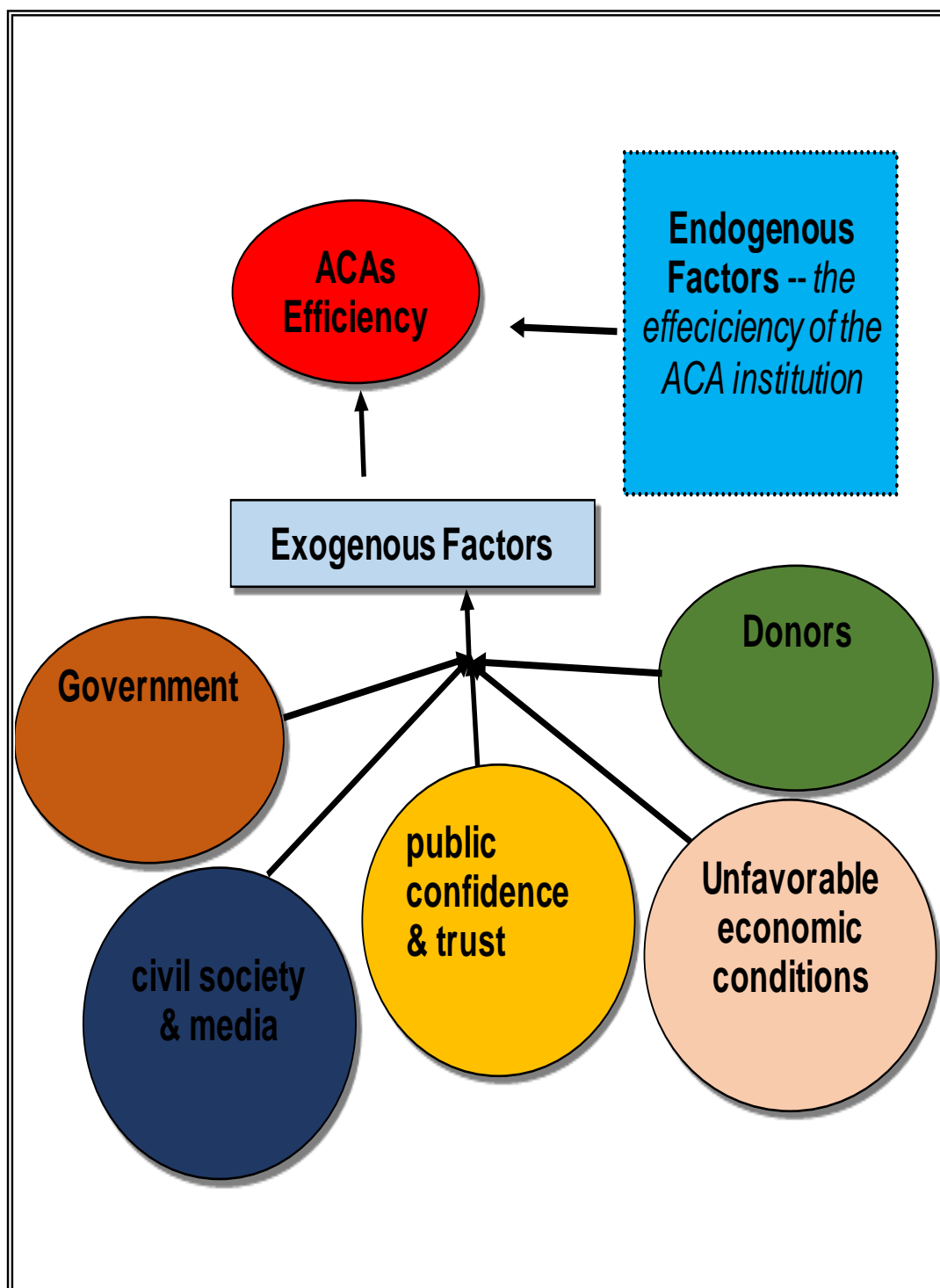


Figure 2 *Factors that affect the effectiveness of GACC Source* (www.anti-corruptionwatch.com)



4.4 Exogenous Factors

Exogenous factors include external factors that impact the performance of ACAs. As Highlighted in Figure 1, these factors broadly include political will, economic conditions, donor initiatives, public trust and confidence, the media, and ACAs' relationship with civil society actors.

Political Will and support

In order for ACAs to be fully effective, top-level political backing and commitment is critical. If there is political will, an incumbent government can, through legislation, empower ACAs and implement anti-corruption laws. Furthermore, the government can also provide ACAs with regularly funding, assist them by working closely through various agencies, grant them access to government data, and continuously give political support to achieve concrete results. At the same time, it is also important to recognize that besides political will demonstrated at the highest levels of government, there are bottom-up sources of political will as well. In some cases, these sources may be “street level bureaucrats,” who are public officials that actually deliver the final services to the general public and who are strongly committed to controlling, preventing waste, fraud, and abuse (Brinkerhoff, 2010). The role of these groups in whistle-blowing, voicing concerns and demands, and putting pressure on public officials is an important factor in strengthening political will.

Economic Conditions

Most of the respondents in the study claim this factor has to do with macroeconomic stability and poverty, which can undermine the effectiveness of ACAs. An example of the impact of unfavourable economic conditions on an ACA is the Argentine experience. While the institution began with very good prospects for success, the deep economic crisis in the country caused shortfalls in funding, which resulted in underpaid staff and diminished morale (Meagher 2004). This situation made it difficult for the Argentine ACA to continue to be effective. The effectiveness of the ACAs of African countries such as Tanzania and Uganda has also been affected by poverty and economic shocks that have contributed to the lack of funding necessary for those ACAs to perform their day- to-day operations (Meagher 2004).

