



**FIGHTING CORRUPTION IN GHANA FROM  
THE CIVIL SOCIETY PERSPECTIVE:  
CHALLENGES AND OPPORTUNITIES.  
A DISCUSSION PAPER**



**STAR GHANA  
FOUNDATION**

## PURPOSE AND COVERAGE

**T**his Discussion Paper expands and updates an earlier version prepared for STAR-Ghana (I) in November 2014. It has benefited from feedback and comments gathered from participants at two stakeholder workshops where a summary draft was presented: the first, held in Tamale on August 17, 2017; and the second in Accra on August 29, 2017.

The paper is not intended to cover a comprehensive study or review of corruption in Ghana; it only highlights key contextual factors in the Fourth Republic. While it does not attempt or offer a full blown political economy analysis of corruption in Ghana, it is informed by that perspective. Thus, it considers the political and institutional dynamics of corruption to understand why corruption works the way it does in Ghana and what implications that might have for civil society anticorruption efforts. This update maintains the demand-side focus of the first paper. However, it also

identifies important supply-side issues and actors that are critical to successful demand-side anticorruption initiatives. In addition, it extends the discussion to cover the private sector and its role, both as enablers of corruption and as anticorruption stakeholders. Other than feedback and comments from participants at the two stakeholder workshops, the information, observations and analyses in this paper are based solely on secondary research and the expert knowledge and insights of the Consultant; no primary research was conducted for this paper.

The discussion is divided into the following parts:

- Defining corruption
- Types of (public sector) corruption in Ghana
- General determinants of corruption
- The non-public sector and corruption in Ghana
- Anticorruption stakeholders: supply-side and demand-side actors and activities
- Some recommendations

## Defining corruption

**D**efining corruption in a way that captures succinctly yet comprehensively the diverse forms in which corruption is manifested can be quite a challenge. Of the many different definitions that have been proffered, the definition offered by the global anticorruption campaigner Transparency International (TI) is currently the most widely cited:  
**‘the abuse of entrusted power for private gain’.**

The definition offered by TI replaces an earlier, and still commonly used, definition which regards corruption as involving the abuse of ‘public office’. In using the term ‘entrusted power’, as opposed to ‘public office’ (or ‘public power’), the current definition recognizes the fact that corruption occurs in both public and non-public spheres. It is the possession of power broadly defined, rather than the holding of public office per se, that places one in position to engage in corruption.

Corruption is an abuse of power because it involves using power wrongfully or in a manner that deviates from its intended purpose. While this may involve a violation of law, the concept of abuse of power, and for that matter corruption, is broader and not limited to expressly criminal or unlawful acts. A strictly legalistic definition of corruption has the advantage of clarity and certainty in terms of giving forewarning as to what conduct is punishable as corruption. However, to define corruption solely by the current state of the law, which often lags behind social reality, carries the danger of legitimizing conduct purely on the basis of its statutory or legal status without regard to its pernicious character or effect. Of course, if a corrupt act is not a violation of law and thus not subject to legal sanction in a jurisdiction, the tools for fighting it are necessarily limited— primarily down to moral condemnation, internal administrative sanction, popular disapproval, and advocacy for legislative reform (to make such conduct illegal).

The concept of ‘private gain’ is sufficiently elastic to cover a wide range of possibilities beyond direct personal or monetary gain. For example, the private gain may take the form of an undue advantage or benefit conferred not on oneself but on a related (social or familial) third-party. The private gain to the official in that instance would be indirect and non-monetary. In some instances, too, the private gain may be a collective gain or advantage that the official shares with members of an exclusive group. For instance, abuse of

incumbency, which involves misuse of public resources to secure an electoral advantage, often yields a political or partisan advantage (re-election) for one's political party, not just for oneself.

Despite the popularity of the TI definition, there does not appear to be a clear social consensus in Ghana as to what acts or practices constitute corruption. Especially where a practice does not involve monetary gain or exchange, it is often thought inaccurate or inappropriate to use the term corruption for it. This is particularly true where the practice enjoys a degree of social approval or acceptance in influential circles. Take, for example, the practice of so-called 'protocol admissions', which involves the use of one's authority or influence to secure admission for a beneficiary in a limited-capacity public educational institution, outside the normal, competitive admissions process and rules. As this typically involves a bending or breaking of the regular rules of admission to confer a requested favour on a person on account of his or her position of authority or influence, it would appear to fit the definition of corruption. Yet because it is so pervasive, it has become almost normal and is rarely perceived as a kind of corruption. The difficulty protocol admissions presents for our understanding of corruption merely exemplifies the challenges of isolating corruption in a deeply neopatrimonial system like Ghana, where

resource distribution routinely happens through direct transfer in the form of disbursement of cash, gifts, and favours from politicians and other patrons ('big men' and 'big women') to their constituents.

Consensus on what constitutes corruption is further complicated by social custom. As it is considered customary or culturally obligatory for Ghanaians to express gratitude through gift-giving as well as bad form to refuse such gratitude gifts, especially for services rendered in a noncommercial setting (where there is no personal compensation for the person rendering the service), many cases of bribery frequently do not meet with social disapproval. This is especially so where the 'gift' is not 'demanded' or 'suggested' by the recipient but given 'voluntarily' and where it is given after, not before, rendering of the service.

There is, of course, no compelling reason why an anticorruption agenda must be framed around a single definition of corruption. In fact, as corruption takes on an increasingly transnational, multi-jurisdictional dimension, national anticorruption campaigns and strategies must also draw on the growing body of international and regional anticorruption instruments, many of which bring within the ambit of corruption a far broader range of acts and practices and, thus, cast the anticorruption net much wider than local legal and social conventions might suggest.



## CORRUPTION IN CONTEMPORARY GHANA

### Types of Corruption

**P**olitical corruption is corruption involving political decision-makers, including the political managers of state commercial entities. In Ghana, it is this type of corruption that attracts the most political and public attention. Political corruption typically involves decision-making (procurement, public works contracting, natural resource transactions, selective application of laws, etc.) at the highest levels of executive or legislative authority. Other than self-enrichment, the proceeds of political corruption often go to fund competitive political party and individual election campaigns, including maintaining related patron-client networks. Political corruption also takes the form of abuse of incumbency, where ruling party politicians and candidates use state resources (vehicles, media, staff, budgets, etc.) for their electoral campaigns, thereby distorting the political playing field to their advantage. Because of its distortionary impact on electoral politics, and the fact that it typically involves ruling party politicians and substantial sums of money, political corruption is the kind that tends to raise the ire of rival politicians and opposition parties as well as engage the interest and attention of media and civil society. Thus, most of the notorious corruption scandals tend to be about political corruption.

