

**UNIVERSITY OF GHANA  
DEPARTMENT OF POLITICAL SCIENCE**



**FULFILLING THE ANTI-CORRUPTION MANDATE OF THE  
COMMISSION ON HUMAN RIGHTS AND ADMINISTRATIVE  
JUSTICE (CHRAJ) UNDER THE FOURTH REPUBLIC  
OF GHANA (1993-2020): AN ASSESSMENT**

**BY**

**ABIGAIL AYENGO TETTEH YANKEY  
(10021633)**

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LEGON IN PARTIAL FULFILMENT OF THE REQUIREMENT FOR  
THE AWARD OF PHD POLITICAL SCIENCE DEGREE**

**DECEMBER, 2024.**

**DECLARATION**

I, Abigail Ayengo Tetteh Yankey, do hereby declare that besides the quotations and other references which have been duly acknowledged, this research was carried out under the able leadership of Prof. Joseph R. A. Ayee as the Principal Supervisor, supported by Dr. Maame Gyekye-Jandoh and Dr. Isaac Owusu-Mensah.

This work has not been submitted in whole or in part for a degree anywhere including the University of Ghana. I am responsible for any weakness, marginal or substantial, which may be identified in this thesis.

*Abigail Ayengo Tetteh Yankey*  
.....  
12/12/2024

**ABIGAIL AYENGO TETTEH YANKEY**  
**(STUDENT)**

*Joseph R. A. Ayee*  
.....

**PROF. JOSEPH R.A. AYEE**  
**(PRINCIPAL SUPERVISOR)**

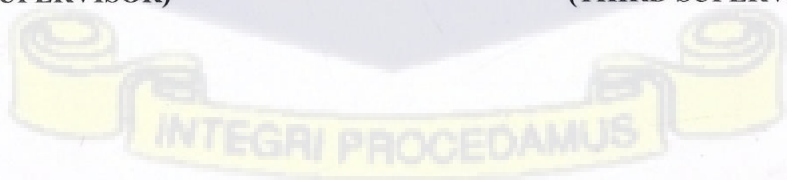
17/12/2024

*Maame Gyekye-Jandoh*  
.....  
18/12/2024

**DR. MAAME GYEKYE-JANDOH**  
**(SECOND SUPERVISOR)**

*Isaac Owusu-Mensah*  
.....  
17/12/2024

*for* **DR. ISAAC OWUSU-MENSAH**  
**(THIRD SUPERVISOR)**



## ABSTRACT

The anti-corruption drive attracted global attention and debate among scholars, practitioners and development partners, particularly during the 1990s aimed at promoting good governance, effective and efficient public service delivery. The effective performance of anti-corruption institutions (ACIs) has raised concerns, especially in most African countries, due to their stagnation and lower scores in various governance and corruption indexes and surveys.

Ghana's stagnation in the fight against corruption continues to trigger renewed debate over the relevance of the existence of the Commission on Human Rights and Administrative Justice (CHRAJ) as the first independent constitutionally mandated body created under the Fourth Republican Constitution to curb corruption. This skepticism over the performance of the CHRAJ, coupled with improving the fight against corruption and strengthening democratic governance, motivated this study. Accordingly, this study assesses how the CHRAJ has fulfilled its anti-corruption mandate since its inception under the Fourth Republic of Ghana.

The study employed the principal-agent theory and the concept of accountability as its theoretical framework. It further deployed qualitative research methods, out of which semi-structured interviews, documents and thematic analysis were used to undertake the empirical chapters. It interviewed forty-four (44) respondents including Commissioners of CHRAJ, directors and staff of the CHRAJ. Other respondents were purposively selected from public institutions, civil society organisations, members of the media, policy think tanks, private sector organisations and development partners. It used the CHRAJ headquarters as the case study and relied on primary and secondary data to assess CHRAJ.

The study found that despite Ghana's progress at constitutional democratic governance in Africa, the country is not immune from corruption's menace leading to its stagnation in the anti-corruption fight. It also found that the country had adopted comprehensive constitutional, legislative, and institutional reforms and strategies to fight corruption under the Fourth

Republic. Nevertheless, it lacks the political will and bureaucratic commitment to implement anti-corruption policies to achieve the desired outcome effectively. In addition, CHRAJ has played a critical role in preventing corruption under Ghana's Fourth Republic through constitutional, legislative and policy frameworks. Some preventive activities undertaken include the development of the National Anti-corruption Action Plan (NACAP). Others are training and education on public sector code of conduct, sexual harassment policies, public sector ethics and anti-corruption legislation. CHRAJ has implemented its original and additional functions, including investigating low and high-profile anti-corruption cases, and collaborations on anti-corruption activities. Furthermore, the anti-corruption activities by CHRAJ have increased the level of intolerance and awareness-creation on corruption in Ghana. However, the CHRAJ was ineffective in adequately addressing corruption within the political parties and prosecution of anti-corruption cases.

The study concluded that CHRAJ has played a major role in the fight against corruption under Ghana's Fourth Republic through constitutional, legislative and policy frameworks. However, the effective democratic efforts in the fight against corruption in Ghana is a shared responsibility of the CHRAJ in partnership with different stakeholders, which includes the oversight responsibility of state institutions like the Parliament, the Judiciary, the Attorney General, the Office of the Special Prosecutor, the Police, as well as the media, CSOs, and the citizenry.

Based on the findings, the study made several recommendations to improve the fight against corruption by CHRAJ. The government to enact comprehensive legislation with clear definitions of the various types of corruption. Parliament to pass the Code of Conduct for Public Officers Bill and other anti-corruption legislations, Government to ensure compliance and enforcement of anti-corruption laws and policies. Other recommendations are to increase public education and training on anti-corruption and ethics within public service, ensure

CHRAJ has independent funding, strengthen collaborations among stakeholders, improve internal capacity, and implement the Constitutional Review Committee (CRC) recommendations on CHRAJ.

Some of the lessons learned include effective anti-corruption laws, policies and anti-corruption institutions do not effectively address corruption except a demonstrated political will and bureaucratic commitment to fight corruption. Also, an enhanced governance system and a holistic approach are central to winning the fight against corruption. The study proposes the following agenda for future research: (i) the use of mixed methods to assess the CHRAJ and similar institutions worldwide; (ii) the assessment of the CHRAJ within the regions and districts of the country; and (iii) the assessment of the contribution of independent statutory institutions to the consolidation of Ghana's democratic governance.



## **DEDICATION**

This thesis is dedicated to all women who find strength in God to pursue their dreams and to my beloved mother, Grace Kwamah Ankrah, whose unwavering hard work and sacrifices made my education possible.

To my dear husband, Francis Wieja Mieza Yankey, for his relentless interest and support; and my lovely children, Jeffrey Kwaku Kianya Yankey and Jennifer Afiba Amoakonua Yankey for all their sacrifices and support.

**ABOVE ALL GOD DESERVES ALL THE GLORY!!!**



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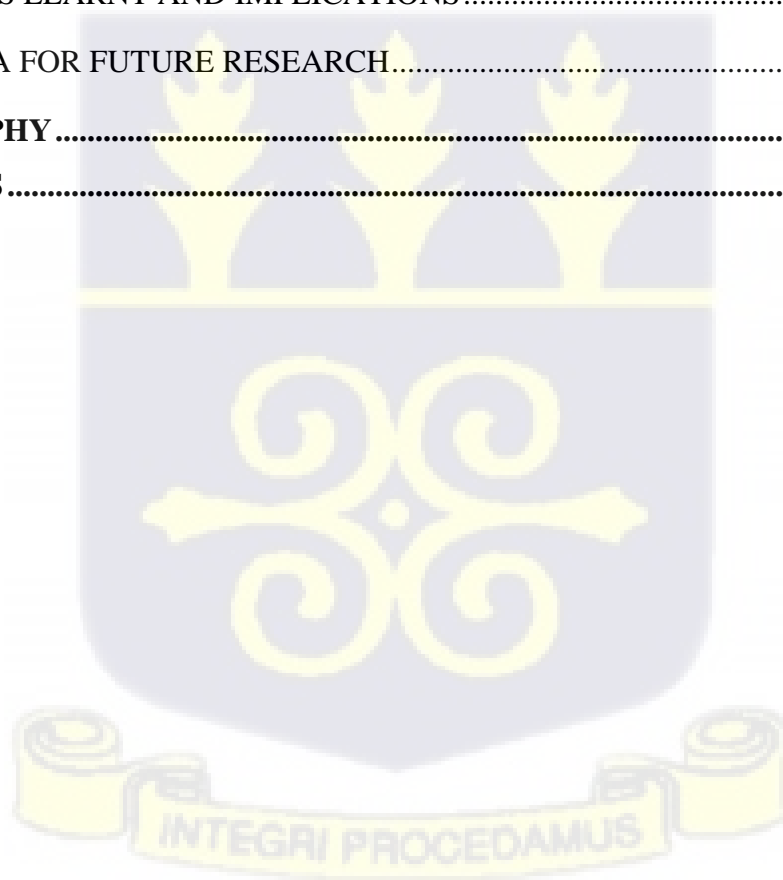
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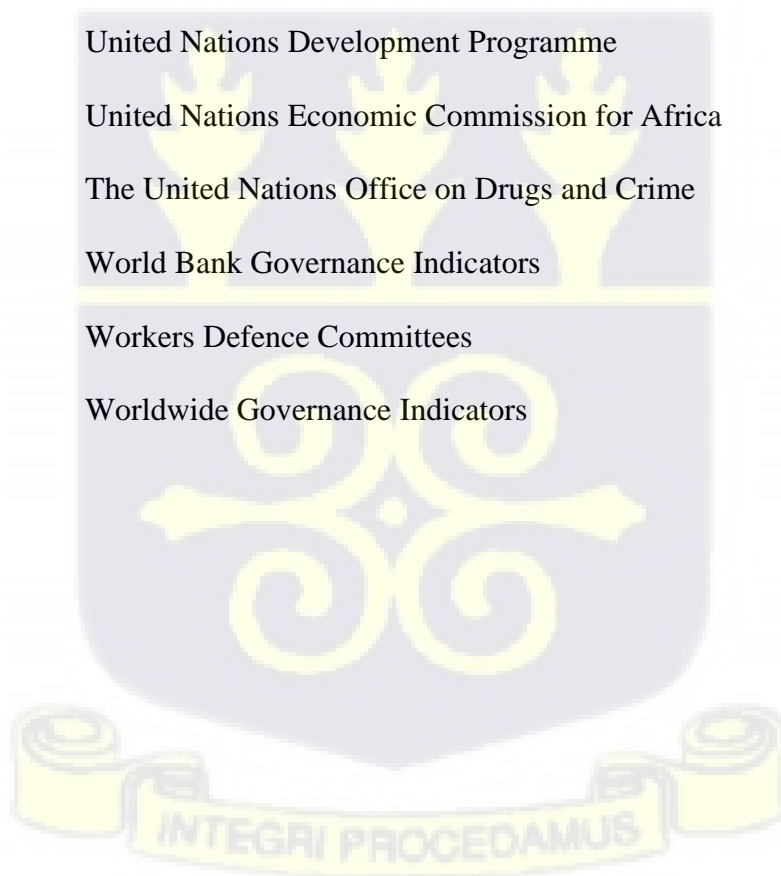
## LIST OF ABBREVIATIONS

IAAC	-	International Association of Anti-Corruption Authorities
AAACA	-	Association of Anti-Corruption Agencies in Commonwealth Africa
ACAs	-	Anti-Corruption Agencies
ACIs	-	Anti-Corruption Institutions
APRM	-	African Peer Review Mechanism
AU	-	African Union
AUABC	-	African Union Advisory Board on Corruption
AUCPCC	-	African Union Convention on Preventing and Combating Crime
CDD	-	Center for Democratic Development
CDR	-	Committees for the Defense of the Revolution
CHRAJ	-	Commission on Human Rights and Administrative Justice
CI	-	Constitutionnel Instrument
CPI	-	Corruption Perceptions Index
CRC	-	Constitutional Review Commission
CSOs	-	Civil Society Organizations
DANIDA	-	Danish International Development Agency
EAC	-	East African Community
ECA	-	Economic Commission for Africa
ECOWAS	-	Economic Community for West African States
EITI	-	Extractive Industries Transparency Initiatives
EOCO	-	Economic and Organised Crime Office
EU	-	European Union
EU-ARAP	-	European Union, Accountability, Rule of Law and Anti-Corruption

Programme

FATF	-	Financial Action Task Force
GAC	-	Governance and Anti-Corruption
GACC	-	Ghana Anti-Corruption Coalition
NDC	-	National Democratic Congress
GIFMIS	-	Ghana Integrated Financial Management Information Systems
GPAD	-	Governance and Public Administration Division
HiLIC	-	High-Level Implementation Committee
ICAC	-	Independent Commission Against Corruption
IMF	-	International Monetary Fund
KPC	-	Kimberly Certification Process
MDGs	-	Millennium Development Goals
MLGDRD	-	Ministry of Local Government, Decentralization and Rural Development
NDPC	-	National Development Planning Commission
MMDAs	-	Metropolitan, Municipal and District Assemblies
MOJAG	-	Ministry of Justice and Attorney-General
MONICOM	-	Monitoring and Implementing Committee
NACAP	-	National Anti-corruption Action Plan
NACIWA	-	Network of Anti-Corruption Institutions in West Africa
NCCE	-	National Commission for Civic Education
NEPAD	-	New Partnership for Africa's Development
OECD	-	Organization for Economic Co-operation and Development
OGP	-	Open Government Partnership
OSP	-	Office of the Special Prosecutor

PAC	-	Public Accounts Committee
PDC	-	People's Defense Committees
PNDC	-	Provisional National Defence Council
POBO	-	Prevention of Bribery Ordinance
RTI	-	Right to Information
SADC	-	Southern African Development Community
SDGs	-	Sustainable Development Goals
SFO	-	Serious Fraud Office
TI	-	Transparency International
UNCAC	-	United Nations Convention Against Corruption
UNDP	-	United Nations Development Programme
UNECA	-	United Nations Economic Commission for Africa
UNODC	-	The United Nations Office on Drugs and Crime
WBGIs	-	World Bank Governance Indicators
WDCs	-	Workers Defence Committees
WGI	-	Worldwide Governance Indicators



## CHAPTER ONE

### INTRODUCTION

The global anti-corruption agenda has increasingly attracted the attention of scholars and practitioners, particularly since the 1990s, when it emerged as a cornerstone of Western foreign policy (Glynn et al., 1997; Myint, 2000; Gyekye-Jandoh, 2017). Central to this movement, is the promotion of transparency, accountability, and good governance to enhance public service delivery (Hanna et al., 2011).

Corruption, a pervasive and systemic issue in many developing countries, was described by Galtung (2001) as “an eruption of eruptions.” This characterisation underscores its far-reaching impacts, which prompted what Gutterman and Lohaus (2018) termed “an eruption of anti-corruption measures at the global level.” These global responses led to the development of policies and institutional frameworks aimed at addressing corruption’s detrimental effects on the social, economic, and political development of nations, particularly in the Global South (Gray & Kaufmann, 1998; Rose-Ackerman, 2004).

International and regional organisations such as the World Bank, International Monetary Fund (IMF), United Nations, Organisation for Economic Co-operation and Development (OECD), Transparency International, and the African Union have been pivotal in combating corruption. For instance, the World Bank integrated anti-corruption measures into its good governance agenda for Africa, while Transparency International’s annual Corruption Perceptions Index (CPI) has become a globally recognised tool for monitoring corruption trends.

Various legal frameworks have also been established to advance anti-corruption efforts. These include the United Nations Declaration Against Corruption and Bribery in International Commercial Transactions (1996), the International Code of Conduct for Public Officials

(1996), and the United Nations Convention Against Corruption (UNCAC), adopted in 2003. At the regional level, instruments such as the African Union Convention on Preventing and Combating Corruption (AUCPCC) reflect Africa's commitment to setting standards in this domain. The AUCPCC, which took effect in 2006, further demonstrated its significance when the African Union declared 2018 as the "African Anti-Corruption Year" under the theme, "Winning the Fight Against Corruption: A Sustainable Path to Africa's Transformation" (African Union, 2018).

Both the UNCAC and AUCPCC emphasize comprehensive anti-corruption strategies, including prevention, criminalisation, asset recovery, and international cooperation. They also call for member states to establish specialised anti-corruption agencies (ACAs) with sufficient independence, resources, and authority to execute their mandates effectively (OECD, 2008). Successful examples include the Hong Kong Independent Commission Against Corruption and Singapore's Corrupt Practices Investigation Bureau, which have significantly reduced corruption in their respective jurisdictions (Abdulai, 2009; OECD, 2013). However, the performance of ACAs globally varies considerably, influenced by political will, governance priorities, and socio-economic contexts (Doig et al., 2006).

In Africa, the effectiveness of ACAs has been inconsistent, as reflected in Sub-Saharan Africa's average CPI score of 32% in 2019, the lowest among all regions globally (Transparency International, 2019). While countries like Seychelles (66%) and Botswana (61%) have made notable progress, others, such as Somalia (9%), South Sudan (12%), and Equatorial Guinea (16%), continue to struggle. Ghana, with a CPI score of 41%, illustrates the ongoing challenges in addressing corruption effectively.

Despite the CPI's global recognition, it has faced criticism for relying on perceptions rather than actual corruption practices and for failing to account for socio-economic and political

contexts, particularly in developing countries (Grindle, 2007; UNECA, 2016). In Ghana, corruption remains deeply entrenched, undermining governance, development, and human rights (Agbodohu & Churchill, 2014; Ayee, 2016; Gyimah-Boadi, 2002). Successive governments have implemented a range of anti-corruption initiatives, including public campaigns, legislative reforms, and institutional strengthening (Abdulai, 2009; Hope, 2017; NACAP, 2015). However, these efforts have often fallen short of expectations.

CHRAJ was established under Ghana's Fourth Republican Constitution as an independent body to combat corruption. Despite its multi mandate, public perception of CHRAJ's effectiveness has been mixed. A survey conducted by the National Commission for Civic Education (NCCE, 2017) revealed that only 18.3% of participants identified CHRAJ as their preferred institution for reporting corruption, with many opting for alternative channels such as the police or media.

The persistent skepticism about CHRAJ's performance, coupled with the broader need to strengthen democratic governance and enhance anti-corruption efforts, forms the basis for this study. This research examines how CHRAJ has fulfilled its anti-corruption mandate under Ghana's Fourth Republic, contributing to the discourse on institutional effectiveness in addressing corruption in developing countries.

## **1.1 STATEMENT OF THE RESEARCH PROBLEM**

The role of specialised anti-corruption institutions in combating corruption has been a subject of significant debate, particularly regarding their effectiveness in contexts characterised by democratisation, economic liberalisation, and the promotion of the rule of law and good governance. This debate spans diverse regions, including Eastern Europe, Asia, Latin America, and Africa (OECD, 2008).

Ghana is internationally recognised as a stable and consolidated multi-party democracy in West Africa (Ayee, 2017; Fiawoo, 2017; Graham et al., 2017; Owusu-Mensah & Rice, 2018; Rahman, 2018). Dubbed the "Beacon of Hope for Africa" (Sithole, 2012), Ghana has consistently performed well on global and regional indicators of democracy, such as safeguarding civil liberties, conducting free elections, reducing poverty, and achieving several Millennium Development Goals (USAID, 2011).

However, despite these democratic strides, corruption remains a significant impediment, contributing to political instability, poor economic performance, social decay, and disputes over electoral outcomes. This persistence of corruption exists in defiance of Article 35(8) of the 1992 Constitution, which mandates the state to "take steps to eradicate corrupt practices and the abuse of power." Public skepticism about anti-corruption efforts is reflected in the Afrobarometer Survey (2018), where over half of participants indicated that corruption had worsened, particularly within the public sector. Similarly, Transparency International's 2020 Corruption Perceptions Index ranked Ghana with a stagnant score of 41, highlighting the country's continued struggles in combating corruption effectively.

The Ghanaian government, under the Fourth Republic, has established a range of anti-corruption institutions to address these challenges. These include the Economic and Organised Crime Office (EOCO), Attorney-General's Department, Auditor-General's Department, Public Accounts Committee (PAC) of Parliament, Financial Intelligence Centre, Commission on Human Rights and Administrative Justice (CHRAJ), and the Office of the Special Prosecutor (OSP).

Among these institutions, CHRAJ stands out as a multidisciplinary, independent body constitutionally mandated to promote human rights, ensure administrative justice, and combat corruption (Kukutschka, 2014; Rahman, 2018). Under the 1992 Constitution and the CHRAJ

Act, 1993 (Act 456), CHRAJ is empowered to investigate allegations of corruption, misappropriation of public funds, abuse of power, breaches of the Code of Conduct for public officials, and unfair treatment by public officers. It is also tasked with overseeing whistleblower protection and conducting public education to prevent corruption.

While CHRAJ has received international and domestic recognition for its contributions to accountability and governance, public trust in its effectiveness has declined over time. For example, the 2005 Africa Peer Review Mechanism acknowledged CHRAJ's positive role in promoting democracy, and a 2014 Governance and Peace Poll ranked it as the second most trusted institution after the National Peace Council. However, its capacity to deliver on its anti-corruption mandate has been questioned. Critics cite limited results, declining public trust, and perceived ineffectiveness (Afrobarometer, 2019; Asamoah and Ofosu-Mensah; NCCE, 2017). High-profile investigations, such as the Ford Expedition gift involving former President John Dramani Mahama, have drawn public cynicism, further undermining CHRAJ's credibility (Asamoah and Ofosu-Mensah). Nevertheless, a United Nations Special Rapporteur (2018) argued that such conclusions are often based on assumptions rather than empirical evidence.

While numerous international studies have assessed anti-corruption institutions (Doig et al., 2007; Hope, 2017; Maciel & Sousa, 2018; OECD, 2008, 2013; Persson et al., 2013), there is a paucity of systematic and comprehensive research on these institutions in middle-income democracies like Ghana. Existing studies on CHRAJ have primarily focused on its broader mandate, with limited exploration of its specific role in combating corruption (Ayee, 1994, 1998, 2016; Bossman, 2006; Darko, 2014; Short, 2015).

This study seeks to address this gap by providing a systematic and comprehensive assessment of CHRAJ's anti-corruption mandate under Ghana's Fourth Republic. It examines CHRAJ's strategies, institutional frameworks, and capacity to combat corruption, as well as its

effectiveness in promoting public education, raising awareness, and enforcing laws. Additional areas of focus include CHRAJ's organisational independence, financial resources, human capacity, leadership, staff culture, and collaboration with other institutions. The study employs the following evaluative criteria (Mihaiu et al., 2010):

1. **Output:** The extent to which CHRAJ has undertaken its anti-corruption activities.
2. **Outcome:** The extent to which its anti-corruption mandate has been fulfilled.
3. **Impact:** The degree to which CHRAJ's efforts have influenced democratic governance in Ghana positively or negatively.

The means of verification are interviews, reports, the number of corruption cases handled, increase or decrease in the incidence of corruption, reforms were undertaken to streamline systems and processes, legislative instruments, public education programmes, resources, etc.

## **1.2 OBJECTIVES OF THE STUDY**

### **1.2.1 General Objective**

The general objective of this study is to assess the anti-corruption mandate of the CHRAJ over the last twenty-five years (1993 to 2018) as an independent governance institution constitutionally mandated to curb corruption in Ghana.

### **1.2.2 Specific Objectives**

The specific objectives are to:

- i. Examine the causes of corruption in Ghana and strategies to address them;
- ii. Examine the investigative, preventive, and enforcement roles of CHRAJ in the fight; against corruption using the indicators of output, outcome and impact;
- iii. Assess the capacity of CHRAJ (in terms of resources) in the performance of its anti-corruption mandate, the challenges faced and how they have been addressed.

- iv. Discuss the implications of the findings for empirical, theoretical and comparative literature on anti-corruption in particular and democratic governance.

### **1.3 SIGNIFICANCE OF THE STUDY**

The significance of this study is fivefold and is detailed below:

#### **1.3.1 Contribution to Governance**

This study addresses a critical governance challenge corruption and examines the measures employed by CHRAJ to mitigate its effects. The findings provide insights into enhancing accountability and transparency, which are essential for good governance. The research builds on existing works that emphasise the role of institutional strengthening in promoting effective governance (Apaza, 2009; Grindle, 2007; Gyimah-Boadi, 2002; Joshi et al., 2015).

#### **1.3.2 Alignment with Global and Continental Development Goals**

The study aligns with Agenda 2030 (Sustainable Development Goals) and Agenda 2063 (The Africa We Want), both of which emphasise the importance of strong, independent institutions in fostering sustainable development. Specifically, Goal 16 of the SDGs highlights the need for peace, justice, and robust governance institutions. By focusing on CHRAJ's mandate, the research contributes to these global and continental objectives, providing actionable insights for achieving these targets (Okafor & Ibietan, 2019).

#### **1.3.3 Strengthening the Fight Against Corruption in Africa**

Corruption undermines economic stability, social cohesion, and political governance across the African continent. This study evaluates CHRAJ's performance and proposes recommendations for strengthening its anti-corruption framework. The findings offer practical lessons for Ghana and serve as a model for other African nations seeking to bolster institutional accountability and governance systems.

### **1.3.4 Contributes to the Assessment of Independent Governance Institutions**

While institutional performance evaluations are prevalent in the private sector, they remain underexplored in public governance. By systematically assessing CHRAJ's effectiveness, this study contributes to the literature on public oversight institutions, with a particular focus on resource allocation, administrative capacity, and institutional independence.

### **1.3.5 Broadly contributes to the Empirical, Theoretical, and Comparative Literature**

The research makes a significant contribution to the academic literature by benchmarking CHRAJ's performance against other anti-corruption institutions globally. This comparative approach identifies best practices, highlights areas for improvement, and offers theoretical insights into the dynamics of governance and accountability.

Corruption remains a major governance challenge worldwide, including in Ghana. This study will unravel the issues underlying the fight against corruption and assess the measures employed by CHRAJ to address the menace. Previous research highlights that strengthening anti-corruption institutions and legislations is a critical element in promoting accountability and transparency for good governance (Apaza, 2009; Grindle, 2007; Gyimah-Boadi, 2002; Joshi et al., 2015; Mihaiu et al., 2010; Shah & Huther, 1999; Wang & Rosenau, 2001).

## **1.4 LOCATION OF STUDY IN POLITICAL SCIENCE**

This study is rooted in the field of Political Science, particularly within the discourse on democratisation and democratic governance. Democratisation involves the establishment and consolidation of democratic norms, institutions, and practices (Porto, 2007). Democratic governance emphasises principles of transparency, accountability, and citizen participation while addressing systemic challenges that threaten democratic stability (Branco, 2006; Hamilton, 2002). By examining CHRAJ's role in combating corruption, the research

contributes to understanding how governance institutions uphold democratic principles and address systemic threats like corruption.

## **1.5 ORGANISATION OF THE STUDY**

The study is divided into seven comprehensive chapters. Chapter one provides an overview of the study, including the background, problem statement, research objectives, significance, definitions of key concepts, limitations, and the structure of the thesis.

Chapter two critically examines relevant literature across six thematic areas: Governance and institutional frameworks for accountability; Global perspectives on corruption and anti-corruption strategies; Frameworks for assessing institutional performance; Corruption and anti-corruption dynamics in Africa; Studies on corruption and governance in Ghana; Ghana's political system and institutional structures.

Chapter three outlines the theoretical basis for the study, focusing on the concept of accountability in social science and policy discourse (World Bank Institute, 2005). It employs John Locke's theory of representational democracy and the principal-agent theory, as developed by Ross (1973) and Mitnick (1973, 2013), to contextualise CHRAJ's role in combating corruption.

Chapter four details the research design, data collection, and analysis techniques. It explains the rationale for focusing on CHRAJ's anti-corruption mandate, describes the study population, sampling methods, data sources, and analytical tools used in the research.

Chapter five presents and interprets the findings. It assessed the Commission's effectiveness in combating corruption, promoting public education, enforcing anti-corruption laws, and collaborating with other institutions. It also addresses the challenges CHRAJ faces, including resource constraints and operational limitations.

Chapter six discussed the study findings within the broader theoretical, empirical, and comparative literature. It explores the implications of CHRAJ's performance for anti-corruption efforts, democratic governance, and institutional accountability.

Chapter seven summarises the study's key findings, draws conclusions, and offers actionable recommendations. It also reflects on the implications of the results for academic discourse, policy formulation, and governance practice.

## **1.6 DEFINITION OF TERMS**

### **Corruption**

Corruption is defined as the misuse of public office or entrusted power for private gain (World Bank, 2005; Transparency International, 2003). While widely cited in academic and institutional literature (Agbodohu & Quarmyne, 2014; Ayee, 2016; Rose-Ackerman, 2013; World Bank, 2014), this definition is not without limitations. The term "abuse" introduces a normative standard that is subject to varied interpretations (Rothstein et al., 2019). Furthermore, the definition predominantly addresses public-sector corruption and neglects instances where corruption serves organisational interests or involves the supply side (Myint, 2000). For this study, corruption is primarily examined through the lens of political or bureaucratic corruption, encompassing bribery, extortion, fraud, embezzlement, nepotism, cronyism, misappropriation of public assets for private use, and influence peddling (Myint, 2000).

### **Anti-Corruption Strategies**

Anti-corruption strategies refer to deliberate policies and measures aimed at transforming societal norms to reject corruption as an acceptable practice and instead view it as detrimental

to societal development (Dixit, 2016). As Ayee (2016) notes, the core philosophy of anti-corruption initiatives is to reduce opportunities for corruption by altering incentives, closing systemic loopholes, and revising rules that foster corrupt practices. For this study, anti-corruption strategies encompass a broad array of policies, programmes, and initiatives designed to prevent or eradicate corruption by promoting efficiency, accountability, and transparency within the public sector.

### **Anti-Corruption Agencies (ACAs) or Anti-Corruption Institutions (ACIs)**

This study will use the terms "Anti-Corruption Agencies (ACAs)" and "Anti-Corruption Institutions (ACIs)" interchangeably to describe public institutions explicitly mandated with to curb or combat corruption. These institutions operate through prevention, investigation, and enforcement to reduce opportunities for corrupt practices in society.

### **Governance**

Governance is a complex and multifaceted concept with varying definitions and applications depending on the context (Liu, 2016; Rahman, 2016). Institutions such as the International Monetary Fund (2005), World Bank (1989), United Nations Development Programme (UNDP, 1997), and United States Agency for International Development (2005) have provided distinct interpretations. This study adopts Santiso's (2001) definition, which describes governance as the exercise of power in managing a country's economic and social resources for developmental purposes.

### **Accountability**

In this study, accountability refers to holding public officials answerable for their actions and inactions (Hupe & Hill, 2007). It involves answerability and enforcement (Brinkerhoff, 2014). Answerability is the obligation of governments, agencies, and public officials to provide information and justify their decisions and actions to the public. Institutions tasked with

accountability play a vital role in overseeing these responsibilities. Enforcement is the capacity to impose sanctions or penalties on individuals or entities that fail to adhere to accountability standards. Enforcement gives “teeth” to compliance by empowering agencies to address misconduct effectively (Brinkerhoff, 2014).



## CHAPTER TWO

### LITERATURE REVIEW

#### 2.1 INTRODUCTION

Numerous studies have been conducted globally on anti-corruption and its related issues, addressing diverse aspects of the phenomenon. Scholars have examined the role of anti-corruption institutions in curbing corruption (Dixit, 2018), the development and impact of anti-corruption policies and programs (Doig and Riley, 1998), and the critical contribution of civil society organisations to anti-corruption efforts (Villanueva, 2020). Additionally, research has explored the use of e-governance in implementing anti-corruption measures (Ojo, 2019), the intersection of gender and anti-corruption initiatives (Bauhr and Charron, 2020), the political economy underlying anti-corruption strategies (Riley, 1998), and the implications of neoliberal reforms on anti-corruption efforts (Brown and Cloke, 2004). Theoretical perspectives on anti-corruption have also received significant attention. Key frameworks include the rational choice theory (Rothstein, 2011), the institutional approach (Hodgson and Jiang, 2007), and the collective action theory (Mungiu-Pippidi, 2013). These studies provide critical insights into the complexities of corruption and the diverse strategies employed to address it.

This literature review is structured around six thematic areas to provide a comprehensive analysis of existing research: General Studies on Good Governance: Exploring foundational principles and their relevance to anti-corruption, Global Studies on Corruption and Anti-Corruption: Analysing international trends, comparative analyses, and global frameworks, African Studies on Corruption and Anti-Corruption: Examining regional patterns, challenges, and strategies within African contexts. Ghanaian Studies on Corruption and Anti-Corruption: Focusing on the specific dynamics and responses to corruption in Ghana. Others include Studies on Institutional Assessment, Studies on Ghanaian Politics and Governance:

Investigating the interplay between political systems, governance practices, and corruption in Ghana. The primary objective of this review is to explore, glean and identify the gaps within the existing studies.

## **2.2 GENERAL STUDIES ON GOOD GOVERNANCE**

The literature on good governance is extensive, addressing its definitions, forms, features, criteria, and criticisms. As a relatively recent concept, good governance has significantly influenced high level policy making cycles (Rothstein, 2012:143). It gained prominence in the 1980s and 1990s, emerging as a pivotal term in development discourse and global public policy, particularly concerning developing countries (Weiss, 2000:795; Bevir, 2009).

Good governance became a critical indicator with the rise of neo-institutionalism in the social sciences (March and Olsen, 1984). Today, it serves as a cornerstone for major international organisations such as the World Bank, the International Monetary Fund (IMF), and the United Nations. For example, the IMF has asserted that promoting good governance—including ensuring the rule of law, enhancing public sector efficiency and accountability, and curbing corruption is vital for fostering economic growth (IMF, 2005, cited in Rothstein, 2012:143). Moreover, global economic and financial crises have underscored that “bad governance” is not exclusive to developing countries but also affects advanced economies (Rothstein, 2011).

Governance has been defined in various ways. The World Bank (1994) describes governance as the processes by which public officials and institutions acquire and exercise authority over a country’s resources to shape public policy and provide public goods and services. This definition highlights three critical aspects; the type of political regime, the exercise of authority in managing economic and social resources for development, the capacity of governments to design, formulate, and implement policies and discharge functions.

This definition aligns with those offered by the United Nations Development Programme (UNDP, 1997) and the Organisation for Economic Cooperation and Development (OECD), which emphasis structures and processes aimed at achieving public good. Rahman (2016) views governance as a multifaceted concept with broad implications in an interconnected global environment. Kaufmann and Kraay (2007) argue that the diverse definitions of governance do not signify disagreement among scholars but reflect the concept's complexity. They emphasise the central role of the state, which aligns with this study's focus. However, governance has faced criticism for assuming a conflict-free political environment where all stakeholders uniformly agree on objectives (Walter, 2016).

Governance is categorised into various forms, including good and bad governance (Brinkerhoff & Goldsmith, 2005), better or sound governance (Hood & Heald, 2006), effective or ineffective governance (Scholte, 2011), bad governance is associated with poverty, economic stagnation, political instability, corruption, and obstacles to sustainable development (Jreisat, 2002:424). Africa's developmental challenges, in particular, have often been attributed to a crisis of bad governance (World Bank, 1989). Good governance, by contrast, emphasises the responsibility of public officials to use state resources efficiently and effectively for public benefit. Its antithesis are patrimonialism, clientelism, patronage, and nepotism is synonymous with corruption and bad governance, serving parochial rather than public interests.

This study adopts the World Bank's definition of good governance, which situates anti-corruption efforts within the public sphere a key mandate of Ghana's Commission on Human Rights and Administrative Justice (CHRAJ). Good governance is critical for successful anti-corruption efforts, requiring collaboration among diverse actors at various levels.

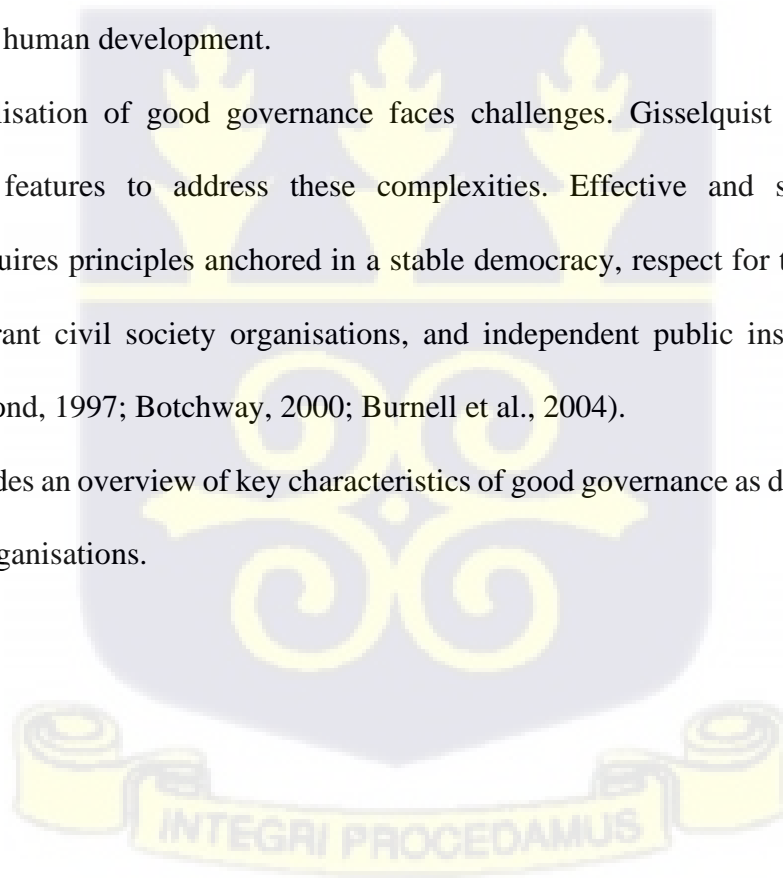
Among the various governance categories, this study focuses on global governance. Clarke and Edwards (2004:6) define global governance as "the set of normative, social, legal, institutional, and other processes and norms, which shape, regulate, and control the dialectical interplay of

globalisation and fragmentation.” They further clarify that global governance is not limited to anarchic properties or weak enforcement mechanisms in international systems. Instead, it encompasses norms, treaties, laws, and regional political activities.

Grindle (2007) highlights the importance of good governance in anti-corruption measures, poverty alleviation, and development discourse. Conversely, Muldoon (2018) critiques good and global governance as tools designed by developed countries to perpetuate dependency among developing nations. This perception fosters the belief that global governance promotes exploitation and inequity (Hofmann & Wisotzki, 2014; Sinclair, 2012; Xavier, 2015). Weiss (2014) argues that democratisation and globalisation have shifted good governance from prioritising economic growth to policies and institutions that enhance freedom, participation, and sustainable human development.

The conceptualisation of good governance faces challenges. Gisselquist (2012) proposes unpacking its features to address these complexities. Effective and sustainable good governance requires principles anchored in a stable democracy, respect for the rule of law, a free press, vibrant civil society organisations, and independent public institutions such as CHRAJ (Diamond, 1997; Botchway, 2000; Burnell et al., 2004).

Table 2.1 provides an overview of key characteristics of good governance as defined by various international organisations.



**Table 2.1: Characteristics of Good Governance by some International Organisations**

<b>WORLD BANK</b>	<b>AFDB</b>	<b>UNESCAP (2009)</b>	<b>UNDP</b>	<b>IDA</b>	<b>ASDB</b>
Political Accountability	Accountability	Participation	Participation	Accountability	Accountability
Association and Participation	Transparency	Accountability	The Rule of Law	Transparency	Participation
Bureaucratic Accountability	Participation	Transparency	Transparency	The Rule of Law	Predictability
Effective and Efficient Public Sector Management	Legal and Judicial Reforms	Responsiveness	Responsiveness	Participation	Transparency
The Fair and Reliable Judicial System		Inclusiveness	Consensus orientation		
Freedom of Information And Expression		Rule of Law	Equity		
		Effectiveness and Efficiency	Effectiveness and Efficiency		
		Equity	Strategic Vision		
		Consensus-Oriented			

**Source: Yankey (2020) adopted from international organisations.**

The contested definitions of governance and good governance have raised critical concerns about measurement, indicators, and inference. These debates are crucial as they address the operationalisation of good governance characteristics within national contexts (Grindle, 2007:555). Table 2.1 identifies significant elements of good governance, including

participation, consensus-orientation, accountability, transparency, responsiveness, effectiveness, efficiency, equity, inclusiveness, and the rule of law.

Understanding good governance has fueled intense interest in more refined, nuanced, and policy-relevant governance indicators. Kaufmann and Kraay (2007) highlighted the proliferation of such indicators, notably the Worldwide Governance Indicators (WGI) and Transparency International's (TI) Corruption Perceptions Index (CPI). More recent additions include TI's Global Corruption Barometer and the Global Integrity Index. Rohwer (2009) emphasised that these multiple indicators capture diverse dimensions of governance. However, no single indicator provides a complete and reliable measure of governance's scope.

The Worldwide Governance Indicators (WGI) is a prominent example. Kaufmann et al. (2010) described the WGI as a research project generating cross-country governance indicators. It includes six key dimensions—Voice and Accountability, Political Stability, Government Effectiveness, Regulatory Quality, Rule of Law, and Control of Corruption—covering over 212 countries since 1996. These indicators are derived from multiple variables across 31 data sources, capturing governance perceptions from surveys involving non-governmental organisations, commercial business information providers, and public sector organisations worldwide (Kaufmann et al., 2010:2).

The UNDP (2008:8) and Rohwer (2009:43) differentiated between various types of corruption indicators, such as perception-based, experience-based, single-source, composite, and proxy indicators. Despite their utility, governance indicators face several criticisms. First, their methodologies often hinder comparative analysis across time and countries (Apaza, 2009). Second, a lack of transparency in data sources, such as those used by the WGI, further complicates their application. Apaza (2009) also argued that governance indicators may reflect

the biases of business elites, who might evaluate governments negatively for strict regulatory measures, while the reverse could also be true.

Kaufmann et al. (2007; 2010) rejected these criticisms, asserting that their aggregated methodology facilitates meaningful cross-country governance comparisons by harmonising data from multiple sources. Kraay and Mastruzzi (2007; 2010) contended that the methodology accommodates errors arising from disparate data sources and incorporates individual data references. Kaufmann et al. (2007; 2010) further argued that their framework balances perspectives from business elites, corporate organisations, and individuals. As noted by Apaza (2009) and Kaufmann et al. (2007; 2010), these nuances are vital for examining Ghana's performance in multiple indicators, particularly in the fight against corruption.