Donor Initiatives

A lack of donor coordination or duplication of efforts can negatively impact ACAs. Given that most ACAs suffer from a lack of funding, donors determine which ACA components to fund mostly based on donors' choices rather than ACAs' needs assessment (Doig et al., 2007). In order to enhance the effectiveness of ACAs, donors should work in partnership with ACAs rather than solely focusing on their own initiatives.

Public Confidence and Trust in ACC's

ACAs must command public respect and credibility given that they operate on behalf of citizens (IMF, 2000). In this regard, the public's acceptance and trust in ACAs is a key indicator in their success.

Relationship with Civil Society Actors

Civil society institutions play a very important role when it comes to working with anti-corruption institutions. To enhance the effectiveness of the GACC, there should be the establishment of a cross sectional-sectorial support to create a significant mass of public official, civil society groups, and private firms (Johnston and Kpundeh 2002). Given that gaining public confidence is crucial to ACCs' effectiveness, collaboration between ACCs and nongovernmental groups is an important factor in their success.

4.5 Endogenous Factors

Endogenous factors are the internal conditions that affect an ACA's ability to fight corruption effectively. Among others, these factors include the ACA's independence in performing its functions, the specificity of its objectives in terms of the context of the country, permanence, sufficiency of financial resources, human capital. These factors will be discussed in-depth below.

Independence

Within the ACC, Independence refers to the ability of an ACA to carry out its mission without political interference. “However, it does not mean the absence of reporting to external control. Rather, it refers to an ACA’s degree of independence to freely investigate corruption wherever it suspects that it may be occurring without the punishment being cancelled or modified because of the interests of powerful individuals or groups” (Johnston 1999). For the ACC to function efficiently, it is necessary for it to have a broad mandate without restrictions on its investigation of suspected corruption cases. To ensure effectiveness, The ACC should also be held accountable for its actions, investigations, and general comportment as a government agency. In this regard, an independent anti-corruption institution needs to integrate a system of checks and balances in order to maintain transparency and accountability”. In addition, the independence of an ACA may be evaluated based on the following: (Johnston 1999).

Appointment and removal of the head of the ACC

Separation of powers and checks and balance which are all aspects of the rule of law is very important to ACC’s. To ensure that the ACC operates effectively, it is important that the selection process of the head of the ACA should be transparent and based on consensus among different high-level decision-makers, such as the President and Parliament. Nomination of the head of the ACC by the president and the approval by parliament should be done in accordance with the constitution without any interference by any of the parties involve to ensure transparency.

Budget and fiscal autonomy

The ACC does not have complete financial independence. This is because the budget for these entities is prepared by the parliament and in many cases the government. Furthermore most of the budget of the ACC comes from donor agencies. “There needs to be a law in place that prohibits a decrease in the budget from the previous year’s budget. In addition, the budget of the ACA should be reflected separately in the government’s budget” (OECD, 2007).

Permanence

To ensure sustainable development, permanence is an important factor in the effectiveness of ACCs. With regards to regular funding and continuous political and popular support which are very critical (De Sousa 2009). Permanence is also an important factor in reducing corruption over time and creating an institution that learns from its mistakes and generates advanced technical capacity to combat corruption (Johnston 1999). In addition, it takes time to train personnel and also to create both operational and functional systems within the ACC (De Speville, 2008).

Specific Objectives by country

Most countries adopt model that do not reflect their social, economic and political environment (De Sousa 2009). They tend to follow anti-corruption models blindly. This practice does not always result in success and efficiency, and can result in a gap between expected results and achievements. In this regard, when replicating a model,

it is important to assess the socio, economic and political factors and establish a country-specific model with realistic and achievable objectives.

Sufficient Resources

The findings of the study show that the effective operation of the GACC is often times limited to financial resources. Lack of resources is a huge obstacle delivery of the commission's goals and objectives. When resources are insufficient, it is most often difficult to acquire staff that are qualified and possess the necessary skills and technical know-how especially on issues that are critical to the ACC. Insufficient resources for effective operation often results in low-quality outputs. Furthermore, inadequate financial resources can also mean disconnection in related outputs. Therefore, it is important for ACC's to have their own budget which is consistent and a solid political and social support.

Appropriate Staffing

One of the major problems of ACC is lack of staff or appropriate staffing. Deficiencies in recruitment and training procedures are the major causes for a lack of specialization among personnel (De Sousa 2009). For the most part, staff recruitment is not based on task-oriented or objective-oriented selection. Furthermore, most ACAs do not have a clearly defined human resources strategy that assesses human capital based on a set of pre-determined criteria. Another factor in the shortage of qualified staff is the lack of funding.

Well-defined Strategy

A failure to understand the underlying causes of corrupt practices may lead to misguided strategies in the fight against corruption. For instance, corruption may not be dealt with by law enforcement alone. However, most countries try to deal with corruption entirely through investigating, prosecuting and sentencing (De Speville, 2008). ACAs should pursue a strategy that fits the cultural context of the country. For instance, in some countries, a robust corruption prevention strategy may be more effective in changing the attitudes and perceptions of citizens about corruption. Consequently, if there is a lack of a clear strategy regarding how to fight corruption within an ACA, the impact of its operation may be minimal.

Sufficient Internal Coordination

As previously mentioned, most ACAs integrate different anti-corruption functions. Such an integration of functions must be well coordinated in order for ACAs to operate effectively. For instance, the Prevention and Education Department should work closely with the Investigation Department to create techniques to reduce corruption.