- **Executive corruption.** As the name suggests, this form of political corruption involves holders of elective or appointive political office in the executive branch of government. In Ghana, such officials are appointed by, and hold office at the sufferance of, the President and include the top management and heads of state-owned commercial entities and regulatory bodies. Control of decision-making authority over infrastructure projects, procurement contracts, licenses and concessions, jobs, allocation of public assets, and discretionary spending expose executive officials (President, Chief of Staff and presidential aides, Ministers and deputy Ministers, and district chief executives, and political heads and managers of state enterprises) to corruption opportunities on a far larger scale than other public officers. Executive corruption tends to take the form of grand corruption, involving substantial amounts of money.
- **Legislative corruption.** Parliament's power to grant tax waivers and approve legislation and international commercial agreements has given rise to corruption opportunities for Members of Parliament, especially at the committee level. It is common knowledge, for example, that committees of Parliament demand 'facilitation fee' from sponsoring or beneficiary MDAs before considering or reporting out bills referred for committee business.

**Administrative corruption**, also called bureaucratic corruption, is corruption within the public administration. It involves bureaucrats and public service personnel at all levels of the public administration who are charged with the day-to-day administration or implementation of rules and regulations, allocation of scarce public resources, and delivery of public services. Thus defined, it includes **judicial corruption**, even though the latter may be considered sufficiently distinct to warrant its own category.

Administrative corruption pervades the Ghanaian public sector, although it is perceived to be more endemic in the law enforcement and justice sector, customs administration and tax collection, and in the allocation and regulation of licenses, concessions, and other limited-access public resources. Compared to political corruption, bureaucratic corruption is generally less frequently publicized, although there is general public awareness of it. Also, while political corruption appears episodic, usually occurring in connection with the selection and execution of major one-off public projects and related contracts, bureaucratic corruption is generally more constant or steady and also more widely diffused, as it is often embedded in the normal business of running the public administration. Thus it is possible for administrative corruption to outstrip political corruption in cumulative size and impact. In practice, the two often overlap, as political insiders typically process their corrupt deals through the normal bureaucratic channels, sometimes with the aid and participation of senior bureaucrats, in order to give such transaction an appearance of propriety.

Administrative corruption can take the form of grand or petty corruption.

- **Petty corruption** is the everyday corruption that involves small to modest amounts of money per transaction and commonly takes the form of bribery (or extortion) in connection with the routine administration of rules and regulations. Grand corruption involves relatively large amounts and 'big fish'. It is thus the type that normally provokes public and civil society reaction. But petty corruption is not nearly as petty or benign as it may seem. Despite the small amounts per encounter, the cumulative haul over time could be quite substantial, given the routine, everyday nature of these payments. Moreover, toleration of petty corruption tends to normalize or legitimize corruption in general. Although it is ordinarily associated with

low-level officials, petty corruption in an organization is often sustained by the existence of a culture whereby the first-tier or frontline officials who demand and collect the unauthorized payments may be expected or required to share the accumulated proceeds with backroom colleagues and superiors up the chain of command, thus turning 'petty' corruption into an institutionalized collective or team effort. Petty corruption is also a 'regressive tax', as it generally targets the poorer segments of the population; high-status individuals usually have access to social networks that enable them to navigate the public bureaucracy at little to no out-of-pocket cost.

- **Quiet corruption** is a variant of administrative corruption that typically involves no monetary exchange per se. Rather, public service agencies and frontline public employees who are required to deliver or provide certain government-funded or subsidized services or inputs to specific classes of public beneficiaries deliberately neglect or fail to do so. Common examples of this are public school teachers who are habitually absent from the classroom, often using official hours to pursue their own private projects, and public sector medical personnel who do not show up or show up only briefly at their designated public facilities during official hours and instead provide services privately to patients or who divert equipment and supplies meant for public patients to their private moonlighting jobs. In both of these instances, the affected pupils and patients are unfairly shortchanged. In the end, the persistent experience and expectation of poor service provision at these public facilities forces the poor to reduce their patronage of and attendance at such facilities to seek alternatives that are often more costly and of low quality. Because the affected services and facilities are relied upon disproportionately by the poor, quiet corruption exacerbates social inequalities, particularly in access to services in sectors like health and education that are critical to the poor.

## MANIFESTATIONS AND PREVALENCE OF VARIOUS TYPES OF CORRUPTION IN THE GHANAIAN CONTEXT

**P**olitical corruption. There is no systematic study or empirical data that documents the types, degree, and prevalence of corruption in Ghana. However, historically, attention has focused primarily on political corruption. Claims of massive regime corruption featured prominently among the public justifications for every one of Ghana's past coups d'état. And immediately upon assuming power, past military governments usually established commissions of inquiry to identify and document instances of corruption involving officials of the previous government. The findings and reports of these commissions of inquiry, which typically implicated key officials of the predecessor government in various acts of corruption, were used politically to discredit the old government and legitimize the new. Little structural, institutional or statutory reforms were implemented on the basis of these commission findings, and in due course regime corruption resumed, often in more alarming proportions.

This tradition and pattern of dwelling on political corruption yet using corruption allegations to discredit political rivals and settle political scores but little else has persisted into the Fourth Republic. Thus, when there is party turnover in government, the new government usually makes allegations of grand corruption against the past government—some of them well founded--and use the investigative and prosecutorial machinery of the state to target selected members of the past government for alleged complicity in various corruption-related offences. On their part, the past government, now the opposition party, would condemn such investigations and prosecutions as political harassment and witch-hunting. In practice, as most of these prosecutions have failed in court, and because ruling parties rarely investigate or prosecute corruption allegations that influential members of government, the use of 'post-incumbency accountability' has not made a credible impact on fighting corruption in the Fourth Republic. Nonetheless, Ghana's rival political parties routinely trade allegations of corruption, especially in the run-up to elections, with each party trying to paint its rival as the worse offender. Particularly when it manifests as abuse of incumbency during election season, political corruption tends to get opposition party candidates and supporters highly aggrieved and agitated, while ruling party supporters simply treat it as normal politics. Political corruption has thus become a highly politicized and contested affair in contemporary Ghana, a fact that presents immense challenges for efforts at dealing with the problem.

In the past, the Commission for Human Rights and Administrative Justice (CHRAJ), acting on its constitutional and statutory mandate, has investigated certain government officials, in different party administrations, for alleged corruption and also for alleged abuse of office. In the first of such investigations conducted, where CHRAJ made adverse findings against named government officials and recommended prosecution, the

Government, treating CHRAJ's findings and recommendations are merely advisory, issued a White Paper essentially rejecting them. Under the Constitution and its enabling statute, CHRAJ has no independent powers of prosecution, it can only refer prosecutable cases to the Attorney General, who, though a member of the President's cabinet, has constitutional monopoly over prosecution. In the one abuse of office case under a different party government, where CHRAJ made adverse findings against a key government official, the Supreme Court upheld a judicial challenge brought by the affected Minister, ruling that CHRAJ had acted in excess of its lawful powers by investigating the Minister on its own motion, without the benefit of a formal complaint. The Court noted in that case that CHRAJ remained free to investigate 'corruption' cases without waiting for its jurisdiction to be invoked by a named complainant.

