

**REPORT ON THE NATIONAL DISSEMINATION WORKSHOP ON
PUBLIC SERVICE ETHICS IN AFRICA:
THE GHANA COUNTRY REPORT**

INTRODUCTION.

The growing awareness of the enormous economic and social costs of corruption, alongside other development problems in Africa, has precipitated the urgency to design policies and programmes to manage and control ethical behaviour in public sector organizations. Policies like Ghana government's "Zero Tolerance for Corruption" seem predicated on recent estimates by the African Union (AU) and others that African countries lose \$148 billion a year to corruption, and the World Bank's assessment that corrupt public officials account for the loss of \$30 billion from the foreign aid to Africa. The search for solutions to the problem of public service ethical infractions has been strengthened by the involvement of multilateral agencies such as the United Nations Department of Economic and Social Affairs, Division for Public Economics and Public Administration's (UN DESA DPEPA). The Department launched a comparative study on Public Service Ethics in Africa in 1999/2000.

The UN DESA project had the overall aim to assist African governments to introduce or upgrade policies and programmes to improve the management of ethics and conduct in their public services. It surveyed ten countries: Cameroon, Gabon, Ghana, Kenya, Madagascar, Namibia, Nigeria, Senegal, South Africa and Uganda. In addition, the study collected background information on the structure of the public services, the recent history of public service ethics or anti-corruption initiatives and the role of the private sector and civil society organizations in strengthening ethical behaviour in the public service. To ensure that the results of the study would provide fertile ground for implementing or enhancing policies and programmes for promoting public service ethics, national dissemination workshops were organised in selected countries in the sample.

The National Dissemination Workshop on Public Service Ethics in Ghana was held on 10th October, 2002, with the aim of recommending some concrete policy changes, institutional improvements and developments in the management of public service ethics by first assessing the existing public service ethics infrastructure in the country. The workshop was attended by 20 participants. Four central management agencies including the Office of the President, nine guidance institutions, 11 management institutions, three enforcement agencies and four donor agencies were represented. (See list of appendix I).

Methodology

Three methods have been employed in the study so far. First, the National Consultant had to administer a 48-page questionnaire covering 323 questions, many of which had multiple sub-questions. The Ghana study involved 21 respondents and numerous supporting documentary sources. In addition to the completed survey questionnaire, the National Consultant had to prepare a short Ghana Country Report as the second output of the first phase. Second, the National Consultant organized a meeting of national stakeholders to present the findings of the study for their comments and recommendations for future actions. Third, discussions took place at the Workshop on the overview of the regional study and comparative findings by the UN DESA Advisor, Ms. Elia Yi Armstrong and the dissemination of the Ghana report by the National Consultant, Dr. T.B. Wereko. The latter also focused on a sixteen-point list of selected gaps in Ghana's ethics infrastructure, presented to the participants to provoke the identification of additional gaps. The conclusions and priority recommendations for policy consideration and project proposals for future funding have been incorporated into this report.

Organisation of the Report

This current report consists of two main sections: an overall summary of the findings of the African regional study on Public Service Ethics and the main findings of the Ghana case study. It, then, outlines some key selected gaps in the country's ethics infrastructure, from which participants derived their comments, suggestions and priority recommendations to inform future proposals and funding priorities.

SUMMARY OF THE AFRICA REPORT.

The cross section of countries chosen to represent the diversity of conditions on the African continent in the study conveyed a wide consensus that, left unchecked, corruption can impede socio-economic development and erode confidence in governance institutions. There was, thus, some urgency to manage the conduct of public servants, to stem the "demand" side of corruption as a part of the programme to build the capacity of the public administration system to achieve development objectives. In all participating countries, the study showed that the problem of management of conduct in the public sector has received recent research and programme attention. What seemed indicated was to specifically target certain groups, mobilize adequate

resources and commit time and effort to communicate the campaign goals to those concerned.

Countries in the sample all had a relatively recent colonial heritage, often characterized by a lack of capacity in a number of areas, including the capacity to store and disseminate relevant statistical data. Another finding was that those countries have low salary levels in the public sector which did not keep pace with inflation or private sector pay, a situation which weakens the capacity to resist the temptations of corruption.