Adequate Leadership and Management

Weak leadership or an inadequate or lack of a management strategy affects the performance and efficiency of ACAs (De Sousa 2009). In this regard, ACAs need to have a management team in place to lead day-to-day operations and a technical team to carry out specialized aspects of operations. If there is insufficient leadership, then

the institution's results and ability to implement ideas will be compromised, which will ultimately impact the effectiveness of the ACA

4.6 Relationship Between GACC and Government

According to the questionnaires, most respondents claim the relationship between the Ghana anti-corruption commission and government is very cordial since the anti-corruption commission often times supports the government on corruption allegations. In Ghana, the DANIDA Good Governance and Human Rights Programme (GGHRP) started in 2003 as a 5-year thematic programme to systematise its earlier ad hoc work. It is rooted in the Ghana Poverty Reduction Strategy, in which governance is one of five main priorities intended to promote participation, human rights, transparency, accountability, and so on.

In comparison to Uganda, in its 2003 report, DANIDA argued that its funding to the IG reflected its policy on strengthening good governance, indirectly contributed to poverty alleviation through limiting the impact of corruption on economic growth and directly contributed to poverty alleviation by limiting funds directed through corruption away from social purposes. In relation to its support to the IG, the UNDP argued that it sought to complement and not to duplicate the efforts of other donors 'that are supporting Uganda's efforts to improve its governance as one of the measures to address the poverty problem.

4.7 Impact of CHRAJ and SFO

Respondents in both the focus group and interviews claim that CHRAJ and SFO have not gained the desired impact due to interference of the government.

CHRAJ and SFO have developed a restraining presence on abuse by government but there is a lack of inter-institutional coordination and clear focus of objectives that the new government has not hurried to address (for example, what goes in the asset declarations, who holds and verifies them, and so on, still requires action). Similarly, what is still by African standards a strong civil society structure – with the Centre for Democratic Development, the Ghana Anti-Corruption Coalition and the Ghana Integrity Initiative – which remains vocal but under-funded and often in (discreet) competition with each other. These, and media leaders, consider that CHRAJ remains good on HR and Ombudsman roles but weak on corruption cases and that the SFO goes for softer targets below national government level. All, including donors, recognise the growing openness and awareness with expansion of newspapers, radio, phone-ins, civil society groups demanding accountability, and a greater sense of free speech. Government appears to want to avoid restricting the greater openness and space for civil society organisations to work.

There is evidence that patronage and contracts remain major areas of corruption and that the government does seek to restrain both CHRAJ and the SFO from being too effective and independent. In particular, the government has ignored SFO, although CHRAJ's budget has increase and, although its mandate may be too great, its geographic spread has led to awareness of administrative justice. On the other hand, CHRAJ lost the opportunity to strengthen its authority and anti-corruption work by

turning down, on a technicality, allegations concerning the renovation of a presidential residence while the SFO is still treated with suspicion for the jailing of a minister from a previous regime and continues to clash with the Attorney General over the prosecution of cases.

4.8 The Donors

In an interview, a respondent claim that Donors are operating collectively on key reform issues procurement; public financial management reform rather than specific anti-corruption activity. The World Bank leads the work on the key reform issues, with other donors taking the lead on core components (e.g. the EC on audit, CIDA on decentralisation, DFID on budget preparation). The donors insist on departmental reporting on use of donor funds and Parliament is encouraged to review progress. On corruption, the donors' grouping is dormant, which leads to donors pursuing own projects, of which UNDP, DANIDA and GTZ are the most active – see below for the various action plans and programmes.

UNDP's involvement in anti-corruption work is delivered through the National Governance Programme (NGP). This was set up in 1997 by UNDP in a UNDP-Government of Ghana agreement as part of the governance infrastructure (see UNDP National Plan discussed below). It was intended to focus on critical areas to 'grow' them as alternative sources of power to the dominance of the Executive, to deliver checks and balances. Since 1997, the UNDP focus has been on capacity-building in governance institutions (Parliament, Electoral Commission, and Media).

There are in existence four anti-corruption plans. The first (and the only one termed a 'plan') developed from internal Integrity workshops and proposed for adoption by the new government which made some clear statements on corruption and firm commitments to specific reforms. The second was written by UNDP as part of its Democratic Governance Programme (DGP) and is linked to its funding of the National Governance Programme (NGP). The third is part of DANIDA's own funding programme. The fourth derives from GTZ's study – which is likely to be based on GTZ's support for the secretariat of the GACC (Ghana Anti-Corruption Coalition) which itself led it. None is in itself a strategy or plan, and nor is there a single focal point for the delivery of a plan or strategy.

The above failure to reconcile what is needed to solve the problem of corruption with what was actually achievable in relation to the scale, scope and degree of embeddedness of corruption and the resources and capabilities and the wider governance infrastructures has been compounded by the failure to fund the ACCs coherently and consistently. This failure is shared between the country's government and the ACC's donors. It has resulted in organisations left for year's under-establishment and unable to fulfil adequately their core functions. ACCs are typically then subjected to periodic periods of resource feasts involving ill-timed and inadequately followed-up pilot projects, resources being made available for specific areas of expansion, the "parachuting-in " of volunteer-advisers and external consultants before being returned to their normal resource-famine state. In terms of progression toward organisational stability and security, this has been a highly-

disruptive approach with at least two ACC's Tanzania and Zambia barely passed the embryonic stage of organisational development.