**Bureaucratic Corruption.** Bureaucratic corruption has generally received less publicity and attention. This, despite the fact that it is the primary focus of the periodic statutory audit of public bodies carried out by the Auditor-General. Successive annual reports of the Auditor-General have documented numerous instances of authorized expenditures and other violations of law and internal controls in government ministries, departments and agencies ('MDAs') that have resulted in substantial financial losses to the state. While these reports and findings have formed the bases of the proceedings of Parliament's Public Accounts Committee year after year, they have generally not led to law enforcement or prosecutorial action to recover the amounts involved or otherwise sanction or criminally punish the offending public officials. Moreover, the fact that these reports of the Auditor-General make virtually the same kinds of findings of final impropriety in the MDAs and recommend virtually the same corrective steps, year in year out, suggests that the institutional and organizational lapses and weak internal controls in the MDAs that give rise to corruption and other cases of financial

malfeasance persist. A newly emerging middle class-led civic formation, OccupyGhana, recently won an important legal victory when it got Supreme Court to rule that the Auditor-General is duty-bound to exercise its statutory powers of surcharge to recover funds from public officials against whom it has made findings of financial impropriety. While the matter was pending, the Government announced in its 2015 Budget Statement presented to Parliament in November 2014 that it will implement measures to enforce the findings and recommendations contained in the annual reports of the Auditor-General.

**Petty Corruption.** Petty corruption is endemic in Ghana. While the police, DVLA and customs are probably the most notorious offenders, routine payment of small to modest amounts of money to frontline public servants is 'standard operating procedure' in virtually every public agency that must render a service or administer a law or programme for the benefit of the public. In some instances, such payments have become so customary that they are made without overt demand from the public official, and may even be offered ex post, as opposed to ex ante, thus giving it the appearance of a token of appreciation, instead of a bribe. Despite its pervasiveness, or perhaps because of it, petty corruption has not generated nearly as much public opprobrium as grand or political corruption. Perhaps because it is seen as involving 'small fish' and only modest amounts of money (in relation to the value of the benefit received in return), petty corruption is widely tolerated. In general, there has been little credible or consistent effort on the part of government or the bureaucracy to tackle petty corruption. One theory suggests that, because government lacks the fiscal capacity to pay most public employees a living wage, it knowingly tolerates petty corruption just to 'let sleeping dogs lie'. As long as petty corruption provokes little public outrage and government cannot afford to pay low-level public servants a living wage, official toleration of petty corruptions seems the politically safe thing to do.



However, as explained before, toleration of petty corruption, both by the public and by government, fails to consider its overall social and economic impact. Notably, rampant petty corruption damages public trust in government institutions; it increases the cost of operating in the formal economy and thus reduces the incentive for small-scale private actors to formalize their status; it disproportionately burdens the poor who must deal with the state; and, above all, it contributes to a general moral atmosphere of permissiveness of corruption.

**Quiet corruption** is particularly rampant at the service provision ends of the health and education sectors, as some recent research

and tracking of budget expenditures have established. The problem is particularly acute in distant rural and peri-urban communities, where, for example, exceptionally high rates of teacher absenteeism and other leakages in budget disbursements have been reported. In farming communities, too, farmers are known to suffer quiet corruption in the distribution and allocation of government-paid agricultural inputs and services. It is often alleged that partisan criteria are applied in selecting the beneficiaries of subsidized inputs like fertilizers and services like hired tractors. In general, while there is general public awareness of the prevalence of quiet corruption, not much attention is paid to it, particularly at the national level.

## GENERAL DETERMINANTS OF CORRUPTION

It is not possible to enumerate, or even agree on, all the possible causes or drivers of corruption in Ghana or anywhere else for that matter. It is possible, however, to devise a simple classificatory scheme that organizes the various possible causes and drivers of corruption (and anticorruption) into broad categories and to attempt to draw out a relationship among them. This paper uses one such scheme developed by the author. It is a three-part scheme that classifies the determinants of corruption into motive factors, opportunity factors, and sanctions factors. The basic idea is that for corruption to occur, one must have both a motive and the opportunity to commit the act. If these two elements are present, the likelihood of corruption occurring will depend on the actor(s) assessment of the probability and severity of sanctions. We can thus conceptualize corruption roughly in the following simple equation:

$$\blacksquare \quad C = (M \times O)/S;$$

where: M = motive; O = opportunity; and S = the probability and severity of sanctions  
**Motive (M)** refers to those factors that may

be said to induce, compel, or propel one to engage in a corrupt act. They include economic insecurity (which may arise from low or irregular income or job insecurity); absence of social safety nets to cover or cushion against personal or household financial emergencies, lifestyle choices and high cost of living. Social pressures can also create an atmosphere that encourages or compels people to participate in corruption. Examples include social norms or expectations that encourage one to accord preferential treatment to one's family members or kinsmen or those affiliated with one's political group. Where such attitudes are prevalent, corruption may not cause one to suffer reputational harm or social disapproval. In electorally competitive settings, pressure from political competition also tends to induce politicians and candidates to act corruptly in order to generate funds for their campaigns. And in situations of generalized poverty and weak or non-existent social safety nets, political actors are often besieged with recurring requests and demands for financial and other material assistance from their constituents and supporters in return for votes.

In short, ‘motive’ factors, which are a combination of factors both personal and external to the individual, are those things that push one to engage in corruption and, at the same time, they serve to rationalize or provide an ‘excuse’ for the conduct. We can denote M factors as those that induce ‘demand’ for corruption. In general, the greater the M, the greater the level of corruption.

**Opportunity (O)** refers to those factors that give one the ability and means to commit a corrupt act. They are the enablers and facilitators of corruption. They include resource scarcity; authority (to allocate a scarce good or service), discretion, lack of transparency (regarding the decision-making or applicable criteria), weak monitoring or accountability systems and lengthy or burdensome procedures. Opportunity generates the ‘supply’ of corruption. In general, the greater the O, the greater the level of corruption.

**Sanctions (S)** discourage, deter or minimize corruption by raising the risks and costs

associated with it. As used here, ‘sanctions’ is a shorthand for both those factors that raise the likelihood of exposure and detection of monitoring, the severity of the punishment, and the probability that it will be applied. Sanctions may be legal or administrative in nature, but they also come in the form of moral, cultural, and social (including political) disapproval. In general, the greater the S, the less the corruption.