Despite its prominence in public administration discourse, good governance is often criticised as vague and rhetorical, gaining meaning only when contextualised within a country's social, economic, and political realities. Hist (2000) argued that good governance is often reduced to supporting market-oriented reforms and creating political frameworks favorable to private economic activity. It has also been criticised for presuming a conflict-free political environment where stakeholders unanimously agree on policies or objectives (Walter, 2016).

Grindle (2007) noted that analyses of good governance frequently fail to account for practical constraints, such as limited resources financial, temporal, organisational, or human. Effective interventions must prioritise development goals that align with the context and needs of the people. Developed societies have often implemented integrity systems, institutional networks, and anti-corruption agencies to address perceived corruption (Huberts, 2012; Prasser, 2012). This study investigates how anti-corruption measures contribute to promoting good governance.

Furthermore, evidence suggests that good governance has primarily benefited elites rather than ordinary citizens (Mawuko-Yevugah, 2018). She further argued that prescribed policies have not provided lasting solutions to socioeconomic inequalities and underdevelopment.

To address these challenges, Grindle (2004) proposed the concept of “good enough governance,” advocating for a realistic approach that prioritises institutional capabilities within a given context and timeframe. She emphasised the need to ask critical questions, such as what needs to be done, when it needs to be done and how it needs to be done (Grindle, 2004:525–526; 2007:553). Grindle suggested strengthening public sector institutions, administrative systems, decision-making structures, and human resources to enhance governance outcomes.

## **2.3 GLOBAL STUDIES ON CORRUPTION AND ANTI-CORRUPTION MEASURES**

Corruption has negatively impacted the fabric of societies for centuries. The persistence of corruption has led to the "eruption" of anti-corruption measures globally (Gutterman & Lohaus, 2018). Riley (2000) described this increased attention to corruption as a "corruption eruption," particularly within the public sector. For instance, in the 2019 Corruption Perception Index (CPI) of 180 countries, over half scored below 50%, with an average score of 43%. Regionally, Western Europe and the European Union had the highest regional score of 66%, while Sub-Saharan Africa recorded the lowest at 32% (Transparency International, 2019). Although this thesis acknowledges the nuances surrounding governance indicator methodologies, these issues fall outside its primary focus.

The 1990s marked a significant proliferation of democracies and the establishment of independent anti-corruption institutions to address corruption, promote human rights, the rule

of law, good governance, and sustainable development (OECD, 2008). This decade saw unprecedented attention from practitioners, institutions, and academics on corruption and anti-corruption measures globally (Rahman, 2018; Glynn et al., 1997). However, agreeing on a universally accepted definition of corruption has remained a challenge in academic literature, as interpretations vary widely (Harris, 2003; Eyo, 2017). Corruption has been described as unethical behavior, political misconduct, bribe-taking, and the misuse of government property for personal gain (Svensson, 2005).

Harris (2003) defined corruption as the use of public positions for personal advantage and the disruption of the political process for personal ends. The World Bank (2010), the United Nations Convention Against Corruption (UNCAC, 2002), and other scholars (Olken, 2007; Jain, 2001; Rose-Ackerman, 2002) commonly define corruption as the abuse of public office for private gain. Transparency International (2010) and Brown and Cloke (2011) extended this definition to include "the abuse of entrusted power for private gain," encompassing corruption within the private sector. This study adopts Harris's (2003) definition, emphasising actions or inactions (public or private) that disrupt political processes for private gain.

Sampson (2010) asserted that conventional definitions of corruption emphasises the violation of public trust and the public good, focusing on interactions between public officials and citizens seeking services. However, Rothstein and Teorell (2011) critiqued these normative definitions for relying on implicit standards. They suggested impartiality where public officials act without being influenced by particular relationships as a more robust standard (Kurer, 2005; Cupit, 2000). Rothstein and Teorell (2008) further linked impartiality to theories of justice and democracy.

Kikati et al. (2008) criticised normative definitions for focusing exclusively on the public sphere, neglecting significant private sector influences. Bukovansky (2006) intimated that such

definitions inadequately capture the broader political danger of corruption, emphasising its consequences rather than the offense itself (Ittner, 2009). Kaufmann (2012) highlighted the concept of "legal corruption," which involves unethical but technically legal behavior, highlighting the evolving nature of corruption.

In contrast to the standard contemporary definition of corruption, the Institutionalists redefine corruption by replacing "public office" with "institutional office" and broadening "private gain" to include interests outside institutions. Thompson (2018) described institutional corruption as ambiguous, impersonal, and generalisable, emphasising its systemic nature. This perspective connects corruption to democratic theory and facilitates reforms by addressing systemic issues rather than targeting individual actors (Ashforth & Anand, 2003; Thompson, 2000). Critics like Kurer (2015) and Philp (2015) questioned the clarity of institutional norms and criteria, while Néron (2014) and Lessig (2013) argued that institutionalist definitions risk conflating systemic and individual corruption. Despite these criticisms, this study adopts the institutionalist perspective to examine how public institutions address corruption, aligning with the mandate of Ghana's Commission on Human Rights and Administrative Justice (CHRAJ).

Corruption manifests in diverse forms, including extortion, bribery, nepotism, facilitation payments, and embezzlement (Sampson, 2010). Scholars generally classify corruption as grand or petty (Ayee, 2016; Klitgaard, 1988). Grand corruption involves high-level political actors and has macroeconomic consequences, while petty corruption occurs at lower levels of power, affecting public service delivery. Mlambo et al. (2019) identified looting as another form, characterised by large-scale misappropriation of public funds by political representatives and private sector actors.

The causes, consequences, and solutions to corruption are fluid and interrelated (Jain, 2001). Jain argued that weak judicial systems both cause and result from corruption, as political elites

manipulate resources and appointments for personal gain, perpetuating the cycle. Addressing corruption, therefore, requires strengthening judicial and legal systems to break this cycle.

Doig & Riley (1998) emphasised that effective anti-corruption measures must involve internal and external stakeholders, including politicians, civil servants, entrepreneurs, donors, and multinational corporations. The OECD (2018) emphasised that corruption undermines economic growth, good governance, and public service delivery, disproportionately affecting vulnerable populations. Collaboration among academia, practitioners, and the international community is vital to developing strategies and quantifying corruption a focus of this study.

The anti-corruption movement has led to the rapid institutionalisation of anti-corruption norms globally (Gutterman & Lohaus, 2018). Dixit (2016) described anti-corruption measures as efforts to transform societal attitudes, while Ayee (2016) highlighted strategies to eliminate opportunities for corruption through incentives, legal reforms, and transparency initiatives. Anti-corruption, as defined in this study, encompasses strategies and policies aimed at ensuring efficiency, accountability, and transparency within public service.

The international community has initiated numerous anti-corruption measures, including the United Nations Declaration Against Corruption and Bribery (1996) and the UNCAC (2005). Regional initiatives include the Inter-American Convention Against Corruption (1996), the African Union Convention on Preventing and Combating Corruption (2003), and Ghana's implementation of the Extractive Industries Transparency Initiative (2010). Despite these efforts, Mungiu-Pippidi et al. (2011) found that most international instruments have been unsuccessful in significantly curbing corruption.

ACAs have emerged as specialised bodies addressing public integrity and systemic corruption. The OECD (2013) categorised ACAs into three types: (i) multi-purpose agencies combining

investigative, preventive, and educational functions (e.g., Hong Kong's ICAC); (ii) law enforcement agencies focusing on investigation and prosecution (e.g., Romania's DNA); and (iii) prevention-focused institutions conducting research and advising on corruption policies. While some ACAs, like the ICAC, have achieved success due to strong political will and robust structures, others have struggled due to inadequate resources and political interference (Disch et al., 2009; Quah, 2009).

This study contributes to the literature by analysing how CHRAJ has utilised its mandate and resources to combat corruption in Ghana. By examining the interplay of causes, consequences, and institutional frameworks, this thesis aims to shed light on the effectiveness of anti-corruption initiatives within the Ghanaian context.

## **2.4 AFRICAN STUDIES ON CORRUPTION AND ANTI-CORRUPTION**

Despite extensive anti-corruption efforts, corruption remains a significant challenge to Africa's development, economic growth, and good governance. It particularly undermines the provision of public services to vulnerable groups in sub-Saharan Africa (Nye, 1967; Lawal, 2007; Momoh, 2013; Mlambo et al., 2015). Galtung (2001:191) referred to the degree of corruption in developing countries as an "eruption of eruptions." Gray and Kaufmann (1998), in a study involving Ghana and other developing nations, identified public sector corruption as a major obstacle to development.

Mukandala et al. (2006) asserted that while other regions improve their per capita income, literacy rates, and healthcare, Africa stagnates in international social indicators due to corruption, poor governance, and cultural impunity. Yet, exceptions like Seychelles (66), Botswana (61), Cape Verde (58), Rwanda (53), and Mauritius (52) have been noted as the least corrupt African nations, achieving some success in governance (Transparency International

Corruption Perception Index, 2019). Botswana, for instance, has been hailed as “Africa’s beacon of hope” and “a shining light” (Economic Commission for Africa, 2018).

Despite claims of improved anti-corruption systems, corruption remains systemic in many African nations, as evidenced by governance indices such as Transparency International (2019), the Global Corruption Barometer (2019), and the Mo Ibrahim Foundation’s Index of African Governance (2010-2019). Scholars maintain that anti-corruption achievements in Africa have been modest and slow (Badet et al., 2016). Concerns about these indices include their methodological contexts, the variables used to assess corruption, and the perspectives measured.

The rise of anti-corruption efforts in Africa has been attributed to factors such as Huntington’s “wave of democracy,” IMF and World Bank conditionalities, economic liberalisation, and New Public Management reforms (Marquette, 2001; Reinsberg et al., 2020). These developments have led to the proliferation of anti-corruption laws and institutions (Doig & Riley, 1998; Lawson, 2009). Yeboah Assiamah et al. (2016) identified cultural practices in Africa such as collectivism, gift-giving, ethnic allegiance, and undue respect for wealth as drivers of public sector corruption. These cultural values often conflict with professional ethics, creating ethical dilemmas for public officials.

Among them were colonial legacies, poor leadership, clientelism, weak governance institutions, and centralised state power exacerbate corruption in Africa (Mbaku, 2010; Nduku & Tenamwenye, 2015). While many studies outline the causes of corruption, less attention has been given to how these causes impact the effectiveness of anti-corruption bodies. This study addresses this gap by examining the anti-corruption mandate of Ghana’s Commission on Human Rights and Administrative Justice (CHRAJ).

Yeboah Assiamah et al. (2016) applied Riggs' (1964) prismatic-sala model to illustrate how culturally acceptable norms conflict with bureaucratic professionalism, undermining ethical principles. They recommended strategies such as enforcing representative bureaucracy, reorienting national cultural values, strengthening whistleblower systems, and training public officials in ethical governance. This study will empirically explore how these recommendations apply to CHRAJ's anti-corruption mandate.

Lawson (2009) categorised anti-corruption reforms in Africa into structural approaches focused on policy best practices and politicised measures aimed at donor appeasement. While politicised reforms have been criticised for undermining opposition and enhancing presidential loyalty, successful examples, such as Nigeria's Economic and Financial Crimes Commission, demonstrate the importance of prosecutorial independence and institutionalisation. However, Lawson (2009) did not specify the factors contributing to institutional success or failure a gap this study seeks to fill by examining CHRAJ's performance.

Globally, legal and institutional frameworks for anti-corruption include the Inter-American Convention Against Corruption (1996), European Union Instruments on Corruption, and Council of Europe Conventions (1997-1999). In Africa, key protocols include the ECOWAS Protocol on the Fight Against Corruption (2001), the African Peer Review Mechanism (2003), and the Southern African Development Community Protocol Against Corruption (2005). Regional initiatives such as the African Union Advisory Board on Corruption and the UNECA's Anti-Corruption Programme have also been pivotal. In 2018, the African Union declared the year as "African Anti-Corruption Year," underscoring the continent's commitment.

Despite these measures, skepticism persists regarding the commitment of African leaders to combating corruption (Momoh, 2015). Corruption remains a daily issue in national discourse,

with significant damage to governance and development. Indicators like the CPI and Afrobarometer highlight the persistence of political corruption despite numerous anti-corruption laws and institutions.

Mbaku (2000) attributed weak anti-corruption measures to poorly designed institutions and inadequate capacities, while Campos and Bhargava (2007) emphasised addressing governance issues beyond investigations and prosecutions. Nduku and Tenamwenye (2014) proposed focusing on political party funding, leadership with political will, and strengthening anti-corruption frameworks. Kpundeh (1997) described political will as the credible intent of leaders and stakeholders to tackle corruption decisively, irrespective of personal relationships.

Badet et al. (2016) noted that anti-corruption agencies give hope for addressing corruption but emphasised that their success depends on political will, adequate resources, and stakeholder cooperation. This study extends the literature by exploring the variables influencing CHRAJ's effectiveness in Ghana. By analysing its mandate, institutional frameworks, and performance, this research contributes to understanding the complexities of anti-corruption efforts in Africa.

## **2.5 GHANAIAN STUDIES ON CORRUPTION AND ANTI-CORRUPTION**

Corruption and anti-corruption in Ghana have attracted the attention of practitioners and academia, including citizens, civil society organisations, the media, development partners, government and private officials (Ayee 2002; 2016; 2019; Ninsin 2018; Gyimah Boadi 2002; NACAP 2015-2024). This is evident in the various reports of the Corruption Perception Index (CPI) and Ghana Afrobarometer Index, which indicated that Ghana continues to stagnate in its efforts to fight against corruption. A survey led by The Ghana Integrity Initiative in 2017 showed that 64% of Ghanaians believed that corruption has increased in Ghana. Similarly, the annual reports by the Auditor-General and Public Accounts Committee (PAC) of Parliament also highlighted the existence of corruption in Ghana. The key suggestion made by these

surveys and studies is the call on the government to strengthen the anti-corruption institutions, including CHRAJ (Short, 2015).

The literature on corruption in Ghana can be traced back to the 1960s in LeVine (1967) on “independent Africa in trouble” and later a study on “political corruption in Ghana” (LeVine, 1975). Other studies in the 1970s were a study of “bureaucratic corruption” by Price (1975) and “The Consequences of Corruption: The Ghanaian Experience” by Werlin (1973). However, the literature on corruption and anti-corruption in Ghana gained much recognition in the 1990s under Ghana’s Fourth Republic.

The history of corruption can be understood by a statement made by the former President of Ghana, John Agyekum Kufuor, in an address at the annual national congress of the New Patriotic Party (NPP) at Cape Coast in 2002. He indicated that “corruption is part of humankind since it started in the days of Adam and Eve in the Garden of Eden and that it was as old as creation itself”. This implies that corruption did not begin during his administration and, therefore not a recent phenomenon to which politicians, bureaucrats, and private officials are exposed. (Ayee, 2016: 2019: 181). Adadevoh (2014: 203) emphasised that despite Ghana’s edge in African democracy, financial mismanagement, lack of transparency, and corruption are daily reoccurring issues in the media. Accordingly, Adadevoh (2014) posited that the investigations of high-profile corruption cases by credible journalists are helping to shed light on this canker of corruption.

Most studies on corruption in Ghana (Short, 2015, Ayee, 1998; 2016; Gyimah-Boadi, 2002) define corruption as the abuse or misuse of public office or entrusted power for private gain. This focuses on the fight against corruption within the public and private sectors. This study aims to assess how CHRAJ has implemented its anti-corruption mandate within both the public and private sectors.

Historically, institutions and individuals have fought to reduce the canker of corruption in Ghana (IMF 2016; World Bank 2015; UNECA 2011). They include studies on the definitions, forms, types, causes, determinants, consequences, and measurement of corruption (Ayee; 2006:14). Scholarship has also emphasised anti-corruption measures and their effectiveness in Ghana, particularly over the last three decades (Ayee, 1994,2000; Attafuah, 2002; Gyimah Boadi, 2002; Prempeh and Asare, 2003; Doig et al., 2005; Alhassan-Alolo, 2007).

Categorising corruption is challenging because of the thin line between the various activities classified under each category. However, scholars have developed some categorisations. For instance, Ayee (2016, 2000) categorised corruption in Ghana into three, namely, petty, grand, and looting. According to Ayee (2016), Petty corruption is small cash or favours given in exchange for speeding up (private or state) transactions. On the other hand, grand corruption is used synonymously with political corruption and “state capture”, which signifies a more extensive scale of corruption within the highest levels of government, such as the policy formulation level. Looting refers to a corrupt act with a political intent or agenda (Ayee, 2016).

Werlin (1994) distinguished between primary corruption and secondary corruption. Caiden and Caiden (1977; 1994), Mbaku (2007), UNDP (2008), and Ayee (2016) have classified corruption into political, administrative/bureaucratic, individual, and systemic. Soreide and Rose-Ackerman (2015) categorised corruption as capture or collusive corruption when public servants covertly connive for their shared benefit. Extortive corruption is when people feel obliged to pay a bribe.

Ninsin (2018) gave historical evidence of why corruption has permeated and negatively affected Ghanaian social, economic and political fabric. He adds that the rise of the state systems where social stratification was based on wealth, status, and privilege determined society's power and influence, resulting in elitism. Ninsin (2018:115) further posited that the ruling elite, in and out of Ghana, amasses wealth through corruption and creates institutions

that cannot formulate and implement laws as happens in advanced countries, which enables them to undertake their predatory activities. In addition, the elite networks with foreign partners to exploit the nation through corruption leading to what he referred to as “reckless kleptomaniacs” (Ninsin, 2018:86). He averred that Ghanaians live under the tyranny of a canker called corruption, which has led to different forms and complexities.

In Ninsin’s view, corruption has permeated the Ghanaian social fabric and has become a “cancerous tumour”, “dangerous character”, “a scourge”, and a threat”. Thus, corruption is fervently condemned by all citizens, but it continues to flourish (Ninsin, 2018:2). He added that corruption undermines institutions and drains resources for social development. He recommended the review of the 1992 Constitution, strengthening of governance institutions, and reforming parliament against the winner-takes-all system as strategies to combat corruption.

The causes of corruption in Ghana are not limited to internal causes but external factors (Agbodohu and Churchill, 2014; Ayee, 1999; 2002; 2016). Ayee (2016) provided factors such as economic development and poverty; unintended consequences of economic liberalisation; weak institutions; unregulated political parties’ finance; lack of accountability and transparency; activities of international corporations and foreign direct investment (FDI); offshore banking, tax havens, and money laundering.

Werlin (1972: 254) examined the root causes of corruption in Ghana and strongly argued that rising corruption in Ghana was not only a result of “fundamental political disorder” but “the persistence of traditional values which conflict with the requirements for a secular way of life”.

LeVine (1975) concluded that bribery, theft, and embezzlement arose from a reversion to a traditional winner-takes-all attitude in which power and family relationships prevailed over the rule of law.

Subsequently, other supplementary studies on corruption in Ghana analysed the causes, consequences, and cures of corruption in Ghana (Gyimah-Boadi, 2002; Agbele, 2011; Adadevoh, 2014; Agbodohu and Churchill, 2014). Ayee (2016) admitted that the causes of corruption in Ghana mirror the causes of corruption at the global level. They include the politicisation of corruption, failure to name, shame, and punish persons accused of corruption; failure to implement anti-corruption legislation such as the Assets Declaration Act; insufficient or selective enforcement of laws within a patrimonial social and political context; loss of national values and low levels of integrity; and particular application of sanctions.

Furthermore, the NACAP (2015) identified the principal causes of Ghana's corruption as weak institutions, low ethical standards, poor incentive structure, weak enforcement of laws within a patrimonial social and political context, and bad attitudes of Ghanaians resulting in the disregard for rules in Ghana. Party and campaign financing have attracted several scholarly studies that indicate a positive relationship between political finance and corruption (Rose-Ackerman, 1999; Pinto-Duschinsky, 2002; Ayee, 2016).

The World Bank and the Ghana Center for Democratic Development (CDD) in a Ghana Governance and Corruption Survey (2000) based on evidence from households, enterprises and public officials reveal that 80% of public officials regard low salaries as the leading cause of corruption. Furthermore, a culture of gift-giving, an absence of positive incentives, a weak corruption reporting system, and poor internal management practices fuel corrupt practices.

Ferraz and Finan (2009) and Van Veldhuizen (2013 in Ayee 2016) have established a negative correlation between higher salaries and corruption for politicians and bureaucrats. However, this correlation has been contended by Foltz and Opoku-Agyemang (2015 in Ayee 2016) that the increase in salaries of police officers in 2010 as part of the Single Spine Pay Policy (SSPP) in Ghana did not reduce petty corruption by police officers. The causes of corruption and their proposed solutions in Ghana are essential to the study. They will help deepen further

understanding of the prospects and challenges of CHRAJ in fulfilling its anti-corruption mandate.

### **Policy and legal documents on corruption in Ghana**

Rahman et al. (2018:9) observed that successive governments of Ghana had signed several international and regional conventions intending to maintain national and international standards to fight corruption. Ghana signed the United Nations Convention Against Corruption on 9<sup>th</sup> December 2004, ratified it on 16 December 2005, and deposited its instrument of ratification on 24<sup>th</sup> June 2007. It also signed the African Union Convention on Preventing and Combating Corruption on 31<sup>st</sup> October 2003, ratified on 13<sup>th</sup> June 2007 and deposited on 20<sup>th</sup> July 2007 (UNODC, 2018: Rahman et al., 2018:9). Ghana also ratified the United Nations Convention Against Transnational Organised Crimes on 21<sup>st</sup> August 2012.

The UNCAC requires the government to collaborate with other stakeholders to create institutions and enact domestic legislation to prevent corruption in Ghana. Moreover, as part of recognising these international efforts in combatting corruption, Ghana has ratified the United Nations Declaration against Corruption and Bribery in International Commercial Transactions, the International Code of Conduct for Public Officials, the OECD Convention on Combating Bribery of Foreign Public Officials in International Business, The United Nations Office on Drugs and Crime (UNODC) and the International Monetary Fund (IMF) legislation on money laundering and the financing of terrorism. This study assesses the progress made by Ghana in implementing these provisions under the anti-corruption mandate of the CHRAJ.

Chapter 6 of the 1992 Constitution enjoins Ghanaians and institutions to be guided by the Directive Principles of State Policy in the formulating and implementing policies to establish “a just and free society”. In domesticating the international conventions, Article 35 (8) of the

1992 Constitution stipulates that "the state shall take steps to eradicate corrupt practices and abuse of power". Similarly, Article 37(1) states that "The State shall endeavour to secure and protect a social order founded on the ideals and principles of freedom, equality, justice, probity and accountability". As part of the duties of citizens, Article 41 stipulates, among others, that citizens must "protect and preserve public property and expose and combat misuse and waste of public funds and property". Besides, Chapter 24 and Article 284 prevent all public officers from promoting their parochial interests. In contrast, Article 286 (i) obliges public officers to declare their assets and liabilities to the Office of the Attorney-General within three months of entering public office.

The Whistleblower Act, 2006 (Act 720) has the potential in the fight against corruption but is rarely implemented (Rahman et al. 2018). This study examines why this is so. The Criminal Offences (Amendment) Act, 2012 (Act 849) of Ghana refers to corruption as "racketeering" such as fraud, deceit, extortion, intimidation, violence or any other unlawful method in the execution of the activity". Accordingly, corruption was regarded as a misdemeanour, while racketeering is a felony offence, attracting a minimum of five years in prison and life imprisonment. Nevertheless, the Parliament of Ghana 2020 passed the Criminal Offences (Amendment) Act, 2020 to make corruption offences a felony and no more a misdemeanour. Offenders can now go to jail for between 12 to 25 years. The Parent Act is the Criminal Offences Act, 1 of 960 (Act 29). The lack of evidence of corruption has been a significant bane in the fight against corruption (Ayee, 2016; Azubuike, 2008; Amamoo, 2000). This study will assess the passage of the Criminal Offences (Amendment) Act, 2020, and how it will enhance the fight against corruption by making it a high-risk, low gain activity.

The World Bank's 2007 Governance and Anti-corruption (GAC) strategy highlighted that improving governance in countries is necessary to fight corruption and strengthen development. This underlines the importance of transparency as a critical dimension of good

governance (Dokeniya, 2013). Also, the strategy emphasised that citizens and media that have access to information on the operation of state institutions are crucial for fostering accountability. Transparency might extend to the publication of budget and procurement data, access to state records and reports, and the state's active dissemination of information on its operations and performance.

In Ghana, the Right to Information Act 2009 (the RTI Act), which was passed in March 2019, has been saddled with challenges associated with implementation. As RTI laws are set in place, the importance of records management increases because the absence of sound records management systems (Roberts, 2006) is often a constraint to the fulfillment of requests (Neuman & Calland, 2007). Maiga (2020) included the lack of training for information officers, technical officers and stakeholders for effective operationalisation of the RTI Act; and the lack of an adequate budget to set up a robust records management system within public institutions. Maiga (2020) suggested that the building capacity of all stakeholders, providing an adequate budget, a nationwide campaign, creating an RTI Secretariat, and establishing a robust record-keeping system will go a long way to improving the structures. The performance of an RTI regime is usually measured by assessing the extent to which citizens exercise the right to information (through the number of annual requests) and whether the existence of a legally mandated right propelled officials to disclose information (Hazell & Worthy, 2010).

A National Anti-Corruption Action Plan (NACAP) was passed in 2014, with a holistic approach to fighting corruption in Ghana. The NACAP emphasised strengthening the prevention, investigation, and prosecution of corruption by enhancing the capacity of state institutions with much focus on public awareness of corruption. Nevertheless, studies and government publications indicated the government's inability to implement anti-corruption policies and effectively prosecute offenders (Freedom House, 2016).

Other pieces of legislation on corruption include the Representation of the People Law, 1992 (PNDCL 284), the Customs Exercise and Preventive Service (Management) Act, Act 1993 (PNDCL 330), the Courts Act, 1993 (Act 459), Public Office Holders (Declaration of Assets and Disqualification) Act 1998 (Act 553), Political Parties Act 2000 (Act 574), Payment Systems Act, Act 2003 (Act 662), Public Procurement Act, Act 2003 (Act 663), Financial Administration Act, 2003 (Act 654), Credit Reporting Act 2007 (Act 726), the Anti-Money Laundering Act, 2008 (Act 749) and Financial Management Act, Act 2016 (921) and the Criminal Offenses (Amendment) Act, 2020.

Even though Ghana has comprehensive laws targeted at curbing corruption at different levels and within other organisations, poor implementation and lack of proper enforcement of the rules have been the critical issue impeding the fight against corruption in Ghana (Gyimah-Boadi 2002). Besides, the lack of solid governance institutions, including CHRAJ, has accounted for the failure to implement most of the legislation's international and national anti-corruption pieces (Asamoah and Ofosu-Mensah, 2018).

Apart from the constitutional provisions on corruption, various public sector and administrative reforms have been undertaken by the different governments in the fight against corruption (NACAP 2015; Ayee 2000; 2016:36). They include the Civil Service Reform Programme (1987-1993), National Institutional Renewal Programme (1994), the Civil Service Performance Improvement Programme, Privatisation of State Enterprises, Public Sector Management Reform Programme, Legal Sector Reform, Public Financial Management Reform Programme (PUFMARP), Decentralization and Local Government, National Governance Programme; and Ghana Integrated Financial Management Information Systems (Ayee, 2016).

However, several studies have indicated the consistent failure of public sector reforms in developing countries (Fatile & Adejuwon, 2010; Yanguas & Bukenya, 2016: Ayee, 2019:1).

Contrary to this claim, Ayee (2015:334), in a book review, referred to studies in some developing countries whose public sector has been effective and efficient and being referred to as “pockets of productivity” (Daland, 1981; Leonard, 2010), “islands of excellence”, “islands of effectiveness” (Bebbington and McCourt, 2007).

The Constitutional Review Commission (Republic of Ghana, 2011) made several recommendations after assessing corruption and wastage in Ghana. First, it calls for a comprehensive definition of corruption to include all corruption-related offences concerning the scope of the United Nations Convention against Corruption and the African Union Convention on Preventing and Combating Corruption (CRC 2011:784). Second, various legislations such as the Public Procurement Act and Asset declaration regime, should be strengthened. Third, the rules of evidence are reviewed and amended to transfer the burden of evidence to the alleged bribed person. Fourth, prosecutorial powers should be given to Commissions of Inquiry set up under the Constitution, and the Directive Principles of State Policy (DPSP) should be amended for the state to take effective steps to deal with corruption and wastage and the resourcing of CHRAJ to perform its anti-corruption mandate (CRC 2011:784).

Ayee (2019: 181) called for a review of the constitutional and institutional framework to enhance state capacity in service delivery. He suggested the harmonisation of the public sector to create a central entity that will monitor and coordinate the whole industry and the better enforcement of the constitution and compliance with rules and regulations to boost the performance of public institutions.

Institutions matter in strengthening democratic governance. Creating anti-corruption institutions to curb corruption has played a crucial role in Ghana’s democracy since independence. Before Ghana’s Fourth Republic, various anti-corruption institutions were

created to deal with corruption. They include the People's Defense Committees (PDCs) and Workers Defence Committees (WDCs) under the Provisional National Defence Council (PNDC) government which were renamed Committees for the Defence of the Revolution (CDRs). Others were the Citizens Vetting Committee established in 1982 and renamed the Office of Revenue Commissioners in 1984, Also, the National Investigation Committee established in 1982, the Bureau of National Investigations (BNI), and the Economic Crime Unit of the Police Service (Ayee 2000; 2016:36; NACAP, 2015-2024). Other offices, such as the Office of Accountability (2003) and Governance Advisor within the Office of the President (2012) were created. All these efforts indicate the willingness of successive governments to fight corruption.

There are also constitutional and non-constitutional bodies to check corruption. They are the Auditor-General's Department, the Economic and Organised Crime Office (EOCO), the Public Accounts Committee (Parliament), the CHRAJ, which is an independent anti-corruption institution, the Financial Intelligence Centre (2008) and the Office of the Special Prosecutor (OSP) of 2017. In addition, there are Civil Society Organisations, such as the Ghana Integrity Initiative and Ghana Anti-Corruption Coalition (GACC), which play critical roles as advocacy groups against corruption through the media in investigative journalism.

In assessing the OSP over the period, the CDD (2019) noted that the progress made by the OSP does not meet the expectations of Ghanaians. Therefore, the CDD called for the OSP to be well resourced with a spacious office, adequate staff and budget, development of a protocol on coordination, cooperation and collaboration to avoid the fragmentation of roles among the anti-corruption institutions and balance its independence with transparency and accountability.

Short (2015:19) suggested the empowerment of anti-corruption institutions as they should not be influenced by the executive or any other body. Furthermore, the anti-corruption mandate of

CHRAJ should be hived off to a newly established independent commission, similar to the Hong Kong and Botswana model, with the sole mandate of dealing with corruption. Further, he also called for a transparent appointment process. He supported the NACAP's recommendation of increasing the number of CHRAJ commissioners to five with a non-renewable 10-year tenure of office and the inclusion of non-lawyers in the membership of the Commission as steps in the right direction (Short, 2015). He recommended that EOCO be separated from the control and influence of the Attorney-General's Department, which should be strengthened with competent and well-trained lawyers. There should be enhanced collaboration between all the anti-corruption institutions to avert duplication and foster synergies. Short (2015) also called for strengthening all the anti-corruption institutions with adequate resourcing and capacity building, institutional integrity, inter-agency relations, organisational support, inappropriate training, infrastructure development, and access to information. Short (2015) recommendations provide additional information to this study in the fight against corruption, particularly under CHRAJ's anti-corruption mandate.

## **2.6 STUDIES ON INSTITUTIONAL ASSESSMENT**

Assessing the performance and capacity of public institutions has attracted the growing international interest of scholars, management consultants, auditors, and legislators, particularly during the latter part of the 20<sup>th</sup> Century (Halachmi 1996: 2005: Ayee, 2015:333). Radin (2000), Halachmi (2005:254) and Ayee (2015) have attributed the interest in the assessment of the performance of public institutions to the persistent and constant demand by the public for accountability, efficiency, and value for money and better performance of public institutions.

Vian (2020) assessed transparency and accountability in the health sector and focused on abuse of power, bribes and kickbacks, embezzlement, fraud, political influence, nepotism, and

informal payments. He concluded that corruption wanes the health system's capacity and called for more anti-corruption interventions to strengthen universal health coverage.

Ayee (2019) assessed the performance of the Ghana public sector over the past sixty years and identified vital variables such as the quality and capacity of public service delivery, reforms implemented, governance failures and opportunities to enhance service delivery. Though he admitted that the assessment is a "herculean task", he traced the history of public service to its current state. He agreed with Lindberg and Morrison (2008), Gyimah-Boadi (2009), Abdulai and Hickey (2016) and Ninsin (2018) that some governance constraints impede the effective and efficient public service delivery in Ghana.

Pyman et al. (2018) investigated the anti-corruption approaches of twenty-six (26) top-ranked countries. They concluded that only three countries (Estonia, Finland and the United Kingdom) have a published anti-corruption strategy. These strategies are seen as "technical", lacking political leadership and direction. Subsequently, the study asserted that integration with multi-national initiatives is critical, nonetheless, not an integral part of most countries' anti-corruption strategies. This thesis complements this study as it seeks to assess Ghana's national anti-corruption system to ascertain its effectiveness in the fight against corruption.

Pyman et al. (2018) proposed the creation of national anti-corruption initiatives in high-risk sectors such as construction, prisons and sport, the need for international expertise in fighting corruption, particularly in sectors such as education, defence, mining, shipping, health and police. They argued that regions are under less pressure to tackle corruption at the sub-national level, and favouritism is still rife in many local government units. Additionally, they called for the need to increase the budget of sub-national governments to curb corruption. They suggested a new framework for anti-corruption strategies (Table 2.2).

**Table 2.2: A Suggested Framework for Anti-Corruption Strategies**

<b>National-level Priorities and actions</b>	<b>Trans-national Priorities and actions</b>	<b>Sub-national level Priorities and actions</b>
<p><b>Law, rule of law</b> Legal measures, enforcement Judicial integrity, others</p> <p>Cross-government Public sector integrity civil service reforms procurement reforms and others</p> <p>National values corruption awareness youth engagement, education, civil liberties, other</p> <p>Electoral integrity</p>	<p><b>Organisations</b> OECD, UNCAC, EC, G20 ... areas of contribution prioritised initiatives peer review responses</p> <p>Collaborations Financial Action Task Force (FATF), Open Government Partnership (OGP), OCP, OLAF, Europol ... Areas of contribution prioritised initiatives new initiatives (e.g., UK summit) peer review responses.</p> <p>International sector initiatives health, education, police, mining ... areas of contribution prioritised initiatives</p> <p>Peer review responses</p>	<p><b>Sector at risk</b> Finance and tax, banking, construction and public works, health, education, forestry, fishing, mining, oil and gas, police, defence, prisons, sport, tourism, customs border, judiciary, prosecutors.</p> <p>Local government cities municipalities provinces</p> <p>Private sector sector-specific initiatives, national collaborations, collective action</p>

**Source: Pyman et al., (2018:6)**

The strategy consists of three broad actions: sub-national, sector-specific, national-level and transnational actions. However, Pyman et al. (2018) cautioned that the new framework is

targeted at structuring priorities and reform measures but excludes attention to implementing an anti-corruption strategy, such as diagnosis, political context, organisation, governance, monitoring, coalition building or stakeholder engagement. This thesis finds this new framework helpful in assessing how CHRAJ is fighting corruption at various levels with different actors within different sectors and, particularly, dealing with corruption within the high-risk sectors such as health, education, police, gas and sports sectors.

Heinrich and Brown (2017) measured accountability performance and its relevance for anti-corruption based on 19 indicators within 38 countries and their National Integrity System Approach. They established that horizontal and vertical accountability are measurable constructs whose advantages and disadvantages correlate. Heinrich and Brown (2017) suggested that empirical evidence to prove the interactions and interdependencies between anti-corruption institutions is rare to test theories empirically and ascertain that these interactions reduce corruption.

Mihaiu et al. (2010) used comparative analysis to assess efficiency in the public and private sectors. They concluded that private sector institutions are mostly regarded as efficient, while the public sector is globally viewed as unproductive. The private sector positions itself to win the public's favour and extend its territory to the public sector. Furthermore, it is challenging to determine public sector inputs and outputs because while the private sector thrives on economic efficiency, mainly within a short time, the public sector is based on economic and social efficiency over the long term.

Scott-Kemmis (2009) examined policies, programmes and initiatives to enhance innovation in the public sector focusing on the goal and status of achievement within four countries: the UK, Canada; Netherlands; and Singapore. He found that the public sector had witnessed a series of innovations due to new approaches toward service delivery policy. To him, most institutional assessment studies were normative and descriptive rather than analytical and evaluative.

Halachmi (2005:257) observed that the assessment of institutional performance to determine input, output, and outcome is not a new concept in public management. He traced it from Lasswell's (1936) definition of politics. According to Halachmi (2005), the "how" in Lasswell's assertion and the use of "feedback" by David Easton (1957) were related to performance. He outlined some challenges in assessing performance: human behaviour, the type of government institutions, the assumptions underlying the assessment of performance, methodological challenges and political risk. He addressed these challenges central to a successful assessment of institutions, promoting accountability and public productivity (Halachmi: 2005: 265).

Doig (2005) measured "success" in five African Anti-Corruption Commissions (ACC) and showed that the failure of ACCs is a result of ideological objectives, limited resources, internal and external factors and the political pressure under which ACC operates. To him, it is instead a failure of measurement and not a performance in addressing corruption.

Shrigberg (2002:155) assessed higher education, focusing on its strengths, weaknesses, and implications for practice and theory. He proposed the following assessment tools: social, economic and environmental context and quantitative calculations that are flexible enough to apprehend organisational complexities and differences and specific enough to be calculable and comparable. Shrigberg agreed with Fussler (1996) and O'Connor (1995) to look beyond other economic efficiency and economy concentrate on sustainable indicators which emphasis the environment, society and economy with less negative impacts. Bandy II (1998: 1) and Shrigberg (2002) further directed that the assessment tools must ask the "why", "how", and "what" questions. Methodologically, Shrigberg (2002) proposed a comprehensive assessment tool that should not be sacrificed for precision. These questions are very relevant to a systematic study like the current one, which assesses the anti-corruption mandate of CHRAJ by answering the why, how, and what questions.

Brinkerhoff (2000) assessed political will for anti-corruption efforts using a systematic framework. He identified indicators such as the initiative for anti-corruption measures, context and causes of corruption, mobilisation of stakeholders and application of sanctions. He cautioned that the indicators should be considered interrelated and not prioritise one over the other. Also, the absence of some indicators does not necessarily indicate a complete lack of political will.

Drucker (2001; 147) noted that the efficiency of ACIs is based on the outcome concerning efforts made, but the result indicates effectiveness attained based on objectives. Furthermore, Profiroiu (2001) stated that establishing a public organisation's performance involves challenges such as difficulty in conceptualising performance and how to assess performance.

Swamy et al. (2000) examined the correlation between gender and corruption. They applied microdata, indicating that women are less corrupt and less likely to engage in corrupt activities. They used multiple independent data sets based on cross-country data. Swamy et al. (2000) concluded that corruption is expected to be minimal when women are in the majority within Parliament and dominant within the labour force. This study aims to ascertain this fact within CHRAJ's anti-corruption mandate. It also seeks to determine the gender disaggregation of CHRAJ's staff in its fight against corruption and whether corruption is likely to be minimal if women are at the forefront.

## **2.7 STUDIES ON GHANAIAN POLITICS AND GOVERNANCE**

Studies on Ghana's politics have attracted the interest of scholars for many years (Agomor, 2019; Ayee, 2019). The early 20<sup>th</sup>-century literature on Ghanaian politics attracted scholars such as Austin (1964), who focused on politics in Ghana, tracing it from 1946 to 1960. Chazan (1983) concentrated on the framework of Ghanaian politics and dealt with political recession from 1969 to 1982.

Studies on Ghana's politics, democracy and governance abound since Ghana gained independence (Ayee, 2019). They include scholars like Ayee (1993), Gyimah-Boadi (1991), and Ninsin (1993; 2018; 2019). Gyampo (2015) and Arthur (2017) concentrated on the financing of political parties in Ghana; Gyimah-Boadi (1991), Ninsin (1993; 2018; 2019), and Ayee (1993) focused on Ghana's transition and progress to democratic governance. Kpessa-White (2011) dealt with the politics of public policy in Ghana. The common thread running through most of these studies is the call to consolidate Ghana's democracy by strengthening its institutions which is part of the objective of this study.

Since 1992, Ghana has been the star of democratic governance in Africa (Guseh & Oritsejafor; 2005; Ayee 2019; Gyimah-Boadi 2009; Agyeman-Duah 2008; Debrah 2009). Some studies are devoted to Ghana's return to constitutional rule in January 1993 after a long military rule (Ayee, 1998; Gyimah-Boadi, 2009). This is because Ghana has survived Samuel Huntington's "second turnover test" to democratic consolidation after a successful handing over of power by two different political parties: The National Democratic Congress (NDC) and the New Patriotic Party (NPP) in 2001, 2009 and 2017 (Diamond, 1999; Huntington, 1991). Since the return to constitutional rule, the evidence and perception of corruption in Ghana have generally been on the increase. This is evident in the reports of the Auditor-General (2016-2019), Public Accounts Committee (2020), CHRAJ (Annual State of Corruption Reports) and Global Corruption Barometer, Africa (2019). Some scandals have also hit both the NDC and NPP while in government. They include the Somi and Tema General Hospital (1994), Manso and Norvor (1994), the SSNIT Probe (2001), the Appiah Ampofo bribe scandal (2005), and Richard Anane's alleged corruption saga (2007). Hotel Kufuor (2016), bus branding saga (2016), President Mahama Ford Gift Saga (2017), SSNIT \$72 million Software Scandal (2018), the Minister for Finance US\$ 2.25bn Bond saga (2017), PDS scandal (2020) and Agyapa minerals

deal (2020). Some of these scandals have been investigated by CHRAJ, which demonstrates its capacity to deal with and fulfill its corruption mandate.

Lindberg (2003) and Brobbey (2015) concentrated on the patrimonial nature of Ghanaian politics and posited that Ghana's political system is made up of competitive elections with a neo-patrimonial rule. Brobbey (2015) observed that despite Ghana's effort to democratise its institutions and politics, it faces a legitimacy crisis. Other studies focused on the excessive political powers of the executive arm of government (Ayee, 1993: 2013: Bofo Arthur, 2003: Asante, 2005: Ninsin, 2008: Gyimah-Boadi, 2009: Gyampo and Graham 2017: USAID, 2011: Mohammed, 2019). These studies contend that the excessive powers of the executive undermine constitutionalism and weaken essential state institutions. Agyeman (2015) recognised that the excessive powers of the executive serve as a threat and danger to democracy and good governance and dent confidence in public institutions leading to corruption. He called for the reduction in the powers of the executive to enable other organs of government to function effectively.