In terms of ACC's partial or total dependency on governmental funding, this creates areas of vulnerability with Commissions at risk from political influence, donor objectives or simply constrained by fluctuations in general government revenues. Further, in terms of donor support, this failure has been repeated and further compounded by the issue of donor competition

4.9 Comparison of the Legal and Institutional Frameworks

As part of the findings, the researcher made comparisons to four other countries in Africa. These countries include Malawi, Tanzania, Uganda and Zambia. Apart from Ghana, each has a stand-alone Anti-Corruption Agency or Commission: in Ghana corruption is investigated by two agencies. The following table summarises data common to each of the agencies:

Table 2 *comparison of the legal and institutional frameworks*

Source: anti-corruption commission (2012)

Country	Ghana		Malawi	Tanzania	Uganda	Zambia
Agency	SFO	CHRAJ	ACC	PCB	IG	ACC
Date established	2001	2004	2005	2009	2005	2000 reorganised 1996
Main Directorates/ Functions	Criminal Investigation	Maladministration; human rights	Investigation Prevention Education	Investigation Education Research, Control & Statistics	Investigation Prevention Education	Investigation Prevention Education
Own Prosecution	No	No	Yes	No	Yes	Yes
Establishment	182	750	78	714	280	255
Number of Investigators	80 + 10	140	30	200	30	85
Number of cases annually	68	12,000	c.100	c.175	c.300	c.400
Main type of cases where known	Fraud; Misappropriation	Employment rights; Family rights issues	Bribery; Misappropriation	Bribery Misappropriation	Fraud Misappropriation	Bribery; Misappropriation
Funding	Wholly own government	Wholly own government	Mixed	Mixed	Mainly own government	Mixed
Main donor involvement	GTZ	USAID; DANIDA	DFID	UNDP EU Comm.	UNDP	DFID
Reporting to	Ministry of Justice	Parliament	Ministry of Justice	Office of the President	Parliament	President

Observing the table, there are some obvious points of similarity and contrast. The largest organisation CHRAJ in Ghana – is untypical in size and its main activities are not concerned with corruption. Of the stereotypical ACCs the PCB in Tanzania is much the largest and is nine times the size of the ACB in Malawi though there is no evidence to suggest it is any more, let alone nine times more, effective. In Ghana and Uganda, the organisations are principally funded by their own governments but in the others there is a large reliance on donor support.

Although anti-corruption organisations were funded in Zambia, Uganda and Tanzania a generation ago, the organisations under review are essentially products of the new interest in fighting corruption in the 1990s. Even the organisations funded earlier have been refocused, reorganised and relocated in recent years.

In most cases, ACCs are dependent on other parts of government, usually the Attorney-General or DPP's office, for permission to prosecute and this helps confirm that, whatever, the 'independent' status of ACCs, they are often subject to political control of prosecution decisions. Equally, the funding dependency of ACCs on governments and donors suggests they are not in full control of their own strategies, staffing and activities.

The statistics show that, although investigation has long been seen as the primary purpose of African ACCs, the reality is that only a relatively small proportion of staff are involved in investigations, for example, in Uganda only about 10% of staff. In contrast, in the most specialised investigation agency, the SFO in Ghana, the proportion of investigators rises to about half of the staff total. Again, caution needs

to be maintained in the precise classification of staff but the differences in proportions are quite striking.

4.10 Relevance of Theoretical Framework to Study

The theories used in the analysis were relevant to the study. The analysis was based on Robert Klitgaard (1998) theory that corruption flourishes where the political and bureaucratic institutions are weak. It states corruption is primarily as a result of weak governance. Where there is integrity, transparency, accountability, and the respect for the rule of law, corruption can be tackled. It is therefore necessary for all institutions to work independently in respect of the constitution to ensure that institutions fighting corruption are equipped to their job effectively without fear or interference.

The governance context emphasises that all of the countries have weak accountability, scrutiny and monitoring arrangements. In short, the anti-corruption architecture is ad hoc, poorly planned and inadequately executed. For ACCs, this means that they may be adversely affected contextually. In Tanzania, the PCB's operating environment is characterised by different organisations with overlapping roles and responsibilities, ambiguities in inter-institutional relationships and a governmental infrastructure and culture is highly underdeveloped in terms of its policies and practices to prevent, detect or deter corrupt practices in all areas and at all levels of the public administration system. Uganda's Development Partners on Governance and Anti-Corruption Consultative Group Meeting noted in 2003 that 'our perception of the general pervasiveness of a culture of impunity with respect to

corruption. Several senior politicians and officials who have been censured or sanctioned for corruption, for example, by Parliament, have not really been called to account or prosecuted. Instead they have been rewarded with lateral transfers to the Movement or elsewhere in Government. Administrative sanctions, dismissals and prosecutions appear to be rare and poorly publicized throughout the Executive’.

The poor governance arrangements are both cause and consequence of governments who, from the various interviews undertaken by the research team with donors, media and civil society on their general perceptions on levels and patterns of corruption, would appear not to have integrated the roles and work of the ACCs into any general anti-corruption strategy or wider poverty reduction, democratisation or administrative reform programmes.

4.11 Conclusion

The GACC has made significant progress since its establishment in 2001. To date, it has carried out several initiatives in order to implement an effective organizational system and has undergone a major reengineering process that has contributed to the establishment of an independent anti-corruption agency, which is the first of its kind in the country’s history. The GACC operates independently without government intervention in its investigation and prosecution work, and has received strong political support from the government, as evidenced by consistent budgetary support, open access to government information and data, the creation of seven regional anti-corruption commissions, and the establishment of ethics and anti-corruption staff in government office that works closely with the GACC.

The Commission has a clearly defined approach to combating corruption nationwide, which is consistent with the national draft anti-corruption strategy. This approach includes prevention as well as ethics, and anti-corruption education, and investigation and prosecution. Prevention and ethics education are currently the two major instruments used to combat corruption both at the commission and national level. The rationale behind this has to do with cost effectiveness and an immediate need to change the mindset of the general public towards fighting corruption.