In practice, the three categories overlap. Thus, for example, where M is strong and persistent, it may give rise to creative ways to find and exploit O. Conversely, where O is in abundance, the supply may create its own demand (M). Motive factors, especially in the form of social norms, can also operate to lower S.

- o A comprehensive anticorruption strategy must address all three elements of corruption, aiming to reduce M and O and increase S.

## DRIVERS OF MOTIVE IN GHANA

**Bureaucratic Corruption.** Popular and impressionistic accounts of what drives bureaucratic corruption, whether grand or petty, usually focus on economic pressures and insecurity confronting persons in paid employment generally. Thus, relatively low public-sector salaries is commonly cited as a leading factor that induces or compels public servants to engage in corruption. Perhaps more than salaries per se, it is the general cost of living and, for that matter, the relationship of salaries to an average household budget, that must be of greater concern. The general absence of public safety nets or social welfare schemes in critical areas like housing and health forces most households into a constant search for additional sources of income to protect themselves in case of adversity. These

economic challenges are exacerbated by the fact that salaries and operating budgets in many public agencies are irregular and frequently chronically late. It has also been suggested that the pegging of the mandatory public service retirement age at sixty, coupled with increasing longevity rates, drives corruption, in that, it creates anxieties over retirement insecurity as public servants approach the last years of their careers, which is also when, on account of seniority, they are likely to occupy positions of responsibility and authority where corruption opportunities arise. The uncertainty of one’s tenure in such senior or top management public service positions, due to rapid rotation of appointments and the ebb and flow of patronage politics, also fuels this anxiety.

In addition to these economic ‘motive’ drivers may be added various social norms that create an ethical atmosphere conducive to corruption. Public sector employment, especially at a ‘good place’, is commonly regarded as an opportunity for one to better one’s economic fortunes and, depending on the position, as a ticket or license to self-enrichment as quickly as possible. These social expectations are often reinforced on the job, where colleagues who are perceived to be too ‘rigid’ and not open to corruption are considered as not being ‘team players’. Attitudes like these, both on the job and in the larger society, generally lower the risk of stigma or moral shame associated with corruption and thereby encourage participation in corrupt transactions.

**Political corruption.** The motive or incentives that drive political corruption in Ghana today are linked to the country’s highly competitive, strong two-party politics. As the two main rival parties, the NDC and the NPP, have become roughly equally matched in their national electoral strength, with only a thin margin and vote tally separating the declared winner from the runner-up in successive

presidential ballots, Ghana’s quadrennial national elections have become fiercely, and often nastily, contested. Political campaigns have thus become a hugely costly affair, forcing parties, candidates and aspirants to focus their energies on raising large amounts of cash in order to outcompete their rivals. Even internal party elections to select national officers and constituency-level primaries to select parliamentary candidates have become highly competitive and super-expensive endeavours.

In the absence of public funding of political parties or campaigns, and as neither party funds its activities through regular membership contributions, parties and candidates must rely entirely on their own genius or resourcefulness to generate campaign funds. For the ruling party and its candidates, this provides a primary incentive to abuse incumbency in order to finance the party and its campaigns. Denied similar access to incumbency resources, opposition parties and candidates can only have recourse to private financing, including possibly from foreign business interests. Both methods of party financing open the door to political corruption.

## DRIVERS OF OPPORTUNITY IN GHANA

**Bureaucratic corruption.** Opportunities for corruption in Ghana’s public sector arise generally from a combination of extensive discretion, lack of transparent rules and processes, and weak monitoring systems and attendant low risk of sanction associated with the abuse of power by public officials. There is a high degree of informality in transacting business with public agencies. Rules, criteria, standards, and procedures appear imprecise, ad hoc, and negotiable, leaving scope for extensive discretionary powers. Rules and regulations are rarely accessible or publicized in advance to the wider public. Thus, there is widespread public ignorance of applicable rules and standards and virtually no notion of the public’s rights or just expectations in their

dealings with public bodies. Public applicants are almost always reduced to supplicants in these transactions. Transactions do not appear to be subject to any firm or predictable timelines or completion dates, leaving room for interminable and opportunistic delays in the processing of applications and requests. Nearly all transactions and interactions are conducted face-to-face; there is virtually no use of on-line applications or filings or on-line tracking of same. In short, the typical transaction between a member of the public and a public agency or official involves a highly asymmetrical relationship, with practically all the power on one side and little or no countervailing rights on the public end of the transaction. Moreover,

there is little transparency or openness in these dealings, including in a physical sense. Many interactions occur behind closed doors or sometimes off-premises. Corruption in the public administration is also facilitated by the overall weak monitoring and oversight systems. There is often no formal documentation of unfavorable decisions or a statement of reasons for such decisions. Internal mechanisms for administrative review are rare or nonexistent. Corruption and abuse of power, where they occur, are thus difficult to establish or detect. While periodic audits by the Auditor-General frequently unearth numerous financial improprieties in MDAs, these typically fall on the fraud and misappropriation ends of the spectrum. Even so, the reports are usually at least a year or two late and, as already noted, the reported violations do not normally trigger follow-up criminal investigations or sanction. All of these create an enabling environment in which bureaucratic corruption thrives.

**Political corruption.** Many of the observations above concerning the ‘opportunity’ drivers of bureaucratic corruption also apply to political corruption. But by far the greatest facilitator of political corruption is the winner-take-all character of the country’s political system and the supremacy of the presidency—and thus the executive—within the structure of government. Political control of the state provides the party in power with enormous material and political resources and advantages over its rivals. A multitude of public-sector opportunities—jobs, consultancies, directorships, civil-service posts, and construction contracts—are routinely reallocated almost entirely on the basis of party loyalty after a party turnover in government. Patronage and the associated distribution of spoils are the primary payoff for campaign and party donors as well as a means of securing new financiers.

Ghana’s politics of patronage is made possible by a constitutional framework and political tradition that vests vastly disproportionate power and control of resources in the hands of the president—and, by extension, in his

Ministers. Statutes that grant the president or his Ministers power to allocate and regulate the use of specified public resources typically confer on them wide discretion in the exercise of such powers. Parliamentary oversight of executive conduct and performance is weak to nonexistent. Although there are several parliamentary committees with formal investigative powers, Parliament has never launched an inquiry or investigation into any allegations of mismanagement or corruption or government scandals involving the misapplication of public funds. The president is bound by the constitution to choose a majority of his Ministers from among sitting MPs, and successive presidents have seen this as an opportunity to coopt a substantial number of majority-party and independent MPs and to dangle the prospect of a ministerial appointment before the remaining backbenchers. The majority of MPs benefit from presidential patronage in other ways, as well. For example, many are appointed to salaried directorships on boards of public agencies and corporations.