The role of democratic institutions, including political parties, in Ghana's democracy, has attracted some attention in the literature on Ghana's politics in the Fourth Republic (Ninsin and Drah, 1993: Arthur 2017). Ninsin and Drah (1993) considered political parties and democracy under Ghana's Fourth Republic. They observe that the 1992 constitution of Ghana provides for a network of institutions that serve as checks and balances. This network has been designed to ensure that the leading government institutions will exercise only limited powers and prescribed ways, thus yielding a liberal-democratic polity (Ninsin and Drah 1993). Ayee (1993) found that party financing in Ghana reveals that campaign and organisation funds of most of the parties are not raised by contributions from the rank and file of their supporters but rather from substantial contributions from business interests, legitimate or otherwise, and from men of means who often but by no means always, expect something in return. This practice leads

to corruption (Ayee, 1993; Gyampo, 2015) and further leads to party financiers manipulating the decision-making process and undermining the internal democracy of the parties and the government machinery (Ayee, 1993).

Ayelazuno and Mawuko-Yevugah (2019) acknowledged the role of civil society organisations (CSOs) in pushing for democratic government and playing a pivotal role in consolidating Ghana's democracy. However, they called on CSOs to hold the government accountable from "below" (Ayelazuno and Mawuko-Yevugah, 2019: 61). However, Fierbeck (1998) and Gyimah-Boadi (2009) outlined Ghana's civil society challenges, a lack of a unified definition of civil society organisation, inadequate resources, low capacity, and the continuous shrinking space of CSOs.

The Imani Center for Policy and Education (2018) assessed Ghana's performance in governance using the Mo Ibrahim Index of African Governance (IIAG). It posited that within Ghana's 25 years of stable democracy, various governments came to power with promises to improve governance, mostly centered on combating corruption and increasing accountability and transparency in the management of resources and public finances. It noted that former President John Agyekum Kufuor promised to run a zero-tolerance corruption policy and established the Office of Accountability to monitor political appointees; however, the Office failed to release a public report on its entire operations. Also, former President John Agyekum Kufuor's promise to direct "all his appointees to declare their assets within seven days instead of six months" was never enforced (Kukutschka, 2014:2; IMANI-Ghana, 2018:6).

Kukutschka (2014) and IMANI-Ghana (2018) examined the status of governance in Ghana. According to them, Ghana's performance compared to most African countries has been well above average in governance indicators. Examples of governance indicators include the Transparency International Corruption Perception Index, Global Corruption Barometer, and the World Bank's Worldwide Governance Index. Others are the Mo Ibrahim Index of African

Governance and the African Peer Review Mechanism. Nevertheless, they cautioned Ghana not to relent in strengthening its governance effort to implement and enforce its policies on governance and, particularly, corruption to improve its standings.

It is instructive to note that the literature on politics in Ghana has provided the social, political, economic, and general environment or context within which corruption thrives. Nevertheless, not much has been done to systematically assess how CHRAJ has fought corruption within the various organs of government in the face of these governance challenges. This study seeks to add to the literature in this regard.

## **2.8 CONCLUSION**

There is enough literature on anti-corruption measures taking centre stage in promoting good governance. Central to anti-corruption actions are governance networks within the anti-corruption industry, such as international organisations, civil society organisations, government, and the private sector. These networks' activity encompasses anti-corruption policies and institutions mandated to fight corruption. Despite their existence, corruption continues to thrive around the globe, and Ghana is not an exception.

The literature indicates that though there are comprehensive legal and institutional strategies for the fight against corruption, they have not equally been translated into winning the war against corruption. Even though anti-corruption institutions have been assessed to determine their efficacy, most institutional assessments use the "one size fits all" approach without considering the contextual variables under which these institutions operate. Indeed, extensive literature exists on governance, corruption, anti-corruption, institutional and legal frameworks for the fight against corruption and an appraisal of these frameworks. What is, however, missing in the literature is the absence of extensive studies on the role of an institution such as

CHRAJ in fulfilling its anti-corruption mandate. This study, therefore, fills this literature lacuna by examining the role of CHRAJ in the fight against corruption in Ghana's Fourth Republic.



## **CHAPTER THREE**

### **THEORETICAL FRAMEWORK**

#### **3.1 INTRODUCTION**

This chapter discusses the theoretical framework of the study. The concept of accountability and the principal-agent theory, also known as the agency theory, serve as the framework of the study to explain how the Commission on Human Rights and Administrative Justice (CHRAJ) performed its anti-corruption mandate under Ghana's Fourth Republic. The chapter focuses on the background, origin, definitions, assumptions, strengths and weaknesses of the concept of accountability and agency theory. It also addresses how the concept and theory will be used in assessing the CHRAJ.

#### **3.2 THE CONCEPT OF ACCOUNTABILITY**

##### **3.2.1 Background and Origin of Accountability**

The concept of accountability is central to all forms of modern bureaucratic government, including totalitarian regimes (Gregory, 2012). However, accountability is a significant characteristic in modern democratic regimes and a major theme in public administration and under New Public Management (O'Donnell, 2004; Dubnick, 2005; Han, 2020). Accountability appears everywhere and on everybody's menu (Dubnick et al., 2011: 171). Nevertheless, the term remains an "elusive phenomenon" and overly stretched (Thomas, 1998: 387; Lindberg, 2013).

The concept of accountability is used synonymously for several "loosely defined political desiderata" such as good governance, transparency, equity, democracy, efficiency, responsiveness, responsibility, integrity, answerability, fault, and blame (Boven, 2007: 8; Mulgan, 2000). Besides, accountability is often associated with the concept of evaluation or a

failure of public authority, which demands that an individual or an institution be held accountable (Gregory, 2012).

Accountability does not refer to the king to judge, but, on the contrary, that the king's authority is accountable to his people. Historically, accountability is closely related to accounting, which means bookkeeping and various types of financial record keeping (Boven, 2007: 6; Bevir 2009: 33). Accountability no longer carries a rigid bookkeeping image and financial administration in political discourse but a promise of justice and propriety (Khotami, 2017).

Accountability has been central to various social science and policy debates (World Bank Institute 2005). In political science, accountability has been traced from John Locke's theory of the superiority of representational democracy based on the idea that accountability is only possible when the governed are separated from the governors (Locke, 1980 in Lindberg, 2009). Further, the debate on accountability in political science also dates back to Hobbes, who questioned whether the state as a sovereign should be accountable to anyone or regarded as a moral and responsible agent (Olowu, 2012). The etymology of accountability has been traced to the New Public Management (NPM). The NPM and the New Public Service indicate what public administrators should be held accountable for (Dubnick et al., 2011: 171).

The United Nations Sustainable Development Goal (SDG) 16 relates to effective institutions that must demonstrate openness, transparency, and accountability (United Nations, 2015). Today, accountability has become fashionable in administration, development, business ethics, governance, international organisations, policy networks, democratisation, civil society, and welfare state reforms. Accountability has currently attracted much attention due to two main reasons. First is the large size and scope of public administration in modern economies, which has given governments broad and substantial power to interfere in people's lives. The second is to ensure that the government exercises its power to satisfy the will of the people (Brinkerhoff, 2001:1).

### 3.2.2 Definitions of Accountability

Accountability means different things to different people depending on the context and purpose for which accountability is required (Boven et al., 2014). Brinkerhoff (2001) refers to accountability as to how power and authority are assigned and function within the public sector. Mulgan (2012) defines it as a way of being answerable for one's actions or inactions, conduct in office or position. To Ayee (1994:3), accountability involves "holding public officials responsible for their actions". From these definitions, accountability in this study refers to how public officials are held answerable for their actions and inactions in terms of legislation, policies and resources (money, time, human skills and logistics) entrusted to them.

### 3.2.3 Assumptions of Accountability

Several assumptions are contained in the concept of accountability. First, its primary goal is to prevent the abuse of power and limit discretionary power. Klitgaard (1997: 500) used the formulae,  $C=M+D-A$ , to indicate that corruption occurs when monopoly plus discretion exclude accountability. Accountability raises questions such as (i) accountability to whom? (ii) accountability through what mechanisms? and (iii) accountability to what degree? (Paul, 1992; Ayee, 1994; Luhmann, 2020: 812).

Accountability whom refers to how oversight bodies like the judiciary, legislature and other agents act on behalf of citizens as agents and as principals overseeing the Executive. Accountability about what entails restraining the excessive use of government power and promoting public good (WBI, 2005; Lindberg, 2013). Subsequently, this includes avoiding illegal behaviour and assessing politicians' performance (Goetz, 2008; Bashir and Hassan, 2020.).

The degree of accountability or how accountability is held entails answerability and enforcement (Schedler et al., 1999). The section dealing with answerability includes the

oversight of governments, while the enforcement element involves rewarding good behaviour and punishing undesired actions (Bashir and Hassan, 2020; Goetz, 2008). A failure in the accountability process is likely to lead to ineffective, corrupt, irresponsible and totalitarian rule (Ayee, 1994: 62). On the other hand, the foundation of democracy depends on the obligation for public responsibility and accountability of politicians and public officials (Dwivedi, 1985; Ayee, 1994: 62; De Boer, 2021).

Second, accountability depends on answerability. This means having to respond to questions and the opportunity to ask questions in return (Maile, 2002:329). Brinkerhoff (2014) identified two types of accountability questions: (i) seeking information such as budget or description of activities or outputs; and (ii) seeking explanations and justifications for action or inaction. Also, accountability and responsibility are two sides of the same coin, one focuses on performance, and the other enhances performance (Uhr, 1993:4).

Third, transparency is central to accountability. Transparency refers to a way of shedding light on plans, rules, processes and actions (Transparency International, 2015). In the words of United States Supreme Court, Justice Louis Brandeis (1933:62) “Publicity is justly commended as a remedy for social and industrial diseases. Sunlight is the best disinfectant; electric light the most efficient policeman”. Brandeis is well known for using publicity to shine a proverbial spotlight on inefficiency, bribery, and corruption. He admonished citizens and business leaders to push for a more efficient and less corrupt government that would favour public interest rather than political interest (Coyle, 2017).

Transparency ensures that public officials, civil servants, managers, board members and businessmen act visibly, understandably and report on their activities (Obama, 2009). However, according to Olowu (1999), the request for more significant transparency conflicts with the standard requirement for confidentiality in government business operations. Boven (2007:13) further posited that transparency is not sufficient to establish accountability; thus,

public institutions may make public their annual reports, assessments and benchmarks, but until an agent or media subjects them to public scrutiny and holds them accountable, those reports, assessments and benchmarks are just mere information (Boven, 2007).

Fourth, accountability involves maintaining internal and external standards. It demands that one must follow the rules, procedures and high internal and external standards and demonstrate that work has been conducted per agreed rules and standards, avoiding misuse of powers. In other words, public officials must report fairly and accurately on performance results regarding mandated roles and plans (Adegbite, 2010).

Fifth, accountability involves sanctions, rewards and enforcement for proper, illegal or inappropriate actions and behaviour exposed through answerability. The capacity of the overseeing actor(s) to execute punishment on the responsible actor(s) for failures and wrongdoings gives “teeth” to accountability (Brinkerhoff, 2001:2). Hence, accountability without sanctions is generally considered weak, and effective anti-corruption measures demand good enforcement (Brinkerhoff, 2014:2).

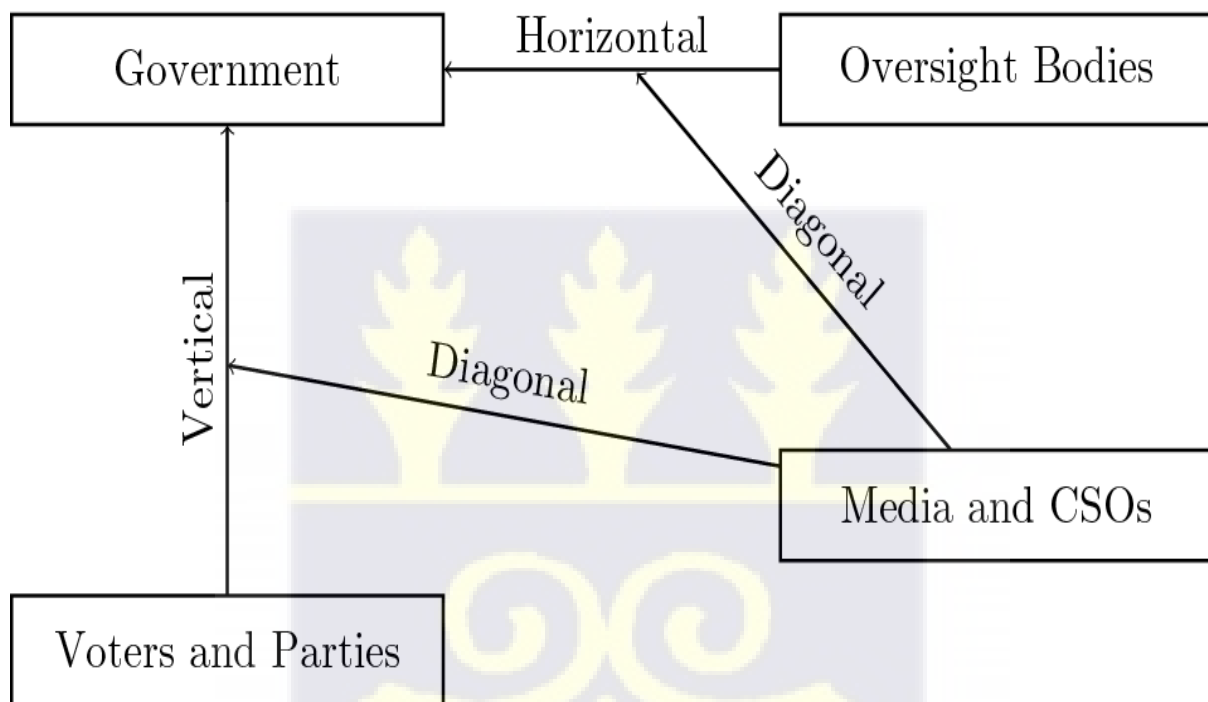
Sixth, an effective process of accountability requires (a) an appraisal process, through which performance such as effectiveness, efficiency, honesty, and the energy of any public agent or agency is investigated or monitored and judgements are made; and (b) a sanctioning process, through which authoritative action is taken to reward or encourage good performance and punish or discourage bad performance (Paul, 1992; Ayee, 1994: 61).

### **3.2.4 Typology of Accountability**

Accountability involves multiple actors that can be grouped into subtypes based on the spatial direction between its actors (Lindberg, 2013). Luhrmann (2020) classified them into vertical downwards, horizontal/upwards and diagonal (Figure 3.1). Vertical

accountability/downwards accountability is a relationship between unequals such as political or representational accountability. Horizontal accountability is a relationship between more or less equal institutions within various organs of government (O'Donnell, 1998). Diagonal accountability refers to actors not within formal political institutions that hold the government accountable, such as the media and civil society.

**Figure 3.1: Typology of Accountability Relationship**



Source: Luhrmann (2020: 813)

**Table 3.1: Typology of Accountability with Illustrative Examples**

	<b>Accountability within government (horizontal)</b>	<b>Accountability outside government (vertical)</b>
High enforcement/sanctions capacity	<ul style="list-style-type: none"> <li>• Supreme audit institutions</li> <li>• Courts</li> <li>• Comptrollers general</li> <li>• Law enforcement agencies</li> <li>• Parliamentary hearing</li> <li>• Legislative committees</li> <li>• Administrative review councils</li> <li>• Anti-corruption agencies</li> </ul>	<ul style="list-style-type: none"> <li>• Elections</li> <li>• Professional codes of conduct</li> <li>• National/international standard - setting bodies</li> <li>• Accreditation agencies</li> <li>• Referenda</li> <li>• Public interest law</li> </ul>
Low enforcement/sanctions capacity	<ul style="list-style-type: none"> <li>• Advisory boards</li> <li>• International committees</li> <li>• Ombudsman offices</li> <li>• Blue ribbon panels</li> <li>• Citizens’ charters</li> <li>• “Sunshine” laws</li> <li>• Freedom of information laws</li> </ul>	<ul style="list-style-type: none"> <li>• Citizen oversight committees</li> <li>• Service delivery surveys</li> <li>• Civil society watchdog organisations</li> <li>• Policy research (e.g., by think -tanks or universities)</li> <li>• Investigative journalism (media)</li> </ul>

**Source: Brinkerhoff (2001:5)**

Political/democratic/representative accountability is an essential type of public accountability within a democratic state (Boven, 2007). It is usually construed as a type of principal-agent relationship (Strom, 2000). It involves the citizens holding politicians accountable through democratic institutions with a strong separation of powers (Bevir, 2009). For instance, legislators and the Executive are accountable to the electorate. Political accountability is a challenge because the politicians manipulate knowledge, agenda and resources and become more powerful than the voters (Bevir, 2009: p. 37)

Audit accountability within an organisation involves holding officials accountable within the same institution for financial accuracy and prudence (Lindberg, 2009). Public financial accountability refers to an efficient, transparent and publicly answerable system of expenditure control and cash management (McKinney, 2015). Moreover, transparent processes ensure that

the resources are applied more appropriately. At the macro level, it identifies and prioritises expenditure on productive and social programmes to improve the living standard of people. Performance accountability is the examination of the actions and inactions of officials and agencies concerning their outputs, delivery of services, the accomplishment of objectives, and the achievement of results and impacts (Brinkerhoff, 2001: 6).

Managerial/bureaucratic/administrative accountability refers to observing bureaucratic hierarchies by outlining clear roles and responsibilities of individuals centered around decision-making processes (Bevir, 2009; Lindberg, 2009). Administrative accountability also manifests through the ombudsman and other judicial and quasi-judicial means of investigating maladministration and corruption (Bevir, 2009: 34). It is based on following rules and regulations and obeying instructions about implementation and operations by top managers from lower levels. Managerial/bureaucratic/administrative accountability involves “making those with delegated authority answerable for carrying out agreed tasks according to agreed performance criteria” (Day and Klein, 1987:26). It ensures the appropriate use of resources, accomplishment, efficiency of output and effectiveness of outcome (Day & Klein, 1987; Sinclair, 1995; Pimpong, 2017).

Other types include public accountability and performance accountability. Public accountability refers to answering public concerns about organisational actions and performance through various means, such as the media and public hearings (Sinclair, 1995). The core of public accountability is the citizens’ right to know (Pablos et al., 2002). Performance accountability recognises legitimacy based on satisfaction with output (Bevir, 2019: 37)

Accountability becomes more complex at different levels. Central to the complexities of accountability are the interconnections, tensions and conflict among the various types and sub-types of accountability (Brinkerhoff, 2001). The success or efficacy of accountability depends

on a combination of accountability's sub-types, be it vertical, horizontal or diagonal accountability. Financial accountability leads to good audit accountability, which enhances administrative performance, and may likely lead to democratic accountability (Brinkerhoff, 2001).

### **3.2.5 Strengths of Accountability**

First, accountability is enhanced, particularly under New Public Management democratic governance. Accountability is central to the efficient functioning of organisations, particularly governmental organisations in democratic states, by making citizens central to the governing process (Olowe, 1999; Han, 2020:2). Improving domestic accountability has been central to development assistance in recent decades. Enhancing accountability measures has been vital in reducing poverty and promoting development, peace, and justice (Lederman et al., 2005). It ensures that the expenditure of public money or taxes is verifiable, controlled and assured (Gregory, 2012: 341).

Second, accountability places public good over private interest in delivering public service (Omotoso, 2014). Accountability focuses on the choices of the public as citizens and consumers. It holds the trustees of public office to account for the use of the trust imposed on them by the citizen or their representatives (Olowu, 1999). Accountability demands how money is used to promote the public interest and how public officials use official time, energy, official resources, and discretionary powers to promote the public good (Gregory, 2012: 341). Third, accountability is the crucial norm for good or better performance and efficiency, transparency, predictability and the rule of law (Olowu, 1999). Consequently, it provides a solution to waste, mismanagement and corruption within the public service by ensuring that citizens receive the best value for their money (Olowu, 1999).

Fourth, accountability as a normative concept acts as a standard for evaluating the behaviour of public actors. It comes close to 'responsiveness' and a "sense of responsibility, a willingness

to act transparent, fair, and equitable " (Bovens et al., 2014; Dubnick & Frederickson, 2014). Accountability is a virtue, it is a required quality of public officials and organisations, a desirable state of affairs, or an actor's performance.

Fifth, central to the strengths of accountability is shaping the conduct of public affairs and administration. Hence, it is observed by some scholars as core to any governing process (Finer, 1981; Ayee, 1994; Mulgan, 2000).

### **3.2.6 Weaknesses of Accountability**

First, the meaning of accountability can be misinterpreted and cloudy; it changes over time, leading to its ambiguity conceptually, theoretically and empirically (Dubnick and Yang, 2011).

Even though accountability is seen as vital in good governance, it can also be conflictual and political. The process of accountability can lead to tensions and confusion among actors by placing the more powerful interest over the less powerful (Brinkerhoff, 2014).

Second, accountability is not only used as the machinery of control but can be abused by political leaders or the public to manipulate state agencies to do their will (Peters, 1995).

Romzek and Ingraham (2000) termed it as the 'gotcha' mentality, where accountability is used as a 'witch hunt' against culprits. To Gregory (2012:340), accountability has the pessimistic assumption that 'heads must roll' when there is wrong action or inaction on individuals or institutions. There is less demand for accountability when things are running effectively, efficiently or fairly. Thus, the demand for accountability gives less room for heads to be crowned (Gregory, 2012: 340). The politics of accountability has become a major election issue and a way of measuring the performance of incumbent governments, particularly in Africa. This has led to the polarisation and politicisation of the concept.

Third, effective accountability depends on public institutions' institutional capacity, which is mostly lacking (Bond and Fox, 2007). Poor documentation is a major hindrance to effectively assessing public institutions' performance (Brinkerhoff, 2014).

Fourth, aid agencies use accountability as a rubber stamp rather than its application as a critical activity. Thus, it is mainly subjected to consultation or technocratic reforms (Carothers and Brechenmacher, 2014). Furthermore, the complexities and collective responsibility under which public policy is formulated and implemented make it impossible to hold individuals accountable. Notably, it is challenging to determine the cause and effect, endogenous and extraneous factors that lead to an outcome that is not stable but varies over time within public institutions (Gregory, 2012: 142).

Fifth, there is a paradox between accountability and efficiency. The positive correlation between accountability and efficiency or performance has been ambiguous and contested because accountability does not necessarily lead to efficiency as expected (Christensen and Læg Reid, 2015). More so, the promise of justice through accountability does not necessarily deliver justice in itself. It assumes that the justice system can deal with cases in a fair and just means (Dubnick and Yang, 2011). The promise and definition of justice through accountability are mostly reduced to a public hearing where the past is acknowledged by both perpetrators and victims (Dubnick and Yang, 2011). In some cases, the assumptions and promises of accountability do not automatically translate into realities because they are usually not proven empirically and theoretically (Dubnick and Yang, 2011: 174).

Sixth, the concept of accountability assumes that all other things must be perfect for one to be accountable. However, various forms of anarchic structures and tensions exist in private and public administration. Particularly, individuals may seek self-actualisation or satisfy a particular group interest against collective interest or decisions (DeLeon, 2007: 356). Due to the anarchic structures and tensions becomes a challenge in holding administrators responsible for their actions or inactions. To address the anarchy requires administrators to have a strong personal code of ethics and a strong sense of administrative responsibility (DeLeon, 2007: 356).

These weaknesses of the concept of accountability have made it challenging to use it as a theoretical underpinning for this study solely. First, the concept is vague and conflictual and, therefore, could be used as a tool for manipulation by political leaders to satisfy their ambitions. Second, it is unclear what accountability has sought to achieve and why the agent or agency needs to be answerable. Third, though it holds public officials accountable for their actions and inactions, it does not consider the resourcing of the institutions to enable them to achieve their mandates. The weaknesses, therefore, call for a supplementary theory, the principal-agent theory to which we now turn.

### **3.3 THE PRINCIPAL-AGENT THEORY OR AGENCY THEORY**

#### **3.3.1 Background and Origin**

The origin of the principal-agent (P-A) theory or agency theory (AT) is associated with the seminal works of Ross (1973) and Mitnick (1973, 2013). The P-A theory signifies a relationship between two parties. Political scientists traced its origin to Max Weber's "ideal type" bureaucracy, where one party can make a legal claim to perform certain activities for another party. In Political Science, the P-A theory serves as the basis for studying accountability within political institutions (Gailmard, 2012).

#### **3.3.2 Definition of Principal-Agent Theory**

An agent refers to a person legally employed by the principal to achieve his/her/its goals and objectives (Rees, 1985). A principal can be an individual, party or body who/which acts consistently or cohesively, such as government agencies or public officials, to recruit agents such as employees to achieve expected results. The P-A theory refers to a model where the principal proposes a contract accepted or rejected by the agent (Whitford et al., 2013: 29).

#### **3.3.3 Assumptions of Principal-Agent Theory**

First, an actor or a team of actors representing a person, organisation group, system or idea, referred to as an agent, acts on behalf of another actor or is a team of actors called a principal (Mitnick, 1975; Scott, 2008). The relationship can manifest between an employer and their subordinate (Baron, 1988; Sappington, 1991:45). Therefore, this is a hierarchical relationship akin to Max Weber's "ideal type" bureaucracy.

Second, both the principal and the agent act rationally to promote each other's interests. The principal undertakes a contract with an agent who can indicate behaviours that agree with the principal's requirements (Roach, 2016). Furthermore, a principal can make agents behave in a certain way because both the principal and the agent share similar skills and knowledge. The principal can make decisions that may cause the agent to perform alternative actions referred to as "structuring incentives" (Sappington, 1991: 46).

Third, the P-A theory operates within the formal institution and has been associated with the game theory (Chatterjee and Sabourian, 2020; Miller, 2005). Thus, it manifests itself in a game between the principal and agent; the principal proposes the contract or set of contracts to the agent, which is not subject to negotiations. The agent agrees to the contract if it guarantees them greater expected utility than any other opportunities available, and the agent performs roles on behalf of the principal. The outcome is observed, and the payments are made (Macho-Stadler and Pérez-Castrillo, 2020). Therefore, it is instructive to note that the agent is accountable to the principal, who sets accountability mechanisms to which the agent must conform.

The principal-agent relationship is characterised by ambiguity, opportunistic behaviour and moral hazards. There is a possibility for a reversal of the relationship where the agent takes the principal's position, and the public promotes the state's interest (Voorn, 2019).

### **3.3.4 Strengths of the Principal-Agent Theory**

First, central to the objective of the principal is to inspire other public officials, referred to as agents, to use public resources judiciously and prudently (Shah, 2007; Yu & Robinson, 2011). Failure to conform to this leads to a crime and punishment model. This ensures that government officials are accountable and must be punished for infractions or rent-seeking behaviour, including corruption. Second, the principal measures decrease public officials' discretionary power and benefits and enhance efforts to punish corrupt officials (Jain, 2001; Shah, 2006). Third, the theory ensures that the agents who could be government institutions are answerable to the citizens who contracted them to act on their behalf and maximise their interests. (Parker et al., 2018). Fourth, it also demands that the principal states clearly what he/she/it wants, provides the resources and defines the guidelines. Consequently, the P-A theory thrives on transparency in the activities of public officials to citizens (Wingreen, & Cragg, 2017).

### **3.3.5 Weaknesses of the Principal-Agent Theory**

First, the P-A theory is inadequate to explain the accountability of public officials, mainly when the party (principal) is not conscious of its dependence on the agent. Hence, the agent does not take any measures to affect the principal's behaviour. Further, it is difficult to judge the principal's objectives (Mitnick, 1975). Second, such a relationship assumes flexibility which serves as a challenge in its practical application that assumes a predictable pattern of behaviour. According to Sappington (1991), this flexible setting ensures that "the principal has contract terms; this includes the benefits the agent will receive based on his performance". The principal gives the contract to the agent; the agent then decides and offers the contract. Assuming the agent rejects the contract, it ends the relationship; but if the agent accepts the contract, the agent begins to perform the roles based on the goals and aspirations of the principal. The agent then decides on how much effort to exert, and the agent enjoys the benefits upon the fulfilment of the expected utility of the principal that surpasses his expectations. This is not the case because

the relationship and negotiations between the principal and agent can be complex, especially with intense partisan politics (Whitford et al., 2013).

Third, goal divergence is a key challenge. The P-A theory assumes an alignment of the interests of both parties. This is not the case because the agent, who may be a public sector official may share varied interests that may not align with the principal's expectations (Roach, 2016). Public sector organisations may not have the financial capacity to attract and sustain the required expertise or the best workforce (Roach, 2016:30). Fourth, it is always a problem determining what the principal wants and not what others want from the principal. Therefore, it is not common to satisfy the principal's preferences based on scarce resources (Mitnich, 1975).

### **3.4 DEPLOYMENT OF THE TWO THEORIES**

The concept of accountability is very useful for the study for several reasons. First, the characteristics of accountability, such as who is accountable to whom? Answerability, sanctions, rewards, enforcement, transparency, efficiency and effectiveness provide some useful indicators. The CHRAJ is a governance institution established to adhere strictly to Article 218 of the 1992 Constitution of Ghana and the Commission on Human Rights and Administrative Justice Act, 1993 (Act 456). It is entrusted with the constitutional mandate, among others, to fight corruption (Abdulai, 2009). It is also financially resourced by parliament. Therefore, it is answerable to the public on how these resources are efficiently and effectively applied in terms of their outcome to curb corruption in Ghana. Also, the CHRAJ is an institution that draws its budget from the Consolidated Funds and is charged with investigating, preventing, and enforcing policies in the fight against corruption in Ghana. Hence, the CHRAJ acting on behalf of Ghanaian citizens must be answerable in indicating its outputs in terms of resources given and how it has used its resources to address corruption since its inception (Parker et al., 2018).

Second, the concept of accountability is applied to assess how the CHRAJ practised internal and external and horizontal and vertical accountability by following due process as enshrined in the Constitution and the CHRAJ Act in the fight against corruption. Furthermore, the concept would indicate how the CHRAJ subjects its activities to the scrutiny of Parliament, the Executive, Civil Society Organizations (CSOs), the media and international organisations in its effort to promote external accountability.

Third, the concept of accountability will enable the researcher to assess how the CHRAJ as an oversight institution practised the principles of transparency, sanctions, reward and enforcement in addressing corruption.

Fourth, the principal-agent (P-A) theory is used to study Ghana as a democratic country where the principals (the voters or citizens of Ghana) elected the agent or agents (Executive and parliament) to curb corruption as stipulated in the 1992 Constitution, Chapter Six on the “Directive Principles of State Policy” stipulates that “The State shall take steps to eradicate corrupt practices and abuse of power”. The Executive then delegates its authority by appointing the CHRAJ as an agent to act on its behalf. The theory assists the study in examining the relationship between CHRAJ, the public, and other stakeholders in fighting corruption and the challenges faced by the CHRAJ in pursuing its mandates.

Fifth, the P-A theory is essential to this study because it will discuss the rationality of citizens who contracted the CHRAJ to act on their behalf. It will analyse how information is shared between CHRAJ, the public, and other stakeholders, including CSOs. Taken together, the two theories will help the thesis assess CHRAJ’s anti-corruption mandate and its human and financial capacity to perform its functions.

### **3.5 CONCLUSION**

This chapter has discussed the theoretical framework of the study based on the concept of accountability and the principal-agent theory. It also provides the rationale for selecting the

two theories in assessing the anti-corruption mandate of CHRAJ and its capacity to perform its statutory mandate. Despite the weaknesses of the concept of accountability and the PA theory, compelling reasons have been adduced to use them as the study's theoretical framework.



## CHAPTER FOUR

### METHODOLOGY AND RESEARCH INSTRUMENT

#### 4.1. INTRODUCTION

This chapter is devoted to the methodology, and research instrument used to assess the performance of the Commission on Human Rights and Administrative Justice (CHRAJ) in fighting corruption in Ghana's Fourth Republic. The chapter is structured as follows: the philosophical underpinning, justification for the focus on the Fourth Republic of Ghana and the selection of CHRAJ and its anti-corruption mandate. It also discusses the data collection method, sources of data, the study population, sampling methods, data analysis, strategies and ethical considerations.

#### 4.2 PHILOSOPHICAL UNDERPINNING

The philosophical underpinning of this study is "historicism", which is also referred to as "subjectivism", "relativism", "instrumentalism", and "interpretive" approach (Miller, 1972: Cartwright & Montuschi, 2014). Historicism can be traced from the term "Historismus", first discovered in a fragmentary note by Friedrich Schlegel in 1797 (Iggers, 1995). It was later connected to Vico in the 18<sup>th</sup> century (Auerbach, 1949; Reynolds, 1999, p. 276; Lagopoulos, 2011). Miller (1972:797) defines "Historicism" "as the view that all human knowledge is essentially relative to time and knowledge".

Historicism as a phenomenon hinges on certain assumptions. These assumptions underpin the belief that there is no direct awareness of pure sense data and that knowledge is not fixed as advanced by positivists (Descombe, 2002; Cartwright & Montuschi, 2014). All human knowledge depends on time, space, and experiences (Cartwright & Montuschi, 2014). Historicists further believe that experience depends on different minds and realities that change over time and culture (Cartwright & Montuschi, 2014).

The Historicists' experience of data is derived from language and not the other way around, as assumed by the positivists. They believe that truth is relative and not objective, leading to multifaceted world views based on facts and values (Brannigan, 2016; Cartwright & Montuschi, 2014). Historicists employ photographs, life history, in-depth interviews, semi-structured interviews, participant observation, documentary evidence, and audio-visual materials as part of their methods of research (Creswell, 2003).

One of the benefits of historicism is that events can be better researched and understood if they are seen within context. The context of the study is not fixed but human in nature, and it creates an interactive process between the researched and the researcher. Also, they believe that such a context facilitates an understanding of people's experiences with unity and multiplicity of methods (Nissinen, 2009; Cartwright & Montuschi, 2014). The advantages are essential to this study because it will enable the researcher to have an interactive interview with participants to ascertain their experiences in assessing the role of CHRAJ in fulfilling its anti-corruption mandate.

However, the validity and replication of the outcome of historicism for a qualitative approach have been questioned (Onwuegbuzie & Johnson, 2006). Such understanding is likely to lead to the introduction of bias by the researcher (Hughes, 2002). Nevertheless, according to the relativists and the constructivists, the values of the researcher and the researched are important to a study, it is rather a strength as one becomes aware of his or her bias (MacCoun, 1998).

The philosophy of historicism is appropriate to this study because it believes that knowledge regarding CHRAJ and, in particular, its anti-corruption mandate has not been static nor a brute fact; it has rather evolved and constructed over time, space, knowledge, culture, and with different experiences and perspectives since the inception of the institution. The weaknesses of this philosophy do not affect this study because it is guided by ethical considerations such as

the principles of confidentiality, professionalism, data protection and anonymity of participants to avoid bias. This study ensures that processes and procedures systematically follow the methodology. Also, the study uses multiple strategies to validate its findings (Creswell, 2009: p. 177).

### **4.3 THE RESEARCH DESIGN –THE QUALITATIVE APPROACH**

Qualitative research originated from Cultural Anthropology, American Sociology and is currently espoused mostly by Social Science scholars (Kirk & Miller, 1986; Borg & Gall, 1989; Creswell, 2009). It was essentially an investigative method where the researcher gradually studies a social phenomenon by contrasting, comparing, replicating, cataloging, and classifying the object of the study (Miles & Huberman 1984; Marshall & Rossman 1989). The qualitative school of thought believes that events can be better researched and understood if seen within context (Sherman & Webb, 1988).

According to Creswell (2009: p.173), some of the features of qualitative data include investigation strategies, diverse data collection methods, analysis and interpretation, observations, and interviews instead of depending on a sole data source. In addition, it employs an inductive process and gives room for variations and modifications during the study process and gathers data within the field where the participants experience the research problem and not in the laboratory (Creswell, 2009).

There are some merits associated with qualitative methods suitable for this study. First, data generated depends on participant stories of meaning, not “given” (Polkinghorne, 2005). Second, qualitative research is receptive to a local context, conditions and stakeholders' needs (Johnson & Onwughuzie, 2004), which are useful for a successful assessment of CHRAJ. Third, it creates an interactive process between the researcher and the researcher and gives a better understanding of people’s experiences (Sherman & Webb, 1988; Raheim et al., 2016).

The subject of the study can be assessed in greater detail (Krefting,1991). Fourth, compared to quantitative research, which requires a more significant sample size, a qualitative study is advantageous for an in-depth analysis of a small sample size and for describing complex problems (Anderson, 2010: Gray et al., 2020), hence, it is cost-effective and time-saving.

The qualitative approach has attracted two shortcomings. First, the validity and replication of its outcome have been questioned on several grounds (Onwuegbuzie & Johnson, 2006). Second, there is the tendency to introduce subjectivity of the researcher and the researched into the study due to their previous experience (Hughes, 2002). This, according to the relativists, is rather a strength and not a weakness, as stated by the positivists (Kulikov, 2021).

#### **4.4 TYPE OF STUDY**

According to Yin (1984:23), a case study is defined “as an empirical inquiry that investigates a contemporary phenomenon within its real-life context; when the boundaries between phenomenon and context are not evident; and in which multiple sources of evidence are used”. Similarly, Sturman (2013) refers to a case study as the exploration of an individual, group or phenomenon. It is a description and analysis of an individual matter or case to identify variables, structures, forms and orders of interaction between the participants in the situation (theoretical purpose) or assess work performance or progress in development (Starman, 2013, p. 31). The definitions by both Sturman (2013) and Yin (1984) are for this study.

The studies can take the form of single or multiple case designs subject to the study questions. These can be categorised into three groups; exploratory, descriptive and explanatory (Yin, 1984; Zainal, 2007: 4). The exploratory case study investigates a phenomenon based on the researcher’s interest in attracting particular data. Again, it is also used for causal studies where pattern-matching can be used to investigate certain phenomena in very complex and

multivariate cases. In addition, an explanatory case study assesses the data thoroughly to explain the subject or data (McDonough and McDonough, 1997).

On the other hand, a descriptive case study describes a natural phenomenon based on particular information. It describes the data as it is; it may take a narrative form. However, the descriptive case study may lack in-depth analysis (McDonough and McDonough, 1997).

Other categories of case study include interpretive and evaluative (McDonough and McDonough, 1997; Zainal, 2007: 4). An interpretive case study seeks to interpret the data based on a concept by developing conceptual categories, supporting or challenging assumptions. In an evaluative case study, the researcher adds his/her judgment to the phenomenon found in the data (Gwee, 2018).

There are several strengths associated with the use of a case study. First, it allows the researcher to attain conceptual validity and assess variables that best describe theories and concepts like democratic values, institutions, accountability, and transparency (George and Bennett, 2005:20). Second, it investigates the operation of causal mechanisms in detail. Thus, it reveals a large number of intervening variables and observation of any unexpected aspect of the operation of a particular causal mechanism. Third, a case study allows the researcher to appreciate better the behavioural context from the actor's standpoint beyond the quantitative statistical data provided (Zainal, 2017:2). Further, using both quantitative and qualitative data, a case study describes both the process and outcome of a phenomenon through observation, reconstruction and assessment of the cases under investigation (Telis, 199;7 Zainal, 2017). Fourth, the single case study gives the flexibility to focus on theory with the detailed learning of the practical aspects for justifying and testing a new model with analysis and not generalisation (Yin, 2014:).

Notwithstanding, the case study method has some weaknesses (George and Bennett, 2005, p. 24). First, theoretical knowledge is more imperative than concrete and practical knowledge based on context. Second, generalising an individual case challenges scientific development as it provides a minimal basis for scientific generalisation. This is because a case study focuses on a small number of subjects, mainly on a single subject (Zainal, 2007). It raises commonly asked questions such as “How can you generalise from a single case?” (Yin, 1984:21).

Third, case studies encompass a bias toward verification, thereby confirming the researcher’s preconceived notions (VanWynsberghe, 2007). It is often problematic to summarise and advance general propositions and theories based on specific case studies. To mitigate the challenges associated with a case study, the study uses a combination of theoretical framework (accountability and principal-agent theory) and empirical knowledge to assess the input, output and impact of the Commission’s anti-corruption mandate. Also, ethical clearance was granted by the University of Ghana Ethical Board in addition to the systematic use of methods to avoid bias. This study uses the CHRAJ as a case study to investigate its research objectives.

#### **4.5 A BRIEF PROFILE OF CHRAJ – THE CASE STUDY**

The CHRAJ was established in 1993 by an Act (Act 456) of the Parliament of Ghana following Ghana’s return to constitutional rule. One of the unique features of CHRAJ is that the Commissioners appointed by the President and staff are not subject to the direction or control of any person or authority except based on proven misconduct as stipulated by the 1992 Constitution (Draman, 2020). The Commissioner retires at age 70, while the two Deputy Commissioners retire at age 65. They are appointed on the same grounds, terms and conditions of service as a Justice of the Appeal Court and Justice of the High Court, respectively (Ayee, 1992: 165: Republic of Ghana, 1992; Republic of Ghana, 1993). The independence of the

Commission is guaranteed under the Constitution, and its investigative powers cover every public officer, from the President to the ordinary person (Ayamdoo, 2018).

The functions of the Commission are stipulated in the 1992 Constitution and the CHRAJ Act, Act 456, 1993. It investigates complaints of violations of fundamental human rights and freedoms, administrative injustice, instances of alleged or suspected corruption, misappropriation of public money by officials, abuse of power and unfair treatment of persons by public officers and breaches of the code of conduct for public officers. In addition, the Commission investigates disclosures of impropriety and protects whistleblowers from victimisation. When it investigates allegations of victimisation against whistleblowers or members of their families, it makes orders that have the same effect as a judgment or order of the High Court and are enforceable in the same manner as a judgment or order of the High Court (Ayamdoo, 2018).

The Constitution empowers the Commission to subpoena, whether in person or to produce documents in the performance of his/her duties, and failure to which may lead to prosecution before a competent court. Despite its powers, it has to enforce its decision in court (Frimpong & Agyeman-Budu, 2020). The Commission is guided by the principles of integrity, accountability and respect for the rights of persons under investigation in the performance of its functions and powers (Bossman, 2006).