Guidance in the Public Sector

The basic prerequisite for guiding conduct in the public sector is that there should be a common core of values and specified standards, known and understood by all. In participating countries, those values and standards were insufficiently identified and communicated -- either during induction training or in subsequent career development programmes. Patrimonialism, nepotism and tribalism seem to characterize appointments and promotions at the expense of professional merit considerations. The application of the Criminal Code against corruption seems fraught with complex problems, including an absence of whistle blowing legislation. The countries, therefore, demonstrated a lack of adequate guidance and control mechanisms to ensure proper conduct of public servants.

Managing Conduct of Public Servants

Essentially, managing the conduct of public servants means having the machinery to monitor their behaviour, to hold them accountable for any failures or lapses and to take prompt remedial action. The level of accountability in those countries was low, and the monitoring processes were not in place. Human resource management policies and practices did not put a premium on professionalism. This is an obvious area for professional training.

Financial management regulations are not usually complied with or practices monitored effectively. The disclosure system by which officials declared their assets was defective and did not provide an adequate basis for instituting criminal procedures against those with illicit wealth. There did not also seem to be systematic verification mechanisms in place.

Controlling (Enforcement) Conduct of Public Servants

Following guidance and management of the conduct of public servants, enforcement completes the cycle. Enforcement sanctions those who violate established standards and is a deterrent for would-be offenders. The study established five points:

- procedures for reporting ethical complaints are not widely known;
- those who report wrong doers require adequate protection;
- independent oversight agencies such as the Ombudsman, Inspectors General and Auditors General need to have adequate capacity to carry out their mandates;
- internal and external audit reports need to be widely circulated; and
- few countries actually seem to prosecute corruption, either because of the difficulty of proving cases or from a lack of political will.

If enforcement is not pushed to its logical conclusion, other processes in the anti-corruption effort become ineffective.

Role of Non Governmental Actors

Evidence in the region points to a burgeoning group of actors made up of the private sector, NGOs, other civil society organizations, the media, religious societies and donors. Many of them provide both guidance and watchdog perspectives to the issues affecting corruption. As such, they need to be included by the Government in any meaningful strategic plan to combat corruption and related ethical issues on the continent.

It is acknowledged that the public sector or the public administration system is the central organ of any meaningful national reforms to achieve enhanced socio-economic development in those countries. In that regard, any measures by those actors that achieve improvements in the conduct and attitudes of staff of those institutions should have a positive impact on national development.

NATIONAL DISSEMINATION WORKSHOP ON GHANA

Generally, the format of the presentation on Public Service Ethics in Ghana at the Workshop followed the same arrangement as the regional report outlined above. The objective of the national level study was to

determine the status of the ethics infrastructure in Ghana and to identify the gaps that need to be closed by upgrading policies and programmes to improve ethical behaviour and conduct in the public sector.

Historically, Ghana has gone through four decades of social, economic and political changes since independence, during which the public service system had to respond to the challenges of each decade which, in turn, defined the ensuing decade's agenda. The first post independence decade, the 1960s, was a decade of euphoria and great expectations for the "take off" of the Ghanaian economy to middle income status. The high expectations were aborted by a military coup d'etat and worsening socio-economic conditions. The second decade of the 1970s was one of stress, strain and declining capacity. Another military intervention and poor economic performance imposed hardships, and the public bureaucracy could not cope with demands on it. By the 1980's, Ghana was in an economic crisis which called for fundamental reforms of the Economic Recovery Programme and Structural Adjustment Programme variety. These, in turn, required major administrative reforms to keep the public bureaucracy in tune with developments. The 1990s, then, became the turning point of the "triple transitions" in which market forces and globalisation replaced central economic planning, democratic elections and multi-party system replaced one party or military rule, and reconciliation and economic rehabilitation replaced conflicts and strife. The first decade of the 2000's seem to be a period of consolidation of the triple transitions of the 1990's.