Ghana’s constitution includes a ‘Code of Conduct for Public Officers’ that prohibits conflicts of interest. But there is no statutory elaboration of this provision and therefore no enforcement mechanism. Conflicts of interest and self-dealing are thus fairly routine among public officeholders and politicians. CHRAJ has the constitutional and statutory mandate to investigate complaints of corruption, abuse of office, and human-rights violations, but it has a number of handicaps: It is chronically short of funds and investigative staff; it lacks the authority to prosecute or sanction violators; and it is perennially underresourced by the government. The CHRAJ is therefore unable to carry out each of its multiple mandates with equal effectiveness. In practice, it devotes itself almost entirely to administrative justice and some human-rights issues and rarely investigates corruption allegations—or else fails to publicize its anticorruption work.

All the investigative and prosecutorial arms of the state are under the political control of the



executive. The inspector-general of police and all top-level police officers are appointed by the president and hold office at his pleasure. Criminal investigations are thus subject to political control, as are prosecutions. Only the attorney-general, a member of the cabinet who serves at the pleasure of the president, has the authority constitutionally to initiate and terminate a prosecution. The exercise of the attorney-general's prosecutorial discretion in important cases is invariably influenced by partisan criteria, which explains why alleged corruption by influential government officials and politicians typically go unprosecuted. Laws regulating political party financing, including required disclosure of funding sources, and prohibitions against vote-buying contained in the criminal code are never enforced. Political corruption thus enjoys high-level political cover. A newly proposed Office of Special Prosecutor, the legislation for which is currently before Parliament, is expected to change this state of affairs by delegating investigation and prosecution of cases of grand corruption involving politicians and public servants (and private sector

accomplices) to a special prosecutor with security of tenure.

Overall, government accountability and transparency remain grossly deficient. The political system and government bureaucracy operate according to an ethic of secrecy and opacity. Even the president's salary and benefits (as well as those of MPs, ministers, and other civil servants) are not officially disclosed to the public. Successive administrations have ignored demands for transparency-promoting legislation, freedom-of-information laws, and the required disclosure of assets by public officeholders. Instead of championing accountability, successive administrations have taken greater interest in 'postregime' or retrospective accountability, launching investigations and prosecuting leading members of the previous administration for alleged corruption and other criminal abuses of office during their tenure. In sum, the structure of power creates an enabling environment in which political corruption festers and is shielded.

## DRIVERS OF S IN GHANA

In general, sanctions against corruption are extremely weak in Ghana. While the Criminal Offences Act and public procurement and contracting laws criminalize various acts of corruption, legal enforcement and prosecution, especially of grand corruption, is infrequent. Thus, both in the severity of the punishment and in the likelihood of their being imposed, criminal sanctions for corruption in Ghana do not yet offer credible deterrents against public corruption. Lack of public access to information also makes unofficial detection and exposure of corruption difficult. Arcane civil service rules that lean more heavily in favour of job security than integrity, in the public bureaucracy, also make administrative sanctions for corruption equally ineffective. Social sanctions do not fare much better. Social norms that perceive high office as a 'reward' and a license for self-

enrichment also mean that many instances of corruption do not meet with much social disapproval. Ghana's patronage-based political system also complicates the fight against corruption. Corruption sustains patron-client relations. With it, 'Big Men' buy political support and loyalty, especially in their home communities. Corruption allegations and investigations involving influential public figures sometimes thus provoke shows of support and solidarity from faithful constituents, partisans, and beneficiary communities. Divisions within the national electorate on the basis of party and ethnicity, coupled with the fact that large numbers of voters pay no income taxes, pose challenges for issue-based political mobilization and collective action to address problems like corruption. Behind every allegedly corrupt politician or political big-wig is a community

for whom he or she is a local hero and which stands ready to throw their support behind him in difficult times. Some chiefs have been known to intercede with national political leaders on behalf of hometown patrons

who come under investigation for allegedly unlawful or improper conduct.

Overall, then, corruption in Ghana is sustained by high levels of M and O and low S.

## **NON-PUBLIC CORRUPTION: THE PRIVATE SECTOR'S ROLE IN CORRUPTION**

Corruption is not restricted to the public sector; it extends to the business sector, the not-for-profit sector (including CSOs, the faith-based sector, and traditional authorities), and the professions (lawyers, engineers, architects, valuers, surveyors, doctors, etc.) Some private sector corruption is internal to the organization itself. This kind involves organizational insiders using their positions to extract private gains at the expense of their employers or corporate owners or donors. Private-sector corruption of this kind does not usually attract public attention, as it is commonly regarded as a private matter (though still criminal) for the particular organization to deal with. Other forms of private sector corruption, however, have a more direct public nexus or impact; as, for example, when private companies falsify documentation so as to evade compliance with applicable regulations or dodge taxes. Indeed most instances of public sector corruption would be impossible to accomplish without the participation or indulgence of private actors. Private parties are often involved in conceiving, structuring, and executing corrupt deals in conjunction with their public counterparts. Public officials involved in corruption also frequently rely on private sector parties, including engineers, lawyers, accountants, auditors, and banking and real estate professionals, to conceal or launder corruption proceeds. The private sector as a whole is, however, also harmed by public sector corruption. Corruption undermines meritocratic competition, misallocates resources, and raises the cost of doing business, leading to an overall loss of consumer welfare. Because the private sector is involved in corruption, both as co-participant and as victim, it is crucial that a national anticorruption strategy, even if concerned principally with public sector corruption, target not only the public sphere but the private as well.

## ANTICORRUPTION STAKEHOLDERS: THEIR ROLES, INTERESTS, CONSTRAINTS, AND CHALLENGES

### Supply-side actors

**The President/Executive.** Political leadership of anticorruption in Ghana rests with the President and his Government. The executive's control of contracting, procurement and patronage opportunities and its political oversight of the public administration and the state's regulatory and commercial sector makes it both exceptionally vulnerable to and politically responsible for the incidence of corruption (and the fight against corruption) in the public sector. Moreover, the legal tools for fighting corruption, in the form of the state's investigative and prosecutorial authorities, are principally under the control of the Executive. Above all, Ghana's political and constitutional system revolves around the President. The intervention of the President appears necessary to get done anything good that needs done and to get undone anything bad that needs undone. In particular, the President is expected to set the ethical tone for the Government and lead the fight against corruption.