Table 4.1 shows that the CHRAJ has a national staff strength of 696, consisting of 464 males and 229 females. It has offices in 10 administrative regions, as well as two sub-regional and district offices. The head office has over 150 staff, 18 staff in each region and less than 5 staff in each district (Republic of Ghana, 2020). This seems contrary to Section 10 of the CHRAJ Act (Act 456), which requires the CHRAJ to establish branches within all 16 regions and 261 districts and further decentralise its offices to the communities.

**Table 4.1 Number of CHRAJ staff per unit**

Staff	Number	Staff Strength per unit
The national number of staff	697	150 (head office)
Regional Offices and sub-regional offices	12	18 (per region)
District Offices	100	5 (per district)

**Source: Republic of Ghana, 2020.**

In Figure 4.1, the organogram specifies that the Commissioner oversees and coordinates the operations of the three mandates. However, one of the two Deputy Commissioners is in charge of anti-corruption, public education and research, while the other is responsible for human rights and administrative justice. The anti-corruption unit consists of investigations, prevention, ethics and the NACAP Implementation and Support Unit (NISU), which will also be the subject of analysis.

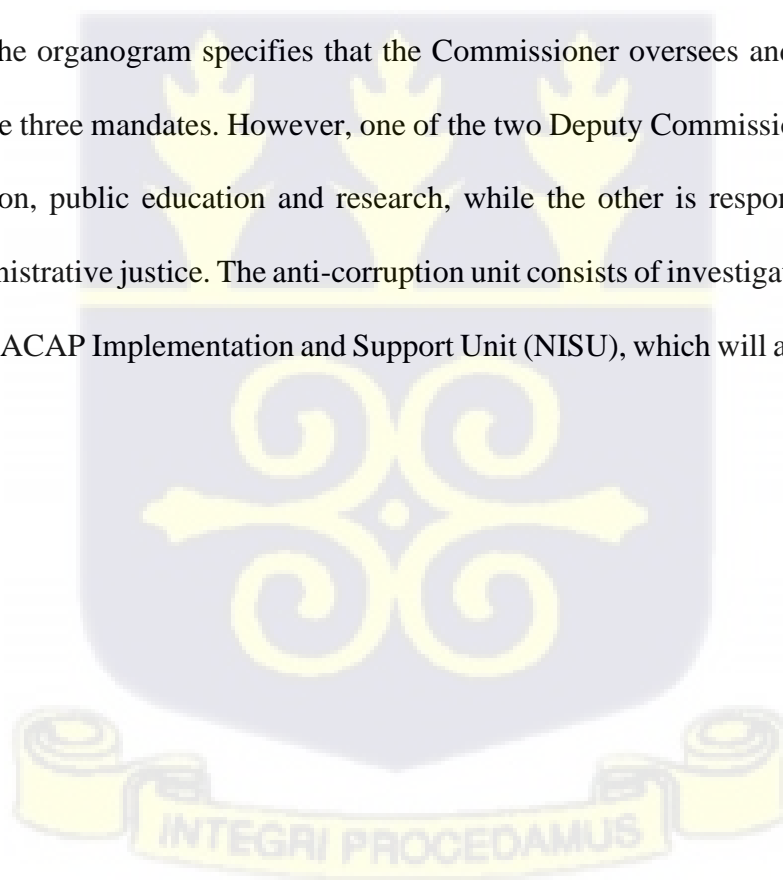
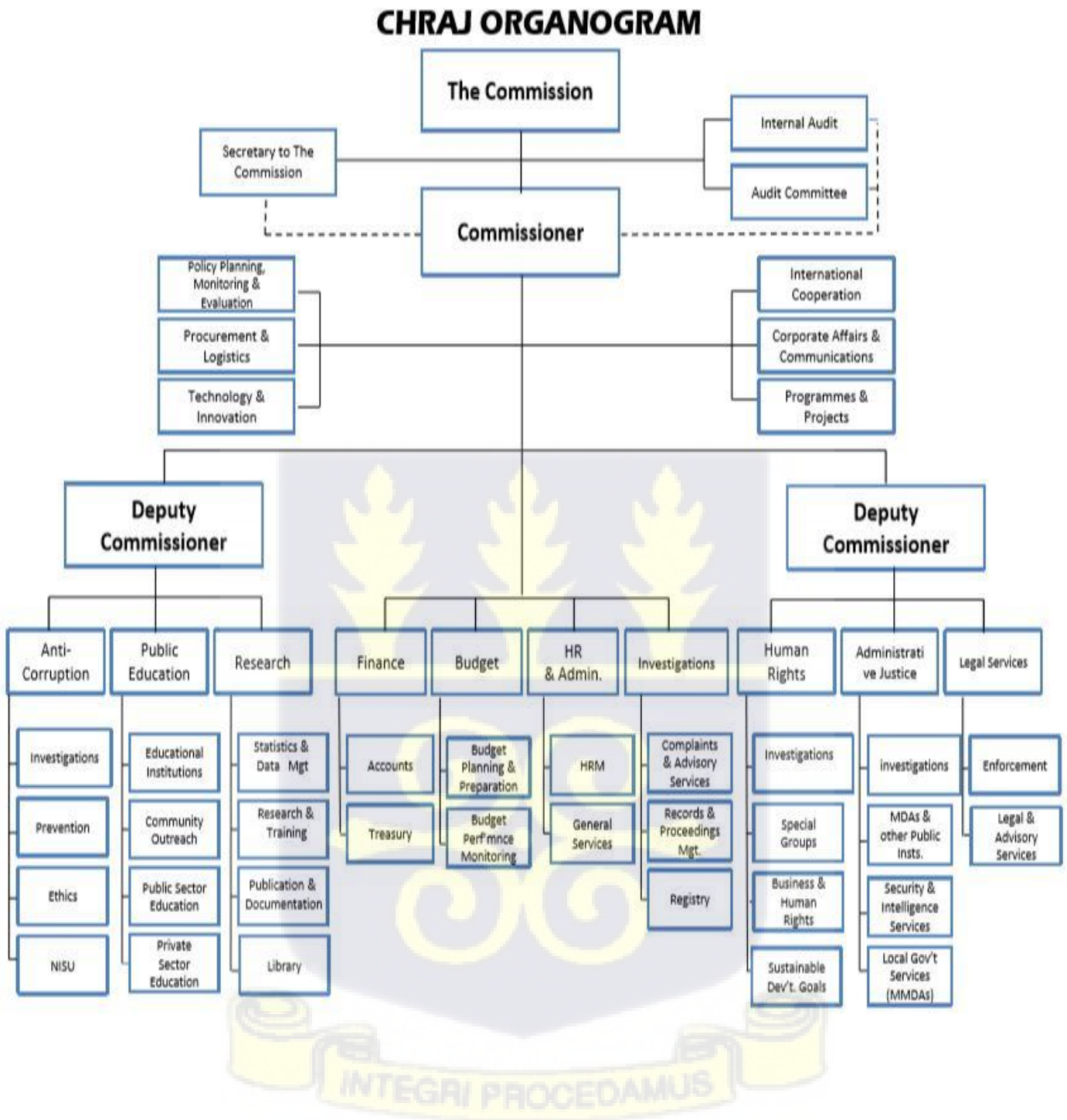


Figure 4.1: CHRAJ Organogram



The CHRAJ has investigated high-profile cases involving a former president and some ministers of state. For instance, former President J. A. Kufuor was investigated for an alleged act of corruption and conflict of interest, while the then Transport Minister, Dr Richard Anane, and the current Minister of Finance, Ken Ofori-Atta, were investigated for alleged corruption, abuse of power and conflict of interest (Bossman 2006: 4). All of them were acquitted of the allegations. The CHRAJ has also investigated hundreds of cases relating to human rights and administrative justice (Bossman, 2006 Ayamdo, 2018).

Notwithstanding the Commission's achievements, there has been skepticism over its performance (Asante and Khisa, 2019) despite its inadequate financial and human resources, which have undermined its work and progress (Mubangizi, 2020). Since the inception of CHRAJ, several studies have been undertaken on its mandates (Ayee, 1994, 2016; Bossman, 2006; Gyimah-Boadi, 2002; Short, 2010 & 2015; Darko, 2014; Asamoah and Ofori Mensah 2018). These studies examine CHRAJ and its three mandates, including human rights and anti-corruption. However, there has been little detailed, systematic, and comprehensive assessment of the Commission's anti-corruption mandate since its inception a gap this thesis fills.

#### **4.5.1 FOCUS ON THE FOURTH REPUBLIC OF GHANA**

This thesis focuses on the Fourth Republic of Ghana for the following reasons:

- a) Unlike the previous First, Second, and Third Republics, which lasted for six years and 27 months, the Fourth Republic has proved to be the most robust and durable, having lasted from 1993 to date – a period of 28 years.
- b) The Fourth Republic has attracted global recognition and is hailed for achieving Huntington's (1991) minimalist perspective of democratic consolidation. Thus, Ghana has passed Huntington's "two turnover tests" of political power alteration, which was achieved after Ghana's third peaceful election, which led to the handover of political power from a

ruling party to an opposition party: first, from Jerry John Rawlings (NDC) to John Agyekum Kufuor (NPP) in 2001; second, from John Kufuor to John Evans Atta Mills (NDC) in 2009; and third, from John Dramani Mahama (NDC) to Nana Akufo-Addo (NPP) in 2017.

- c) The maximalist view of democratic consolidation goes beyond successive successful elections. Also, it depends on the fulfillment of some aspects, including building strong governance institutions such as the CHRAJ, which is the focus of this study (Graham et al., 2017).
- d) Ghana's Fourth Republic has attracted attention due to its social, economic and political developments, including the achievement of some of the Millennium Development Goals (MDGs), a vibrant civil society and improved media freedom (Ayittey, 2015).
- e) Notwithstanding the progress made, corruption has remained a significant bane affecting every facet of Ghanaian society (Ayee, 2016). The fight against corruption has received support from both local and external actors. The 1992 Constitution established the Commission as a human rights, anti-corruption and administrative justice institution. This thesis examines how CHRAJ has performed its anti-corruption mandate in the Fourth Republic.

#### **4.5.2 JUSTIFICATION FOR THE SELECTION OF CHRAJ**

CHRAJ was selected from among anti-corruption institutions such as the Serious Fraud Office (1993), now the Economic and Organised Crime Office (EOCO) (2010), Financial Intelligence Centre (2010), Ghana Integrity Initiative which is the local chapter of Transparency International, the Ghana Anti-Corruption Coalition and the Audit Service, among others (Ayee, 2016:34) based on the following reasons:

- i) It is the first independent constitutional anti-corruption institution created under the Fourth Republic in 1993 (Bossman, 2006).

- ii) Compared to other anti-corruption institutions such as the Economic and Organised Crime Office (EOCO), Office of the Special Prosecutor (OSP), the Judicial and Audit Services, the Commission combines three different institutions in one office: (a) national human rights institution; (b) an ombudsman; and (c) anti-corruption agency.
- iii) It has investigated some high-profile cases and made recommendations. Some of the cases were instigated by media allegations of corruption against ministers of state and high-ranking government officials.
- iv) It has an organisational culture (values, norms and processes) and unique features as a quasi-judicial and governance institution with special processes and procedures of investigation and prosecution.

#### **4.5.3 JUSTIFICATION FOR THE ANTI-CORRUPTION MANDATE**

This thesis concentrates on the anti-corruption mandate of CHRAJ based on four grounds. First, the effect of corruption is enormous on human rights and administrative justice. In particular, it affects the limited funds needed for developmental programmes and projects and undermines the public interest (Kaufmann, 1997; Mensah, 1999). For example, Ghana loses about GH¢13.5 billion annually to corruption (Quayson, 2018). The persistent corruption cases in Ghana have led to Ghana's stagnation in governance indicators, notably the Transparency International Corruption Perception Index (CPI) (Figure 4.2).

Figure 4.2 shows that Ghana has stagnated in Transparency International CPI since 2010. It attained its highest index of 48 in 2014 and its lowest index of 39 in 2011, and 43 in 2020. Furthermore, many Ghanaians believe that the government is not doing much in the fight against corruption. This is evident in Ghana's CPI from 1998-2020 (see Figure 2). This stagnation makes an assessment of a constitutionally mandated anti-corruption institution such as CHRAJ imperative.

**Figure 4.2. Ghana Corruption Perception Index 1998-2020**



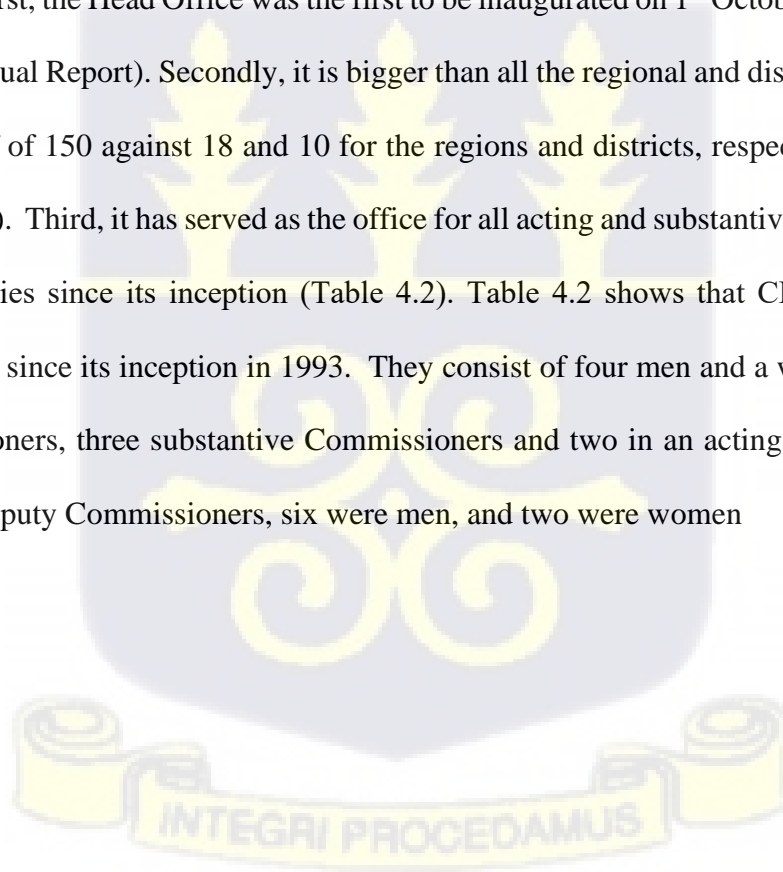
Second, corruption cases dealt with by the Commission have attracted national and international interest more than the human rights abuse cases handled (Asamoah and Ofoosu-Mensah, 2018). Though CHRAJ receives and investigates more human rights and administrative justice cases than anti-corruption cases, it is noted for handling high-profile corruption cases involving high-level public officials (Bossman, 2004).

Third, studies abound on the effect of corruption on investment, economic growth, environment and social welfare (World Bank, 1997; Dong and Toggler, 2009). Corruption in all forms is harmful to all countries, particularly developing countries such as Ghana (Agbodohu & Churchill, 2014). Agbodohu & Churchill (2014:97) asserted that corruption leads to the misappropriation, mismanagement and manipulation of public funds by a few elites and cronies. It renders laws and regulations designed to promote public office ineffective and inefficient and affects the country's capacity to implement its economic reforms.

Fourth, corruption affects Ghanaians' social, cultural, economic, civil, and political rights (Asamoah and Ofosu-Mensah, 2018). It has been identified as a significant cause of poverty, poor infrastructure construction, poor provision of essential services like health and education, lack of drugs in hospitals, customs fraud, tax evasion, irregularities during elections, death, malnutrition and unnecessary bureaucracy (Rahman, 2018; Apenkro, 2020). Therefore, an assessment of the anti-corruption policies, programmes and strategies of CHRAJ is central to the fight against corruption and its human rights and ombudsman mandates.

#### **4.5.4 JUSTIFICATION FOR THE CHOICE OF THE HEAD OFFICE OF CHRAJ**

The study concentrates on the Commission's Head Office within the Greater Accra Region for four reasons. First, the Head Office was the first to be inaugurated on 1<sup>st</sup> October 1993 (CHRAJ 1993-1994 Annual Report). Secondly, it is bigger than all the regional and district offices, with the largest staff of 150 against 18 and 10 for the regions and districts, respectively (Republic of Ghana, 2013). Third, it has served as the office for all acting and substantive Commissioners and their deputies since its inception (Table 4.2). Table 4.2 shows that CHRAJ's had five Commissioners since its inception in 1993. They consist of four men and a woman out of the five Commissioners, three substantive Commissioners and two in an acting capacity. Out of the eight (8) Deputy Commissioners, six were men, and two were women



**Table 4.2: List of Commissioners and Deputy Commissioners of CHRAJ**

Period	President	Commissioners	Status	Deputy Commissioners
1993 -2010	Jerry John Rawlings	Justice Emile Francis Short	Substantive Commissioner	Benjamin Kwesi Opong
				Angelina Momah Domakyaareh
2010 -2011	John Agyekum Kufuor	Anna Bossman	Acting Commissioner	Richard Ackom Quayson
2011 -2015	John Evans Atta Mills	Lauretta Lamptey	Substantive Commissioner	Richard Ackom Quayson
				Joseph Akanjolenur Whittal
2011 -2015	John Agyekum Kufuor	Richard Ackom Quayson	Acting Commissioner	Joseph Akanjolenur Whittal
2017-To date	John Dramani Mahama	Joseph Akanjolenur Whittal	Substantive Commissioner	Richard Ackom Quayson
	Nana Akufo-Addo			Mercy Larbi

**CHRAJ Annual Reports (1993 -2017): Asamoah and Ofosu-Mensah (2018:994)**

Fourth, the head office also investigated the high-profile corruption cases involving presidents and high public officials. Apart from the high-profile cases, the head office received and investigated more corruption cases than all the regions (see Table 4.3). Compared to the cases on administrative justice and human rights, the head office investigated the highest number (91) of corruption cases (see Table 4.3). This is also evident in the 2017 CHRAJ Annual Report, which shows that all 34 corruption cases were received and investigated at the head office and Greater Accra Region (Table 4.4).

**Table 4.3 The CHRAJ Classification of Regional Cases Received, Closed and Pending.**

Head Office/ Cases Carried	Cases Received				Total Cases Closed (Including Cases Pending from 2012)				Cases Pending			
	Human Rights (HR)	Admin Justice (AJ)	Anti- Corruption (C)	Total	HR	AJ	C	Total	HR	AJ	C	Total
Head Office	273	155	13	441	202	91	2	295	299	269	43	610
Upper East	257	22	1	280	239	20	2	261	32	5	0	37
Upper West	353	14	1	368	349	23	1	373	72	12	0	84
Ashanti	1828	39	7	1874	1738	65	3	1806	333	27	9	369
Brong Ahafo	2802	25	4	2831	2810	44	0	2854	564	10	5	579
Northern	448	31	7	486	445	29	7	481	89	38	5	132
Western	1003	26	1	1030	1004	19	0	1043	194	7	1	202
Central	887	27	0	914	858	23	0	881	189	44	2	235
Greater Accra	508	26	1	535	362	37	0	399	549	46	1	596
Volta	1304	27	6	1337	1304	51	4	1359	184	2	5	191
Eastern	913	25	1	939	908	33	1	942	106	11	3	120
	10,576	417	42	11,035	10219	455	20	10,694	2611	471	74	3,156

Source: CHRAJ 2012 and 2013 Annual Report: 62

**Table 4.4 The CHRAJ (2017) Classification of Regional Distribution of Complaints Received and Finalised**

Head Office/ Cases Carried	Cases Received				Total Cases Closed (Including Cases Carried from previous years)			
	Human Rights (HR)	Admin Justice (AJ)	Anti-Corruption (C)	Total	HR	AJ	C	Total
Upper East	257	22	3	282	242	17	0	259
Upper West	267	20	2	289	252	17	1	270
Ashanti	1561	49	5	1615	1600	36	3	1639
Brong Ahafo	2,438	31	4	2,473	2,379	26	2	2,407
Northern	331	34	8	373	352	24	3	379
Western	796	24	2	822	766	25	1	792
Central	664	14	0	678	622	12	1	635
Head Office/Greater Accra	509	157	34	700	797	124	0	921
Volta	1,142	23	3	1,268	1,201	19	4	1,224
Eastern	703	13	0	716	735	11	0	746
	<b>8,768</b>	<b>387</b>	<b>61</b>	<b>9,216</b>	<b>8,946</b>	<b>311</b>	<b>15</b>	<b>9,272</b>

Source: CHRAJ 2017 Annual Report: 64

Fourth, the office collates the budget, allocates it to all the regions and districts, and accounts for its national expenditure. This is shown in table 4.5. and 4.6 respectively.

**Table 4.5: The CHRAJ Medium Term Expenditure Framework (MTEF) For 2020-2023**

	2020	2021	2022	2023
<b>Programmes – Commission on Human Rights and Admin.</b>	40,897,551	41,057,551	41,057,551	41,057,551
03501 - Management and Administration	37,397,551	37,557,551	37,557,551	37,557,551
03501001 - General Administration	36,937,551	37,097,551	37,097,551	37,097,551 21
Compensation of employees [GFS]	23,193,131	23,193,131	23,193,131	23,193,131 22
Use of goods and services	7,836,651	7,996,651	7,996,651	7,996,651 27
Social benefits [GFS]	277,665	277,665	277,665	277,665 28
Other expense	130,104	130,104	130,104	130,104 31
Non-financial assets	5,500,000	5,500,000	5,500,000	5,500,000
03501002 Finance	50,000	50,000	50,000	50,000 22
Use of goods and services	50,000	50,000	50,000 -	50,000 03501003
03501004 Human Resource	60,000	60,000 -	60,000 22	60,000
Use of goods and services	60,000	60,000	60,000	60,000

03502 - Policy; Planning; Budgeting; Co-ordination; Monitoring	350,000	350,000	350,000	350,000 22
03502 Use of goods and services	350,000	350,000	350,000	350,000
03502000 Promote and Protect Fundamental Human Rights	400,000	400,000	400,000	400,000
Promote and Protect Fundamental Human Rights	400,000	400,000	400,000	400,000 22
Use of goods and services	400,000	400,000	400,000	400,000
03503 - Administrative Justice 03503000	300,000	300,000	300,000	300,000
Administrative Justice	300,000	300,000	300,000	300,000 22
Use of goods and services	300,000	300,000	300,000	300,000, 035,04
Anti-Corruption 03504000	2,800,000	2,800,000	2,800,000	2,800,000
Anti-Corruption	2,800,000	2,800,000	2,800,000	2,800,000 22
Use of goods and services	2,800,000	2,800,000	2,800,000	2,800,000

**Source: The CHRAJ Medium Term Expenditure Framework (MTEF) for 2020-2023:**



**Table 4.6 CHRAJ Total Budgetary Allocation for 2019**

<b>Item budget</b>	<b>Budget (GH)</b>	<b>Revised budget</b>	<b>Release (Sept)</b>	<b>Variance</b>	<b>%Variance</b>
Compensation of employees	24,000,000	22,277,672	18,712,612.03	3,565,060	16 %
Goods & Services-GoG	5,438,185	5,438,185	4,332,498.24	1,105,686.76	20%
CAPEX – GoG	2,509,885	2,509,885	1,258,958	1,250,927	49.8%
<b>Total</b>	<b>31,948,070</b>	<b>30,225,742</b>	<b>24,304,068.27</b>	<b>7,644,001.73</b>	

**Source: The CHRAJ Medium Term Expenditure Framework (MTEF) for 2020-2023:7**

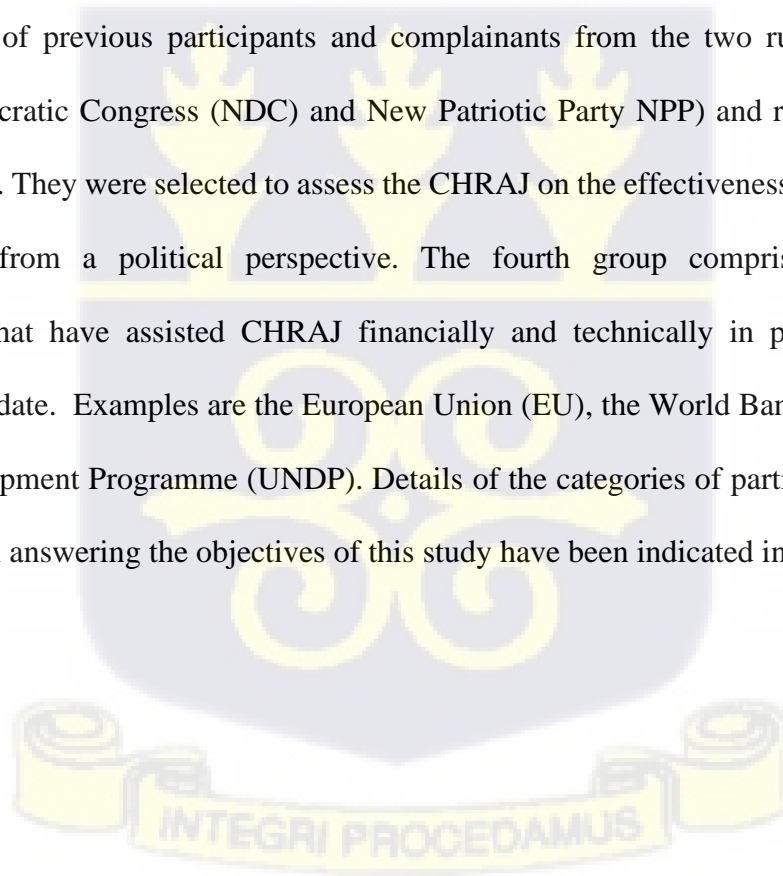
#### **4.6 POPULATION OF THE STUDY**

Since there are ambiguities regarding the sample size for interviews, Creswell (2016) recommended maximum size of 20 to 30 interviews, while Denzin and Lincoln (2005) suggested between 30 to 50 interviews. In line with the recommendation by Denzin and Lincoln (2005), this study targets a maximum of fifty (50) interviews. The 44 participants were purposively selected because the National Anti-corruption Action Plan (NACAP) classified them as stakeholders due to their vital roles in the fight against corruption. The participants were categorised into four major groups: internal, external participants, representatives of international organisations and political parties.

First, the internal participants include past and current commissioners, directors, registrars, investigators, research officers, finance, planning and budgeting officers. These participants were selected because of the managerial and administrative roles that they have played in taking decisions and implementing policies, programmes, projects and plans regarding the

operationalisation of the CHRAJ anti-corruption mandate. Others were members selected from the National Anti-Corruption Action Plan (NACAP) Implementation Support Unit (NISU).

Second, the external participants consist of public sector organisations such as members of key Ministries, Departments and Agencies (MDAs) and Metropolitan, Municipal and District Assemblies (MMDAs), independent governance institutions, anti-corruption institutions such as the Office of the Special Prosecutor (OSP), Audit Service, Economic and Organised Crime Office (EOCO), Ministry of Justice and Attorney General (MOJAG), Judiciary, Ghana Police Service. Other media and civil society organisations (CSO) include think-tanks and political scientists who have publications and are legally mandated to implement anti-corruption policies and programmes. Also, they are implementing partners of the NACAP. This third group consists of previous participants and complainants from the two ruling parties, the National Democratic Congress (NDC) and New Patriotic Party (NPP) and representatives of political parties. They were selected to assess the CHRAJ on the effectiveness of its corruption investigations from a political perspective. The fourth group comprises international organisations that have assisted CHRAJ financially and technically in pursuing its anti-corruption mandate. Examples are the European Union (EU), the World Bank and the United Nations Development Programme (UNDP). Details of the categories of participants and their specific roles in answering the objectives of this study have been indicated in Table 4.7.



**Table 4.7. List of Participants of the Study**

No.	Category	Role(s) in Anti-Corruption
1	Past and current Commissioners	They provide policy and managerial roles for anti-corruption measures.
2	Past and current Directors of CHRAJ	
3	The staff of the Commission	Administrative support in the fight against corruption
4	Implementing Partners (Ministries, Departments and Agencies and Metropolitan, Municipal and District Assemblies)	Implementing the National Anti-corruption Action Plan and collaborators.
5	The staff of the Ministry of Finance	Release and approve the budgetary allocation to CHRAJ for its activities.
6	Members of Parliament	Exercise horizontal accountability over CHRAJ
7	Traditional Authorities /Religious bodies	They play key roles in fighting corruption within their communities.
8	Office of the President (OoP)	The OoP is both Chair and member of the NACAP High-Level Implementation Committee (HiLIC)
9	Members of High-Level Implementation Committee (HiLIC)	Decision-making body of the implementation of the NACAP.
10	Members of the Monitoring and Evaluation Committee of NACAP (MONICOM)	Monitor the implementation of NACAP. Provide data and information, identify challenges and share best practices.
11	The members of the NACAP Implementation Support Unit (NISU)	Provide administrative support for the implementation of the NACAP
12	ACIs (OSP, EOCO, Ministry of Justice and Attorney General (MOJAG), Auditor General, Audit Service, Judicial Service and Ghana Police Service.	Assess the collaborative roles with CHRAJ.
13	Civil Society Organizations and the Media	They collaborate to achieve the objectives of NACAP.
14	Private Enterprise Federation	Partner CHRAJ anti-corruption measures within the private sector
15	Academia and think-tanks	Provide an academic assessment of CHRAJ and its anti-corruption mandate.
16	Political Parties (NDC and NPP)	Assess the effectiveness of CHRAJ in addressing political corruption
18	CHRAJ development partners (The European Union, United Nations Development Programme)	Support CHRAJ to achieve its strategic objectives.

**Source: Compiled by the author (2021)**

#### **4.7 SAMPLING APPROACH**

This study uses purposive or judgmental sampling to select the participants because it gives the researcher various strategic choices about whom, where, and how research provides answers to research objectives (Maxwell, 2005; Palys, 2008), in particular, it uses a stakeholder sampling approach which includes identifying the stakeholders within the various ministries, departments, and agencies (MDAs) in designing, giving, receiving, or administering the programme or service being assessed (Palys, 2008). Furthermore, expert sampling aids the researcher in identifying particular expertise to answer the research questions (Palys, 2008).

#### **4.8 SOURCES OF DATA COLLECTION**

The study uses both primary and secondary sources of data. They assist the study in triangulating, validating, explaining and better understanding the data gathered in assessing the Commission in the fight against corruption in Ghana. The primary data sources include face-to-face in-depth elite and interviews during the fieldwork. Since interviews do not necessarily guarantee meaningful and rich data (Schulze & Avital, 2011), the study uses existing surveys on the perception of CHRAJ conducted by public institutions, civil society organisations and the international community. Other secondary sources include articles, journals, books and the internet.

In addition, the study relies on documentary sources such as speeches, periodic reports and policy briefings. It reviews the Commission's annual reports since 1993, legislative instruments, investigative reports, official presentations and statements, financial statements and minutes of meetings.

#### **4.9 INSTRUMENT OF DATA COLLECTION**

This study employs multiple techniques such as elite interviews (face-to-face) and documentary and archival sources. The use of interviews assists in data generation and more flexibility in a qualitative approach rather than the survey method in which pre-coded questionnaires are used for quantitative purposes (Phellas et al., 2011, p. 183). The study targets the elite because they are people who possess knowledge, prestige and power (Zuckerman, 1972; Lilleker, 2003). Telephone interviews were conducted due to the adherence to COVID-19 protocols. The interviews were structured and semi-structured. The structured interviews enabled the researcher to have formal, rigid and controlled interactions with the interviewees. The semi-structured interview allowed the researcher to explore participants' thoughts, feelings, and beliefs in assessing CHRAJ (DeJonckheere and Vaughn, 2019).

#### **4.10 INSTRUMENTS OF DATA ANALYSIS**

In analysing both primary and secondary data, this study employed content analysis to analyse the data systematically. This approach permitted the researcher to provide empirical evidence about the issues identified during the interview. Also, the study applies NVivo 12 to analyse the qualitative aspect of the study. NVivo 12 is a software programme used for qualitative research.

#### **4.11 TOOL OF ASSESSMENT**

There are myriad of criteria for assessing the effectiveness of government institutions all over the world. Studies have been undertaken using different criteria to evaluate anti-corruption institutions by Transparency International, the World Bank, civil society organisations, the media and academia. No generally acceptable tool has been used in evaluating policy and institutions within the public sphere. To Ayee (2000), the determination of the assessment criteria in itself is political. This is because what is determined as progress may be seen as a

failure or challenge by another actor. Also, measuring success, according to Doig and Riley (1998), can be exceptionally difficult. Some of the assessment tools used include the SMART principles, success and failure, and cost and benefit ratio principles. In this study, the criteria for assessing CHRAJ’s performance in anti-corruption are input, output and impact, as shown in Table 4.8.

**Table 4.8 The Criteria for Assessment of CHRAJ’s Performance**

No.	Type of assessment	Assessment
1.	Output	That is the extent to which CHRAJ has undertaken its activities.
2.	Outcome	The extent to which its anti-corruption mandate had been fulfilled or attained and how corruption has either increased or reduced in Ghana.
3.	Impact	That is the extent to which CHRAJ’s fulfillment or non-fulfillment of its mandate had positively or negatively affected general democratic governance in Ghana.

**Source: Compiled by the author (2021): Mihaiu et al. (2010, p. 136).**

#### **4.11.1 MEANS OF VERIFICATION**

The means of verification include the number of interviews with previous complainants and participants, reports produced, the number of corruption cases handled, increase or decrease in the incidence of corruption, reforms were undertaken to streamline systems and processes, legislative instruments, and public education programmes, resources, etc.

#### **4.12 QUALITY CONTROL AND ETHICAL CONSIDERATIONS**

Corruption and anti-corruption issues are very sensitive (Rothstein and Varraich, 2017). This is because it is an undercover activity and is usually politicised (Engler, 2020). Hence, the study anticipates that interviewing complainants and participants of the Commission may be

emotional and devastating for them, which can lead to subjectivity. To deal with quality control during interviews, this study interviews people whose cases are not pending before the Commission. To protect the identity of interviewees, recordings of testimonies or evidence of people would be used. To strengthen its quality control measures, this study sought ethical approval from the Ethics Board of the University of Ghana.

#### **4.13 COVID-19 SAFETY AND PREVENTION PROTOCOLS**

To prevent the spread of the COVID-19 pandemic, all participants and the researcher observe the Ghana Health Service's COVID-19 safety and prevention protocols.

#### **4.14 CONCLUSION**

This chapter has presented a systematic overview of the research design and the process used to assess how the CHRAJ executed its anti-corruption mandate over the last twenty-five years. The study is based on historicism's philosophy, which offers the opportunity to employ a qualitative study as its research design. The use of CHRAJ as a case study allowed having an in-depth understanding and analysis of the issues. The use of semi-structured interviews as a research instrument offered the flexibility to interact with the participants and gather data to achieve the study's objectives.

Even though there may be some weaknesses in the research design and methodology used, they did not affect the quality and reliability of the findings because of the control mechanisms, including the triangulation of methods and ethical clearance from the University of Ghana's Ethical Board.

## CHAPTER FIVE

### DATA PRESENTATION AND ANALYSIS

#### 5.1 INTRODUCTION

This chapter presents fieldwork findings on how the Commission on Human Rights and Administrative Justice (CHRAJ) has fulfilled its anti-corruption mandate over the last twenty-five years (1993–2018) as a constitutionally mandated independent governance institution to curb corruption under Ghana’s Fourth Republic. Specifically, it addresses the following objectives: i) to examine the causes of corruption in Ghana and strategies to address them; ii) to examine the investigative, preventive, and enforcement roles of CHRAJ in the fight against corruption using the indicators of output, outcome, and impact; and iii) to assess the capacity of CHRAJ (in terms of resources) in the performance of its anti-corruption mandate, the challenges faced and how they have been addressed.

#### 5.2 DEMOGRAPHIC PROFILE OF PARTICIPANTS

This section provides the participants’ demographic profile, which is essential in assessing a constitutionally independent institution that has been in existence since 1993.

##### 5.2.1 Educational Background and Work Experience of Participants

To recap, the study employs a qualitative research design and method. All the participants (100%) interviewed were elites with a minimum of between first and doctorate degrees in various fields, mainly in the social sciences. Their work experience ranges from a minimum of six (6) years to thirty (30) years, with the majority having over twenty (20) years of work experience within government and non-governmental institutions.

##### 5.2.2 Classification of Participants

A total of forty-four (44) participants were interviewed. Out of the 44 participants, 50% were interviewed by the Head Office of CHRAJ and 50% from external stakeholders. The 50% of

participants from CHRAJ include the founding Commissioner and Deputy Commissioner, the current Commissioner and two Deputy Commissioners, a founding Director of the Legal and Investigation Department, the Director of the Anti-corruption Department, Acting-Director of the Human Rights Department, and the Director in charge of Investigations. Other participants from CHRAJ include the Director of the Legal and Enforcement Unit, former Regional Directors, officers in charge of the Complaint Unit, Information and Technology, Programmes and Projects Unit, Legal Registry, and former and current investigators of the CHRAJ.

The remaining 50% of the 44 participants interviewed were CHRAJ external stakeholders from government and non-governmental organisations (Box 5.1).

<b><u>Box 5.1: Stakeholders of the CHRAJ (50% of Participants)</u></b>	
➤	Deputy Director, National Development Planning Commission (NDPC),
➤	Deputy Director, National Commission for Civic Education (NCCE),
➤	Former Deputy Chief of Staff, Office of the President,
➤	Director, Ministry of Local Government, Decentralization and Rural Development (MLGDRD),
➤	Director, Legal and Prosecution, Economic and Organised Crime Office (EOCO),
➤	Judges of the Appeal Court and Supreme Court of the Ghana Judicial Service,
➤	Director, Ministry of Finance,
➤	Members of the Monitoring and Implementing Committee of NACAP (MONICOM),
➤	Members of the High-Level Implementing Committee (HiLIC),
➤	Civil Society Organisations and think tanks in the fight against corruption,
➤	Director, Advocacy and Policy Engagement of the Ghana Center for Democratic Development (CDD),
➤	Director in Charge of Legislative Business in Parliament.
➤	Executive Secretary, Ghana Anti-corruption Coalition (GACC),
➤	Executive Director and Senior Programmes and Research Officer, Ghana Integrity Initiative,
➤	Host of Joy FM News File and a Legal Officer of the Multimedia Group,
➤	Chief Executive Officer, Private Enterprise Federation,
➤	Lecturer, University of Ghana Business School,
➤	The staff of the Danish International Development Agency (DANIDA),
➤	Consultant, European Union, Accountability and Rule of Law and Anti-Corruption Programme (EU-ARAP), and
➤	General Secretary, National Democratic Congress (NDC).

### 5.2.3 Gender distribution of participants

There is a current debate about whether women are more corrupt than men and whether women can better manage corruption-related issues than men (Bauhr and Charron, 2021). Out of the 44 participants interviewed, 67% were males, and 33 % were females (Table 1). This falls short of the Ghana Population Census of 2021, which found that out of the 30.8 million of the population, women constituted 50.7% while 49.3% of the population (Ghana Statistical Service, 2021). Nevertheless, the gender distribution of participants reflects how male public officials outnumber female public officials in the fight against corruption particularly within public institutions including CHRAJ which has 65% (570) male and 35% (320) female out of its total number of current staff (894).

**Table 5.1: Gender distribution of participants**

<b>Respondent</b>	<b>Percentage</b>
Male	67%
Female	33%

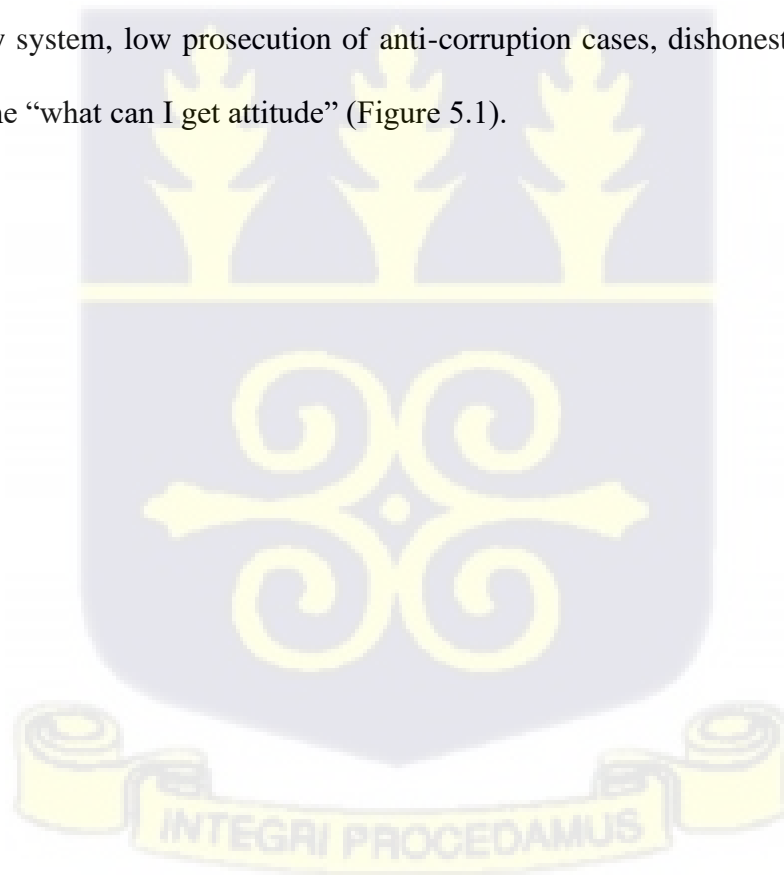
Source: Source: Fieldwork, September 2021.