Although the Commission has achieved some important results since its inception, it continues to be under-staffed and under-resourced. Human capacity and resource constraints are the most serious challenges facing the Commission. In this regard, it lacks skilled staff in all areas, including ethics educations, corruption prevention, and investigation and prosecution. There is also a need for a comprehensive and long-term hands-on training for Commission personnel. Furthermore, the Commission does not have a proven method to monitor and evaluate the performance of its activities. Another important factor in the fight against corruption is the fact that the judicial system in general is not effective in handling corruption-related cases, which often leads to inadequate punishment for those guilty of corrupt acts.

Furthermore, in the context of this discussion, it is important to take into account the fact that the current relationship between the GACC and civil society organizations is quite limited. In particular, the national anti-corruption coalition established in 2009 needs to be open to all civic organizations. The national anti-corruption coalition should be more dynamic and serve as an open forum where civil society

organizations can act as watchdogs in challenging the GACC's performance of its functions. However, at the same time, the value of the current coalition should be recognized given that it is the first attempt ever in a country with no precedent for the participation of civic organizations in the governmental arena.

It is also worth highlighting that the implementation of the "Proclamation for the Registration and Regulation of Charities and Societies" law will restrict the funding of civil societies that operate in the area of human and democratic rights, gender and ethnic equality, conflict resolution, the strengthening of judicial practices, and law enforcement. This restriction will have negative repercussions for civil society organizations, which will, in turn, limit the public's voice on corruption-related issues and impact the Commission's operations in the long term. Finally, the GACC needs to make increased efforts to garner greater public support and trust. Currently, the general public's level of confidence in the GACC is not very high. As mentioned earlier, a mere 0.06 % of the population reports suspected acts of corruption. This may be due to ineffective whistle blower and witness protection laws.

As detailed in this research, it is evident that the GACC has been gradually improving the effectiveness of its operations by carefully addressing the flaws detected in its system, and that it has the potential to become a credible ACA given the solid foundation has been laid for its anti-corruption activities. However, while it has a clear vision regarding how to address a range of anti-corruption issues, it still faces a critical challenge concerning the implementation of key activities.

This is due to Commission personnel's lack of expertise regarding how to carry out its main anti-corruption functions, which consist of prevention, investigation, prosecution, and ethics and anticorruption education. At this stage, it is essential that the GACC enhance its staff capabilities through long-term hands-on training. In this regard, international actors and practitioners who seek to assist the GACC should focus on building the capacity of GACC personnel to design and implement its main anti-corruption functions. Such support should include technical assistance aimed at boosting anti-corruption functions and measures related to the design and implementation of effective, sustainable anti-corruption strategies and activities.

On a much broader perspective, At the risk of being accused of becoming a litigious society, the reporting and prosecution of corruption and economic crimes can be quite healthy and illustrative that people are more prepared to solve their problems by legal, rather than violent means. The public, judiciary, anticorruption agencies and civil society organisations have an integral role to play and led credence to public perception that the rule of law does apply when all accused persons are reprimanded and prosecuted. The respect of the rule of law must apply equally to all since it is of general application. This provides reason for confidence that the principles of equality before the law, in terms of which transgressors are brought to book whatever rank they hold in society is vital to address corruption. The media and civil society are indispensable partners for government in an effort to promote integrity and the rule of law in the fight against corruption. To conclude, the theoretical framework supported the findings.

CHAPTER 5: SUMMARY, CONCLUSIONS AND RECOMMENDATIONS

5.0 Introduction

This chapter summarizes and concludes the whole study in relation to the objectives that were set. The chapter also contains recommendations based on what emerged from the findings in relation to national anti- corruption commissions in Ghana.

5.1 Summary of the Findings

5.1.1 Objective 1: Issues affecting the effectiveness of anti- corruption in Ghana

The study found out that there are exogenous and endogenous factors affecting the effectiveness of the Ghana anti- corruption commission. Most people who participated in the study felt that this lack of effectiveness is attributed to the government lack of support, donor agencies, and the Ghana anti- corruption itself. A large number of the respondents believed that there should be coordination between all the parties involve because the Ghana anti- corruption commission cannot function effectively without these parties.

In relation to the interviews and questionnaires, political will, unfavorable working conditions, lack of coordination between donor agencies and government and the lack of independence of the national anti- corruption commissions. As detailed in this report, it is evident that the GACC has been gradually improving the effectiveness of its operations by carefully addressing the flaws detected in its system, and that it has the potential to become a credible ACA given the solid foundation has been laid for its anti-corruption activities. However, while it has a clear vision regarding how to

address a range of anti-corruption issues, it still faces a critical challenge concerning the implementation of key activities. This is due to Commission personnel's lack of expertise regarding how to carry out its main anti-corruption functions, which consist of prevention, investigation, prosecution, and ethics and anticorruption education. At this stage, it is essential that the GACC enhance its staff capabilities through long-term hands-on training. In this regard, international actors and practitioners who seek to assist the GACC should focus on building the capacity of GACC personnel to design and implement its main anti-corruption functions. Such support should include technical assistance aimed at boosting anti-corruption functions and measures related to the design and implementation of effective, sustainable anti-corruption strategies and activities.

5.1.2 Objective 2: Relationship between Ghana anti-corruption commission and donor agencies

The study found out that the relationship between Ghana anti-corruption commission and some of their sponsors are not cordial. This is because they often have conflicting issues especially when it comes to funding and prioritising project within a specific period. Most respondents claim that some donor agencies pursue their own interest rather than seeking the interest of these anti-corruption agencies. These donor agencies like UNDP, GTZ, T.I, and DFID play a very important role for anti-corruption agencies to function effectively in terms of funding.