The Attorney-General, the Criminal Investigations Division of the Police, the Economic and Organised Crime Office (EOCO), and the Bureau of National Investigations are the frontline executive branch agencies in the fight against corruption. As the President appoints, and may remove at will, the heads of these various law enforcement bodies, including the Attorney-General (who is a cabinet minister), political interference or deference in corruption investigations (handled principally by Police, EOCO, and BNI) and prosecutions (a monopoly of the Attorney-General) is common and expected. Alleged corruption involving incumbent government politicians thus tends to enjoy high-level political cover. Corruption cases are usually pursued after there has been a party turnover in government following elections. In fulfillment of a manifesto promise, the Government is pushing for passage of a bill to establish an office of special prosecutor to handle grand corruption, both political and administrative.

**Commission for Human Rights and Administrative Justice.** CHRAJ has a triple mandate to fight abuse of office (administrative injustice), corruption, and human rights violations through public education, administrative regulation, and investigation and administrative determination of cases and complaints. It is the lead agency with responsibility for coordinating implementation of the National Anticorruption Action Plan (NACAP). CHRAJ has conducted some high-profile complaints of corruption and abuse of office in the past, including complaints brought against former Presidents Kufuor and John Mahama during their tenure. CHRAJ's investigations of alleged political corruption have generally not yielded much impact. Although it is widely criticized as ineffective in its anticorruption work, it faces real constraints as an anticorruption agency; it cannot prosecute offenders and lacks control over the referrals it makes to the Attorney General for prosecution; its administrative orders



are subject to judicial review and are often successfully challenged in court; and it lacks the appropriate legal tools to monitor assets, incomes and lifestyles of government officials who must file asset disclosures under the Public Office Holders Act. In practice, CHRAJ appears to function mainly as an ombudsman and human rights commission, with its anticorruption mandate the weakest leg of its tripod.

**Auditor-General.** The Auditor-General enforces compliance with appropriations, budgets, and public financial management laws and regulations through periodic audit of accounts of public bodies. Its findings and recommendations, published in an annual report submitted to Parliament, forms the basis of hearings by the Public Accounts Committee of Parliament. A new judicial ruling secured by OccupyGhana empowers and requires the Auditor General to enforce surcharges against offending public officers. There is otherwise no regular or systematic follow-up action on the Auditor-General's findings and recommendations.

**Judiciary.** Although the judiciary is generally free from political interference, almost three quarters of citizens perceive the courts to be corrupt (GI 2016). Courts are also generally slow in ruling on cases. The judiciary's reputation for integrity has been further dented by a sting operation in 2015 by a private investigative team, which produced video evidence of 12 High Court judges, 22 lower court judges, hundreds of court clerks, seven attorneys and five police officers receiving bribes for the disposition of judicial outcomes. As a result, some seven High Court Judges were initially suspended, of which three have since been terminated. Twenty-two judges and magistrates from lower courts have also since been removed from office. Beyond administrative sanctions, however, there has been no announcement of possible prosecution of any of them.

**Public Procurement Authority (PPA).** Public procurement accounts for well over 50 per cent of the national budget and about 14%

of the GDP (Transparency International, 2009). The PPA was established under the Public Procurement Act, 2003, to ensure transparency in the award of government contracts. 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. Suppliers and consultants attempting to exert undue influence on procurement processes are subject to sanctions, including debarment from government contracts for five years. This provision is not enforced in practice. Moreover, despite being strongly disfavoured under the law, sole-sourcing, involving the award of a contract to a preferred contractor without recourse to competitive tender, is fairly common. The current government has pledged to make sole-sourcing an exception. The PPA board and executives are essentially appointed by the executive, which has been criticised by civil society as/for undermining its independence (Freedom House, 2010). Recently the PPA announced that it would investigate all public sector procurement transactions for 2016, following revelations that the Social Security and National Insurance Trust (SSNIT) had procured for \$72 million a non-functional Operational Business Suite (OBS) software.

**Electoral Commission.** The commission's mandate includes enforcing political party compliance with constitutional and statutory financial disclosure and financial statement reporting rules, including sources and uses of funds and prohibition against receipt of donation from foreign sources. The commission has generally failed to perform this function. There is a lawsuit before the High Court by a civic group to compel the Electoral Commission to cause political parties to comply with their statutory financial disclosure and reporting obligations. National Commission on Civic Education (NCCE) The NCCE's mandate includes promoting public education in constitutional norms and

values and the ethic of good citizenship and public service. It has not addressed corruption in its programming or activity.

**Parliament.** Parliament's anticorruption mandate includes oversight of the executive and the public administration. The formal investigative powers of committees of parliament have never been used to investigate allegations of mismanagement or corruption or any government scandals involving the misapplication of public funds. The Public Accounts Committee holds annual public hearings on Auditor-General's report, but follow-up action to sanction offending public officials is lacking. The Speaker wields enormous powers, including the power to disallow motions demanding certain investigations. In the past, Speakers have used this power to prevent opposition party attempts to launch parliamentary inquiry into alleged corruption involving the President. General elections have consistently produced

a parliamentary majority of the same party as the President, creating a mutuality of interests between the President and Parliament. The constitutional provision requiring the President to appoint the majority of his Ministers from Parliament has institutionalized this relationship, especially as successive presidents have taken advantage of it to coopt a substantial number of majority-party and independent MPs into the executive. The majority of MPs benefit from presidential patronage in other ways as well. For example, many are appointed to salaried directorships on boards of public agencies and corporations. Wholesale absorption of a majority of MPs into the executive has substantially weakened Parliament's ability to function as an oversight body. Parliament's ability to fight corruption is also undermined by its own practices, notably, the widespread practice of committees demanding and accepting monies from MDAs for its members (and staff) in order to review and report on bills and agreements referred for committee action.

## DEMAND-SIDE ACTORS

**Civil Society Organizations.** Ghana Integrity Initiative (GII), which is the local chapter of Transparency International, is the one CSO that focuses principally on anticorruption. The Ghana Anti-Corruption Coalition (GACC) was formed as a platform for key anticorruption stakeholders, both state and non-governmental actors, to meet regularly and coordinate strategies. Over time, however, GAAC has become less of a coalition and more of a CSO itself. Other CSOs that are active in the anticorruption area, such as CDD-Ghana, tackle corruption-related issues through their general good governance and social accountability projects. CSOs have been important champions of transparency-promoting legislation such as the Petroleum Revenue Management Act and the Whistleblower Act, and continue to press for passage for a Right to Information Bill. They have, however, not done as effective a job

monitoring implementation and enforcement of anticorruption legislation once passed. In general, coordination across CSOs is weak, and collaboration with key public anti-corruption organisations even more so. CSOs often like to pursue their own separate projects and do not normally collaborate with one another on common causes. In part, such organizational isolationism is induced by the fact that often CSOs compete among themselves for project/programme-based funding from the same limited donor sources. This reinforces inter-organizational and personality-based rivalries among some CSOs, which further hamper collaboration, information sharing, and voluntary collective action among them. CSO anticorruption interventions and efforts tend to be episodic and reactive, often triggered by reported scandal, annual release of Transparency International (TI)'s corruption rankings, and yearly Public

Accounts Committee hearings on the Auditor General's report. CSO anticorruption work remains largely Accra-centred and has focused principally on political corruption. CSOs generally weak on social mobilization or vertical networking in support of anticorruption. CSOs have generally not anchored their anticorruption work and advocacy either in Ghana's commitments under generally more ambitious international and regional anticorruption instruments, notably the UN Convention against Corruption and the AU Convention on Preventing and Combating Corruption, or in the homegrown National Anticorruption Action Plan.