## 5.3 THE CAUSES OF CORRUPTION IN GHANA AND THE STRATEGIES TO ADDRESS THEM

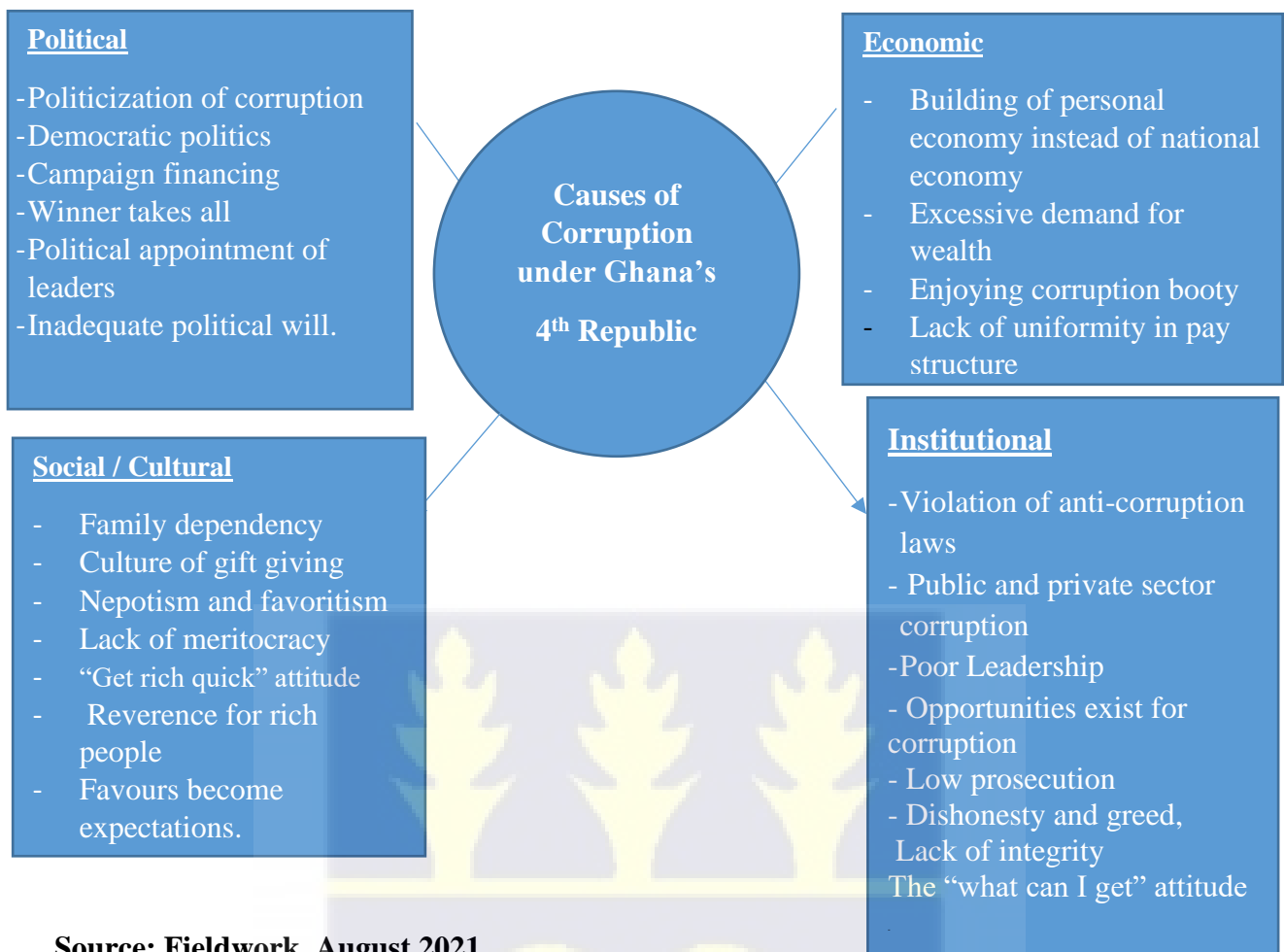
### 5.3.1 THE CAUSES OF CORRUPTION

The study assessed the causes of corruption and the political strategies to address them under Ghana's Fourth Republic. The participants gave multifaceted views, which are summarised in Figure 5.1. The causes of corruption in Ghana are classified under political, economic, social, and institutional factors. These factors, though distinct, are closely related. The political factors

can be traced from Ghana's political history including campaign financing, the election process, the appointment of ministers and heads of anti-corruption institutions by the Executive and inadequate anti-corruption strategies as well as lack of commitment at all levels. Under economic factors, participants identified opportunities that exist for corruption as the excessive demand for wealth, enjoyment of corruption booty, lack of uniformity in the pay structure and allowances, poor remuneration, and the building of a personal economy instead of the national economy. The socio-cultural factors are hinged on family dependency, gift-giving culture, nepotism, and favouritism, lack of meritocracy, the "get rich quick syndrome", respect and loyalty for the rich irrespective of how they got their wealth, and favours turning into expectations. The institutional factors for corruption include poor leadership, ineffective public service delivery system, low prosecution of anti-corruption cases, dishonesty, greed, lack of integrity, and the "what can I get attitude" (Figure 5.1).



**Figure 5.1: Causes of Corruption in Ghana’s Fourth Republic**



**Source: Fieldwork, August 2021.**

The paragraphs below capture the participants’ views on the causes of corruption in Ghana. First, over 50% of participants associated the causes of corruption with how Ghana’s democratic governance works:

“Politicians make all kinds of promises to their sponsors to award them public contracts and positions to enable them to recoup their investment; hence they ignore conflict of interest injunctions and public procurement rules, inflation, and all anti-corruption laws leading to an increase in corruption” (Fieldwork, July 2021).

Also, a study by the Westminster Foundation for Democracy and the Ghana Centre for Democratic Governance pegged the average cost of spending for party primaries, nomination

and parliamentary elections at GH¢389,803, which is the equivalent of US\$85,000 (CDD-Ghana and Westminster Foundation for Democracy, 2018).

Second, social factors such as “family pressure” on the working class were one of the leading causes of corruption. Over 50% of participants noted that excessive demands from the non-working youth and relatives of the working class and politicians compelled them to violate rules, processes, and codes of conduct. According to a public officer, “We make unrealistic demands on people who have power and influence and for them to maintain their power they must find other means of survival leading to corruption” (Fieldwork, July 2021).

Another social factor is the “get rich quick syndrome”. Over 60% of participants stated that people with unexplained wealth are allowed to donate to churches, mosques and during social gatherings such as funerals and festivals without questioning how they acquired their wealth. A respondent gave as an example the killing of a boy at Kasoa by two friends to get quick money through foul means (Nyabor and Tetteh, 2021).

Third. Economic factors are related to poor remuneration, poverty, unemployment and under-employment of active youth. Other economic factors according to participants are lack of transparency and uniformity of government pay structure which creates an opportunity for people to find other means of getting additional money (Fieldwork, 2021). While 44% of the participants acknowledged that poverty is not a justification for people to engage in corruption. Over 80% of participants agreed that it could be a major factor in corruption (Fieldwork, 2021). According to a Director of the Ministry of Finance:

“There is no uniformity in the definition of salary. You could be with someone with the same qualifications and experience within the service, but he or she earns more because he/she may have a collective bargaining agreement; there should therefore be some uniformity in the salary structure. Also, the Fair

Wages and Salaries Commission should be up to its game through a standardised way of defining jobs and how they are rewarded to reduce corruption” (Fieldwork, July 2021).

Fourth, institutional factors include expectations and opportunities created for one to be corrupt. Over 80% of participants expressed that the key cause of corruption under Ghana’s Fourth Republic is that corruption is seen as the norm (Fieldwork, 2021). According to a respondent from a public institution, there is an expectation that once one finds himself/herself in a position at the workplace, one has to be wealthy. Also, society places a high demand on one’s success and even goes to the extent of encouraging individuals to be corrupt (Fieldwork, 2021). An official from the Private Sector Enterprise stated that:

“The absence of clear-cut structures, monitoring and prosecuting deterrents creates opportunities for corruption. This is because some people steal money, and they are not imprisoned. People get away with anything; the system lacks regulations and monitoring, which creates an opportunity for people to engage in corruption” (Fieldwork. August 2021).

### **5.3.2 STRATEGIES TO FIGHT CORRUPTION IN GHANA**

Ghana has adopted numerous national and international legal and institutional anti-corruption strategies to make corruption a high-cost, low gain activity. This study adopted the anti-corruption measure outlined by Ayee (2016:37) in a study on the roots of corruption, the Ghanaian enquiry revisited. Ayee (2016) gave a table that outlines comprehensive constitutional, legislative, institutional reforms, societal, institutional and politically motivated International Community and surveys as measures in the fight against corruption. Table (5.2) illustrates that Ghana has adopted international, regional measures to fight against corruption. Though Ghana lacks comprehensive legislation on corruption, it has legions and pieces of legislation that deal with specific corruption areas.

**Table 5.2: Approaches/Interventions to Combat Corruption in Ghana**

No.	Approach(es)	Intervention(s)
1	Constitutional	<p>Article 35 (8) of the 1992 Constitution stipulates that "The State shall take steps to eradicate corrupt practices and abuse of power".</p> <p>Chapter 24 and Article 284 prevent all public officers from promoting their parochial interests. Article 286 (i) obliges public officers to declare their assets and liabilities to the Office of the Attorney General within three months of entering public office.</p>
2	Legal/Legislative	<p>22 laws from 1960-2010; Code of Conduct for Public Officers of Ghana (2013); Anti-Corruption Manual of the Ministry of Justice (2009); Guidelines on Conflict of Interest developed by CHRAJ.</p> <p>Other laws include the Criminal Offences (Amendment) Act 2020 (Act 29), which makes corruption a felony instead of a misdemeanour. The Whistleblower Act 2006 (Act 720), Witness Protection Act 2018 (Act 975), Right to Information Act 2019 (Act 989), Public Financial Management Act 2016 (Act 921), Public Procurement and Amendment Act, 2016 (Act 663,) Government Contract Protection Act 1979 (Act 58).</p>
3	Institutions	<p>People's Defence Committees and Workers Defence Committees (WDCs) under the PNDC government and renamed Committees for the Defence of the Revolution (CDRs), Citizens Vetting Committee established in 1982 and renamed Office of Revenue Commissioners in 1984, National Investigation Committee established in 1982, Bureau of National Investigations (BNI), Economic Crime Unit of the Police Service; Commission on Human Rights and Administrative Justice (CHRAJ), Auditor-General and Serious Fraud Office (SFO), all created in 1993; SFO is renamed Economic and Organized Crime Office (2010); Auditor General; Public Accounts Committee of Parliament; Financial Intelligence Centre. Others are the Ghana Police Service and the Office of the Special Prosecutor.</p>
4	Institutional reforms	<p>Public sector reforms; Civil Service Reform Programme, 1987-1993; National Institutional Renewal Programme, 1994. The Civil Service Performance Improvement Programme, 1995 to date, privatisation of state enterprises, Public Sector Management Reform Programme from 1997 to date, legal sector reform, Public Financial Management Reform Programme (PUFMARP) and decentralization and local government; National Governance Programme; and Ghana Integrated Financial Management Information Systems (GIFMIS), National Public Sector Reform Strategy, 2019-2023, Digital Ghana Agenda.</p>

5	Politically motivated	Commissions of enquiry, such as the ones established after the overthrow of the Nkrumah government in 1966 and the Anin Commission established by the Busia government in 1970; deterrence and judicial actions insisted on the need for death and jail sentences. The execution of the three former heads of state and some top military officers in 1979 under the Armed Forces Revolutionary Council (AFRC) and the incarceration of officials and businessmen for corruption by AFRC Special Courts in 1979 and the public tribunals in 1982 under the Provisional National Defence Council (PNDC) government; Office of Accountability, which was created in 2003 by Kufuor's NPP government as an internal corrective body under the Presidency; Governance Advisor, Office of the President under Mahama; National Anti-Corruption Action Plan (NACAP).
6	Societal	Civil society organisations such as Ghana Integrity Initiative, and Ghana Anti-Corruption Coalition (GACC) act as advocacy groups against corruption; the media through investigative journalism; public education on corruption.
7	International Community	Ratification of relevant international, regional and sub-regional conventions such as the United Nations Anti-Corruption (2003), African Union Convention on Preventing and Combating Corruption (2005); ECOWAS Protocol on the Fight Against Corruption (2003); ECOWAS Supplementary Protocol on Democracy and Good Governance; African Peer Review Mechanism (APRM); development partners programmes on governance and corruption; AfDB and the OECD's Joint Initiative to Support Business Integrity and Anti-Bribery Efforts in Africa (2008); Extractive Industries Transparency Initiative (EITI).
8	Surveys	Corruption Perception Index (CPI) of Transparency International (TI); Barometer Survey of the TI; Afrobarometer conducted by CDD- Ghana; Global Integrity investigative report on tracking corruption, openness and accountability; surveys conducted by the Ghana Anti-Corruption Coalition and other CSOs.

**Source: Adapted from Ayee (2016: 37).**

Despite the above numerous strategies to fight corruption in Ghana including rhetorics by the various governments under Ghana's Fourth Republic, the fight against corruption goes beyond the rhetoric, vain sloganeering and public utterances (Chua, 2010) but the demonstration of

political will and bureaucratic commitment to implement the anti-corruption strategies. Kpundeh (1997: 92) defined political will within the context of the fight against corruption as “demonstrated credible intent of political leaders (elected or appointed), civil society organisations, faith-based organisations, stakeholders and the general public to attack perceived causes and effects of corruption at all levels of society”. Political will is also seen as the ability of political leaders to deal with corruption decisively whether they are allies, friends, families, or colleagues (Nduku & Tenamwenye, 2014).

The study asked participants whether there is a political will to fight corruption. Over 60% of participants, including two Commissioners, four officers of CHRAJ, and one representative from the Ghana Integrity Initiative pointed out that political will goes beyond the Executive Arm of government but to all stakeholders in the fight against corruption. It encompasses the head of state and anti-corruption institutions. A representative from the Ghana Integrity Initiative (i) and a former investigator of the CHRAJ (ii) stated as follows:

- i) “Political will is not limited to the executive because we have different types of corruption that operate at different levels... To what extent are they ensuring that rules and regulations are adhered to? (Fieldwork, July 2021).
- ii) Even when you look at our institution, several cases are pending, but the will to prosecute these cases is not there. Sometimes the Attorney General’s Office will call for the file, which is the end, even if they have to investigate the complaints. It takes several years before they prosecute” (Fieldwork, July 2021).

Second, a judge from the Ghana Judicial Service, a Director of the Ministry of Finance and a staff of Joy FM remarked that various governments under Ghana’s Fourth Republic had provided the needed institutional, legal, financial and personal resources to the anti-corruption

institutions including CHRAJ, EOCO, Parliament, the Judicial Service and the Ghana Police to fight corruption. Hence, the anti-corruption institutions need to up their game.

Third, 90% of participants acknowledged that even though there is a political will to fight corruption, the actions and inactions of past and current presidents have undermined the fight against corruption in Ghana. In the words of a Joy FM Multimedia official:

Ex-President Kufuor declared zero tolerance for corruption. Eventually, the things he did, including creating an office within the presidency to check corruption undermined the fight against corruption instead of allowing the constitutional and statutory institutions to deal with persons engaged in corruption. Ex-President John Mahama said that corruption is a mass murderer, but we didn't see much of a difference in his regime in fighting corruption. The current President cautioned that if people are coming to public office to enrich themselves, they are in the wrong place; they should instead go into private employment. However, we have seen how acts of corruption are rife in public office over the period Anas' investigations showed corruption within the Judiciary. Political will has not been commensurate to the talk by politicians about the fight against corruption.... we have seen how political authorities have shielded people over the years (Fieldwork, August 2021).

Further to the above, according to a respondent, Parliament lacks the commitment to prioritising government legislative agenda, particularly in the passage of anti-corruption legislations. This was compared to how Parliament prioritised the passage of other Bills such as how it passed the Electronic Levy Bill with urgency (Fieldwork, 2022).

## **5.4 THE ROLE OF CHRAJ IN THE PREVENTION, INVESTIGATION AND ENFORCEMENT OF CORRUPTION CASES**

### **5.4.1 THE EVOLUTION, ORGANOGRAM AND POWERS OF CHRAJ**

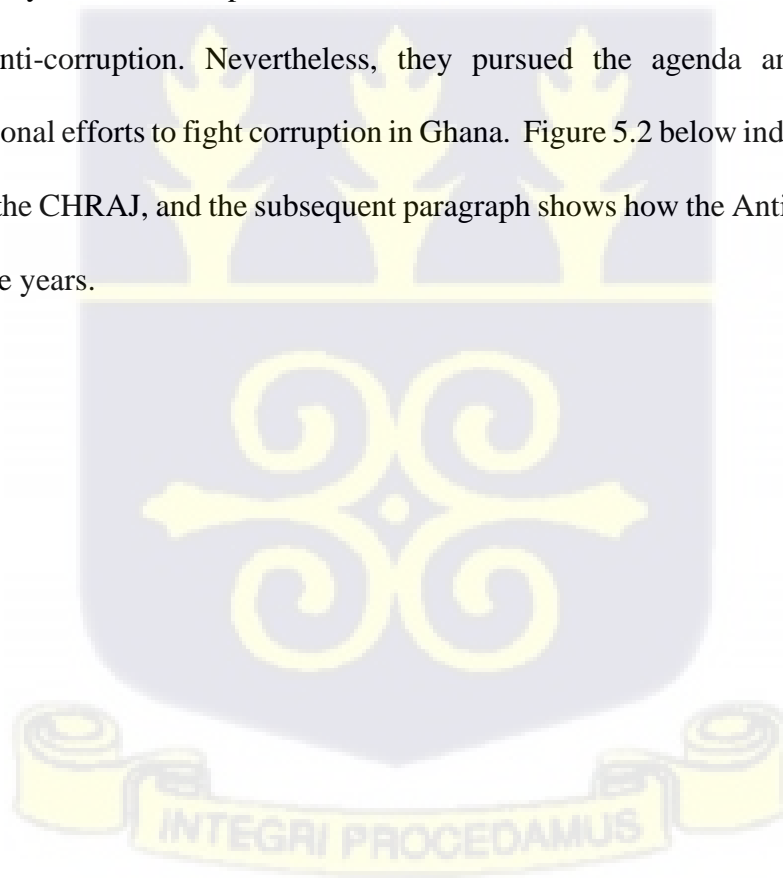
Documentary evidence and interviews with the first CHRAJ Commissioner, Justice Emile Short, first Deputy Commissioner, Justice Angelina Domakyaareh, the current Commissioner and his Deputy Commissioner in charge of Anti-Corruption, the NDC General Secretary, and four participants from CSOs show that the CHRAJ cannot be assessed without reference to the role corruption has played in the history of Ghana's constitutional and unconstitutional regimes. Participants asserted that corruption among public officials had been used as a justification for military takeovers since the overthrow of Kwame Nkrumah's Convention People's Party (CPP) government in February 1966. Notably, Ghana witnessed eleven years of military rule under the Provisional National Defence Council (PNDC) government led by Ft. Lt. Jerry Rawlings whose legacy initially affected the CHRAJ. According to Justice Emile Short:

“It is essential to establish that the legacy of military rule was still prevalent at the inception of CHRAJ. We encountered problems and challenges, and within a short time, we started our investigation. Ex-President Rawlings later gave us cases handled by the Committees for the Defense of the Revolution (CDRs); the High Court later ruled that all the cases by the CDRs should be abandoned” (Fieldwork, July 2021).

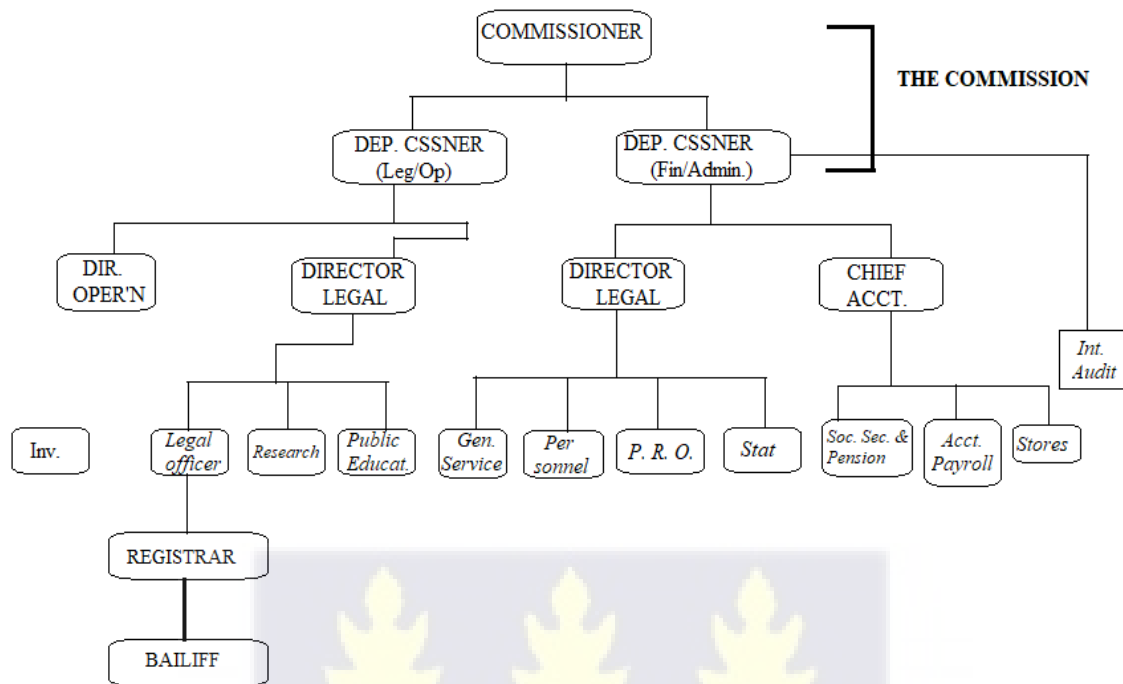
Ayee (1994) and Iyer (2011:2) have indicated that the limitations of the 3<sup>rd</sup> Ombudsman resulted in the birth of CHRAJ. During an interview, the current Deputy Commissioner, Richard Quayson maintained that the 3<sup>rd</sup> Ombudsman had limited investigation and enforcement powers, was elitist, had a skewed mandate, and limited access to only the Greater

Accra, Central, and Western Regions. According to Justice Domakyaareh, the establishment of the CHRAJ was to conform to international best practices on human rights and the rule of law. The CHRAJ Act (Act 456) was passed by Parliament six months after the coming into force of the 1992 Constitution.

Justice Domakyaareh stated that the Commissioners and management first reviewed CHRAJ's mandate from 1993–1995 and realised that the anti-corruption mandate was dormant. Therefore, they organised the first national anti-corruption conference in October 1998, aimed to enhance public recognition of the negative consequences of corruption and to depoliticise anti-corruption efforts. She added that the announcement of the anti-corruption conference attracted public cynicism; some public officers doubted how an entire conference could be dedicated to anti-corruption. Nevertheless, they pursued the agenda and succeeded in galvanising national efforts to fight corruption in Ghana. Figure 5.2 below indicates the maiden organogram of the CHRAJ, and the subsequent paragraph shows how the Anti-Corruption Unit evolved over the years.



**Figure 5.2: The maiden Organogram of the Commission on Human Rights and Administrative Justice**



**Source: CHRAJ Annual Report (1993/94)**

The Anti-Corruption Unit first appeared in the organogram in March 2001 as a special unit to focus on corruption. According to the Director of the Anti-Corruption Department, Mr Ayamdoo:

“Every investigator can be given anti-corruption, human rights, or administrative justice cases to investigate when we started. The reorganisation of the Commission into three mandates led to the creation of the anti-corruption unit and, later, an anti-corruption department” (Fieldwork, August 2021).

The anti-corruption mandate moved from being on the back-burner in the first organogram to being first recognised in 2001 as a unit under the legal office investigating cases related to the three mandates in 2005 (Appendix 1). Apart from the reshuffling of the unit under different departments, the anti-corruption unit and department were put under a Deputy Commissioner

in charge of Public Education and Anti-Corruption and Research from 1993 –2019 (Appendix 1).

Subsequently, the 2021 organogram of CHRAJ led to the creation of units such as Prevention, Investigations, Ethics, and the NACAP Implementation and Support Unit under the Anti-corruption Department. The current Commissioner of CHRAJ indicated that the existing units were created to increase the effective operation of the anti-corruption department.

#### **5.4.1.1 ORIGINAL AND ADDITIONAL FUNCTIONS OF THE CHRAJ**

It is essential that apart from the three core mandates of CHRAJ, which are human rights, administrative justice and anti-corruption, the CHRAJ is mandated to perform multiple mandates, classified under original and additional functions (Appendix 2). This was confirmed by the Director in Charge of Legislative Business in Parliament that “CHRAJ’s mandate under the 1992 Constitution has expanded over the years and the expansion of its mandate should warrant equally demonstrable commitment on the part of government by giving CHRAJ additional financial, human and material resources to enable CHRAJ to perform its core and additional mandates” (Djeitror, 2022).

#### **5.4.1.2 AN ASSESSMENT OF CHRAJ’S POWER TO SEIZE, SEARCH AND SUBPOENA**

The section discusses the use of the special powers of the CHRAJ as stipulated in Section 8 (1) of the CHRAJ Act (Act 456) and the extent to which the power of subpoena has been evoked. According to a Senior Investigator of CHRAJ, the subpoena powers take two forms: (i) to request a person to come before the Commission; and (ii) to request the production of a document or record relevant to an investigation by the Commission. However, the failure of persons to submit to these requests leads to contempt and the person or the institution can be prosecuted before a court. In exploring the extent to which the power of subpoena has been

used, an officer with the CHRAJ explained that the power could be revoked should the complainant and respondent refuse to produce evidence to aid investigations. However, this special power is rarely used due to CHRAJ's non-adversarial nature.

A recent example of CHRAJ executing the power to subpoena was when the CHRAJ subpoenaed the National Chairman of the New Patriotic Party (NPP), Freddie Blay, in 2018 during CHRAJ's investigation of allegations of corruption concerning the purchase of 275 buses to be used by the constituencies. This was a petition by the Coalition for Social Justice (Lartey, 2019). Freddie Blay denied receiving the subpoena and refused to respond to CHRAJ letters inviting him to assist in investigations. The CHRAJ in exercising its powers filed contempt charges against him, but the Accra High Court ruled against CHRAJ for its inability to provide considerable evidence of any letters of subpoenas inviting Blay to appear before it. Both the judge and spokesperson for Blay accused CHRAJ of its inability to serve the notice of subpoena, but CHRAJ maintained that it did serve him.

A related power that the CHRAJ has but has rarely been used is the power to search, seize and confiscate properties out of corruption without going through the court. According to the Director of the Economic and Organised Crime Office (EOCO): "In reference to Article 550 on assets declaration, the only institution which can confiscate properties to the state without the court order is CHRAJ and the frequent use of these powers when and where necessary will enhance CHRAJ's investigations in gathering evidence" (Fieldwork, August 2021).

The CHRAJ's special powers are not without limitations. For instance, it does not investigate a matter pending before a court or judicial tribunal, a matter between the government and any other government or international organisation, and a matter relating to the exercise of the prerogative of mercy. This limitation has been strictly adhered to by the CHRAJ and has not yet been challenged both nationally and internationally.

#### **5.4.2. PREVENTION OF CORRUPTION BY THE CHRAJ**

According to the NACAP (2015–2025) document, the “main objective of any corruption prevention strategy is to reduce the opportunities for, and occurrence of, corruption and rent-seeking behaviour. This includes the elimination of legislative loopholes and gaps in operational procedures, redefining and properly regulating discretionary power and removing the conditions that promote or enable corruption to drive” (Republic of Ghana, 2011:41). Over 95% of the study participants acknowledged that the prevention of corruption is central to the fight against corruption. Data gathered indicate that the CHRAJ implemented several activities on prevention since 1993 (Appendix 3). The preventive activities include national and international collaborations, public education activities, advocacy and implementation of anti-corruption policies and legislation, the implementation and coordination of the National Anti-Corruption Action Plan (NACAP), the celebration of a landmark day on anti-corruption, and a national report on the state of corruption in Ghana and media monitoring of anti-corruption cases (CHRAJ Annual reports 1993-2019).

##### **5.4.2.1 COLLABORATIONS WITH STAKEHOLDERS TO PREVENT CORRUPTION**

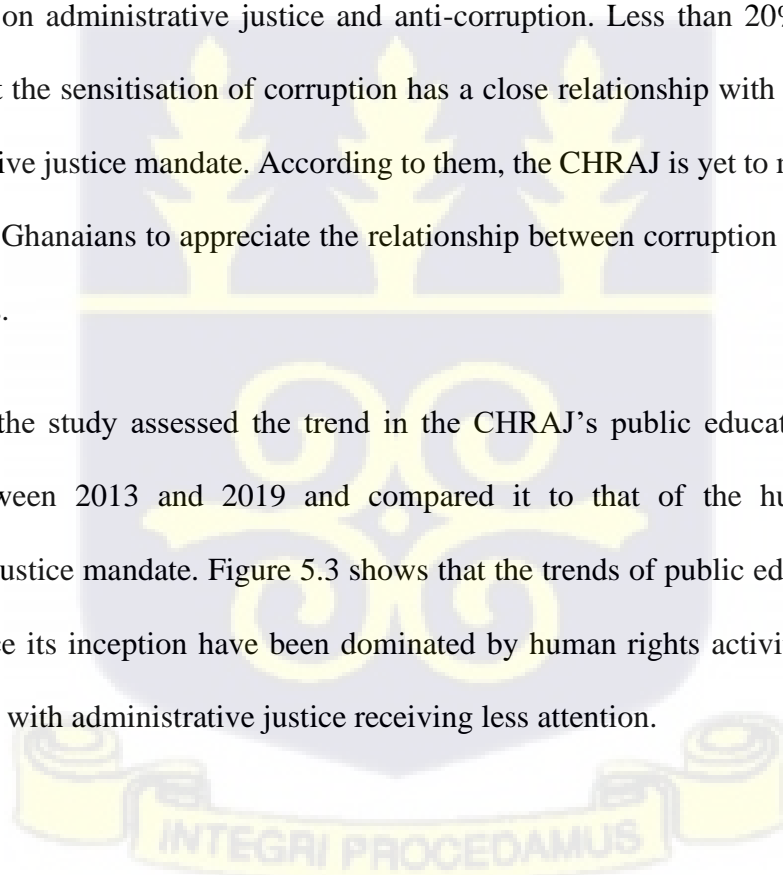
At the international level, the CHRAJ has been at the forefront of mobilising stakeholders to curb corruption. The Commission is a member of the following bodies: the International Association of Anti-Corruption Authorities (IAAC); the Association of Anti-Corruption Agencies in Commonwealth Africa (AAACA); and the Network of Anti-Corruption Institutions in West Africa (NACIWA). In addition, the CHRAJ hosted stakeholder meetings for members of the United Nations Convention Against Corruption (UNCAC) Review Steering Committee and a member of the Ghana Anti-Corruption Coalition. This collaboration among anti-corruption institutions, the private sector and the international community is a good

international practice in promoting good governance, benchmarking best practices and galvanising efforts to curb corruption. However, the proliferation of institutions has resulted in the fragmentation of functions and inadequate coordination resulting in anti-corruption institutions working in silos rather than in a well-coordinated manner to fight against corruption (Ayee, 2019).

#### **5.4.2.2 PUBLIC EDUCATION ON CORRUPTION**

Over 60% of the participants from government and non-governmental institutions stated that the CHRAJ did well educating the public on anti-corruption. However, over 70% of the participants believed that the CHRAJ is best known for its sensitisation on human rights rather than education on administrative justice and anti-corruption. Less than 20% of participants pointed out that the sensitisation of corruption has a close relationship with the human rights and administrative justice mandate. According to them, the CHRAJ is yet to make that linkage for the mass of Ghanaians to appreciate the relationship between corruption and the violation of human rights.

Consequently, the study assessed the trend in the CHRAJ's public education activities on corruption between 2013 and 2019 and compared it to that of the human rights and administrative justice mandate. Figure 5.3 shows that the trends of public education activities carried out since its inception have been dominated by human rights activities, followed by anti-corruption, with administrative justice receiving less attention.



**Figure 5.3: The Trend of National Public Education Activities Between 2013 and 2019**



**Source: CHRAJ Annual Report from 2013 to 2019.**

The study probed further why public education activities focused more on human rights than anti-corruption, as indicated in Figure 5.3. Some of the reasons given by participants include the low capacity of public education officers on anti-corruption issues, inadequate information education and communication materials, and inadequate coordination between the anti-corruption and public education departments. As rightly pointed out by an officer of CHRAJ:

Most information, education and communication materials initially developed by CHRAJ were on human rights; hence the lack of materials on corruption made officers avoid it (Fieldwork, August 2021).

Though the CHRAJ undertook several public education activities on anti-corruption annually, there was not much evidence of their impact on the reduction of corruption in Ghana apart from

the high level of knowledge on the ills of corruption among Ghanaians. The high awareness against corruption was confirmed by a Respondent from the Parliament of Ghana that there is consciousness across the spectrum on the rise in unison to fight against corruption (Djeitror, 2022).

#### **5.4.2.3 THE NATIONAL ANTI-CORRUPTION ACTION PLAN (NACAP)**

The NACAP is Ghana's national plan to curb corruption with a three-pronged approach (prevention, investigation, and prosecution). Before the passage of the NACAP, the CHRAJ focused on the investigation of high-profile cases, which increased awareness about its role in the fight against corruption. This resulted in the development of the five-year strategic plan (2010 to 2015) to fight corruption by the Ghana Anti-Corruption Coalition (GACC) in collaboration with the CHRAJ. The impact of the five-year strategic plan was the awareness-creation about corruption in the regions and the districts of Ghana. However, it was without national backing leading to the development of the NACAP with the CHRAJ as an implementer and a coordinator (Appendix 4). As part of assessing the CHRAJ's fulfillment of its anti-corruption mandate, participants were asked to assess the NACAP.

Ninety-five percent (95%) of participants interviewed from both public and private sectors, including civil society organisations (CSOs,) pointed out that the NACAP is a good blueprint to fight against corruption in Ghana. On the contrary, a respondent from the Multimedia Group shared his disappointment that his expectation for the NACAP is not what it is achieving:

“I have always had issues with NACAP being used as indices in fighting corruption. It is more focused on output but doesn't tell Ghanaians whether corruption is reducing or not. It is with the assumption that the output will automatically reduce corruption” (Fieldwork, August 2021).

In outlining some of the progress made through NACAP, the following were some of the remarks made by a public officer and an officer from CSOs, respectively.

(i) “Before the NACAP, how many public officers knew that gifts were a form of corruption; On those days when you visited the ministry you saw some people carrying goats and hampers as a gift to public officers for Christmas. In those days, public officers dedicated some of their institutional budgets meant for goods and services for hampers and gifts. Those times everybody was doing it ignorantly not knowing it was wrong. However, through NACAP, people have some reservations about receiving those gifts; the narrative on gift-giving and receiving has changed. This is because the NACAP has heightened our knowledge, and that incidence is reducing and nobody can do that now” (Fieldwork, September 2010).

(ii) “The NACAP is a wonderful plan, but the problem is that people still think that the fight against corruption is for some people and CHRAJ’s responsibility. Allowing citizens to own it has not impacted much” (Fieldwork, August 2021).

In addition, information gathered from the CHRAJ’s annual reports and the yearly NACAP progress reports (2015–2019) indicated that the NACAP targeted 135 broad activities to be implemented within the next ten years. The CHRAJ and its stakeholders have implemented 124 broad activities as of 2019. The activities include increasing public awareness of the ills of corruption, anti-corruption laws, safe reporting systems in most public institutions, and the digitalisation of many public services including the banking industry and the ports and harbours.

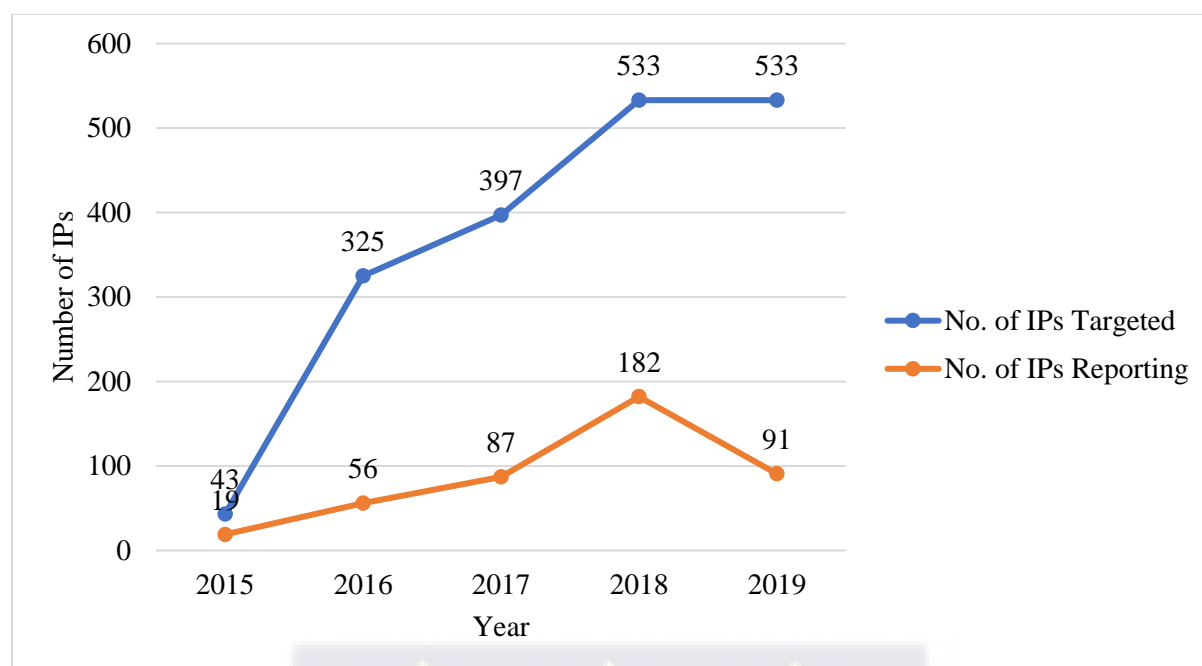
In addition, through the NACAP, institutions have developed codes of conduct and sexual harassment policies. Other achievements are the unification of categories 2 and 3 allowance for public services (NACAP Progress reports, 2015-2019; Republic of Ghana, 2019).

In identifying the challenges associated with the implementation of the NACAP, over 90% of participants identified inadequate political will and commitment by the government and bureaucrats to implement the NACAP. The lack of political will is translated into inadequate and lack of specific funding for the NACAP activities. Over 50% of the participants shared that the NACAP lacks a specific source of funding for its activities. Surprisingly, some officers from CHRAJ rejected the idea of specific funding and stated that it might rather impede its progress when the fund gets depleted, hence streamlining the NACAP activities under the institutional budget to ensure their sustainability is what should be done. The two statements below support the two schools of thought by a member of a CSO and an officer of CHRAJ respectively. “If we need to do advocacy on corruption and there are no resources it stalls the plan” (Fieldwork July 2021).

“Hanging or specialised funds will not work. This is because when the fund collapses, nobody will do its work. Avoiding lateness, sexual harassment and ensuring an ethical public service may not necessarily require money but for public institutions to be revitalised and reformed” (Fieldwork July 2021).

Consistently, the low and poor reporting of the NACAP activities by implementing partners was also identified as one of the key challenges. Figure 5.4 indicates that out of 49, 325, 397, 533, 533 implementing partners (IPs) (Ministries, Departments and Agencies (MDAs) and Metropolitan, Municipal and District Assemblies (MMDAs) and CSOs targeted respectively, only 19, 56, 87, 182, and 91 IPs reported in 2015, 2016, 2017, 2018 and 2019 respectively.

**Figure 5.4: Number of Implementing Partners which Reported on the NACAP**



**Source: Fieldwork compiled from the NACAP Progress Reports (2015 to 2019)**

The reasons for the low reporting by IPs were attributed to inadequate political will exhibited by the executive to punish non-reporters, parliament's inability to question non-reporters and non-implementation of the NACAP by bureaucrats. According to a member of the Monitoring and Evaluation Committee (MONICOM), implementing partners who report on the NACAP were rather monitored to ensure compliance. In contrast, those who failed to submit their reports were not sanctioned (Fieldwork, August 2021).

Third, over 50% of participants indicated a lack of review of the NACAP to ascertain its relevance to the current social, economic and political context, identify challenges and plan for the way forward as key challenges. On the contrary, however, a member of MONICOM stated that the NACAP is reviewed annually to ascertain whether its long-term, medium, and short-term objectives have been achieved. Based on the review, annual activities are extracted for implementation.

Fourth is the inadequate education on the NACAP. This has been buttressed by the response of a Director of a CSO that “At the initial stages of implementation, there was so much information on the NACAP nationwide, but currently it has so many communication gaps” (Fieldwork, July 2021).

In sum, it is believed that these policies and the institutional codes of conduct may positively impact regulating behaviours that may reduce corruption. Nevertheless, it is not clear how these programmes are coordinated among and between partners to ensure that they minimise corruption. In particular, there was not much evidence to show how the policies or collaboration among government and non-government organisations as a national effort to reduce corruption in Ghana at all levels. For example, it is not clear whether there is much effort to ensure that the unification of remuneration for statutory bodies such as Boards, Councils, and public officers is implemented in all public institutions. The reports contain institutional programmes targeted at achieving institutional mandates in silos rather than as a nationally coordinated anti-corruption effort. This could be a big challenge in implementing the NACAP, which shed activities by various institutions but was silent on how they result in a national agenda to reduce corruption.

#### **5.4.3 INVESTIGATION AND ENFORCEMENT OF ANTI-CORRUPTION CASES**

Internationally, the fulfillment of CHRAJ’s anti-corruption mandate is guided by the United Nations Convention Against Corruption and the African Union Convention on Preventing and Combating Corruption (AUCPCC), Agenda 2030 and 2063. At the national level, its power of investigation is spelled out in the CHRAJ Act, 1993 (Act 456) and under Chapter 18 (Articles 216-230) of the 1992 Constitution. Article 230 specifically gives the CHRAJ the power to take steps to develop a regulation to inform or guide the receipt and investigation of a complaint. Per its mandate, the CHRAJ possesses the power to enter and search citizens’ premises and subpoena them and documents to assist in its investigation.