According to most of the respondents, the focus on corruption should be seen as mainstream to donor activities and should be the subject of cooperative and coordinated actions. Specifically, and again drawing on a number of the concerns and issues expressed by the respondents in relation to donor agencies are: consideration of the suitability or transferability of reforms, suitable pre-funding assessment to ensure GACC capacity to deliver, consistency and integration of donor support, funding properly focused on the GACC strategy, and in particular on serving the public, funding integrated with own-government expenditure, sequenced donor funding that reflects the GACC's organisational capacity and maturity, business planning and effective measurement, funding that seeks complementarity or added-value with the work of agencies also engaged in anti-corruption work.

The study therefore states that donor agencies should support anti-corruption agencies so that they can work hand in hand to ensure a positive relationship and sustainable effectiveness.

5.1.3 Objective 3: To compare the legal and institutional framework established to combat corruption between Ghana other African countries

The study found out that most African countries have an established legal and institutional framework to tackle corruption. In comparison to countries like Zambia, Uganda and Tanzania, they all have their differences and similarities. The study shows that in Uganda for example, the anti- corruption commissions are principally funded by their own governments but in the others there is a large reliance on donor support. This shows that the relationship between the Uganda anti- corruption

commission and the Ugandan government is positive in terms of support and cooperation. This makes their work effective because they do not have to rely on donor support which sometimes do not focus and promote the initiatives of these anti- corruption commissions. In addition to that, the study found out that these funds from donor agencies can sometimes delay which hinders performance.

The study found out that comparison in terms of investigation in relation to the legal and institutional framework, The statistics show that, although investigation has long been seen as the primary purpose of African ACCs, the reality is that only a relatively small proportion of staff are involved in investigations, for example, in Uganda only about 10% of staff. In contrast, in the most specialised investigation agency, the SFO in Ghana, the proportion of investigators rises to about half of the staff total. Again, caution needs to be maintained in the precise classification of staff but the differences in proportions are quite striking.

There are areas where statistics are missing and patchy. In particular, it is hard to compare the relative monetary values of investigations and it is even more difficult to specify the status of those investigated or prosecuted. A large number of investigations can signify high investigative productivity but it might also indicate a strategy of targeting petty and politically uncontroversial corruption by low level officials. Large scale investigations of high level political figures are extremely costly in staff and other resources and a decision to prioritise these will have negative implications for the volume of investigations.

5.1.4 Objective 4: To give practical recommendations on how to deal with corruption and build institutions with zero tolerance to corruption.

5.2 Recommendations

Based on the findings of the study, the researcher generated the following recommendations:

5.2.1 Staff Capacity

Human capacity constraints are the most serious issue facing the Commission at this stage. During interviews, department directors revealed that their units are understaffed and lack the necessary skills to perform at optimal levels. In particular, the Investigation and Prosecution Department's staff do not have the necessary knowledge to successfully investigate and prosecute corruption offenses. To deal with the lack of capacity, the Department outsources some cases to the police investigation department. In addition, the Prevention Department's staff lacks specialized knowledge on corruption detection and prevention, and the Ethics Education Department's Director indicated that its staff lacks the technical capacity to design high-quality ethics and anti-corruption messages and training. Therefore Adequate and well equipped staff is essential for the performance of the GACC.

5.2.2 Donors and governments should only fund activities within strategic plans over a stated time-horizon and government funding must be core and assured

Funding is an important aspect for anti- corruption commissions. Without funding it is difficult for these commissions to function effectively. Having unrealistic activities

and projects that are sometimes not relevant or cannot be achieved over a specific period of time. Therefore to achieve success, projects and activities should be funded at the right time, for the right activity and at a level appropriate and commensurate with the scale of performance standards to be achieved.

In addition, governments and donors must agree on what the role of an ACC is and focus on what they are good at, and what they have the resources and capacity to achieve, ACC's should avoid seeking to fulfil a wide range of roles for which they do not possess the organisational competency and all such roles must either be diverted entirely or delegated to other agencies who are also fighting against corruption.

5.2.3 Effective Leadership and Management Strategy

According to the research, the study found out that most GACC managers, including the Commissioner, are professional lawyers who lack management and leadership knowledge and skills. In addition, some GACC staff who happens to be lawyers have their private chambers where they are mostly occupied. Given that there is a lack of technical capacity among the staff, effective leadership and management strategy gives the opportunity for directors to review the quality of the final output of the different unit within the commission and also outside the commission. The downside of this type of arrangement is that the management team lacks management knowledge and expertise, which may affect the effectiveness of the GACC. It is

therefore important for the GACC to have an effective leadership and management strategy to ensure performance.

5.2.4 Increase public awareness and trust

The researcher recommends that public awareness and trust should be increased. This is as a result of lack of trust in anti- corruption agencies. Some of these agencies have failed in the line of duty especially when it comes to investigating and prosecuting government officials who are involve in corrupt practices. Public education on the mission of ACC's and an adequate, effective and enforceable laws on corruption will increase public confidence and trust and prove to the public that the anti- corruption commissions are not a toothless bulldog. Since public confidence and trust is a key factor to the success of the Commission, Such a high expectation has the potential to create an appreciable gap between expectations and achievements between the public and Anti- corruption commissions.

5.2.5 A supportive governance framework

Democracy and good governance should, in encompassing a mix of participation, impartiality, public service, public interest, accountability, responsibility, inclusion, grievance and redress, preclude the need, incentive and opportunity for corruption. Governments with growing economies, widening democratization (including decentralization and state divestment policies) would ensure that ACC strategy and resources would be developed in tandem, both to ensure the anti-corruption dimension that could be attached to such wider reforms was addressed and help deliver them through its own KPIs. At the same time governments' anti-corruption

approaches would take cognizance of the value of the national integrity approach where the added-value is the promotion of interdependence – horizontal integration between agencies (sharing staff, training, cases, information; agreeing areas of responsibility to avoid overlap) so that state institutions with regulatory, audit and investigations functions, including ACCs, have complementary roles in promoting a national anti-corruption agenda.