***New Anticorruption Civic Formations and Champions.*** The recent emergence of two nondonor-funded anticorruption/public-interest lawyer-led groups has injected new energy into the fight against corruption. OccupyGhana and Citizen Ghana Movement (CGM) use a combination of litigation/threat of litigation and social media-driven civic activism to campaign against corruption and demand action to deal with specific cases. OccupyGhana successfully worked through the courts to get the Auditor General to impose surcharges on public officials found to have spent public funds without lawful authority. Lawyers for the CGM also successfully sued to compel government to disclose details of a controversial contract entered into in violation of procurement laws. The case also affirmed the constitutional right of citizens to compel disclosure of government-held information in the public interest. Together with individual anticorruption champions like former Attorney-General Martin Amidu and investigative journalist Manasseh Azure Awuni, these new civic formations have managed to mobilize a public voice through social media in ways that conventional CSOs have not.

***Faith-Based Organizations.*** Of the two dominant religions in Ghana, the Christian sects have been more openly involved in secular or public affairs and advocacy than their Moslem counterparts. The institutionalized Christian denominations,

represented by the Christian Council of Ghana and the Catholic Church, have historically been influential moral voices on national affairs and continue to assert a civic role. Their social influence and popular appeal have, however, waned over the years, as new personalistic churches comprising the so-called charismatic movement have emerged and grown exponentially in prominence, media presence, and followership, including among the middle and political classes. The moral influence of the latter group on issues of public virtue or corruption is complicated by their doctrinal promotion of personal material prosperity as evidence of divine favour or reward—an approach that sets them apart from the old, institutionalized denominations but that also represents a substantial part of their popular appeal.

***Media.*** Since the liberalization of the airwaves in the early 1990s, radio (FM) has emerged as the most popular source of news, commentary and analyses for Ghanaians, followed by TV, with newspapers a distant third. Radio is now accessible to practically every community in Ghana, with most stations offering local language programming in addition to the standard news broadcasts in English. The most influential news sources and agenda-setters are the Accra-based radio stations, with Multimedia's Joy FM (and its affiliates) and CitiFM among the most widely listened to by the Accra-based political and middle classes, although Peace FM, which broadcasts mainly in the Akan language, Ghana's most widely spoken local language, has the largest share of the Accra market. Political reporting, or reporting on government and politics, is a daily preoccupation of all media. These tend to focus on national politics and on the national political class and, as a result, generally take on a binary posture, with many programmes reproducing the two-party tit-for-tat exchanges between the NDC and the NPP in their discussion formats. The 'national-centric character of the dominant news reporting and analysis means that there is little coverage of local news affecting local communities unless there is a clear tie-in to national politics.

Scandals and corruption stories—primarily political corruption—are reported with some frequency. On the whole, media houses and newsrooms invest little of their resources in investigative journalism. News editors tend to discriminate in favour of stories that are trendy. A right-to-information bill that would break Ghana's longstanding tradition of government secrecy and opacity and create an orderly mechanism for citizens and journalists to obtain access to information and data in the custody of the state has languished between the attorney-general's office and Parliament for well over a decade, with the political class showing no appetite to pass it into law, despite repeated promises to do so. Despite the absence of a right to information statute, media houses and journalists are usually able to obtain “'onfidential' government data and information through sources and leaks within government and the bureaucracy. Often, however, the unofficial means through which such information is obtained constrains the nature and extent of their use, as journalists are keen to protect their sources and also to maintain such access. Judicial fidelity to old common-law rules on defamation encourages politicians to have recourse to civil defamation suits to fight reporting on corruption. This raises the legal risk for journalists and media houses, as the evidence and proof required under the law are extraordinarily hard to meet in the absence of access to official information. Journalists and publishers thus face hefty civil awards for publishing insufficiently supportable corruption allegations. In addition, some Members of Parliament have tried to stifle public and media criticism of legislative corruption by threatening 'contempt of Parliament' for unflattering commentary about their unethical practices.

The media and journalists also face credibility and integrity problems of their own. The media landscape include some prominent broadcast outlets and threadbares with an overtly partisan affiliation and coloration to their reporting and commentary. Some journalists also labour under suspicion of corruption and cooptation by politicians and

other influential public figures, a situation made worse by the fact the a growing number of electronic broadcasters is owned by politicians. The fact that some mainstream journalists have left their journalism careers to join one or the other party government as political insiders and operators when there has been a party turnover in government has helped to sustain allegations that certain journalists are either on the take or in the pay of one or the other party or political patron.

### ***Middle Class Professional Associations.***

Once the most active 'civil society' actors in the governance landscape, are associations representing various middle class professions (teachers, lawyers, doctors, etc.). These have largely retreated from the civic space in the Fourth Republic and now focus primarily on the limited professional and occupational interests of their membership. The anticorruption cause would benefit from the return of these professional groups from the civic retreat, given their political and economic influence. Middle class professionals, however, have close ties to the political and administrative classes and tend to use their privileged access for their private benefit.

***Business Community.*** Ghana boasts a large network of business associations, from small and medium-scale entrepreneurs to contractors associations, employer groups and industry and trade associations. Although corruption raises the cost of doing business, it presents a kind of prisoners' dilemma for individual businesses, who must either play along or risk losing business to their competitors. Political and administrative corruption thus often implicates businesses, either as willing collaborators or as reluctant victims. The economic fortunes of individual business owners may also rise or fall depending on their relationship with the party in office. Nonetheless, possibilities for collective action in support of anticorruption cause exist through the trade associations and the various industry chambers of commerce, especially if they happen in collaboration with middle class professional associations and trade unions.