Throughout this post independence period, Ghana, therefore, fits the typology of a country going through rapid social and economic modernization in which, according to Huntington (1968), there is a greater tendency to corruption. The country also fits the neo-patrimonial model of Weber in which leaders exercise power, based on their personal power of "conquest". In Ghana, authority was personalized, and political survival was secured through allocating favours and material benefits to followers. As a result, there was a loss of public accountability, personalization of authority, recruitment and promotions based on ascription, and an evolution of an "imperial presidency." Ghana also fits the democratic or national integrity system (NIS) model in which efforts are still being made to install:

- accountable executives who are subject to clear conflict-of-interest rules;
- a clean and professional civil service;

- effective watchdog and enforcement agencies (i.e. the Auditor General, the police, anti-corruption agencies, etc.);
- free media and open access to official information;
- a responsible business sector;
- an independent and honest judiciary; and
- an elected legislature with power to hold public officials to account.

Given this historical background of socio-economic turbulence and co-existence of the different social political models, it is inevitable that corruption and other ethical infractions should have prevailed in Ghana from the early days of national independence till now. Indeed, the incidence of corruption and its endemic nature has been persistently recorded throughout the nation's history. This fact can be verified from the status of the following realities in the country discussed subsequently, namely:

- Past Public Service Ethics and Anti-Corruption Initiatives;
- Guidance in Ethical Behaviour for Public Servants;
- Management of Conduct in the Public Sector;
- Control of Conduct in the Public Sector; and
- Non-governmental actors.

Past Public Service Ethics and Anti Corruption Initiatives

Evidence available indicates that in spite of the high prevalence of corruption in the country, in recent decades, there has been inadequate documentation of initiatives aimed at effectively eradicating it, such as surveys, studies, campaigns and workshops. The studies conducted so far include three surveys by the Centre for Democracy and Development in 1998, 1999 and 2000, in addition to the brief on "Confronting Corruption in Ghana" in 2002. The Institute of Economic Affairs published a number of papers in its *Governance* publication on corruption in 1999, and there were two National Integrity Workshops in 1998 and 2001 to build coalitions to combat corruption.

Guidance in Ethical Behaviour of Public Servants

The main source of guidance in ethical behaviour for all Ghanaians is the 1992 Constitution of Ghana. The values specified in the Preamble are freedom, justice, probity and accountability, and the standards spelt out in Chapter 24 dwell on the avoidance of conflict-of-interest. Section 286 (5) of the Constitution specified those who should provide leadership to guide ethical behaviour. The leaders range from the President of Ghana, the Vice President, ministers, parliamentarians, heads of public sector organizations, chairmen of boards to general and other managers. Due to the absence of clear policies, specification and dissemination of the nation's values and standards, public servants have not had adequate guidance in ethical behaviour, and all heads of organisations have not adequately fulfilled their mandate in that regard.

Management of Conduct in the Public Sector

The responsibility for managing conduct in the public sector rests with all leaders from the Office of the President, central management agencies and ministries, down to the first line manager. In addition to the responsibility for guidance, managers have the responsibility to ensure the practice of professional human resources management, financial management, the disclosure of assets, accountability, and supervision to ensure appropriate ethical behaviour. Indeed, from Klitgaard's equation on corruption ($C = M \text{ (monopoly)} + D \text{ (discretion)} - A \text{ (accountability)}$), it seems the weakest link in Ghana is accountability, meaning that errant officials were not systematically supervised and held responsible for their behaviour by their supervisors. In this area, too, the lack of clear policies and effective mechanisms and systems to combat corruption have led to weak management of conduct. Consequently, corruption thrives in the public systems. In spite of the growth of anti-corruption agencies, like the Ghana Anti-Corruption Coalition, the Serious Fraud Office, the Commission for Human Rights and Administrative Justice (CHRAJ) and the Centre for Democracy and Development, the mechanisms to link them to the Government for effective strategic planning and management of conduct in the public sector have not been developed.