5.2.6 *Asset declaration*

One of the major problems anti- corruption commissions faced is in the area of asset declaration. The researcher therefore recommends that that government and parliament need to demonstrate the needed political will to amend the Act and empower the institutions mandated to implement the Act as well as sanction defaulting officials. Asset declaration is one of the anti-corruption tools designed to ensure that public officers do not unduly acquire wealth while in office. The Act places the responsibility of declaring assets in the hands of the officer mandated by the Act to make the declaration on a form provided by the Auditor General. Specifically, Section 1 of article (4) requests the officer to declare their assets and liabilities before taking office, at the end of every four years and at the end of the term of his/her office and shall in any event be submitted not later than six months of the occurrence of any events specified in this subsection.

The Auditor-General is mandated under the Act to ensure the effective implementation of the Act and report defaulting officials to CHRAJ for the needed action to be taken against defaulters. Nevertheless, the implementation of Act 550 has been cited by all anti-corruption institutions like the Attorney General's Department and CHRAJ, etc. as one of the anti-corruption legislations that have been met with a myriad of implementation challenges. It is therefore recommended to ensure that assets are declared to avoid corruption.

To ensure its success, an anti-corruption strategy has to be consistently implemented over the long term in order to build something along the lines of a 'national integrity system' and should consist of an integrated approach that focuses on institutional reforms as well as on social and cultural factors. To achieve this, the various institutions involved in the fight against corruption need to have clear rules of engagement that ensure good interaction and collaboration. As corruption may be the result of a variety of institutional deficiencies and societal aberrations, anti-corruption measures should be designed with the knowledge that the specific causes, occasions and appropriate corrective measures are directly related to a country's individual circumstances: There is no one-size-fits-all strategy for combating corruption.

5.3 Conclusion

The chapter summarized findings from the study and went further to make recommendations based on the finding. The researcher summarised findings according to the set objectives while the recommendations were directed to all national anti- corruption commissions in Africa who are in the fight to combat corruption which is polluting the society.

REFERENCES

Books

Ackerman, R (1978) *Corruption: A study in political economy*, Academic Press, New York
And the world' The global competitiveness report 2004/2005 (2004) World Bank.
Controlling strategies.' The 3rd International Conference on Ethics in the Public

De Sousa, Luis, (2002) *Corruption: Assessing Ethical Standards in Political Life through Control Policies*, PhD thesis in Social and Political Sciences, Florence: European University Institute Discussion paper, No.303, September

Doig A & S R Theobald (1993) 'Corruption in a changing world: Comparisons, theories and Doig, Alan and Riley, Stephen, eds (1998), *Corruption and Integrity Improvement Initiatives in Developing Countries*, New York, UNDP.

Doig, Alan and Theobald, Robin, eds (2000), *Corruption and Democratization in Africa* Harvard University Press

Deryke Blshaw et al,(2001) "Faith in development, partnership between the world bank and the churches of Africa" oxford 6x26HB,united kingdom, 2001

Fanjet, Cyrillic and Hubert's, Leo, eds (2002), *Corruption, Integrity and Law Enforcement*, The Hague, Kluwer Law International.

Hither, Jeff and Shah, Anwar (2000). 'Anti-corruption Policies and Programs: A Framework Evaluation', Washington D.C., World Bank.

Johnston, Michael (1999) "A Brief History of Anticorruption Agencies, in *The Self-Restraining State*": Power and Accountability in New Democracies, eds. Andreas Schedler, Larry Diamond, and Marc Plattner (Boulder: Lynne Rienner Publishers, Inc.), p. 218.

Johnson, Michael and Kpundeh J. Sahr (2002), "*Building a Clear Machine: Anticorruption Coalitions and Sustainable Reform*, The World Bank Institutional Working Paper. Washington DC. The World Bank (2003).⁷ *Singapore Journal of International and Comparative Law*.

Klitgaard, R (1998) “International cooperation against corruption” finance and development, vol 35 No 1, March 1998.

Klitgaard R (1998) “International cooperation against corruption” finance and development, vol 35 No 1, March 1998.

Kaufmann, D (2004) ‘Corruption, governance and security: Challenges for the rich countries Cambridge University Press

Transparency International (2000), ‘Chapter 11: Independent Anti-Corruption Agencies’, in TI Source Book. Service (1993). London, Frank Cass

Udombana N.J (2003) ‘Fighting corruption seriously? Africa's Anti-Corruption Convention’ Paper presentation to ACC 2003

Umotoniwabo R. (2012) “Impact of Corruption on democratic governance” Harvard University press, Philadelphia 2012

Internet Documents

Global Integrity - <http://www.globalintegrity.org/reports/2006/ethiopia/index.cfm>

Transparency International: <http://www.transparency.org/>

Ghana Integrity Initiative, 2005, *“Voice of the People” survey (Southern Ghana), Project Completion Report*
<http://www.afriamap.org/english/images/documents/GhanaVoiceofthePeopleSurvey>

Ghana Integrity Initiative, 2008, *Ghana Integrity Initiative criticises political corruption*, http://www.ghananewsagency.org/s_politic

Ghana Centre for Democratic Development, 2005, *Financing political parties in Ghana: policy guidelines* http://www.ndi.org/files/1883_ghcddpolicyguide

TransparencyintegrityReport,
http://www.transparency.org/publications/gcr/gcr_2009

Freedom House, 2010, *Freedom in the World – Ghana country profile*,
<http://www.freedomhouse.org/template.cfm?page=22&year=2010&country>

Kaufmann, Daniel (1997): “Corruption: The Facts”, *Foreign Policy*, 107,
http://www.worldbank.org/wbi/governance/pdf/fp_summer97.pdf, pp. 114 ff.