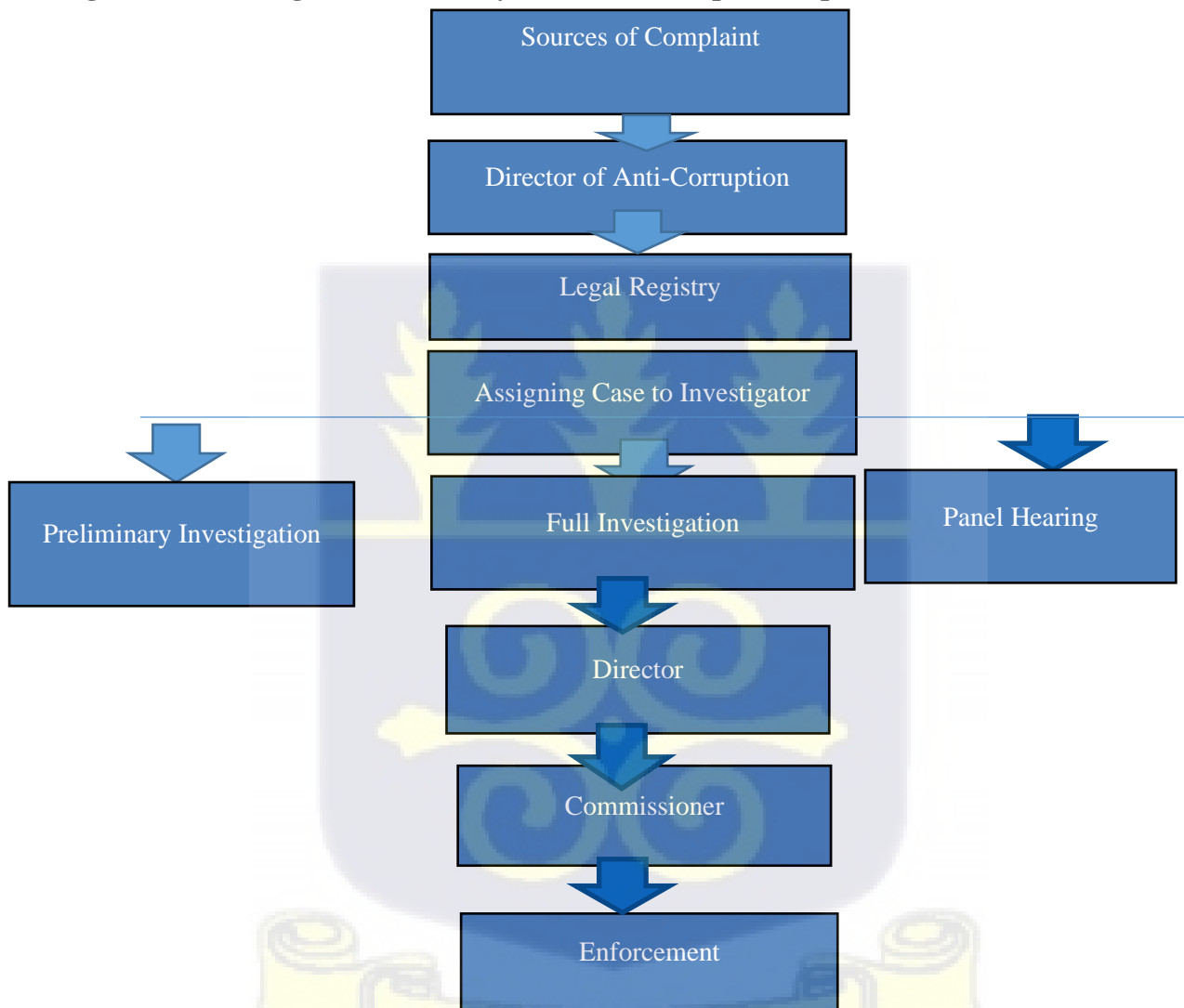
Nevertheless, the power to prosecute corruption cases is subordinated to the Special Prosecutor. To make the CHRAJ Act operational and functional, Parliament enacted Constitutional Instrument 7 (CI 7) in 1994 and later the Constitutional Instrument (CI 67) CHRAJ (Investigation Procedure) Regulations, 2010. Further, the CHRAJ developed a manual on investigation procedures in 2008 and was under review as of June 2021. The procedures spell out the mandate of the Commission, the policy and practices, how to receive and administer complaints on the various mandates, the process for preliminary investigations, full investigations and panel hearings, enforcement and recommendations, and other ethical conduct guidelines such as codes of conduct and conflict of interest. During the fieldwork, interactions with CHRAJ staff showed that these legal frameworks are regularly used to fulfill its anti-corruption mandate. However, the degree of understanding and appreciation of the various legislations differed among investigators, from increased to low knowledge.

#### **5.4.3.1 THE PROCESSES FOR RECEIVING COMPLAINTS AND INVESTIGATION OF ANTI-CORRUPTION CASES**

Interviews revealed that the CHRAJ has a mainstream investigation process under which all its three mandates are subjected. Nevertheless, the investigation of corruption cases takes various forms depending on the type of complaint received. Figure 5.5 illustrates the process of investigating corruption by CHRAJ. The investigation of anti-corruption cases could be based on a written, verbal complaint or self-initiated complaint based on suspicion (newspapers, hearsay, internet, etc.) by the investigator, whistleblower, or the public. In the case of whistleblowing, the complaint is sent directly to the Director or the Deputy Director. Another means of receiving the complaint is through the mailing system or the Complaint Unit, which then goes to the Legal Registry Unit for forwarding to the appropriate department. The Legal Registry sends the complaint to the Director of Anti-Corruption.

In both ways, the Director examines the complaint and assigns the case to an investigator based on his/her capacity or area of specialization for an initial assessment. The departmental assessment of the complaint is first, to ascertain whether the case is lodged in a manner as required by Regulations 1 of CI 67. It includes the complainant's full name and addresses of both the complainant and respondent.

**Figure 5.5: Investigation Process by the Anti-Corruption Department of CHRAJ**



Source: Fieldwork, September 2021

#### 5.4.3.2 Investigations of High-Level Cases on Corruption

Apart from the many cases of corruption that the CHRAJ investigated, it has consistently investigated high-profile cases which are outlined in Table 5.2 below.

**Table 5.3: High Profile Cases the CHRAJ Investigated From 1993 to 2021**

No	Year(s)	Complainant(s)	Respondent(s)	Allegation(s) of Case(s)	Recommendation(s)/Decision(s)
1.	1994	Albert Somi (Father of Patience Somi)	Tema General Hospital (Dr. J. K. Amable, and John Asare-Amoah)	Abuse of public office time and lateness.	The CHRAJ awarded the Complainant a compensation of ₵51,250,000.
2.	1994	Ms. Olivia Kareen Annor Manso	Professor Frank Awuku Novor. (President and Chief Executive of Fan Airways Ltd)	Sexual harassment at the workplace and discrimination.	The CHRAJ ordered the respondent to pay a compensation of ₵5,000,000 for the humiliation suffered ₵3,240,000 for lost wages and ₵56,000 for travel expenses.
3.	1995	Ghana Chronicle and the Free Press	Col. E. M. Osei-Owusu (Rtd.), P.V. Obeng (Presidential Advisor on Governmental Affairs), Dr. I.K. Adjei Marfo (Former CEO of Cocoa Marketing Company) and Ibrahim Adams (a former Minister of Food and Agriculture).	Corruption, illegal acquisition of wealth, and conflict of interest.	Allegations of corruption, illegal acquisition of wealth, and conflict of interest leveled against the public officers were sustained.  President Rawlings issued a white paper to reject CHRAJ decisions and recommendations.  The CHRAJ issued a counter white paper and eventually, the Ministers were suspended from public office.

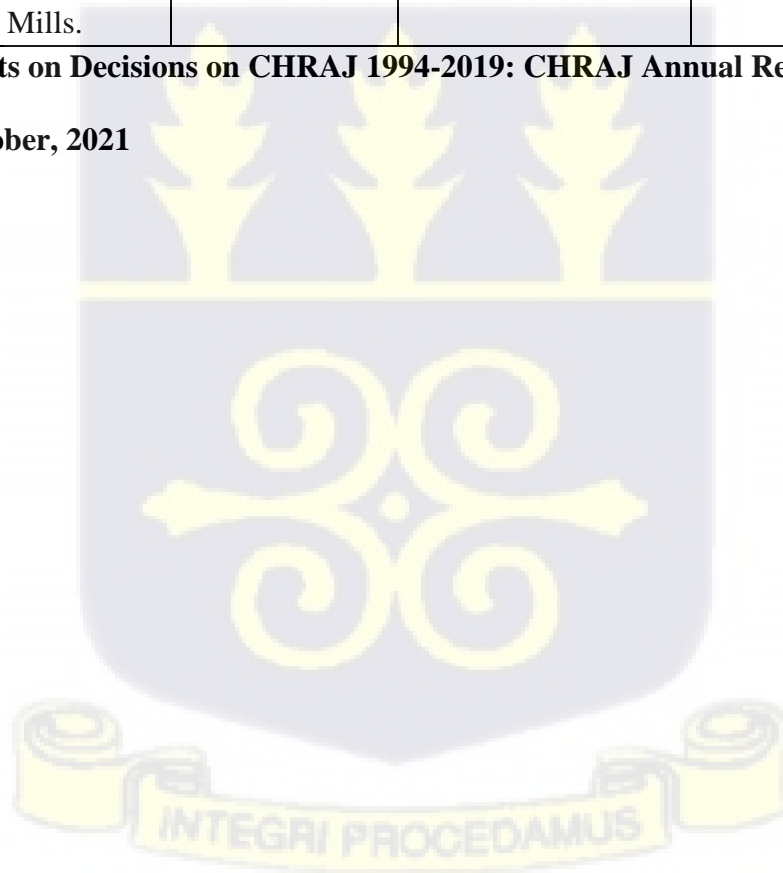
4.	2002	Crusading Guide	Appiah Ampofo, (ex-National Insurance Commissioner)	A collected bribe of US\$96,500.00 from new insurance brokers between 1995 and 1998.	<p>The Commission found that the respondent, who received the money as a bribe and returned the money to the government chest, was prosecuted and disqualified from holding public office.</p> <p>The respondent contended the Commission's decision that the money he received was a gift and proceeded to the High Court to challenge the Commission's jurisdiction to investigate him.</p>
5.	2000	The president of a youth club (Gabazine, District)	Regional Manager of Brong Ahafo Forest Services Division.	Mismanagement of funds (GHS1,240,800.00), corruption, and conflict of interest.	<p>The evidence did not support the allegation of corruption and abuse of power.</p> <p>Allegations were dismissed as being without merit.</p>
6.	2001	Multimedia Limited	SSNIT and Charles Kwame Asare (the SSNIT Probe).	Conflict of interest and corruption.	This case quashed the findings of corruption and conflict of interest against the applicant for breaching the principle of the rules of natural justice.
7.	2005	A Ghanaian businessman	President J.A. Kufuor.	Acquisition of a hotel building.	The President was exonerated after a preliminary investigation.

8.	2005	Chronicle and Daily Graphic	Dr Richard Anane - Minister for Health.	Abuse of office and conflict of interest.	<p>Dr Anane should be relieved of his post as Minister of State for abusing his power and bringing his office and government into disrepute.</p> <p>Dr Anane should apologise to Parliament, the government and the people of Ghana for bringing the office into disrepute and misleading Parliament.</p> <p>A compulsory programme on conflict of interest between ministers and their deputies and key public officers should be undertaken.</p> <p>The portfolio of 'special assistants' should be scrapped.</p>
9.	2016	<p>The National Youth League of the Convention People's Party.</p> <p>Nana Adofo Ofori</p> <p>The Progressive People's Party (PPP).</p>	John Dramani Mahama (President of the Republic of Ghana).	Ford Expedition vehicle was given to President Mahama by a Burkinabe contractor as a gift.	The President flouted the gift policy but did not violate the conflict-of-interest guidelines. The allegation was rejected.
10.	2017	Edward Tuttur (Executive Convenor) of Dynamic Youth Movement of Ghana)	Samuel Jinapor and Francis Asenso-Boakye. (Deputy Chiefs of Staff at the Presidency).	Corruption, Thievery and abuse of power.	The Commission rejected the allegation of corrupt practices and abuse of power for being without merit.

11.	2019	Office of the President based on Joy TV News documentary by Manasseh Azure titled, "Contracts for Sale"	Adjenim Boateng Adjei, (CEO of the Public Procurement Authority).	Allegations of conflict of interest, abuse of office, and corruption.	<p>There was evidence of unexplained wealth in his accounts from 2017 to 2019. His interest (financial and relational) conflicted with the performance of the functions of his office as CEO and Board Member of the Public Procurement Agency.</p> <p>The respondent is unfit to hold public office and is therefore disqualified from holding any public office for five years.</p> <p>His appointment should be terminated.</p>
12.	2021	Yaw Brogya Genfi	Ken Ofori-Atta (Minister of Finance) and Bank of Ghana.	<p>Allegation of conflict of interest and lack of transparency in the issuance of Government of Ghana bonds (US\$ 2.25 billion).</p> <p>Allegation of non-disclosure assets.</p>	<p>The allegation of conflict of interest in the issuance of the 5-year, 7-year, 10-year, and 15-year bonds was not sustained.</p> <p>The government breached Section 56 of the Public Financial Management Act, 2016 (Act 921) by failing to seek parliamentary approval before issuing the bonds.</p> <p>The finance minister failed to disclose all his assets, as required by Article 286 of the 1992 Constitution.</p>
13.	2021	Alliance for Social Equity and Public Accountability.	Justice Kwasi Anin-Yeboah.	Bribery and Corruption.	Refused to investigate because a similar petition was sent to the Office of the President.

14.	2021	Samuel Okudzeto Ablakwa (MP for North Tongu) and Emmanuel Armah-Kofi Buah (MP for Ellebelle)	Minister of Interior and Defence  The Inspector General of Ghana Police Service,  The Chief of Defence Staff, Ghana Armed Forces.	Election 2020 deaths.	Investigations are ongoing.
15.	2021	Keskin Owusu Poku, Victor Osei-Poku, and Michael Essel-Mills.	Spouses of Presidents and Vice Presidents.	Allowance for spouses of presidents and vice presidents.	Investigations are ongoing.

**Source: Reports on Decisions on CHRAJ 1994-2019: CHRAJ Annual Reports and fieldwork October, 2021**



Information gathered indicated that before Richard Anane's case, the CHRAJ took up all corruption cases, including conflict of interest based on allegations and suspicion. According to the Director of Investigations, the Anane case showed that the CHRAJ needs a complaint by an identifiable person before it can investigate cases on the conflict of interest, the complainant needs not to be the victim. Nevertheless, with a complaint on corruption, the CHRAJ can investigate based on allegations and suspicion (Lartey, 2021). An assessment of the work of the Commission indicated investigations based on allegations and suspicion under the anti-corruption mandate have been used since 1993, where the suspected or alleged corruption cases are referred to as "suo motu" meaning "self-initiated". As pointed out by the first Commissioner of CHRAJ: "During my time, I did a lot of 'suo motu' investigations; the meaning of 'suo motu' today is investigating a complaint based on one's initiative without a formal complaint. This set the precedence for the Commission to investigate high-level cases which people greatly admire within Ghana, Africa, and the globe" (Fieldwork, August 2021). This measure has manifested in what is now termed as "media monitoring", under which the CHRAJ monitors media reports for cases on corruption for follow-up where it warrants (Short, 2021).

#### **5.4.3.3 CHRAJ NATIONAL CASES INVESTIGATED ANNUALLY**

Table 5.3 illustrates that from 1993 to 2009, the CHRAJ received a total of 162,070 cases of human rights administrative justice and corruption. The CHRAJ resolved 159,216 cases, which constituted 98% of the cases. It is important to note that the cases investigated include cases that were carried forward from the previous year. This explains why the resolved cases exceeded the complaints received in some years under review. Information gathered revealed that until 2010, the cases received and investigated were not categorised explicitly under the three mandates in the annual reports.

**Table 5.4: National Total Number of Complaints Received and Resolved (1993 - 2009)**

<b>YEARS</b>	<b>COMPLAINTS RECEIVED</b>	<b>COMPLAINTS RESOLVED</b>
1993/94	3197	1004
1995	4012	4528
1996	5200	4825
1997	5876	4504
1998	5459	4960
1999	8892	9716
2000	9354	10084
2001	10523	11250
2002	12381	11429
2003	13726	14521
2004	14953	14582
2005	15749	14951
2006	13931	14729
2007	13455	13243
2008	12919	11666
2009	12443	13224
<b>Total</b>	<b>162070</b>	<b>159216</b>

**Source: Compiled by the author from CHRAJ annual reports, 1993 to 2009**

Table 5.4 also demonstrates that the total number of national complaints received and resolved based on the three mandates between 2010 to 2020 were 110,968 and 110,399. This represents over 99% of cases resolved. However, there is a significant disparity of cases resolved based on the three mandate areas. While cases resolved on human rights constitute 99%, that of administrative justice was 101%. The anti-corruption cases resolved were only 46%, indicating a lower percentage of cases resolved compared to human rights and administrative justice. However, on average, the Commission concluded over 50% of cases annually (see Table 5.3.)

The explanation behind the over 99% resolved and in some mandates such as the administrative justice (101%) was that cases resolved include those pending during the previous years.

Table 5.4 also shows that the allegations of corruption complaints received by the CHRAJ have been on the increase though marginal since 2012 except in 2013. In 2020, the Commission recorded an increase from 66 cases received in 2019 to 158 cases representing an exponential increase of 139.4%. Out of the 158 cases of corruption, 119 (75.3%) were received in non-disclosure of assets.



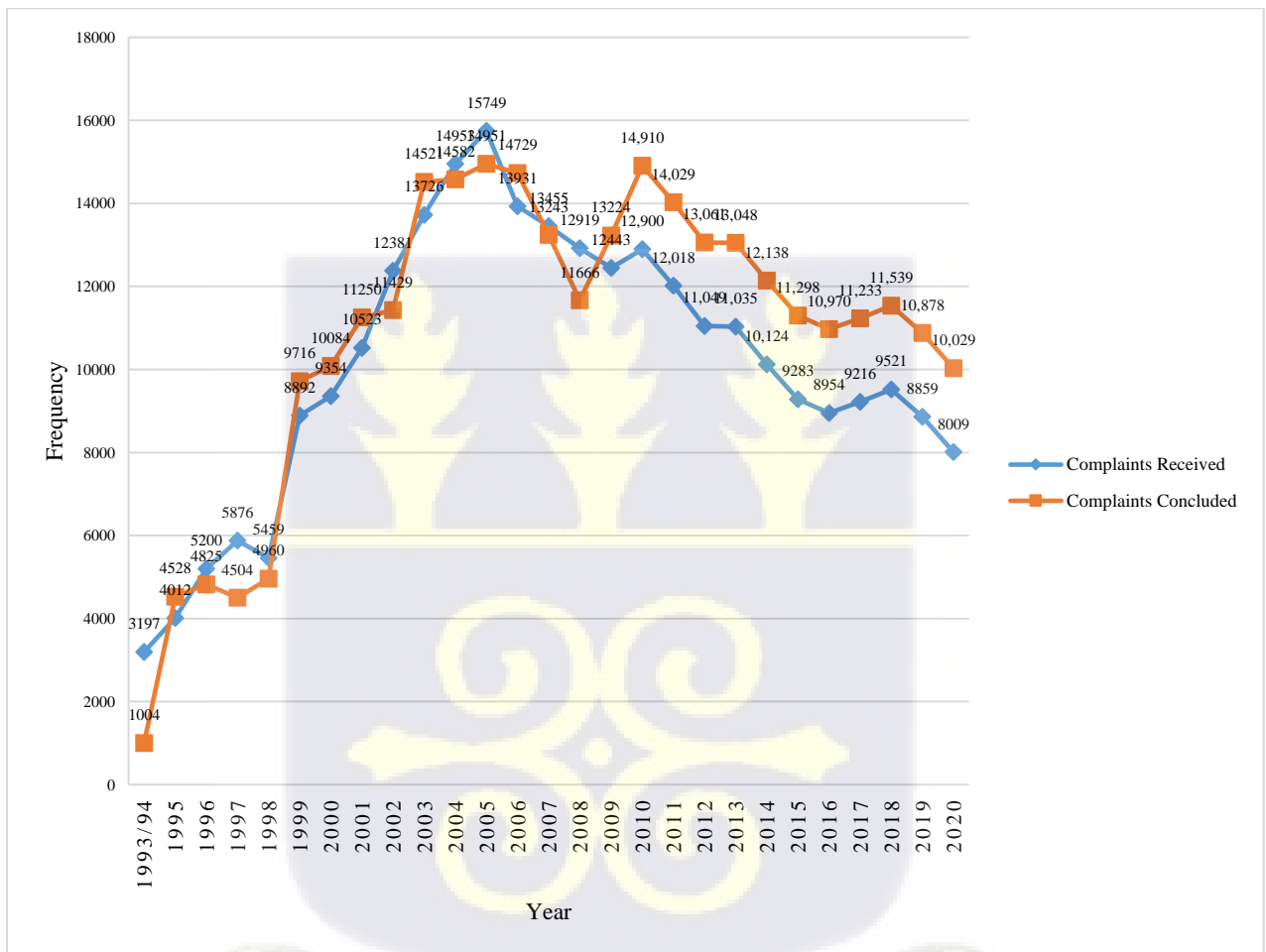
**Table 5.5: National Number of Complaints Received and Resolved Based on Mandate Areas (2010 to 2020)**

Source: CHRAJ annual reports from 2010 to 2020

YEARS	CASES RECEIVED				CASES RESOLVED (Including cases carried from previous years)			
	Human Rights	Administrative Justice	Corruption	Total	Human Rights	Administrative Justice	Corruption	Total
2010	11,884	978	38	<b>12,900</b>	11,465	1,009	17	12,491
2011	11,230	767	21	<b>12,018</b>	10,711	753	13	11,477
2012	10,183	823	43	<b>11,049</b>	10,964	1,043	31	12,038
2013	10,576	417	42	<b>11,035</b>	10,219	455	20	10,694
2014	9,674	401	49	<b>10,124</b>	9,562	341	18	9,921
2015	8882	343	58	<b>9283</b>	9768	520	67	10,355
2016	8554	341	59	<b>8954</b>	8248	290	31	8,569
2017	8768	387	61	<b>9216</b>	8946	311	15	9,272
2018	9040	419	62	<b>9521</b>	8714	331	31	9,076
2019	8379	414	66	<b>8859</b>	8445	370	36	8,851
2020	7523	328	158	<b>8009</b>	7334	297	24	7,655
<b>TOTAL</b>	<b>104,693</b>	<b>5618</b>	<b>657</b>	<b>110,968</b>	<b>104,376</b>	<b>5,720</b>	<b>303</b>	<b>110,399</b>

Figure 5.6 contains the total output of cases on human rights, administrative justice and corruption which the CHRAJ received and resolved over the last twenty-seven (27) years since its inception. It shows a positive correlation between cases received and resolved, but it fails to indicate cases pending during the previous years to ascertain the exact percentage of cases resolved within a particular year.

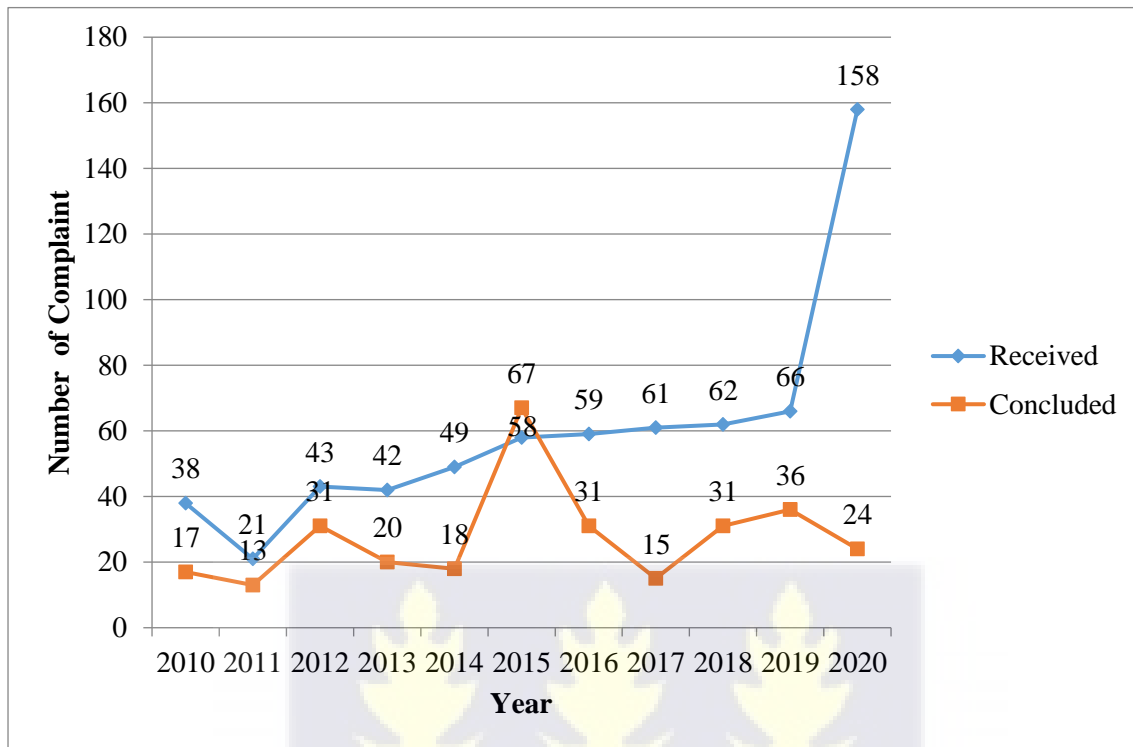
**Figure 5.6 National total number of cases CHRAJ investigated from 1993 to 2020**



**Source: Compiled by the author from CHRAJ Annual reports from 1993 to 2020**

Figure 5.7 shows the trend of complaints received and resolved specifically on allegations of corruption from 2010 to 2020. Compared to Figure 5.6 which shows a strong relationship between total cases received and resolved, figure 5.7 shows a downward curve of cases resolved on allegations of corruption indicated below.

**Figure 5.7: Trend of Allegations of National Corruption Cases Received and Concluded (2010 to 2020)**



**Source: Compiled by the author from CHRAJ Annual reports**

Some of the reasons participants attributed to the downward curve are explained below. Among the reasons identified were delays in the investigation of cases and internal and external factors. The internal factors include inadequate logistics, inadequately experienced staff, lack of coordination between investigators and Commissioners and the high cost of investigating corruption cases. According to the current Commissioner of CHRAJ, investigating corruption takes time and it is expensive across the world, with the investigations of corruption, for instance, by CHRAJ costing GHS6.000. The external factors are lack of cooperation and evidence from public officers, corruption used as political capital and review of CHRAJ decisions by the judiciary.

About 20% of participants expressed disappointment with Dr Richard Anane's case, which set the precedence for CHRAJ to wait for a complaint before investigating some aspects of corruption cases. This has reduced the CHRAJ's ability to initiate investigations on its own and resulted in clipping its wings in the fight against corruption. Nevertheless, the Whistleblowers Act 2006, Act 720 has taken care of this by allowing people to "blow the whistle" with their identity kept secret (Fieldwork, August 2021). Other reasons for the delay of investigations are the respect for fundamental human rights and freedom of both the complainant and the respondent (including fair hearing, fairness and justice) which CHRAJ has to protect and the long exhibits by parties which have to be consistently reviewed. Some participants commented as follows:

The rule of the game in investigations is evidence-based. To find out the truth about allegations, one has to send reminders for information for investigations, and if one does not get the information, it tends to stall the process of investigation. I don't think investigators deliberately delay the process but, in most cases, it is a lack of information or evidence on the part of the participants and complainants which delays the case (Fieldwork, August 2021).

In Ghana, the public officer is reluctant to support allegations with evidence. Corruption cases are of public interest, and therefore one cannot give up just because one has not got enough evidence or getting the needed cooperation (Fieldwork, August 2021).

You see an army of staff working but investigations are handled by one or two people who can be relied on to deliver. The same people are running here and there working on HiLIC and NISU and MONICOM matters (Fieldwork, August 2021).

In addition, participants indicated several factors contributing to the low reportage of corruption cases. Key among them is familiarity between the staff CHRAJ and officers within the districts, low visibility of the CHRAJ's anti-corruption mandate, lack of awareness of the reporting platform, and the fear of being tagged as an informant by community members. The following were some of the comments made by some participants:

“Some people do not know much about CHRAJ's anti-corruption mandate. Particularly, in the districts, they know the CHRAJ for its human rights mandate more than its anti-corruption one” (fieldwork, August 2021).

People don't know where to report. They are not also aware of the protection they can enjoy under the Whistleblower's Act. This leads to low reporting, especially under our cultural setup where people have a false sense of feeling that they should not be the ones to report people who have engaged in corruption to lose their jobs (Fieldwork, August 2021).

#### **5.4.3.4 The Regional Distribution of Anti-Corruption Cases Received: 2010 to 2020**

The regional data gathered reflects the national data on complaints received and resolved on corruption. Complaints related to human rights resulted were the highest 104,693 complaints, out of which 92,911 were resolved. Administrative justice cases took second place with 5,617 complaints, out of which 4,711 were resolved. The regional complaints on corruption were 657 (Table 5.5), of which 286 were resolved (Table 5.6). The six newly created regions except the Savanna region recorded none.

**Table 5.6: Regional Distribution of Corruption Cases Received: 2010 to 2020.**

Regions	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	Totals
Upper East	1	1	0	1	1	0	3	3	2	3	0	15
Upper West	0	0	1	1	2	2	0	2	4	2	0	14
Ashanti	2	1	9	7	11	13	10	5	8	14	5	85
Bono	7	4	4	4	2	4	4	4	4	5	1	43
Northern	2	1	8	7	1	2	3	8	4	7	3	46
Western	1	1	0	1	2	3	3	2	4	1	2	20
Central	4	1	1	0	4	0	3	0	2	0	0	15
Greater Accra	15	8	6	14	20	30	20	34	27	29	135	338
Volta	3	3	9	6	5	3	12	3	6	4	9	63
Eastern	3	1	5	1	1	1	1	0	1	1	0	15
Western North											1	1
Savanna											2	2
Oti											0	0
Bono East											0	0
Ahafo											0	0
North East											0	0
<b>Totals</b>	<b>38</b>	<b>21</b>	<b>43</b>	<b>42</b>	<b>49</b>	<b>58</b>	<b>59</b>	<b>61</b>	<b>62</b>	<b>66</b>	<b>158</b>	<b>657</b>

Source: Legal Registry of the CHRAJ (2021).

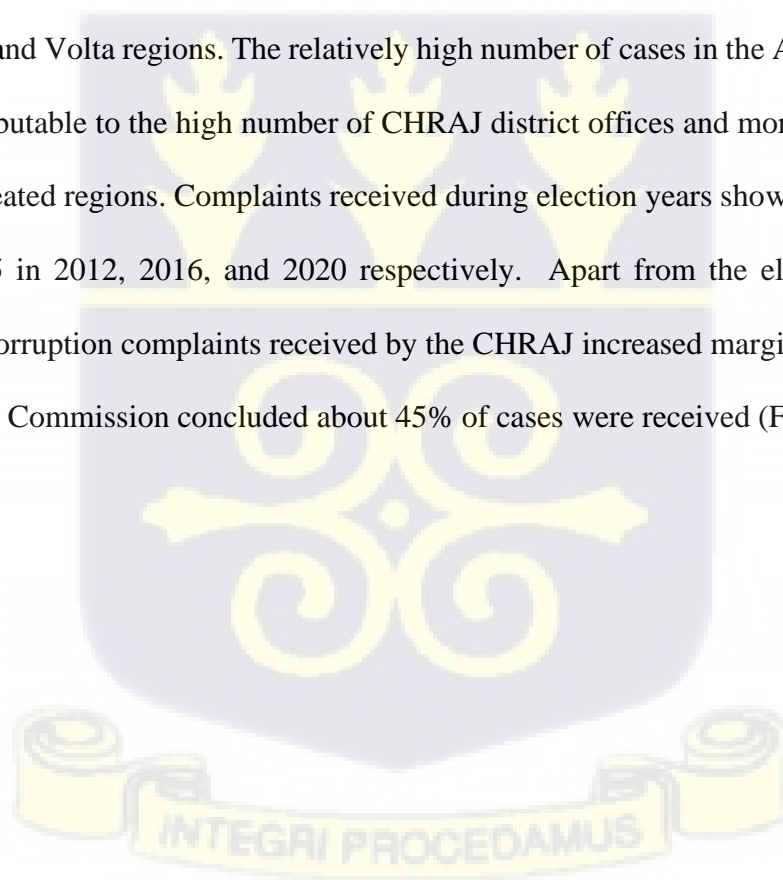
**Table 5.7: Regional Distribution of Corruption Cases Resolved: 2010 to 2020.**

Regions	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	Totals
Upper East		0	0	2	0	1	1	0	4	1	2	11
Upper West		0	1	1	1	2	2	1	0	2	3	13
Ashanti		0	5	3	7	24	8	3	5	10	4	69
Bono		3	5	0	4	5	3	2	5	5	0	32
Northern		0	7	7	2	3	0	3	2	5	5	34
Western		1	1	0	2	1	2	1	4	2	1	15
Central		1	1	0	1	4	4	1	1	1	0	14
Greater Accra		5	1	2	0	12	5	0	7	8	3	43
Volta		2	7	4	1	10	6	4	3	2	5	44

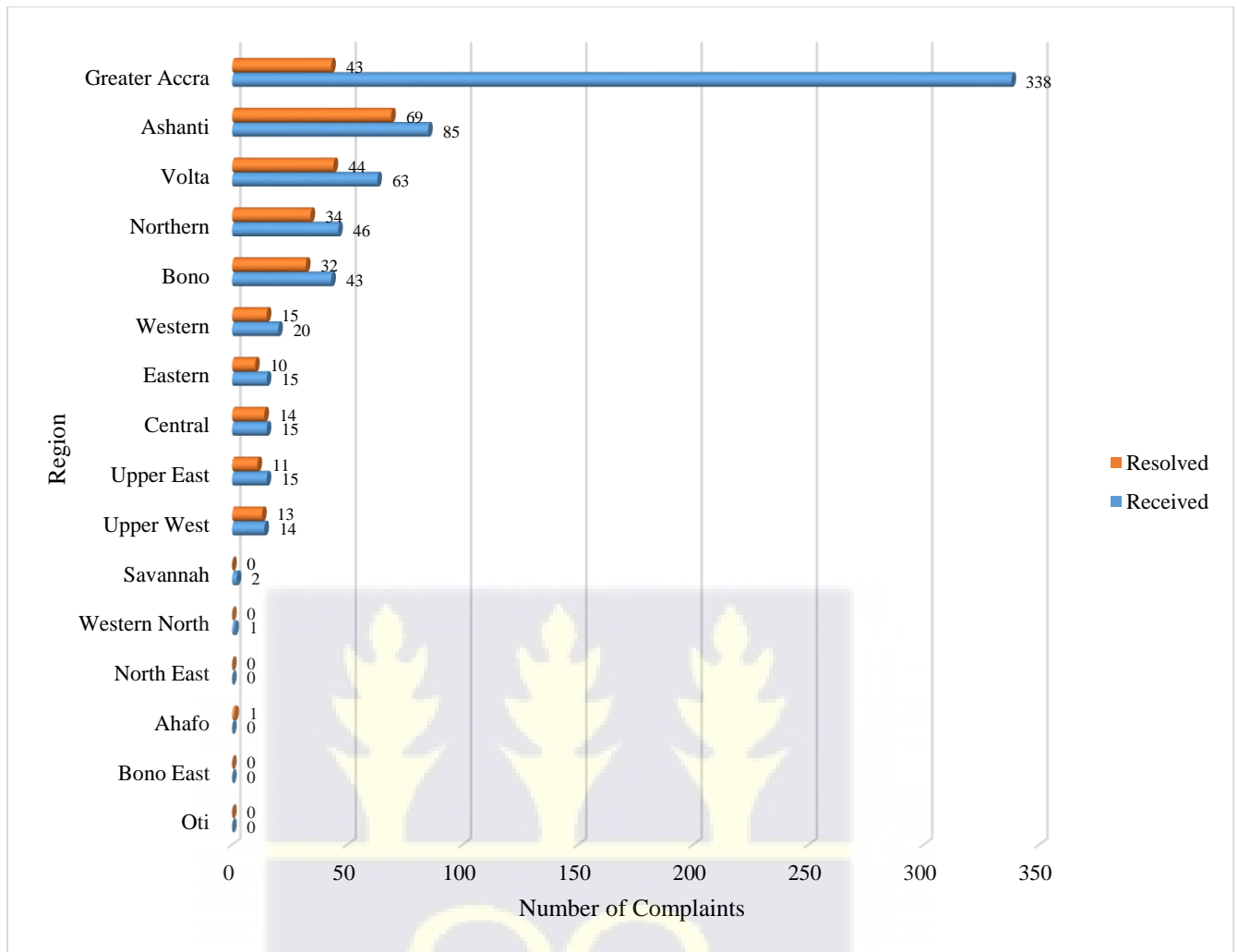
<b>Eastern</b>		1	3	1	0	5	0	0	0	0	0	<b>10</b>
<b>Western North</b>											0	<b>0</b>
<b>Savanna</b>											0	<b>0</b>
<b>Oti</b>											0	<b>0</b>
<b>Bono East</b>											0	<b>0</b>
<b>Ahafo</b>											1	<b>1</b>
<b>North East</b>											0	<b>0</b>
<b>Totals</b>		<b>13</b>	<b>31</b>	<b>20</b>	<b>18</b>	<b>67</b>	<b>31</b>	<b>15</b>	<b>31</b>	<b>36</b>	<b>24</b>	<b>286</b>

**Source: Legal Registry of the CHRAJ (2021).**

Table 5.5 shows that the Greater Accra Region received the highest corruption cases, followed by the Ashanti and Volta regions. The relatively high number of cases in the Ashanti and Volta Regions is attributable to the high number of CHRAJ district offices and more staff compared to the newly created regions. Complaints received during election years showed an increase of 43, 59 and 135 in 2012, 2016, and 2020 respectively. Apart from the election years, the allegations of corruption complaints received by the CHRAJ increased marginally since 2012. On average, the Commission concluded about 45% of cases were received (Figure 5.7 above).



**Figure: 5.8: Total Regional Complaints Received and Resolved (2010 to 2020)**



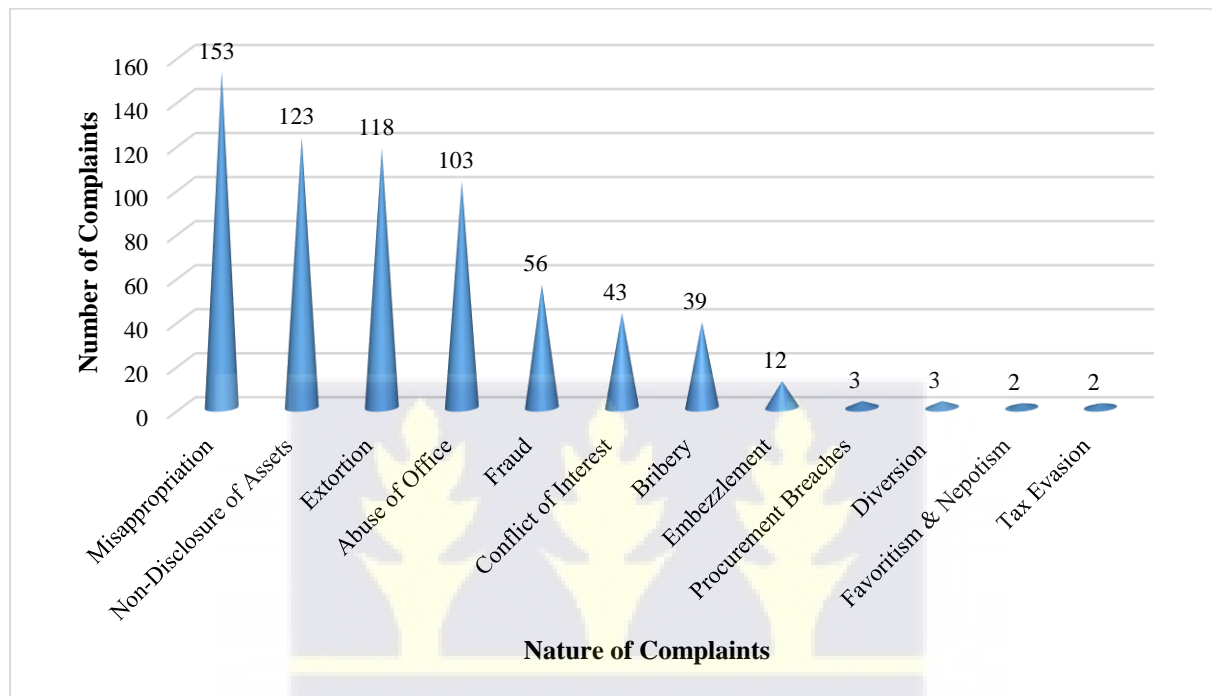
Source: Legal Registry Unit of CHRAJ (2021)

#### 5.4.3.5 THE NATURE OF ANTI-CORRUPTION CASES

The nature of allegations of corruption complaints received by the Commission from 2010 to 2020 has concentrated in the areas of misappropriation (153), non-disclosure of assets (123 – out of which 119 were received in 2020), extortion (118), abuse of office (103), fraud (56), conflict of interest (43), and bribery (39). The Commission received two (2) cases of favoritism and nepotism in 2018, three (3) cases each of procurement breaches and diversion in 2019, and two (2) cases of tax evasion, one (1) each in 2014 and 2019 (Figure 5.9). It is worth noting that the CHRAJ received and investigated several alleged cases of corruption between 1993

and 2009 but such cases were not disaggregated based on its three mandates. Deducing from the data gathered, the uncluttered nature of cases before 2009 affected the fulfillment of anti-corruption cases since much focus was placed more on human rights and administrative justice.

**Figure 5. 9: The Nature of Allegations of Corruption Complaints Received Nationally**



**Source: Compiled by the author from the annual reports of CHRAJ and fieldwork.**

#### 5.4.3.6 Sex Disaggregation of Complainants from 2015 to 2020

Table 5.7 shows that from 2015 to 2020, the human rights mandate of CHRAJ witnessed over 50% of women complainants. The administrative justice mandate attracted complaints mostly from men ranging from 76% to 80%. Similarly, the anti-corruption mandate received complaints from predominantly male complainants ranging from 88% to 97%. This indicates that women suffered more human rights violations and administrative injustice than men. Comparatively, the anti-corruption mandate attracted an average of over 90% of male complainants each year than the two mandates (Table 5.7). The study further explored sex-disaggregated data on participants. The fieldwork indicates that participants for most

corruption and administrative justice cases were from institutions except for human rights which witnessed mostly female participants, but the data was not readily available.