Control of Conduct in the Public Sector

Weak guidance and management of conduct in the public service essentially means weak control of such conduct. Established control agencies like the Attorney-General's Department, the Police, the Serious Fraud Office, the Commission for Human Rights and Administrative Justice and the Auditor-General still face problems of unclear national values of standards, unclear government policies, structures and roles in corruption

prevention as well as logistical gaps to operate effectively. It is also believed that, in the past, there had been a lack of political will to control and enforce ethical behaviour.

Non Governmental Actors

There is, to date, inadequate specification of and coordination of the roles of the non-governmental actors, made up of the private sector, civil society organizations, NGOs, and donors in the guidance, management and control of ethical behaviour. These have undisputed and important roles to play, and their inputs need to be defined, solicited, coordinated and implemented as part of government's plan to combat corruption. In Ghana, the more visible and active actors in this category include the Ghana Anti-Corruption Coalition, Centre for Democracy and Development, National Council on Civic Education, and the private news media.

Workshop Discussions, Conclusions Recommendations

Workshop discussions were built around a list of some observed gaps in Ghana's ethics infrastructure, presented to the workshop and attached as Appendix II. Very active discussions by the participants brought to the fore the following conclusions and recommendations from which future project proposals and funding priorities could be fashioned.

Guidance in National Values and Standards Dissemination

- i) The focus of change and improvements in ethical behaviour should be on guidance of the entire population on what are the national values and standards. Institutional change through internalization of national values and standards should be assigned to the National Commission on Civic Education (NCCE) and the media which should launch a systematic and planned campaign throughout the country. The campaign should have a multiple approach including:
 - mobile cinemas to the remote areas or rural grassroots;
 - talks and seminars, lectures within the various public services, organizations offices and other public places;
 - TV documentaries (plus radio) to appeal to households and officials to insist on proper ethical conduct in daily contacts with the public sector; and

- pamphlets, leaflets newspaper adverts targeted at the general public.
- ii) Integrate the agreed upon national values and standards into the curricula in the primary, junior secondary schools, senior secondary schools, polytechnics and the universities. This will help establish a common appreciation of national values and standards before adult Ghanaians take up public employment and careers in the public sector.
- iii) Enhance transparency in the public sector by passing the Access to Official Information Bill to ensure that the public has access to disclosure and other relevant information to keep public officials transparent and accountable. This should have a positive impact on minimizing the incidence of corruption.

Management of Ethical Behaviour

- i) Establish the Office of Accountability in the President's Office, as promised, to coordinate strategic planning activities in all sectors to combat corruption. Donor assistance may be needed to determine impeding forces and to advise on functions, structure and staffing.
- ii) From the perspective of the private business sector and the public, the most important action government can take to manage the ethical problems is to concentrate on basically "fostering growth" of the economy. An economically healthy country with a booming business environment, increased per capita incomes and paying living wages and salaries (currently the lowest rates in the West Africa sub-region) will be the most effective environment to discourage petty corruption and preserve the ethical code.
- iii) Improve the retirement and pension package of public servants to ensure a reasonably comfortable retirement for those officials. The prevailing pension package for public servants is a prescription for a miserable retirement and early death. Under those circumstances, the temptation to "feather ones nest" during active employment is almost compelling. The Social Security Pension Scheme therefore needs to be targeted for enhancement to resolve this basic ethical and survival problem for public servants.

- iv) One way to resolve the perennial low salary levels and related ethical problems is to mandate as many ministries, departments and agencies as possible to become cost centers to generate funds from their activities and attain a level of self-sufficiency that should enable them to pay better wages/salaries to their staff.
- v) There is a need to ensure equity in opportunities to benefit from one's employment for all public servants. Those few who work at the Customs Excise and Preventive Service, Police Motor Traffic and Transport Unit or other similar positions should not be able to lucratively exploit those positions for personal gain from rent seeking. There should be fairness in determining earnings in all areas of public service employment.
- vi) Entrench the use of the Medium Term Expenditure Framework (MTEF) to ensure effective financial management by monitoring and maintaining supervisory contact with relevant officers so that budgeted funds are used just for the indicated purpose to reduce the opportunities for corruption.
- vii) Donors like UNDESA, World Bank, and others working with the national consultants should provide a bridge to link the activities of anti-corruption institutions like Ghana Anti-Corruption Coalition, the Serious Fraud Office and other NGOs with those of the Government, to ensure that corruption is combated with a united front, with Government providing much of the strategic guidance, policies and plans of action for implementation for the entire economy.