OECD (1995): *Participatory Development and Good Governance*,
<http://www.oecd.org/dataoecd/27/13/31857685.pdf>.

Lambsdorff, Johann Graf (2006): *The Methodology of the Corruption Perceptions Index 2006*,
http://www.transparency.org/content/download/10854/93146/version/1/file/CPI_2006_long_methodology.pdf

Kpundeh, Sahr J. (1998): “Political Will in Fighting Corruption”, in: United Nations

Development Programme (ed.): *Corruption and Integrity Improvement Initiatives in Developing Countries*, <http://magnet.undp.org/Docs/efa/corruption.htm>

Mauro, Paolo (1997): "Why Worry About Corruption?" IMF Economic Issues No. 6, <http://www.imf.org/external/pubs/ft/issues6/index.htm>.

Newspaper Article

Modern Ghana Article by Samuel Hinnah “Assets declaration- challenge to combating corruption 16/08/2012

Ghana anti- corruption commission “Corruption should never be accepted as normal” by Pat Alsup 12/ 12/ 2013

Ghanaian Times by Kwesi Akyeampong “Corruption in the private and public sector” 04/04/2014

Appendix A QUESTIONNAIRE

TOPIC: AN ASSESMENT OF NATIONAL ANTI- CORRUPTION COMMISSIONS IN AFRICA: A CASE STUDY OF GHANA

QUESTIONNAIRE FOR RESPONDENTS

SECTION A: PERSONAL INFORMATION

1. Age of the respondent: 18-23[] 24-29 [] 30-35[] 35-40 [] and above []
2. Sex of the respondent: Female [] Male []
3. Marital status: single [] married [] divorce [] widowed [] separated []
4. Religion: Christian [] Muslim [] Traditionalist []
Other (specify).....
5. Level of Education: Primary [] Secondary [] Tertiary [] others []
6. What is your Occupation:
8. Country.....

SECTION B: ISSUES ABOUT ANTI- CORRUPTION COMMISSION

1. Why do you think most people are corrupt.....
2. Can you sight two recent examples of corruption in your country generally?
(a).....
(b).....
3. Are there some measures established by the government to prevent and punish corruption? If these measures exist, are they effective?.....
.....
.....
.....
4. In your opinion, do you think Anti-corruption agencies are succeeding in the fight against corruption?.....
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.....
5. What possible measures do you think can reduce corruption?
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.....
.....
6. .what is the relationship between anti- corruption commission and government?

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7. What are the challenges and success of the Ghana Anti- corruption commission?

.....
.....
.....

8. Which of these is common in your occupation/ area (a) bribery [] (b) embezzlement [] (c) Nepotism [] (d) tribalism [] (e) fraud [] (f) extortion [] (g) others (specify)

9. Is corruption good or bad?

(a) Good []

(b) Bad []

10. How do you think you can help in the fight against corruption?

.....
.....

11. Have you ever receive a bribe?

12. Have you bribe someone?

13. In your opinion, do you think corruption is reducing or increasing in your country?

14. Are you getting adequate information about the anti- corruption commission in your country?

(a) Yes []

(b) No []

15. On a scale of 1-10, how will you rate the anti-corruption mechanisms in your country?

Appendix B FOCUS GROUP AND INTERVIEW GUIDE

1. What is your understanding of corruption?
2. Are the mechanisms to tackle corruption appropriate and effective in your country?
3. How can the legal and institutional framework be strengthened to effectively reduce corruption in your country?
4. What are the causes and effect of corruption in your country and how can they be reduced?
5. What is your role in the fight against corruption?
6. Is the Government, N.G.O's, International community and other institutions making positive or negative impact to create zero tolerance against corruption

Appendix C INFORMED CONSENT FORM FOR PARTICIPANTS

I am a Master's student in the Institute of Peace, Leadership and Governance (IPLG) at Africa University. I wish to seek your consent to participate in this research study. The study is done in order to contribute to the exploration of the issues affecting national anti- corruption institutions particularly as they relate to corruption, and suggest concrete strategies geared toward solving these problems in Africa particularly in Ghana.

The information you give will contribute to the understanding of the problems caused by corruption and how they affect the democratic governance, and will help to suggest concrete strategies.

This research is non- paid and is also voluntary. You can choose to withdraw at any time if you wish. You are assured of confidentiality throughout the process and you will also be informed on the outcome of the research if you so desire. It is my wish that the research benefits all in the society to keep creating awareness on corruption.

THANK YOU

Appendix D PPOINTMENT LETTER FOR INTERVIEW

AFRICA UNIVERSITY

P.O BOX 1320

MUTARE, ZIMBABWE

20TH MARCH, 2014.

GHANA ANTI- CORRUPTION COMMISSION

ACCRA,

GHANA.

20TH MARCH 2014

Dear Sir/ Madam,

LETTER OF APPOINTMENT FOR INTERVIEW

I am a Master's student from the Institute of Peace, Leadership and Governance (IPLG) at Africa University in Zimbabwe. I am writing to book an interview appointment to carry out a research on corruption. The study is done in order to contribute to the exploration of the multiple facets of corruption with specific reference to national anti- corruption institutions, and suggest concrete strategies geared towards solving issues on corruption.

The information you give will contribute to the understanding of the problems caused by corruption and how effective anti- corruption institutions are. The findings will help to suggest concrete strategies to these issues for further research.

The research is a partial fulfilment towards the conferment of the Master's degree in peace and governance (MPG).

Thanking you in advance for your understanding and cooperation.

Yours sincerely