**Table 5.8: Sex Disaggregation of Complainants from 2015 to 2020**

Year	Mandate	Male	%	Female	%	Total
2015	Human Rights	3112	35%	5770	65%	8882
	Administrative Justice	270	79%	73	21%	343
	Corruption	28	97%	1	3%	29
2016	Human Rights	3614	42%	4935	58%	8549
	Administrative Justice	284	76%	53	16%	337
	Corruption	35	95%	2	5%	37
2017	Human Rights	3594	41%	5173	59%	8767
	Administrative Justice	320	83%	66	17%	386
	Corruption	29	88%	4	12%	33
2018	Human Rights	3653	40%	5387	60%	9,040
	Administrative Justice	344	82%	75	18%	419
	Corruption	28	88%	4	12%	32
2019	Human Rights	3420	41%	4959	59%	8,379
	Administrative Justice	333	80%	81	20%	414
	Corruption	41	89%	5	11%	46
2020	Human Rights	3375	45%	4148	55%	7,528
	Administrative Justice	256	78%	72	22%	328
	Corruption	31	91%	3	9%	34

**Source: CHRAJ Legal Registry, October 2020**

#### **5.4.3.7 CHALLENGES ASSOCIATED WITH INVESTIGATIONS**

Some challenges were found in investigating complaints regarding the CHRAJ's anti-corruption mandate. The challenges include inappropriate filing of the complaints, identifying a public office, inadequate modern logistics for investigations, accessing the Government Integrated Financial Management Information System (GIFMIS) funds, inadequate staff

strength, the lack of capacity of some investigators, exposure to risk, lack of teamwork, the politicization of corruption, and perception of the CHRAJ as a court. The following were some of the remarks made by some participants during interviews:

“The department does not have a specific vehicle for operations except those of the director and the deputy director. Investigators have to rely on the pool for a car for follow-ups on investigations. In some cases, there was a vehicle but no fuel. Officers used their phones to establish contacts, which seems to have put them at risk, especially in high-profile corruption cases” (Fieldwork, July 2021).

“We sometimes found it difficult to classify an institution as a public institution due to its mode of operation and the nature of the complaint. Examples are the case of Ghana Commercial Bank, Electricity Company of Ghana, and Ghana Revenue Authority. We also received complaints without the names of participants, but we went ahead to investigate because of the public interest nature of the cases based on Section 7 of Act 456” (Fieldwork, July 2021).

“Internally, we have a director or a deputy director who is also an investigator. He writes decisions and reports and supervises the investigators to do their work among others. He is overburdened because he has to see to his schedule while at the same time supervising and allocating cases” (Fieldwork, August 2021).

“Work is becoming difficult because of the politicisation of corruption. When people report, depending on the time, they say it is NPP or NDC. Those who benefit from corruption do not want it to succeed. We needed a leader with political will and commitment like ex-president Rawlings when there was alertness and grassroots support to the fight against corruption” (Fieldwork, July 2021).

The capacity of the investigators to handle a case is another major concern shared by an officer of the Economic and Organised Crime Office (EOCO):

“The corrupt person is always ahead of the investigator. Therefore, the investigator must have a wide range of expertise in forensics, auditing, cyber security, data protection, continuous training and sensitisation of modern investigation techniques” (Fieldwork, August 2021).

#### **5.4.4. ENFORCEMENT AND PROSECUTION OF ANTI-CORRUPTION CASES**

The CHRAJ Act (Act 456) permits the CHRAJ to enforce its decisions and recommendations based on three grounds. Firstly, Section 18 (2) of the CHRAJ Act 456 empowers CHRAJ to apply to the Court to enforce its recommendations that have not been implemented within three months after the CHRAJ has concluded and submitted its report. The CHRAJ may give the respondent, department, authority, or persons against whom the complaint was made the opportunity to comment. After considering the comments, the CHRAJ may bring an action before any Court and seek the enforcement of its recommendations (CHRAJ Investigations Manual, 2008). It is important to note that the enforcement of the recommendations after three months is not mandatory but subject to the discretion of the Commissioner and directors at the regional and departmental levels.

Secondly, Section 9 of the CHRAJ Act, (Act 456), permits the CHRAJ to authorise any person to bring an action in any Court on its behalf. Thirdly, parties on their own choice can seek for the enforcement of the CHRAJ recommendation in Court. However, it is required that the person should seek the written authorisation of the Commission before he or she proceeds to the Court.

During the interview with the Director of the Anti-Corruption Department, it came out clearly that the CHRAJ only makes recommendations to the Attorney General (AG) to prosecute based

on the criminal nature of corruption cases (Fieldwork, September 2021). The information about the number of cases sent to the AG's Office for the prosecution was not readily available during the fieldwork. Participants attributed the general low prosecution of the anti-corruption cases to the A-G who is part of the government, which is a significant lapse in the fight against corruption in Ghana. The setting up of the Office of the Special Prosecutor (OSP) was meant to address this lapse; however, it was also noted during interviews with participants that the OSP is not fully independent from the Attorney-General. Also, the OSP, just like any anti-corruption institution, faces challenges such as inadequate funds, logistics and personnel to function effectively (Asante, 2019).

Some participants expressed disappointment that anti-corruption cases are hardly prosecuted. According to a respondent from Joy FM, the punishment for corruption has been increased from felony to 25 years prison sentence per the Criminal Procedure Code (Amendment) Act, 1965 (Act 261). According to the Board Chair of the OSP:

During the review of UNCAC in the years 2015 and 2019, there was not much evidence to show whether people have been punished and put in jail, paid back the money, or plea bargaining. It was difficult for Ghana to show examples of criminalised corruption; however, the cases of Abuga Pele and Assibit who were jailed, and the suspension of the chief executive officer of the Public Procurement Agency involved the application of sanctions (Fieldwork August 2021).

Participants were asked whether the CHRAJ needs to be given prosecutorial powers. Interestingly, two schools of thought emerged. While over 40% of participants from government and non-governmental organisations opined that CHRAJ needs prosecutorial powers, 30% of participants including staff of the CHRAJ, the Judiciary, EOCO and the head

of the Legal Department of the CHRAJ was emphatic that the CHRAJ does not need prosecutorial powers. The Senior Programs Officer from the Ghana Integrity Initiative (i) and a Deputy Commissioner of the Commission (ii) made the following remarks on the two schools of thought:

i) “I am not sure that the CHRAJ is capacitated enough to prosecute under the current scheme of things. I know that many investigations were undertaken, dockets were forwarded to the Attorney General, and responses never came. Per the 1992 constitution, it cannot be done. So, we need to find a middle ground to achieve our aim. How does CHRAJ maximise what it has for people to know that it can do more if given the opportunity so that we can call for amendment (Fieldwork, July 2021)”

ii) The CHRAJ has enforcement powers and does not need prosecutorial powers. How can you put an independent body which is independent of the president under the Attorney-General’s office? Yes. It is easy for people to say that the CHRAJ needs prosecutorial powers, but that will create some distortions of the law. We should be mindful that powers can be abused and give too much power to one institution; the likelihood of abuse is quite imminent (Fieldwork, July 2021).

## **5.5 THE CAPACITY OF CHRAJ IN THE PERFORMANCE OF ITS ANTI-CORRUPTION MANDATE, THE CHALLENGES FACED AND HOW THEY HAVE BEEN ADDRESSED**

The CHRAJ offices are decentralised in all 16 regions of Ghana, two sub-regional offices and within the 94 districts out of the 260 Metropolitan, Municipal, and District Assemblies

(MMDAs). It currently has a substantive Commissioner and two Deputy Commissioners (one female). The Commissioner was appointed by the National Democratic Congress (NDC) and the two deputies by the New Patriotic Party (NPP). The Commissioner and his deputies are all lawyers. The current Commissioner has served the CHRAJ since 1994 when he was appointed as an Upper East Regional Director and has since served in various capacities until he was appointed in December 2016. The first Deputy Commissioner served as a legal officer under the Ombudsman since 1989 and joined the CHRAJ as a Regional Director of the Western Region. Before her appointment, the second Deputy Commissioner was also the Regional Director of CHRAJ in the Ashanti Region. Most directors have served the Commission for more than twenty years in different capacities since the inception of the CHRAJ. Majority of the regional directors are lawyers while the majority of staff within the Head office are also non-lawyers from different educational backgrounds.

Regarding staffing, the CHRAJ has a total of 786 staff serving a Ghanaian population of 30.8 million (Ghana Statistical Service, 2021). The region's average staff capacity is between three to five, consisting of one or two lawyers, while the maximum number of staff at the district level is three. The Departmental Directors of the CHRAJ at the national and regional offices consist of seven males and two females. Regional directors comprised three females and seven males.

Some of the regional offices have a vehicle, while others do not. Vehicles and computers used to be very rare in the districts and regions until 2016 when the CHRAJ budget was increased. According to the Transport Officer of the CHRAJ currently (2022) all 16 regions have been allocated vehicles but only 21 district offices have been given vehicles for their operations. Additionally, some office accommodations are rented, while some are allocated by the District Assemblies which according to some staff of CHRAJ and external participants affect the

independence of the CHRAJ in receiving and investigating cases against their host and hostesses or the District Assembly members.

### **5.5.1. THE CHRAJ BUDGET**

Over 85% of the CHRAJ's budget releases over the period were for compensations, with about 10.7% being spent on goods and services under which anti-corruption programmes and activities were funded. Article 227 of the 1992 Constitution stipulates that the administrative expenses of the Commission including salaries, allowances, and pensions payable to, or in respect of, persons serving with the Commission, shall be charged under the Consolidated Fund. The findings show that the CHRAJ is currently (2021) in court to ensure that this provision is adhered to instead of being subjected to the rigorous budget process. It was noted that, apart from the government of Ghana funding, the CHRAJ has greatly been supported by development partners. The CHRAJ budget releases and expenditures from 2013 to 2019 are indicated in Figures 5.10 and 5.11. It showed stagnation in budget releases from 2013 until 2016 when the CHRAJ received an exponential steady rise in both budget releases and expenditure with the change of government from the National Democratic Congress (NDC) to the New Patriotic Party (NPP). In addition, it was noted by a CHRAJ budget staff that the CHRAJ estimated budget sent to the Ministry of Finance always exceeded actual releases by the government based on its national ceiling.

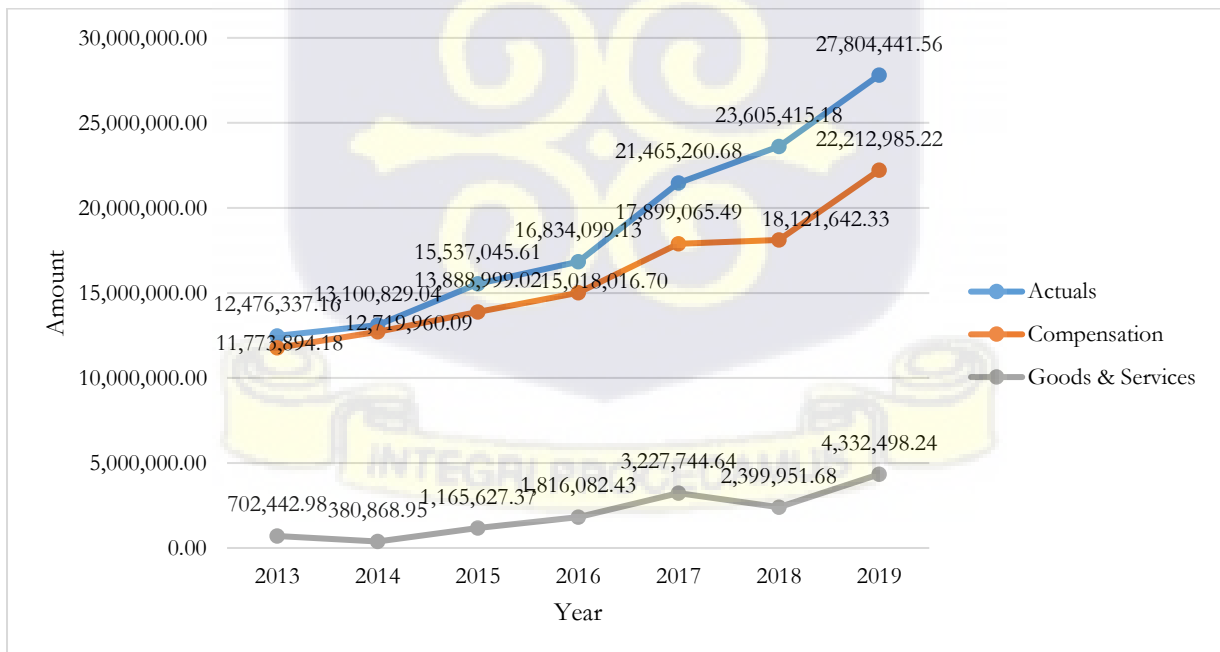


**Figure 5.10: CHRAJ’s Approved Budget Versus Actual Releases**



**Source: CHRAJ approved and actual budget/CHRAJ Annual report (2013-2019)**

**Figure 5.11: Budget Releases and Expenditure**



**Source: CHRAJ budget / CHRAJ Annual report (2013-2019).**

## **5.5.2 IMPACT, CHALLENGES AND SUGGESTIONS**

Over ninety percent (90%) of the participants interviewed noted that the CHRAJ has made some progress since its inception, even though there is more room for improvement. They also acknowledged some challenges impeding its anti-corruption mandate and made some suggestions.

### **5.5.2.1 CONTRIBUTIONS/IMPACT/SUCCESS IN IMPLEMENTING THE ANTI-CORRUPTION MANDATE**

Hundred percent (100%) of the participants interviewed agreed that the CHRAJ, irrespective of its challenges, has made some contributions, particularly in governance which is not limited to Ghana but the African region and the globe. Some of CHRAJ's major contributions are outlined in the paragraphs below.

First is good governance and the rule of law. Participants asserted that the CHRAJ had played a vital role in enhancing good governance in Ghana, the African region and the globe. According to a High Court Judge, the CHRAJ has improved good governance and the rule of law by implementing its three mandates. Over 70% of participants were emphatic that CHRAJ served as a check on excessive powers exercised by public officials at all levels and held the government accountable. The Africa Peer Review Mechanism Report on Ghana, 2005 observed that the CHRAJ had been a key actor in Ghana's democratisation, the promotion of good governance, and accountability (corruption in APRM, 2005). In 2012, the APRM reaffirmed the UNDP's position that Ghana is leading the fight against corruption in Africa" (APRM, 2012).

Second is in the areas of policy, legislative, and the judiciary. The CHRAJ drafted, advocated, developed, promulgated anti-corruption policies and legislations and ensures their implementation. It piloted and led to the passage of several laws: Whistleblowers Act, 2006

Act 760, and it is currently pushing for the passage of the Code of Conduct for Public Officers Bill. In addition, the CHRAJ is the focal institution for Ghana's UNCAC review cycles. At the judicial level, the CHRAJ, through the Supreme Court decision on Baba Kamara and Okudzeto Ablakwa, has cemented its jurisdiction over conflict of interest. It has trained and supported institutions to develop institutional codes of conduct and established an ethics desk and NACAP representatives. Examples of such institutions identified by the 2016 NACAP Progress Report include the Ghana National Petroleum Corporation (GNPC), the Economic and Organised Crime Office (EOCO), National Identification Authority (NIA,) Accra Metropolitan Assembly (AMA), Ghana Investment Fund for Electronic Communications, (GIFEC) (Republic of Ghana, 2016).

At the policy level, the CHRAJ has developed and is coordinating a comprehensive National Anti-corruption Action Plan (NACAP), which is the "first national blueprint with a three-prong approach: prevention, education, investigations, and prosecution" (Republic of Ghana 2014:23).

Third is investigation and enforcement of anti-corruption cases. About 90% of the participants mentioned CHRAJ's investigation of high-profile cases as one of its key achievements. They indicated that the CHRAJ's ability to investigate cases, make recommendations, issue reports, and have those recommendations to be upheld and enforced by the executive and heads of institutions had caused fear in public servants not to engage in such acts and as well made them understand the consequences of their actions.

Fourth, CHRAJ's services are non-adversarial, accessible, and free. Fifty-five percent (55%) of participants attributed the achievements of the CHRAJ to its decentralised nature and accessibility within the various regions and districts of Ghana. Also, unlike the court, the CHRAJ employs methods that warrant a fair hearing and exhibits transparency in publishing its reports by outlining the process, recommendations, and findings. Most of all, it makes its

annual reports accessible to the public. Nevertheless, about 30% believe that the CHRAJ can open more branches within the communities to make its presence felt by the most vulnerable and the needy. But, over 80% of participants indicated that the CHRAJ is better known as a human rights institution than an anti-corruption institution.

Fifth is the CHRAJ's independence and seemingly non-politicised nature. Over 90% of participants stated that the CHRAJ had demonstrated its independence by investigating high and low-profile cases and is not politicised. However, a few participants constituting 5%, doubted CHRAJ's independence and alleged politicization of its management by politicians through appointments.

Sixth, the CHRAJ has made corruption a high-cost, low-gain activity through training and sensitisation of stakeholders on anti-corruption legislation and policies. The CHRAJ has educated public officers, especially concerning the gift policy and conflict of interest. However, participants from both government and non-governmental institutions including the CHRAJ believed that the CHRAJ could stretch its wings to communities, market places, and the general public to appreciate the need to fight corruption at all levels.

Seventh is the strengthened collaboration among government and non-governmental organisations to fight corruption. The CHRAJ, since 1993, has been instrumental in strengthening collaborations and partnerships with CSOs, the private sector, the media, development partners, children and youth clubs and faith-based organisations to champion the fight against corruption. According to a former staff of DANIDA, the CHRAJ brought Ghana to the limelight in terms of building robust institutions within the region and internationally providing technical assistance. The CHRAJ, according to its 2019 annual report, is affiliated with the International Association of Anti-Corruption Authorities (IAACA), Association of African Anti-Corruption Authorities (AAACA), and the Network of Anti-Corruption

Institutions in West Africa (NACIWA). Through these international and regional bodies, it shares experiences and best practices in anti-corruption that have tended to strengthen governance institutions.

### **5.5.2.2 CHALLENGES THAT IMPEDED THE FULFILMENT OF THE CHRAJ'S ANTI-CORRUPTION MANDATE**

First is the inadequate commitment and ownership to the implementation of anti-corruption laws and policies. Participants identified inadequate commitment and ownership to the implementation of anti-corruption laws and policies as a major challenge. Ninety-five percent (95%) of participants alluded to poor political will at all levels of leadership as the main challenge that impeded the implementation of the numerous anti-corruption laws and policies. A respondent from the Ghana Police Service categorised the implementation of anti-corruption laws and policies based on the status of the offender. According to him, given the same offence, some offenders suffer higher consequences, whereas some suffer less due to their status in society due to inadequate collaboration and coordination among agencies. According to the African Peer Review Mechanism report, poor coordination is a major challenge amidst the numerous anti-corruption institutions (APRM, 2012).

Second is inadequate training, funds and logistics. Over 90% of participants mentioned inadequate funds and logistics as a challenge. Interviews with some of the staff of the CHRAJ show that the public education officers were more conversant in undertaking public education in human rights than the other mandates due to lack of logistics, training and funds.

Third is the challenges associated with investigations. Lack of security, inadequate modern sophisticated investigation tools and gadgets, allegations without evidence, unidentifiable complainants and participants and lawyers who perceived CHRAJ as a court and caused unnecessary delays in investigations were some of the significant challenges (Fieldwork,

2021). In addition, there is the perception that the CHRAJ catches “small fishes more than big ones”, the high cost of investigating cases of corruption, inadequate enforcement and prosecution of cases due to challenges associated with the operations of the other anti-corruption institutions such as the Police, the Judicial Service, the Attorney General’s Office and Parliament. Other challenges identified by the Commission during the interview include the cost of a full investigation of a case on corruption that involves traveling outside Accra, estimated at GHS6,000, inadequate budget, and internal and external red-tapeism (Commissioner CHRAJ, 2021).

Fourth is the low reporting of corruption cases and a lack of motivation to report corruption. The study enquired why the CHRAJ received low cases of corruption compared to its other mandates. Participants from the CHRAJ, public officers, and CSOs alluded to the following factors: lack of motivation to report corrupt activities, the Politicisation of corruption, corruption fights one back if one continues to shine a light, and culture. Participants from the CSOs attributed the resignation of the Special Prosecutor, Martin Amidu, and the retirement of the Auditor-General, Daniel Domelevo to prove their assertions. The low reporting was also attributed to a verbal directive given in the early stages of the CHRAJ that all anti-corruption cases should be forwarded to the head office for investigations. This directive has been verbally reversed according to the Commission. Still, it is assumed that it has a negative impact on the districts. Other attributing factors are low capacity at the district level and familiarity with officers at the district offices (Commissioner CHRAJ, 2021).

Fifth is the wide mandate of the CHRAJ. Over 90% of the participants rejected the idea that the anti-corruption mandate of the CHRAJ should be decoupled from its human rights and administrative mandates. They advocated for increasing the resources of the CHRAJ instead

of having a separate anti-corruption institution that can be targeted by politicians. According to them, the three mandates complement each other.

### **5.5.3. SUGGESTIONS BY PARTICIPANTS TO THE CHRAJ TO ADDRESS CORRUPTION**

First is to increase political will at all levels. About 95% of participants called politicians, bureaucrats, public officials, and the public to “walk the talk” in helping curb corruption in Ghana. Parliament must exhibit more commitment to passing legislation on anti-corruption and the implementation of NACAP. The Judiciary, together with the Attorney General must expedite actions in prosecuting people who engage in corrupt activities. According to an officer of the Center for Democratic Development (CDD), it is not enough to increase the budget of anti-corruption institutions, rather the executive must ensure that the input (increase in funding) is yielding the expected output which is fighting corruption, especially within the public sector. Some of the specific suggestions to improve the implementation of the NACAP include punishing non-reporters of corruption and organising an annual “name and shame” event for those who have not reported on the NACAP. The focus on NACAP should not just be on the number of institutions reporting but also on the extent of implementing activities to reduce corruption.

Second is to increase training and sensitization of anti-corruption activities and strengthen collaborations with partners. Participants advocated for a balance in public education of the CHRAJ’s mandates. Moreover, they called for increased cooperation between anti-corruption institutions, both government and non-governmental organisations. According to a respondent from the National Commission on Civic Education (NCCE), a CSO will help solve the challenges associated with a limited budget.

The third is to enhance policies and legislation on anti-corruption. There is a need to strengthen existing pieces of legislation and policies to have a good anti-corruption legal architecture.

They are not limited to providing clarity to the definition of corruption but also establishing the Witness Protection Fund and passing the legislative instrument to operationalise the Right to Information Act and the Public Officers Code of Conduct Bill. These, according to the participants, will facilitate the Assets Declaration regime, which includes the ability to verify the assets declared.

Fourth is the need for “Gracious leadership”. Most participants reiterated that fighting corruption under Ghana’s Fourth Republic appears to be risky and difficult. It therefore demands a proactive and committed leadership to deal with corruption without fear or favour and, above all, to allocate resources to anti-corruption agencies to implement their mandates irrespective of one’s political affiliation. A respondent referred to this as “Gracious leadership” at all levels.

Fifth is to strengthen investigations. There was a suggestion for the CHRAJ to build the capacity of its investigators and equip them with a modern, sophisticated way of investigations, provide office and residential accommodation, and vehicles and pay them well with better conditions of service. This is to address the poor conditions of service compared to other analogous institutions. According to a senior legal officer:

“The challenge is that the Commissioner and deputy Commissioners enjoy conditions of service similar to those of Appeal Court and High Court judges, respectively. It means that every lawyer at CHRAJ enjoys conditions of service below those of a High Court judge. Meanwhile, one sees his/her colleagues in other public institutions moving beyond the position of Judge of a High Court thereby limiting the career progress of the legal staff. Hence, they leave the Commission for career progression, better salaries and other conditions of service. Also, in CHRAJ unless one is a director, one cannot enjoy some

benefits such as giving a vehicle or accommodation. However, colleagues with the same qualification are given cars, housing, security, and other benefits. In addition, sometimes, the complainants and the participants walk in to follow up on cases without good security protection. The staff, therefore, need extra security, hidden cameras, drones, recording and bugging devices to enable investigators to do their work more efficiently”.

The sixth is to increase enforcement. Over 70% of the participants interviewed called for an increase in the number of cases prosecuted. Also, over 50% of participants suggested the decoupling of the Ministry of Justice from the Attorney-General to speed up the prosecution of corruption cases. The Constitution Review Commission recommended that the current status quo of the combination of the Ministry of Justice and the Attorney-General should be maintained (Republic of Ghana, 2011). Less than 30% of participants called for a separate court for anti-corruption cases. A respondent suggested that the seriousness of anti-corruption cases should be similar to the election petition where deadlines are set for the determination of the case within 45 days.

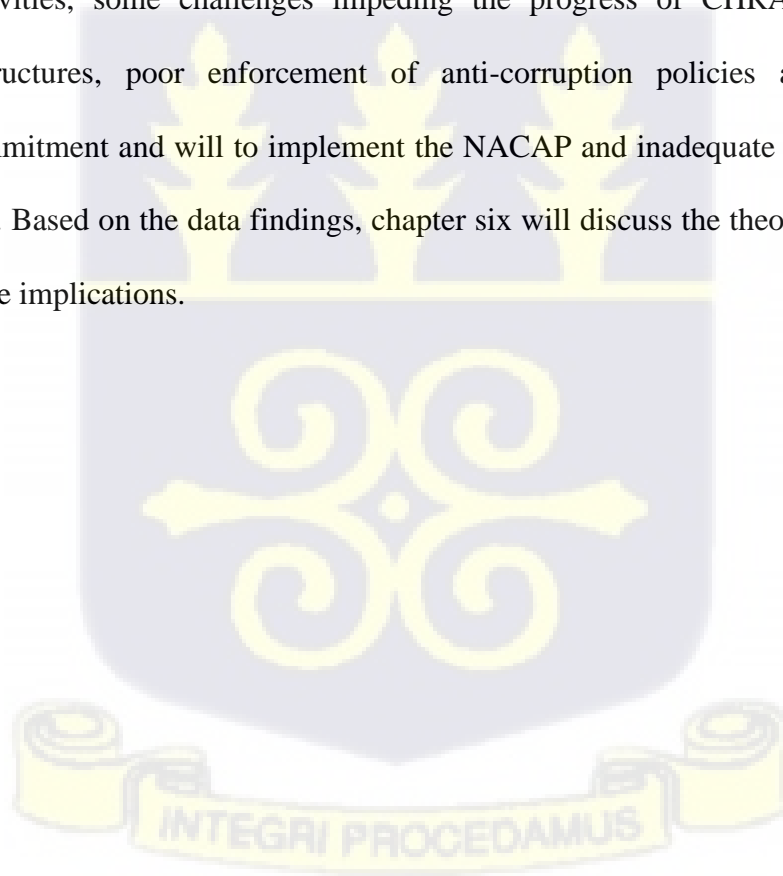
Seventh is increased access to CHRAJ; the current offices of CHRAJ are not enough to handle the cases of corruption at the district levels. According to a respondent from the Ghana Integrity Initiative, “a desk of CHRAJ in the district like the internal auditors will be excellent” (Fieldwork, August 2021).

## **5.6 CONCLUSION**

The chapter has provided data based on interviews from the fieldwork and documentary sources to answer the three objectives of the study. The findings show the political, economic, social and institutional causes of corruption in Ghana and how the CHRAJ has employed strategies, including policy and legal framework to prevent, investigate and prosecute cases of

corruption in Ghana; the chapter found that there is not much commitment from the executive, parliament and the judiciary. Commitment and political will are not limited to only the executive and high-level officials but also to stakeholders, including the public, who are responsible for reporting corrupt activities to anti-corruption institutions.

The chapter dealt with the evolution of the anti-corruption department to spearhead the fulfilment of CHRAJ's anti-corruption mandate and some of its activities, including training, education, collaboration, and NACAP activities. These activities aimed to make corruption a high risk and low gain activity. In addition, the chapter discussed the high- and low-level cases that the CHRAJ had investigated and prosecuted over the years. Despite these anti-corruption activities, some challenges impeding the progress of CHRAJ include weak governance structures, poor enforcement of anti-corruption policies and legislations, inadequate commitment and will to implement the NACAP and inadequate financial support for the CHRAJ. Based on the data findings, chapter six will discuss the theoretical, empirical and comparative implications.



## CHAPTER SIX

### DISCUSSION OF THE RESEARCH FINDINGS

#### 6.1 INTRODUCTION

The main aim of this thesis is to assess CHRAJ based on its anti-corruption mandate as stipulated in the 1992 Constitution and the CHRAJ Act of 1993. In furtherance of this aim, this chapter discusses the research results in the context of empirical, theoretical and comparative literature. In this connection, it discusses the following: (i) the causes of corruption in Ghana and the strategies to address them; (ii) the investigative, preventive, and enforcement roles of CHRAJ in the fight against corruption; and (iii) the capacity of CHRAJ in the performance of its anti-corruption mandate, the challenges faced and how they were addressed.

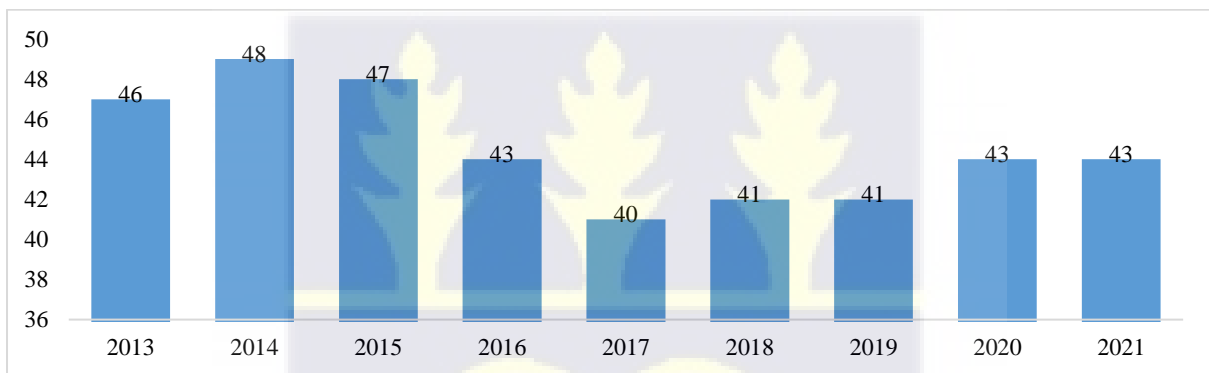
#### 6.2 CAUSES OF CORRUPTION AND THE STRATEGIES TO ADDRESS THEM

##### 6.2.1 Corruption in Ghana

The study found that despite the significant strides that Ghana has made in its democratic journey since the return to constitutional democratic rule in 1993, the country has not been immune from the menace of corruption (Ayee, 2016; 2019; Gyimah-Boadi, 2018). The reinforcement of the existence of corruption in Ghana by the study confirms Ghana's stagnation in the fight against corruption as indicated by the reports of the Auditor-General (2016–2019), Public Accounts Committee (2020), CHRAJ, Global Corruption Barometer Africa (2019) and the Corruption Perception Index (CPI). Particularly, the study confirms the stagnation in the fight against corruption by Ghana's position in the Transparency International (TI) CPI from 2013 to 2021 (Figures 6.1 and 6.2).

Figures 6.1 and 6.2 show that Ghana’s minimum points were 33 in 2003, and its peak points were 48 in 2014 and 43 points in 2020 and 2021 respectively. The country’s average remains at 40 points compared to the world point of 44 in 2020 but is consistently above the average of 33 points in Sub-Saharan Africa (Transparency International, 2022). A representative of the Ghana Integrity Initiative (GII) noted that Ghana used two years, from 2017 to 2020 to get a three percent jump in the CPI, which is significant in determining progress made over the years but has remained stagnant since 2017 (Figures 6.1 and 6.2).

**Figure 6.1 Ghana’s position in the Transparency International Corruption Perception Index (CPI), 2013 to 2021**



Source: Compiled by the author from Transparency International Corruption Perception Index, 2013-2020

**Figure 6.2: Ghana’s highest and lowest point on the Corruption Perception Index**



**Source: Compiled by the author from Transparency International Corruption Perception Index, 2001-2021**

The downward curve (Figure 6.2) could be attributed to the economic, social, political, and institutional causes of corruption in Ghana, which participants alluded to. Marc et al. (2015) and Jreisat (2002: 424) related the stagnation of corruption perception index levels worldwide particularly in most African countries where corruption is attributed to crises of bad governance and where human rights and democracy are under attack (World Bank, 1989; Jreisat, 2002: 424; Transparency International 2021). This is coupled with the high rhetoric to fight corruption by successive governments and bureaucrats without commensurate actions, as reported in chapter five. This has led to the myriads of cases of corruption by government and bureaucrats. For example, there have been an allegation of corruption even within the anti-corruption institutions such as the Economic and Organised Crime Office, the Ghana Police Service, the Judiciary and the CHRAJ. Other public sector corruption cases include Ghana Youth Employment and Entrepreneurial Agency (GYEEDA), Ghana Football Association, Social Security and National Insurance Trust and the Tema Port (Laary 2014: Transparency International's Global Corruption Barometer. 2019; Afrobarometer 2019: Brooks, 2019; Aywekanbe, 2020).

This study acknowledges the criticisms associated with the Transparency International CPI by similar studies such as Thomas (2007), UNDP (2008); Apaza (2009); and Langbein and Knack (2010). They questioned the context, methodology, conceptualisation, and measurement of corruption perceptions. The criticisms are around various governance indicators such as the World Bank Governance Indicators (WBGIs) and the TI CPI. The current Commissioner of the CHRAJ, Joseph Whittal, stated that the CHRAJ in collaboration with the Ghana Statistical Service will launch an actual corruption survey targeting 300,000 participants starting in 2022 (Fieldwork, 2021). The survey will be based on real Ghanaian experiences of corruption instead

of the CPI, which is based on the perceptions of experts and business executives. The national survey on corruption will complement the CPI, which does not take into account the experience of ordinary Ghanaians within various households. However, it is too early to indicate whether the “homegrown” survey will address the criticisms associated with global governance indicators. It has also been argued by Klitgaard et al (2000) that the reduction in cases or incidence of corruption is attributable to the increased awareness about the costs of corruption across the world because of democratisation.

### **6.2.2 The causes of corruption in Ghana**

The research results reveal four major causes of corruption in Ghana: political, socio-cultural, economic, and institutional. While these causes are not limited to the Fourth Republic, to a certain degree, they epitomise the nature of the anti-corruption cases the CHRAJ has investigated in the Fourth Republic. They can be summarised as follows: misappropriation, conflict of interest, fraud, bribery, non-disclosure of assets, extortion, embezzlement, abuse of office, favouritism and nepotism, procurement breaches, diversion and tax evasion. In addition, the causes of corruption identified by the study were not different from those identified across the globe by Werlin (1992), Agbele (2011); Gyimah-Boadi (2002); Agbodohu and Churchill (2014); NACAP (2015); and Ayee (2016). Specifically, Werlin (1992) identified social discrimination as the leading cause of corruption, while Ayee (2016) identified internal and external factors. Similarly, Dramani (2020) indicated the weakening of the oversight responsibilities of Parliament and other governance institutions.

The causes of corruption under Ghana’s 4<sup>th</sup> Republic have affirmed Klitgaard’s (1997) formula on corruption:  $\text{Corruption} = \text{Monopoly} + \text{Discretion} - \text{Accountability}$ . Article 296 (a and b) of the 1992 Constitution has stipulated the use and limitation of discretionary power by the executive and public officers:

“Where in this Constitution or any other law discretionary power is vested in any person or authority (a) that discretionary power shall be deemed to imply a duty to be fair and candid; (b) the exercise of the discretionary power shall not be arbitrary, capricious or biased either by resentment, prejudice or personal dislike and shall be in accordance with due process of law”.

Since its inception, the CHRAJ has used discretionary power to determine decisions and recommendations for high-profile corruption cases (Table 5.2). Also, the report of the recent (February 2022) investigation by the CHRAJ, which barred the Chief Executive Officer of the Public Procurement Authority from holding public office for over ten years, is a typical example of discretionary power. Nevertheless, discretionary power can sometimes be abused depending on the social, economic, political and structural factors. According to Ayee (1994: 159), the abuse of discretionary power by politicians and administrators is widespread and massive and on the rise. Also, accountability is not only limited to how monies are used to promote the public interest but also how public officials use official time, energy, official resources and discretionary power to promote the public good (Gregory 2012: 341). Klitgaard (1997) has reinforced the view that the use of discretionary power, if not checked, leads to corruption.

The role of accountability in the fight against corruption is also affirmed by scholars who conceptualised it within the framework of actors, mechanisms, and the degree of accountability (Paul, 1992; Ayee, 1994; Luhrmann, 2020: 812). For instance, the political causes can be linked to the democratic politics of the country and the winner-takes-all system practised under the Fourth Republican Constitution, where the winner of an election has considerable monopoly and discretion over public sector contracts and political appointments (Klitgaard, 1997). Due to the enormous economic benefits of the acquisition of political power, those who invest in the capital-intensive electoral process would want to capitalise on the winner-takes-all system

to recoup their investments, as stated by a respondent from Ghana Center for Democratic Development (Fieldwork, 2021). This has the likelihood of undermining vertical accountability between un-equals, that is, between the elected government, the agent and the citizens who are the principals (Luhmann, 2020; World Bank Institute, 2005; Lindberg, 2013).

Another critical area that negatively affects horizontal accountability has been described by O'Donnell (1998) as a relationship between institutional equals in the exercise of political will. For example, the structure of the 1992 Constitution, to a large extent, has created a powerful executive at the expense of weak governance institutions and Parliament (Ninsin, 2018). This can lead to ineffectual horizontal accountability among institutional equals when comparing the powers of the executive with the legislature and the judiciary (Luhmann, 2020; O'Donnell, 1998). The weakened nature of the judiciary and Parliament was evident during the data collection, where the participants expressed their disappointment in members of Parliament (MPs) for failing to help in the implementation of the NACAP and the judiciary for the delay in the prosecution of corruption cases. Consequently, the proliferation of civil society organisations (CSOs) and the media under Ghana's 4<sup>th</sup> Republic provide a healthy development in terms of how the Third Sector Organizations (TSOs), which consist of CSOs, Faith-Based Organisations, the media, other Non-Governmental Organisations (NGOs) can promote diagonal accountability which refers to actors within the TSOs who hold government accountable through advocacy, watchdog, and public education to address the general governance weaknesses associated with the manifestation of commitment in the fight against corruption in Ghana in particular and democratic governance in general (Luhmann et al., 2020). Nevertheless, the results of the study discovered a limited number of strong coordinated CSOs such as the Anti-Corruption Coalition, the Ghana Integrity Initiative, Joy FM Multimedia Group and journalists like Anas Aremeyaw Anas, Manasseh Azure Awuni that consistently exert pressure on the government to 'walk the talk' on its anti-corruption measures.

Related to the political causes of corruption are the social and cultural ones, which showed a surprising result in the context of political accountability (Strøm, 2000). For instance, the notion of political accountability highlights a type of principal-agent relationship that involves citizens holding state institutions accountable through their elected representatives (Strom, 2000). However, the social and cultural causes of corruption partly occur due to the large unemployed population or youth groups which create a situation where citizens in their various constituencies make excessive demands from their elected representatives, politicians and family members within the public service (Boateng et al., 2014). There is a likelihood of stifling political accountability because politicians can also use political office to manipulate public knowledge, agenda, and resources to meet those excessive demands from the electorates (Bevir, 2009).

The economic causes of corruption which go beyond the actions and inactions of politicians to include the non-political actors in the public sector confirm the essence of public accountability on the rights of citizens (Pablos et al., 2002). This view has been shared more clearly by other scholars who suggest that the progress of democracy is not grounded only on accountability on the part of the elected government and public officials but also on the obligation for public responsibility from the citizens (Dwivedi, 1985; Ayee, 1994).

The institutional causes of corruption which are, to a large extent, linked to the deficits of stringent monitoring, regulatory and prosecutorial structures, also necessitate some aspects of the concept of accountability in the fight against corruption (Pillay & Kluvers, 2014). For instance, Schedler et al. (1999) have argued that the degree of accountability entails answerability and enforcement. For Ayee (1994), the failure to enforce the law in the process of accountability by oversight institutions responsible for the fight against corruption provides the breeding ground for maladministration that can hurt democratic rule. For example, the

inability of democratically elected governments to address corruption has been among the major reasons for the 2021-2022 military coups in some Sub-Saharan African countries such as Mali, Guinea, Burkina Faso and unsuccessful military takeovers in Niger, Sudan and Guinea Bissau (Mwai, 2022). The process of accountability to fight institutional corruption is also confirmed by other perspectives in the context of an appraisal process where the activities of public agencies are investigated, monitored and judged as well as a sanction process for rewarding good performance and punishing or discouraging bad performance (Paul, 1992; Ayee, 1994).

### **6.2.3 Strategies to Fight Corruption**

Ghana has adopted numerous national and international legal and institutional anti-corruption strategies to make corruption a high-cost, low-gain activity (Figure 5.2). Despite these numerous anti-corruption strategies, inadequate political will by the government and weak advocacy of CSOs, including the media and the public, to hold succeeding governments accountable to fight corruption is identified as the main challenge to the fight against corruption. This is evidenced in chapter five, where over 80% of participants indicated inadequate personal and political will to fight corruption in Ghana as the main reason for the little progress made. Though there is some level of accountability and the exercise of political will on the part of the government in increasing funding of anti-corruption institutions, as witnessed in the recent recruitment of 200 staff in November 2021 and the systematic increase in CHRAJ's overall budget from the year 2016 to date, the study reinforces the findings of the Ghana Center for Democratic Development (CDD, 2021) that political will does not only include resourcing institutions but also ensuring that anti-corruption institutions perform their functions independently to commensurate with the increase in their budget and also collaborate rather than work in silos.

Furthermore, according to over 70% of the study participants, a political will should reflect the CHRAJ's financial independence where its budget is sourced directly from the Consolidated Fund without frequent budget cuts. Over 70% of the study participants noted that the executive and bureaucrats could manipulate the CHRAJ's independence to weaken its fight against corruption. The CHRAJ worked with inadequate funds before 2016 when it witnessed a substantial budget increase. In addition, since the implementation of the NACAP in 2015, less than 100 MDAs reported how they had implemented the NACAP within their organisations. Unfortunately, this low reporting has not attracted the right sanctions as a key element of the principle of accountability from Parliament, the executive and CSOs to call non-reporters to be answerable for their actions. This non-answerability correlates with the low bureaucratic and political will to fight against corruption. The theory of accountability assumes a reward and punishment system that enhances accountability but fails to suggest what happens to oversight institutions that have been unable to perform their mandates.

This inaction by partners in implementing and submitting their periodic report on NACAP to the CHRAJ, delay in investigations and enforcement of anti-corruption cases make this study reinforce the continuous development of the principal-agent theory on the agents' intrinsic motivation (Gailmard and Patty 2007). Intrinsic motivation aims to encourage and reward agents for motivating them to work instead of instructing them on what to do or work based on environmental factors (Baldassarre and Mirolli 2013). This is because failure to submit a report on how implementing partners are addressing corruption through NACAP may be an indication of corruption issues within the various ministries, departments, and agencies (MDAs) and also a reflection of a national macro problem where Ghana is noted for the ratification of international legislation and the enactment of "beautiful policies" but with their inadequate implementation (Asomah, 2021; Kireri, 2021).