Control and Enforcement

The relatively slow progress in establishing the Office of Accountability, as promised, in the President's Office, the delay in passing the Whistle Blowers and Access to Official Information Bills, the failure to adequately equip the anti-corruption agencies to function effectively and to engage them in a strategic plan to combat corruption, all seem to suggest a certain lack of political will to fully confront, control and enforce anti corruption measures in the country. Reversing this, obviously unintended perception, should be of priority concern to the Government.

PUBLIC SERVICE ETHICS IN AFRICA, GHANA COUNTRY REPORT**Dissemination Workshop Participants**

1.	Mr. Dan B. Agyeman	Special Assistant	Office of the President
2.	Mr. Oforu-Appeah	Director	OHCS
3.	Mr. King Salami	CMAs Project Manger	NIRP Secretariat
4.	Mr. Frank Ocran	Executive Chairman	State Enterprises Secretariat
5.	Mr. Okoffo Boadi Bampong	Asst. Director (Admin.)	Ministry of Defence
6.	Mr. H.P. Magauson	Asst. Director	Ministry of Local Govt. & Rural Development
7.	Mr. G.O. Darfoor	Asst. Commissioner	Internal Revenue Service
8.	Mr. Joseph Gyamfi	Chief Controller	Serious Fraud Service
9.	Mr. R.K. Safo Kwateng	Commissioner of Police	Ghana Police Service
10.	Mr.B. Sarpong Mensah	Lecturer	GIMPA
11.	Dr. O Boeh-Ocansey	Director General	Private Enterprise Foundation
12.	Mr. J.C.D. Nyakonor	Political Assistant	Embassy of Japan
13.	Mr. Joseph Oji	UNVPO	U.N.D.P Accra
14.	Mr. Kenichi Tsunoda	Programme Officer	U.N.D.P, Accra
15.	Mr. Franklin Asamoah Mensah	Asst. Res. Rep.	U.N.D.P, Accra
16.	Mr. Fred Ampiah	Resource Mobilisation	U.N.D.P., Accra
17.	Ms.Charlotte Bernklau	Programme Association	U.N.D.P.. Accra
18.	Mr. Smile Kwawakume	Public Sector Mgt.	World Bank, Accra
19.	Ms. Elia Armstrong	Advisor, UNDESA	UNDESA, New York
20.	Dr. T.B. Wereko	National Consultant	UNDP, Accra

**SELECTED GAPS IN
GHANA'S ETHICS INFRASTRUCTURE**

1. There is inadequate specification of the nation's common values and standards in the Constitution (s) to guide Ghanaians.
 - a) In the 1979 Constitution (Repealed), there were two values specified: freedom and justice;

In the 1992 Constitution, there are four values specified in the preamble:
freedom
justice
probity
accountability;

Comparatively, the range of public sector values across Africa includes –
honesty, integrity, equality, fairness, justice,
Service to the public, accountability, dedication,
discretion, efficiency, transparency;
 - b) The 1979 Constitution had a more comprehensive Chapter 24 Code of Conduct for Public Officers than the 1992 Constitution in the specification of:
 - Conflict-of-interest
 - Gifts or Benefits in kind
 - Bribery of Public Officers
 - Abuse of Powers.
2. There has been a wide gap between the Constitutional requirement, under the Directive Principles of State Policy, that "The State/Government shall take steps to eradicate corrupt practices and the abuse of power" and documented evidence of government action in those areas. Little was done in the 1980 – 2000 period. The gap is slowly narrowing since 2001, with the introduction of fast track courts and prosecution of errant public officials.
3. There is a gap between the stated values i.e. probity and accountability and the interpretation, understanding and the extent of application of those values in the minds of most Ghanaians. No common agreement seems to exist as to who is accountable to the people and for what. For example, should the President be held accountable to disclose sources of his assets like everybody else?
4. There is a wide gap between what leaders/role models announce as national values i.e. integrity, transparency, accountability or the need to preserve public assets and what they actually do or are in evidence in public.
5. There is a gap between the stated policies of "Stopping the Rot", instilling "probity, integrity, transparency, accountability in public life, or zero tolerance for corruption, and the installation of the systems and structures needed to implement those policies. So far, there is little evidence of the systems and structures or institutions needed to implement the zero tolerance for corruption policy. Is there a political will?
6. There seems to be a lack of full cooperation and inadequate pursuit of mutual objectives between the Government and the anti-corruption agencies such as the Commission for Human Rights and Administrative Justice (CHRAJ), the Serious Fraud Office (SFO), the Ghana Anti-Corruption Coalition (GACC), and the Centre for Democracy and Development (CDD). For example, the GACC Action Plan 2000 was