## GOING FORWARD: SOME RECOMMENDATIONS TO INFORM STAR PROGRAMMING

The following are some recommendations for the consideration of STAR-Ghana and its civil society partners:

***Anticorruption efforts must be strategic and targeted.*** Targeting is important because (1) anticorruption resources are inherently scarce and (2) corruption is not equal in scale, frequency, or in impact across organizations or sectors. Anticorruption targeting thus focuses on scarce resources in fighting corruption in the most high-risk, high-value, high-impact areas or organizations. In that regard, anticorruption targeting stands a better chance of yielding greater value-for-money than generic, undifferentiated anticorruption efforts such as those that aim too broadly at ‘the government’ or look broadly to ‘the government’ for corrective or remedial action. There are two additional strategic advantages of anticorruption targeting: first, targeted anticorruption isolates and, thus, allows responsibility to be placed on specifically identifiable duty bearers--the authorities, agents or agencies within the direct chain of responsibility and with power and responsibility for measures and action to control corruption and ensure integrity in a given setting; and second, it enables the constituencies most directly impacted by corruption to be better identified and mobilized for change. Progress or retrogression in fighting corruption is also easier where corruption is disaggregated into sectoral and organizational ‘hot spots’ and tracked, measured, and compared over time. Effective anticorruption targeting requires two key inputs: one, a study to identify the high-risk, high-value, high-impact sectors; and two, studies to understand better how corruption works within the identified sectors or organizations.

***Anticorruption efforts must make better and more effective use of Ghana’s commitments and obligations under existing international and regional anticorruption instruments.*** Ghana is a signatory to the United Nations Convention against Corruption (UNCAC), the AU Convention on Preventing and Combating Corruption, and the ECOWAS Protocol on the Fight against Corruption. These international and regional legal instruments have definitions of corruption that are generally broader than those contained in existing law in Ghana. In addition, Ghana has far-reaching

commitments and obligations under these international legal instruments to adopt legislative and administrative measures to control corruption. For instance, Ghana's existing regime governs public sector corporate governance and political party and election campaign financing, both prime avenues for corruption, all fall short of the standards set forth in the UNCAC. Ghana's self-image as a responsible member of the international community, a leader in Africa and a country that is exceptionally sensitive to negative international publicity presents opportunities for civil society to hold government to its high commitments and obligations under international and regional anticorruption instruments. However, in order to use these international and regional legal instruments effectively in anticorruption advocacy, civil society itself must become better educated about these legal instruments.

***Anticorruption efforts must also be anchored in the National Anti-Corruption Action Plan (NACAP).***

NACAP is the official national anticorruption policy framework document containing multi-year programmatic milestones for joint public-private action to control corruption. It is thus a critical document that also captures and represents the voluntary commitments of important supply-side anticorruption stakeholders. Thus far, however, there has been little conscious synchronization between CSO anticorruption activities and NACAP. Yet there is a need for demand-side anticorruption work that is informed by and anchored in NACAP commitments. Without conscious civil society effort to take NACAP from the shelf to the ground, it risks becoming an in-house bureaucratic document. Independent CSO engagement with NACAP is also important to ensure effective monitoring and measurement of success or failure in implementing its commitments.

***Anticorruption must be mainstreamed into public law- and policy-making as well as civil society programming.*** Issue mainstreaming has proved effective as a way to get policymakers and duty-bearers generally to

prioritize and focus attention and resources and reorient behaviour towards addressing an issue that is often frequently taken for granted and easily ignored. Environmental protection, gender equality, and inclusion of marginalized groups and communities are among the issues that have benefitted from mainstreaming. Anticorruption, too, could benefit from similar mainstreaming. Tools such as 'corruption impact assessments' already exist in this area and may be applied to existing laws, organizations, and practices to identify to what extent they affect the motives, opportunities, and sanctions for corruption. Anticorruption mainstreaming also presents opportunities for diverse actors, notably civil society organizations, to better understand their own vulnerability to corruption and how they might better organize their systems, arrangements, and practices to minimize exposure to and opportunities for corruption.

***Use rights/social contract-based approaches to anticorruption for more inclusive social mobilization against corruption.***

National civil society groups have tended to approach corruption and anticorruption from a 'good governance' perspective. This tends to have a more supply-side focus. However, anticorruption efforts would benefit from more rights/social contract-based approaches that see corruption as an infringing on communities' right to development. A rights-based approach also recognizes that corruption does not affect all social groups equally or in the same way. Women, the youth, rural communities, and the poor are, by virtue of being the least empowered social groups in Ghana, less likely to 'benefit' from corruption, yet are those that suffer its developmental consequences the most. Moreover, local communities and socially marginalized groups tend to suffer more directly from everyday administrative corruption and quiet corruption than from political corruption. Rights/social contract-based approaches to anticorruption are generally better at understanding and building on the differential social impacts of corruption and, thus, resonate better with marginalized groups. For example, the socially marginalized

are more likely to see the corruption in widespread social practices like ‘protocol admissions’, which elite and socially favoured groups often take for granted. Moreover, the rights-based anticorruption often generate more socially impactful and inclusive remedies.

***Support enlargement of anticorruption stakeholder circle through focused dialogues and engagement with private sector/ business community and the professions and professional groups.*** Successful anticorruption is a public good. Thus, the cost of fighting corruption must be a shared cost, not one borne by, or laid exclusively on the shoulders of, formal civil society organizations, as appears increasingly to be the case. As much as possible, anticorruption work must be ‘socialized’ or owned by society at large, not ‘professionalized’ and made the business of only a small band of civil society watchdogs. Thus far, with the exception recently of non-CSO civic formations like OccupyGhana and Citizens Ghana Movement, middle class professionals and professional associations, business owners and the business community, including small and medium enterprise operators, have not been active anticorruption stakeholders. Because of their exceptional influence, it is important that these voices be mobilized and brought within the anticorruption stakeholder circle. STAR should use its convening power to broker the necessary outreach and dialogue and stimulate broader collective action against corruption within the middle class.

***Civil society must explore and strengthen collaboration with state anticorruption stakeholders like CHRAJ and NCCE in the area of administrative and local corruption.*** The public education mandates of both CHRAJ and NCCE present opportunities for better collaboration with civil society in the design and implementation of anticorruption programmes. The decentralized structures of both state organizations are critical assets that civil society could tap into for greater effectiveness and local penetration. While CHRAJ may not have had as much visible impact in fighting corruption through the use of its investigative tools, it still has an opportunity to impact on corruption through its human rights and administrative justice mandates. These non-investigative alternatives are particularly important in dealing with administrative corruption. In particular, civil society could work with CHRAJ to elaborate a set of principles, processes, and guidelines to enable agencies of the public administration develop the necessary regulations to meet their transparency, fair notice, and due process obligations under article 296 (c) of the Constitution. The continued failure of public administrative agencies to enact and publish the required regulations under article 296 (c) creates opportunities for administrative corruption as it denies the public their right to know in advance the kind and quality of service and responsiveness they are entitled to in their day-to-day transactions and dealings with a particular public agency.

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