launched by the Vice-President in January 2001 but no further action has been taken by the Government to agree and operationalise the Plan with GACC.

7. There is a lack of conclusiveness in the roles of established institutions like CHRAJ, SFO, the NGO's like CDD, GACC. The National Institutional Renewal Programme (NIRP) with regard to the process of the hearing petitions on corruption, investigating them, concluding on action to be taken, and following through to implementing the actions to complete the cycle and final problem resolution.
8. Ghana has not done enough in managing public service ethics through anti corruption studies, initiatives civic education and campaigns. CDD has published the following:

"Public Perceptions of Corruption ..." 1998
"Popular attitudes Towards Democracy ..." 1999
"The Ghana Governance and Corruption Survey ..." 2000
"Confronting Corruption in Ghana ..." 2002

The Institute of Economic Affairs published papers including

Democratic Governance in Ghana ... 1996
Several papers under the **Governance** publication 1999

There have been the National Integrity Workshop, "Towards a Collective Plan of Action for Creation of National Integrity System", Accra 1998 and 5th National Governance Workshop. "Ghana Uniting Against Corruption", Accra, 2001.

These efforts aside, there have been no campaigns to establish a common understanding of national values like probity or accountability. There have not been well documented cases of Code of Conduct exercises, public service charters, circulation of awareness campaigns by Government or the anti corruption agencies by way of awareness creation on national values and anti corruption campaigns.

9. In the management of public service ethics, the human resources management requirements of merit, integrity, service to the people and transparency have not always been manifestly applied in a number of top level appointments such as ministers, chief executives, board chairmen and membership and other executive positions.
10. Financial management infringements affecting procurement, tender boards, contract awards and misapplication of public funds as enumerated in the Auditor-General's reports to Parliament have not often been followed through, and remedial action taken and published. Consequently, the malpractices prevail with dire consequences to the economy.
11. The existing public officers' assets declaration procedure remains counter productive. Officials are not complying with the requirement. Assets declared remain private and confidential at the Auditor-General's Department, not routinely available for public security and verification. The original purpose of the Assets Declaration Form is not being realized, and a more appropriate assets declaration law and procedure seems indicated.
12. There is a gap between the expected oversight and supervisory roles of Central Management Agencies (CMA's) like Office of the President, Public Service Commission, Office of the Head of Civil Service, Ministry of Local Government and Rural Development, and State Enterprise Commission in checking, exposing and

submitting for prosecution errant officers under their jurisdiction, and what seems like an indifferent atmosphere prevailing in many organizations.

13. There are logistics and capacity gaps in the anti corruption enforcement agencies like the Police Service, CHRAJ, SFO, and the Attorney-General's Department which limit their ability to perform their expected roles. Government currently seems committed to close the gaps.
14. The persistence of low wage and salary levels, which do not respond to inflation and cost of living indices creates a huge gap between the capacity to withstand the pressures of corruption and an almost complete submission to it.
15. The absence of a functioning whistle blowers legislation and a right to official information by the media bill leaves a serious gap in any effort to combat corruption in Ghana successfully.
16. There is not much evidence that private sector organizations, NGOs, civil society organizations and donors have been planned into a national anti-corruption strategic plan that should deal with the problem of corruption systematically and conclusively.