The theory of accountability and the expectation of the principal from the agent do not consider verbal commitments such as the excessive mantras in the fight against corruption by the executive as evidence of political accountability. This confirms the vagueness of accountability as one of its main weaknesses. However, Ankamah (2018) admits that though the demonstration of political will may not be sufficient, the rhetoric by the various governments under Ghana's Fourth Republic to fight corruption is necessary to fight corruption and, particularly, to hold the government accountable to its words. Ankamah's (2018) findings confirm the assertion by a Director from the Ministry of Finance that anti-corruption institutions should also demonstrate the commitment to up their game with the available resources allocated to them. Post et al. (2010) traced the definitions of political will in chronological order (Table 6. 2).

The table indicates that the meaning of political will has moved from mere reform by governments which occurred due to many reforms led by the Bretton Woods institutions, to being appointed or elected. Brinkerhoff and Kulibaba (2000) ascribed the meaning of political will to the commitments of various actors not exclusive to the government. Others viewed it as a sustainable effort by politicians and administrators to achieve a specific objective and to solve a problem or provide a solution to a problem. In this study, the concept of political will refers to the extent of commitment, support, or determination of key decision-makers or politicians to take action to solve a particular problem or produce a desired outcome (Post et al., 2010).



**Table 6.1. Chronology of the definition of political will**

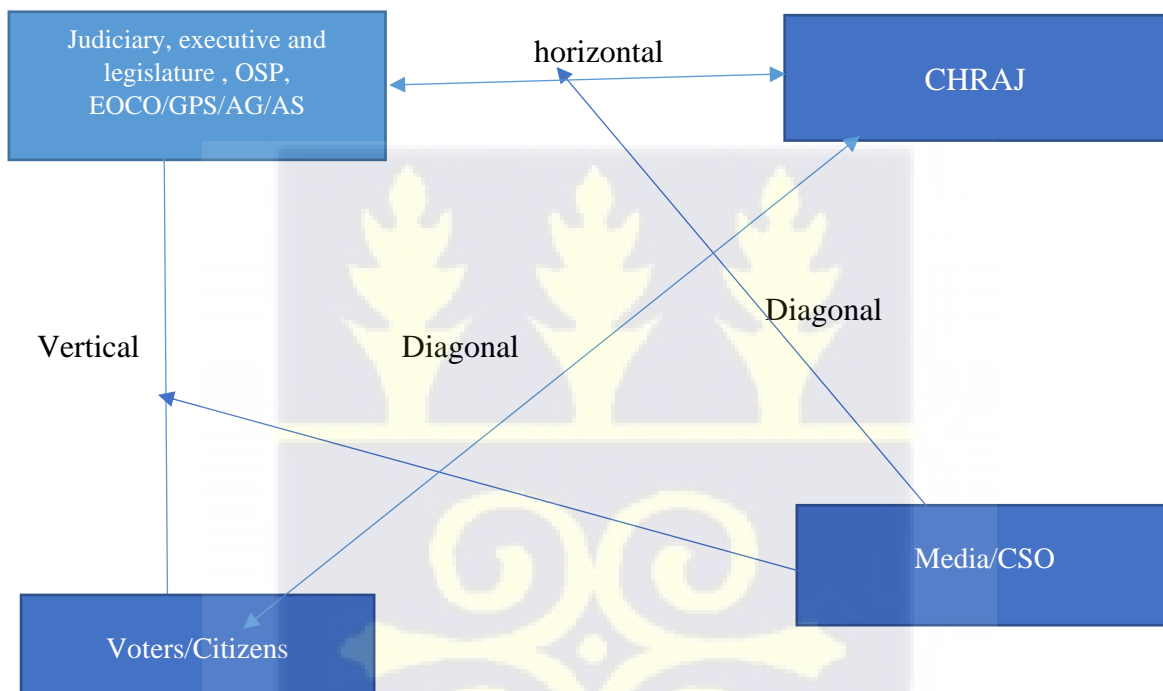
Author and year	Definition
Hammergren (1998:30)	“Likelihood of reform”
Kpundeh (1998, 92)	“Demonstrated credible intent of political actors (elected or appointed leaders, civil society watchdogs, stakeholder groups, etc.) to attack perceived causes or effects . . . at a systematic level”.
Brinkerhoff and Kulibaba (1999: 3); Brinkerhoff (2000, 242)	“Commitment of actors to undertake actions to achieve a set of objectives . . . and to sustain the costs of those actions over time.”
Andrews (2004)	“Reform space = intersection of ability, authority, and acceptance”.
Anderson et al. (2005)	“Willingness as evidenced by commitment and inclusiveness”.
Rose and Greeley (2006, 5)	“Sustained commitment of politicians and administrators to invest political resources to achieve specific objectives”.
Post et al. (2010)	“Political will is the extent of committed support among key decision-makers for a particular policy solution to a particular problem.”

**Source: Post et al. (2010: 6)**

The fight against corruption demands both bureaucratic and political will, which involves a shared responsibility of different stakeholders, including statutory oversight bodies such as the Attorney-General’s Department, Parliament, Judiciary, CHRAJ, Economic and Organised Crime Office (EOCO), Office of the Special Prosecutor (OSP) and the Police. As earlier noted, this also affirms the general notion of accountability where such oversight statutory bodies, including the media and CSOs, are expected to act directly or indirectly in the public interest to hold the government accountable (O’Donnell, 1998). The active and apolitical actions by the third sector as CSOs are yet to be fully realised. The notion of vertical, horizontal, and diagonal accountability shows how the CHRAJ has undertaken its preventive, investigative, and enforcement roles in the fight against corruption. This theoretical literature and other related assumptions are used to discuss the second major objective of the study.

Figure 6. 2 indicates that vertical/downward accountability is a relationship between unequal such as political or representational accountability, i.e., it shows how voters hold the government accountable. Horizontal accountability is a relationship between more or less equal institutions within various organs of government (O'Donnell, 1998). Diagonal accountability refers to actors not within formal political institutions but holding the government accountable such as the media and CSOs.

**Figure 6.3 typology of accountability relationship**



**Source: Figure based on Luhmann et al (2020: 813)**

As noted in chapter three, core to the complexities of accountability is the interconnections, tensions and conflicts among its various types and sub-types (Brinkerhoff, 2001). Accountability becomes more complex at different levels, and its success or efficacy depends on a combination of the sub-types, be it vertical, horizontal, or diagonal accountability (Brinkerhoff, 2001).

At the comparative level, political accountability plays a critical role in enhancing the work of anti-corruption institutions. This is evident in the successful anti-corruption institutions such as the Hong Kong Independent Commission Against Corruption (ICAC), the Singapore Corrupt Practices Investigation Bureau, and the Botswana Directorate on Corruption and Economic Crime, which were well resourced with funds and personnel and had prosecutorial powers and backing from the executive to fight corruption at all levels (Abdulai, 2009; Jegede, 2018). This kind of commitment from all levels is yet to be fully manifested in the fight against corruption in Ghana. Thus, political will by the government and a commitment by Ghanaians to report corruption to the CHRAJ is critical to enhancing its work in addressing corruption at all levels and sectors such as mining, education, sports, construction, banking, agriculture, and industries (Pyman et al., 2018).

### **6.3 DISCUSSION ON THE PREVENTIVE, INVESTIGATIVE, AND ENFORCEMENT ROLES OF THE CHRAJ IN THE FIGHT AGAINST CORRUPTION**

Generally, the implementation of the anti-corruption mandate of the CHRAJ has been anchored in three-prong pillars: prevention, investigations and enforcement. The remainder of this chapter discusses these pillars in the context of output, outcome and impact, which are: first, putting mechanisms in place that contribute to the prevention of corruption within the public sector; second, investigating alleged corruption cases; and third, the enforcement of the cases on corruption.

The study found that the setting up of the CHRAJ was part of the explosion of anti-corruption institutions in Africa following the “third wave of democracy” in Africa (Huntington, 1997). The spread of democracy in Africa was accompanied by neoliberal reforms and conditionalities from the IMF and World Bank and the advent of the New Public Management (NPM) systems

in Africa (Doig and Riley 1998: 46; Lawson 2009). The contributions of the CHRAJ to the fight against corruption in particular, and democratic governance in general, under the 4<sup>th</sup> Republic were driven by both legal and policy frameworks such as the 1992 Constitution, the CHRAJ Act, Act 456 1993, the NACAP and international conventions which Ghana ratified. Despite the extensive legal framework on corruption, there is, however, a lack of specific legislation with the conceptualisation of corruption and the types of corruption with associated punishment within the Ghanaian context. The beginning of the 4<sup>th</sup> Republic witnessed a significant development in the evolution of the CHRAJ and the improvement of the limited investigative and enforcement powers of its predecessor (the third ombudsman), the building of an active and decentralised structure in the fight against corruption, and an attempt to conform to international best practices (Aye 1994; Asibuo 2001).

The 1992 Constitution and the CHRAJ Act (Act, 456), to some extent, have provided an unambiguous legal framework for the Commission, though very ambitious, covering almost all areas of human rights, administrative justice and corruption. However, its anti-corruption mandate was dormant partly due to the lack of proper organisational structures designated for anti-corruption because the CHRAJ had equally important human rights and administrative justice mandates to perform. Hence, the re-organisation of the overall mandate of the Commission was paramount to the development of the anti-corruption unit into a full department, as the findings show in Chapter 5. This resonates with the views expressed by Bevir (2009) and Lindberg (2009) on the significance of administrative accountability, where bureaucratic structures and the assignment of roles and responsibilities in the CHRAJ's organisational decision-making processes provided the judicial and quasi-judicial framework for investigating cases on human rights, mal-administration and corruption under the Fourth Republic.

### 6.3.1 Prevention of corruption by the CHRAJ

The prevention of corruption saves scarce resources, and it is better than investigations and prosecution of cases of corruption which cost more (Guyen, 2021). Even though the prevention of corruption is not specifically stated in the CHRAJ Act, Section 7 (g) of CHRAJ 1993 (Act 456) stipulates that: “The functions of the Commission are: to educate the public as to human rights and freedoms by such means as the Commissioner may decide, including publications, lectures and symposia”. This study assumes that this section is also applicable to the anti-corruption and administrative justice mandates. Nevertheless, the prevention of corruption is grounded in Chapter 6, “The Directive Principles of State Policy” of the 1992 Constitution and the United Nations Convention Against Corruption (UNCAC). Also, the prevention of corruption is central to achieving all 17 Goals, 139 targets and 232 indicators of the Sustainable Development Goals (SDGs). Specifically, Goals 16 and 17 call for the promotion of good governance by strengthening collaboration among governmental and non-governmental organisations.

The findings show that the CHRAJ has implemented preventive activities at the national, regional and global levels. For example, the NACAP, specifically, places great emphasis on the prevention of corruption as a key panacea in the fight against corruption. Prevention has been the major backbone in the success stories of anti-corruption institutions such as the Asian anti-corruption institutions and the Botswana Directorate on Corruption and Economic Crime (Disch, 2009).

In terms of general input, the study found that since the inception of the CHRAJ in 1993, it has carried out several activities in its attempt to curb corruption. For instance, as indicated in Chapter 5 Appendix C, the collaboration between the CHRAJ and other international and national bodies, such as the International Association of Anti-Corruption Authorities (IAACA), the Network of National Anti-Corruption Institutions in West Africa (NACIWA) and the

Ghana Anti-corruption Coalition, has helped the CHRAJ to contribute to the formulation, review and implementation of corruption-related legislation and policies. Through these collaborations, there have been shared experiences of best practices regarding formulating anti-corruption legislation and strategies to fight corruption. Some of the outcomes that have been derived from such inputs have contributed to the formulation of policy and legislative frameworks like the NACAP, the UNCAC peer review, the passage of the Whistleblower Act, and the Rights to Information Act, among others. The NACAP, as Chapter 5 has shown, is a major national policy framework in the fight against corruption. This affirms the position of O'Donnell (1998) and Luhrmann (2020) on the role of vertical and horizontal accountability in the exercise of preventive, investigative and enforcement anti-corruption activities. For example, in the context of output, one critical pre-NACAP process that highlights the importance of vertical accountability is national sensitisation on corruption. It is argued that the various national sensitisation efforts that the CHRAJ and its stakeholders facilitated to increase the public awareness of the ills of corruption contributed to the holistic notion that the control of corruption in Ghana is not just the responsibility of the CHRAJ, the government, or some specific public institutions, but a shared responsibility that involves citizens (Republic of Ghana, 2011). The findings, however, could not ascertain the evidence of buy-in of the NACAP by ordinary Ghanaians to curb corruption in Ghana because the study did not undertake a national survey that would include the views of citizens. This could be the subject of a future study.

The study also found other impactful activities due to the activities of the NACAP. They include public sector reporting on anti-corruption activities, public sector digitisation, the development of a code of conduct and sexual harassment policies and the unification of public sector allowances. For example, the 2016 NACAP Annual Progress Report indicated that “The Ministry of Finance unified remunerations and allowances for boards. The Ministry of Foreign

Affairs and Regional Integration, Ministry of Communications reported that all allowances they paid to Board members were based on the allowances approved by the Ministry of Finance" (NACAP Progress Report 2015:45). However, it was also found that the implementation of the NACAP has faced certain challenges, which include inadequate political will on the part of the government and commitment by bureaucrats to effectively implement anti-corruption policies and legislations, poor and low reporting of activities by implementing partners of the NACAP, the lack of the review of the short, medium to long-term relevance, and inadequate public education on anti-corruption and public integrity. Despite the challenges, the CHRAJ has some enforcement and sanction structures within its special powers, which seem not to be fully utilised (O'Donnell, 1998; Luhrmann, 2020). This finding is reinforced by Brinkerhoff's (2001) typology of horizontal and vertical accountability and the extent to which anti-corruption institutions can utilise a combination of high enforcement and sanction capacity and low enforcement and sanction capacity.

Curbing corruption is a daunting task because it has to be assessed within the context of the effectiveness of the other anti-corruption institutions and the whole governance system on which the CHRAJ depends to implement its anti-corruption mandate effectively. For example, challenges of good governance that impede the ability of independent anti-corruption institutions such as the Judiciary, Parliament, Office of the Auditor-General and Office of the Special Prosecutor must be addressed. Grindle (2004) Called for "good enough governance", which considers the socio-cultural, economic, institutional, and political context. Grindle (2004) Further recommended the enhancement of the entire public sector, such as strengthening institutions, administrative systems, enhancing decision making structures and human resources. Furthermore, it required raising questions such as what needs to be done, when it needs to be done, and how it needs to be done. (Grindle, 2004: 525-6; Grindle, 2007:553). These questions are important in enhancing accountability at all levels.

The study confirms a similar study by Nduku & Tenamwenye (2014) that suggested Africa's anti-corruption measures must focus attention on how political parties are funded. The peak of CHRAJ's preventive activities on corruption witnessed the passage of the NACAP, a policy with a three-pronged approach: prevention, investigation, and prosecution. The CHRAJ as a coordinator and implementer, cannot perform effectively until it receives support from the stakeholders identified in the NACAP, which was not forthcoming. This is because the NACAP is mostly perceived by stakeholders as CHRAJ's policy document and the fight against corruption as CHRAJ's fight, which the NACAP sought to move away from without much success.

At the empirical level, the increase in education on anti-corruption activities can be confirmed by various studies on corruption in Ghana, indicating a high awareness of corruption across the country. A survey by Ayee (2016) and the Institute of Economic Affairs showed high knowledge, awareness, and understanding of corruption in Ghana. This is similar to a survey on public perception of the state of corruption, public accountability and environmental governance in Ghana by the National Commission for Civic Education (NCCE) which also suggests a high awareness of corruption in Ghana across the regions (Republic of Ghana, 2017). Ironically, the study by the NCCE also revealed that while the CHRAJ was seriously building ethics structures and committees to address anti-corruption in other public institutions but failed to build its internal ethics structures (Republic of Ghana, 2017). According to the Ethics Officer, CHRAJ drafted the code of conduct and conflict of interest guidelines, sexual harassment policy and the gift policy, which other public sector institutions used as benchmarks to develop their sexual harassment, code of conduct and gift policies (Fieldwork, 2021).

The 2019 NACAP Progress Report identified the Social Security and National Insurance Trust, the Ministry of Transport, the Internal Audit Service, the Ministry of Gender, Children and Social Protection, the Ghana Center for Democratic Development, the Bank of Ghana, the

Ministry of Finance, the Municipal and District Assemblies and the Public Service Commission as some of the sexual harassment policies implementing partners (Republic of Ghana, 2019). These policies are laudable, but the challenge has always been their low awareness and poor implementation.

### **6.3.2. Investigation of Cases on Corruption**

Investigation is one of the core mandates of all anti-corruption institutions all over the world. The hallmark of the ombudsman system and anti-corruption institutions in the Scandinavian countries is their capacity to investigate and resolve complaints in a mainly informal, inexpensive and speedy means (Ayee, 1994:166). Investigation of complaints related to human rights, administrative justice and corruption has been the primary mandate of the CHRAJ. The investigation of corruption is specifically outlined in Article 218 of the 1992 Constitution of Ghana and Section 7(a,e,f) of the CHRAJ Act 1993 (Act 456) as follows:

- a) To investigate complaints of violations of fundamental human rights and freedoms, injustice, corruption, abuse of power and unfair treatment of any person by a public officer in the exercise of his official duties.
- e) To investigate allegations that a public officer has contravened or has not complied with a provision of Chapter Twenty-four (Code of Conduct for Public Officers) of the Constitution, namely that a Public Officer shall not put himself in a position where his personal interest conflicts or is likely to conflict with the performance of the functions of his office.
- f) To investigate all instances of alleged or suspected corruption and the misappropriation of public monies by officials and take appropriate steps, including reports to the Attorney-General and the Auditor General, resulting from such investigation.

Interviews with investigators showed that they were more conversant with Constitutional Instrument (CI) 67 and the CHRAJ Act than the CHRAJ 2008 Investigation Manual, which is a comprehensive operational manual with procedures and timelines for different types of investigations. For example, anti-corruption cases are expected to be classified with timelines allocated to them, as illustrated in Table 6.3.

**Table 6.2: Classification of cases and timelines**

S/No	Colour	Meaning	Timeframe for Investigations	
			Preliminary (Within:)	Full (Within:)
1	Blue	Lack of mandate	7 working days	N/A
2	Green	Simple/ Ordinary	30 days	3 months
3	Yellow	Fairly simple	40 days	4 months
4	Violet	Complex/Special	3 months	2 years
5	Grey	Whistleblower	N/A	45 days
6	Black	Whistleblower (Victimisation)	N/A	2 months
7	Red	High Profile	3 months	2 years

**Source: CHRAJ Investigations Manual (2008: 35)**

The timelines for the cases may be extended based on the discretion of either Investigators, Directors or Commissioners. The fieldwork did not find much evidence to support that the classifications and timelines were strictly adhered to by the investigators. Data gathered from the annual reports on anti-corruption cases also showed that both ordinary and high-profile cases can take a longer period between three months to more than two years for a full investigation.

Furthermore, unlike the education against corruption that started in 2005, the investigation of anti-corruption cases started in 1994 with the investigation of the first high profile cases. The study found that over 70% of the CHRAJ investigations since its inception mainly centered on human rights violation cases, with the remaining 30% on the investigation of anti-corruption and administrative justice cases. The CHRAJ, from 1993 to 2010 investigated about 273, 038 high and low cases on its three mandates, with 263 592 resolved. Thus, the CHRAJ investigated over 96% of the total cases in human rights, administrative justice and corruption.

Moreover, though the CHRAJ has gained national and international confidence due to its recognition of handling high-profile cases of corruption across all regimes, over 60% of its cases were based on human rights, followed by administrative justice and corruption as the least among them. On its anti-corruption mandate, the CHRAJ investigated sitting presidents (Kufuor and Mahama) in the “Hotel Kufuor” and the “Ford” cases, respectively. Other high-profile cases involved some sitting ministers of state and presidential staffers (Ayamdo, 2018; Republic of Ghana, 2019). In addition, some top public officials from some ministries, departments, and agencies (MDAs) and the private sector, such as Zoomlion, were also investigated. However, it gave less attention to the private sector due to its limited scope, which focuses on corruption within the public sector and can only investigate a private citizen for corruption only when public money is involved. For example, Baba Kamara, a private businessman challenged the mandate of the CHRAJ in 2010 in reference to Article 218(e) of the CHRAJ Act (Act 456) that it can only investigate public officials and not private citizens in relation to anti-corruption complaints. Based on this the CHRAJ filed a suit and objected to his claim. Justice Date-Bah, a Supreme Court Judge, on 8<sup>th</sup> February 2011 ruled that the CHRAJ has the mandate to investigate a private individual, entity and or person who is alleged to be involved or implicated in an act of bribery or corruption allegedly committed (by) a public official or officials and who is or are being investigated by the Commission (Supreme Court of

Ghana, 2011). This judgment expanded the anti-corruption mandate of the CHRAJ to investigate private persons for corruption (Fieldwork, 2021).

Both Article 219 of the 1992 Constitution and Act 456 affirm the CHRAJ's special powers of investigation to aid its performance. As already pointed out, the CHRAJ has the power to subpoena any persons before it and request any document or record relevant to any of its investigations (Republic of Ghana, 1992; Republic of Ghana, 1993). Despite the challenges of the investigators in not getting evidence and feedback from public institutions to assist investigations, the subpoena power has seldom been used by the CHRAJ in cases where the complainant or respondent refused to produce evidence. However, in a few cases that it was used, the CHRAJ was challenged in court for not following due process in the exercise of the special power of a subpoena, as happened in the Freddie Blay case already cited in Chapter 5. Hence, in the exercise of such special power, the alleged failure by the CHRAJ to exercise due diligence can undermine its investigation of alleged cases of corruption, which can also derail the fight against corruption.

In terms of the impact on good governance, the court verdict on Richard Anane's case showed that the power to investigate a corruption allegation based on a complaint from an identifiable complainant, and particularly, the exercise of subpoena power in the case of non-compliance, also hinges on the application of the rule of law which binds the CHRAJ as well as the complainants and the participants. This case also reinforces the views of Christensen and Læg Reid (2015) and Dubnick and Yang (2011) on the paradox between accountability and efficiency and the extent to which accountability translates into efficiency. This requires the CHRAJ to undertake due diligence in its investigations and exercise its special power. In respect of the shared responsibility in the fight against corruption, it also means that the CHRAJ and its anti-corruption stakeholders will rely on the legal system to determine alleged

corruption cases in a fair and just manner and according to the law in order not to jeopardise accountability and the efficiency of anti-corruption agencies (Christensen and Læg Reid, 2015; Dubnick & Yang, 2011).

In addition, the findings show that the chronology of high-profile cases that the CHRAJ investigated and concluded under the 4<sup>th</sup> Republic from 1994 to 2021 is not limited to corruption. The high-profile alleged cases, which include the abuse of public office, sexual harassment, illegal acquisition of wealth, conflict of interest, mismanagement of funds, thievery, election-related deaths, and non-disclosure of assets, among others, were found to be anchored in the CHRAJ's three interrelated core functions of promoting human rights, administrative justice, and anti-corruption as essential in the consolidation of Ghana's democratic governance (Abotsi, 2020). This affirms aspects of the principal-agent relationship where the agent is expected to be accountable to the principal (Macho-Stadler and Pérez-Castrillo, 2020). In this case, the accountability mechanism, which is anchored in the 1992 Constitution and the CHRAJ Act, has set accountability based on the explicit functions of the CHRAJ as the agent, which is expected to perform according to the law on behalf of the citizens who are the principals (World Bank Institute, 2005; Lindberg, 2013). Furthermore, the theory of principal-agent requires that the agent is well motivated by the principal to achieve the set objectives. This, unfortunately, has not been the case in the Ghanaian case, as the findings have shown.

Interviews with some of the staff of the CHRAJ revealed that the non-legal staff of the CHRAJ, who are mostly investigators, administrators, auditors, and procurement officers, are all under the Single Spine Salary Structure (SSSS) just like any other staff from other government institutions. According to them, until 2021 the legal staff of the CHRAJ was also put on the SSSS but the Commission advised that they be taken off and placed on the salary structure of

the quasi-judicial bodies such as the Judicial Service, Attorney-General's Office and the Legal Aids Commission. Interviews with some of the legal staff and staff from the human resource department also revealed that given the same qualifications and experience, the legal staff from the other quasi-judicial bodies are better paid and with better conditions of service than the legal staff of CHRAJ. Efforts to get the actual salaries from CHRAJ and the other quasi-judicial bodies to back these claims were unsuccessful. The poor conditions of CHRAJ legal staff have led to their high attrition to other judicial and quasi-judicial institutions such as the Judicial Service and the Attorney-General's Office for greener pastures.

Most lawyers of the CHRAJ are not well motivated because their highest position is the position of Commissioner, which is equivalent to a Justice of an Appeal Court, that is, if one is fortunate enough to be appointed by the president (Fieldwork, 2021). This is unlike their colleagues who can be appointed to the level of a Justice of the Supreme Court within the Judicial Service. A former director of the CHRAJ, however, pointed out that the attrition of the over twenty legal staff of CHRAJ since its inception is one of the achievements of the CHRAJ because of the important positions they occupied within the Judicial Service as judges of the District, High and the Appeal Courts.

The findings also show that the low reporting of cases is largely out of the culture of public fear, and the trust deficits in the public sector, including some internal challenges where all anti-corruption cases have primarily come from the head office in the Greater Accra Region. For instance, the Whistleblower Act, which the CHRAJ led to the design, is yet to be implemented because the required structures for protecting whistleblowers are not in place. Similarly, the passage of the Rights to Information Act 2019, Act 989, is yet to be effectively operationalised. Due to these limitations, diagonal accountability serves as an important mechanism in the activities of the CHRAJ. In that sense, the media, CSOs, and the public can

hold the CHRAJ accountable through advocacy, watchdog, public education, and vice versa. To further deepen the accountability mechanism, the theoretical literature helps us explain the research findings in the context of how Parliament can also be strengthened to support the enforcement of the mandate of the CHRAJ through its committee systems and vice versa.

In addition, the study also found that since the CHRAJ ratified the UNCAC, some corruption issues related to conflict of interest have not been criminalised, which limits the capacity of the CHRAJ in terms of the kind of recommendations it can make after a case has been investigated. This limitation also affects the courts because judicial decisions on issues of conflict of interest may not be effective enough to serve as a deterrent to others. In the case of the CHRAJ, after its investigations, recommendations are made to the Attorney General, and it may end there. In other words, while the CHRAJ has the capacity under the law to investigate all alleged cases of corruption and enforce some of its findings, such as order the reinstatement of a public officer, search, seize or confiscate properties of corruption without going to court, it can only make recommendations to the Attorney-General in terms of prosecution under the law. The Attorney-General then has the discretion over prosecution based on the criminal nature of the cases. The main challenge is that because the Attorney-General is also a government appointee, some high-profile cases may not see the light of prosecution. Where cases are litigated in court, the cumbersome judicial process may also hamper the extent to which the anti-corruption processes transition to the stage of the prosecution to serve as a deterrent to others. This also confirms the notion that in the fight against corruption, the success or efficacy of accountability requires significant political will from sub-types of accountabilities, be they vertical, horizontal, or diagonal, where the executive, Parliament, judiciary and CSOs perform their different roles which may likely lead to democratic accountability (Brinkerhoff, 2001).

### 6.3.3 Enforcement of Anti-Corruption Cases

The enforcement of anti-corruption has been at the centre of the fight against corruption. The CHRAJ has been empowered in Section 18 (2) of the CHRAJ Act, Act 456, 1993, to enforce its decisions and recommendations in court when they are not implemented within three months. The prosecution of anti-corruption cases by the CHRAJ based on its Investigative Manual (2008) takes three forms. Firstly, is the enforcement by the CHRAJ of its recommendations if the parties have failed to implement them within three months. Secondly is the enforcement on behalf of the Commission through the employment of any competent person to petition the court and act on its behalf to seek remedy. Thirdly is the enforcement by the parties on their own choice per the CHRAJ's Act and the 1992 Constitution to seek enforcement of its recommendations in court. Unfortunately, the study was unable to gather evidence on anti-corruption cases that have been enforced over the years except for the high- and low-level cases that were investigated over the years. When the researcher enquired about the reason for the lack of data and information on the number of anti-corruption cases enforced, a senior legal officer pointed out that there were cases enforced on human rights and that those of corruption were not readily available. This reinforces the view of Persson et al. (2013, as quoted in Asamoah and Ofose-Mensah 2018:990) that "Primarily, the principal-agent theory mistakenly assumes that there will be 'principled principals' in civil society and positions of power, which will want to fight corruption through the enforcement of anti-corruption laws". Nevertheless, the reality is that the lack of enforcement of corruption cases has been a major challenge not limited to only CHRAJ but the judiciary and quasi-judicial institutions around the globe (Owino, K. 2019). This calls for pragmatic measures to ensure that the decisions and recommendations of the CHRAJ are enforced.

The CHRAJ investigations and prosecutorial powers are not without challenges as indicated by the data. Low reporting of anti-corruption cases, low enforcement, and inadequate personnel

and resources coupled with internal challenges, including unnecessary bureaucratic procedures that the investigation of cases attracts, continue to impede the CHRAJ's effort to effectively promote its anti-corruption mandate. The low prosecution of cases as evident in the findings provided, is not limited to CHRAJ but is a major problem affecting the fight against corruption and governance in general. According to over 50% of the participants, this is mainly due to the Attorney-General, who is part of the government and allegedly reluctant to prosecute their party members. To deal with this problem, the majority of people who appeared before the Constitution Review Commission (CRC) recommended that the position of Attorney-General should be decoupled from that of the Ministry of Justice to ensure neutrality in the prosecution of cases. The CRC, after its examination, recommended the following:

The Commission ... finds that an Office of the Independent Public Prosecutor is not only expensive to create and maintain, but it could also just become another layer of bureaucracy, and there is no guarantee that the Office will be immune from the forces that have adversely affected successive Attorneys-General under the 1992 Constitution in their prosecutorial function. The Commission ... finds that the calls for decoupling the two positions are based on a handful of prosecutions that may be said to be politically motivated and that the overwhelming majority of prosecutions do not have that coloration. In any event, the Commission has recommended the repeal or clarification of the nebulous law on causing financial loss to the state used for those problematic prosecutions (Constitution Review Commission, 2011: 130).

Furthermore, the excessive powers of the executive, including those of appointment of heads of anti-corruption institutions and other public institutions, have not helped in ensuring a transparent, efficient, equitable, bureaucratic answerability, fair and reliable judicial system, freedom of information and expression and effective and efficient public sector management,

which are necessary to enhance the fight against corruption. As some participants had emphasised, this has resulted in political mantras by both the majority and minority parties under Ghana's Fourth Republic.

#### **6.4 ASSESSMENT OF THE CAPACITY OF CHRAJ (IN TERMS OF RESOURCES) IN THE PERFORMANCE OF ITS ANTI-CORRUPTION MANDATE**

In comparative terms, the results have shown that, unlike the third ombudsman, which was limited in its mandate and scope of operations, the 1992 Constitution gave the CHRAJ a wider mandate with powers including functional and operational independence. Compared to the ombudsman, the CHRAJ is expected to have independent funding charged directly from the Consolidated Fund. Its independent funding has not yet been realised, and currently, the CHRAJ is in court fighting for the interpretation and enforcement of its financial independence.

An assessment of the CHRAJ under the 4<sup>th</sup> Republic has made significant structural inroads in decentralisation. In 2022, the CHRAJ has offices in 136 districts of the 261 districts within the 16 regions. The significance of this development is that the CHRAJ under the 4<sup>th</sup> Republic has created greater accessibility at the sub-national level in terms of the decentralisation of public accountability and answerability (Schedler et al., 1999). However, in numeric terms, a deficit of 125 districts has not been covered. This equally undermines the extent to which citizens in those areas can access the free services of the CHRAJ. Administrative accountability is central to ascertaining the effectiveness and efficiency of the district and regional offices of the CHRAJ (Bevir, 2009: 34).

Similarly, though the CHRAJ had increased the number of its staff in 2021, it is woefully understaffed in the investigation of cases at the head office and sub-national level. For example, its total national staff capacity is 882, out of which 27 are lawyers (9 females and 18 males). It has

18 regional and sub-regional directors, of which 15 of them are males, with 5 females and 322 investigators. Apart from the gender disparity of staff, the 882 staff compared to the 30.8 million Ghanaians makes the staff over-burdened with the investigation of cases coupled with other responsibilities. Another major capacity challenge relates to the location of some of its offices and the implication on the apolitical image of the Commission. For instance, in some of the districts, the CHRAJ is housed within District Assemblies buildings. This development has the likelihood of creating bad precedence since the CHRAJ is supposed to maintain its independence in holding those political structures or bodies accountable.

The study also revealed that the capacity of the CHRAJ has an impact not only in the context of the fight against corruption through prevention, investigation, and enforcement but also on good governance in general. However, these prospects also come with challenges that need to be remedied. For instance, one advantage the CHRAJ has in terms of its capacity is the wide range of constitutional and legislative functions, as shown in Appendix B. In other words, while the CHRAJ has its original human rights, administrative justice, and anti-corruption mandates drawn from the 1992 Constitution and Act 456, it has also been given additional powers from sections of other legislations, which include the Office of the Administrator of Stool Lands Act, 1995 (Act 481), Children's Act 1998 (Act 560), Juvenile Act 2003 (Act 653), Human Tracking Act 2005 (Act 694) and Whistleblower Act 2006 (Act 720). This is significant because the fight against corruption cannot be successful without recourse to a legislative framework that provides several alternatives to anti-corruption bodies. Hence, the combination of the original and additional powers of the CHRAJ makes it a multi-sectoral stakeholder in the performance of its anti-corruption mandate. However, the challenge associated with the multiplicity of powers is that there is a likelihood of sidelining the anti-corruption mandate. For example, with respect to the original powers, the findings showed that the public education activities focused more on the human rights mandate than the anti-corruption one.

Similarly, while some sections in the Office of the Administrator of Stool Lands Act and the Whistleblower Act provide the CHRAJ with some direct anti-corruption powers, the Children's Act, the Juvenile Act, and the Human Trafficking Act are directly related to other functions like human rights. This means that the mandates of the CHRAJ should be viewed in the context of complementary mandates rather than separate mandates. This confirms the broad notion of accountability where the promotion of the three mandates of the CHRAJ is broadly geared towards the promotion of administrative, performance and public accountability, among others (Brinkerhoff, 2001; Bevir, 2009; Lindberg, 2009; Sinclair, 1995).

The CHRAJ, through its mandate, has been able to contribute to the improvement of policy and legislation under the 4<sup>th</sup> Republic (see details in Appendix C). For example, through internal and external mechanisms such as training workshops, launches, round table discussions, and conferences, the CHRAJ has had an impact in areas such as the creation of stakeholder awareness on the need to strengthen national integrity, the development of the NACAP, the Witness Protection Fund, advocacy for the passage of the Whistleblower legislation and Guidelines on Conflict of Interest of Public Officials, the Right to Information Act, the Public Officers Code of Conduct Bill and the facilitation of the asset declaration regime. However, some of these policies and legislations have faced implementation challenges partly due to the lack of political will, inadequate commitment, ownership and financial constraints. For instance, as earlier noted, structures to make whistleblower protection effective are not in place. While the Right to Information Law has been passed, there are no structures to make the law operational. In the area of policy, low institutional commitment and a poor sanctions regime have affected the implementation of the NACAP. Overall, it can be argued that based on the findings, the investigative, preventive and enforcement of anti-corruption cases by the CHRAJ contribute significantly to good governance through free, non-politicised, and non-adversarial public services. However, the success of the CHRAJ, to a large

extent, depends on the shared responsibility of different stakeholders, which includes effective vertical accountability from other oversight and prosecutorial state agencies like Parliament and the Attorney-General's Office, public education and the advocacy role of the media and CSOs in terms of effective diagonal accountability (Luhmann, 2020).

## 6.5 CONCLUSION

The chapter has discussed the assessment of the CHRAJ based on its anti-corruption mandate in the context of empirical, theoretical and comparative literature using accountability and the principal agent theory. This was done by examining the causes of corruption in Ghana, the strategies to address them, the investigative, preventive, and enforcement roles of CHRAJ in the fight against corruption, its capacity and the challenges faced and how they were addressed.

The chapter has demonstrated that though Ghana has made significant strides in its social, economic and political development, the country has not been immune from the menace of political, social or cultural, economic, and institutional dimensions of corruption. The progress made by the CHRAJ in the fight against corruption has been significant. As the chapter has shown, the CHRAJ has permeated and contributed to all facets of democratic governance in general and specifically in addressing the political, social-cultural, economic, and institutional causes of corruption in Ghana. However, some of these contributions have not been without structural, human resources and financial challenges. Though the study acknowledges the collaboration between CHRAJ and its stakeholders, it has been hampered by working in silos, jurisdictional turf wars and duplication of roles. These challenges when not addressed through a concerted effort, may give space for corruption to thrive at different levels of Ghanaian society. This is because the corrupters take advantage and always try to be ahead of policymakers and implementers in the fight against corruption. Accordingly, apart from CHRAJ, there is a need for other anti-corruption agencies such as Parliament, the Judiciary,

Office of the Auditor-General, Ministry of Justice and Attorney General, Office of the Special Prosecutor, Economic and Organised Crime Office, Ministries, Departments, and Agencies to work together in fighting corruption. Non-state actors such as the media, CSOs, the private sector, and citizens must show more interest and work with state stakeholders to deal with the scourge of corruption.



## CHAPTER SEVEN

### SUMMARY, CONCLUSION, AND RECOMMENDATIONS

#### 7.1 INTRODUCTION

This thesis set out to assess the Commission on Human Rights and Administrative Justice (CHRAJ) based on its anti-corruption mandate as stipulated in the 1992 Constitution and the CHRAJ Act of 1993 (Act 456). Specifically, it explored the following: (i) the causes of corruption in Ghana and the strategies to address them; (ii) the investigative, preventive, and enforcement roles of CHRAJ in the fight against corruption; (iii) the capacity of CHRAJ in the performance of its anti-corruption mandate, the challenges faced and how they were addressed.

This chapter summarises the key findings based on the research objectives, concludes, makes recommendations to improve policy, and sets an agenda for further research. The chapter ends with the lessons learned and implications.

#### 7.2 SUMMARY OF FINDINGS

The paragraphs below summarise the key findings in reference to the research objectives.

##### 7.2.1 The Causes of Corruption in Ghana and the Strategies to Address them

First, the study found that although Ghana under the Fourth Republic is a beacon of constitutional democratic governance in Africa, the country is not immune from corruption's menace, leading to stagnation in its fight against corruption. The stagnation is confirmed by several national and international reports and surveys, including the reports of the Auditor-General's Report (2016–2019), Public Accounts Committee (2020) of the Parliament of Ghana, CHRAJ, Global Corruption Barometer, Africa (2019), and the Transparency International Corruption Perception Index. Notably, the thesis revealed that the fight against corruption by CHRAJ remains central to eradicating it because the canker is prevalent in the country's

political, social cultural, economic, and institutional fabrics. For example, the thesis found that as a result of the winner-takes-all politics, those who finance political campaigns are expected to recoup their investment from corruption through political manipulation, appointments, government contracts, procurement breaches, embezzlement of public funds, the abuse of public office, favouritism and nepotism, unlawful diversion of public funds and the evasion of taxes. Other factors that trigger the menace of corruption include the excessive demand for wealth, lack of uniformity in pay structure, social dependency, the culture of gift-giving, poor institutional leadership, low prosecution of alleged perpetrators, and the violation of anti-corruption laws, among others.

Second, despite the separation of powers guaranteed by the 1992 Constitution, the Constitution had created a powerful Executive at the expense of weak legislative and judiciary arms of government. Hence, there is a power disparity within the three arms of government in the exercise of checks and balances. Though they are expected to be institutional equals to promote vertical accountability, the power disparity has created an opportunity that has undermined the role of political will in the fight against corruption.

Third, the thesis findings show that Ghana has adopted comprehensive constitutional, legislative, and institutional reforms, and societal measures to fight corruption under the Fourth Republic. Others include politically motivated efforts by the international community and surveys on corruption to strengthen the country's anti-corruption strategies. Nevertheless, these reforms, policies, laws, and anti-corruption programmes lack effective and efficient implementation to achieve the desired results leading to the ineffectiveness of anti-corruption strategies (Asamoah and Ofori-Mensah, 2018). In addition, these anti-corruption strategies lack comprehensive and specific legislation. They are also full of duplication of roles and complexities of actions with no clear policy guidelines to clearly demarcate actors' roles in a well-coordinated anti-corruption effort.

In addition, the study also found that various governments under the Fourth Republic of Ghana have exhibited some level of political will in strengthening anti-corruption institutions, increasing transparency and accountability, and putting in specific reforms and policies, including a bi-partisan National Anti-corruption Action Plan (NACAP), which has become a significant blueprint for tackling corruption. Nevertheless, the fight against corruption cannot be limited to the executive branch of government. Notably, in the case of the CHRAJ, the effectiveness of its role to contribute to the reduction of corruption goes beyond not only increasing its budget and recruiting additional staff but also having financial independence as stipulated by the CHRAJ 1993 (Act 456) and ensuring that its staff are well-remunerated and equipped with the required modern logistics to carry out their responsibilities. In other words, to uphold the principle of accountability in the fight against corruption, commitments by government and bureaucrats are necessary, as well as the effective and efficient operations of key anti-corruption institutions such as the CHRAJ, Office of the Special Prosecutor, the Police, Judiciary, Parliament, National Commission for Civic Education, CSOs, Ministries, Departments and Agencies including the public to hold governments accountable for their stewardship.

## **7.2.2 THE PREVENTIVE, INVESTIGATIVE, AND ENFORCEMENT ROLES OF THE CHRAJ IN THE FIGHT AGAINST CORRUPTION**

### **7.2.2.1 Prevention**

First, the study found that the prevention of corruption by the CHRAJ before Ghana's Fourth Republic was uncoordinated until the introduction of the NACAP, which served as a non-partisan national approach to fight corruption (NACAP, 2015). The NACAP approach to deal with corruption aims to develop clear procedures and regulations in the recruitment, promotion, and discipline of staff, establish precise complaint mechanisms, procurement, codes of conduct,

ethical guidance, and transparency in the funding and expenditure of political parties and the private sector (NACAP, 2015:41).

Second, the findings indicated some preventive activities that had been implemented under the NACAP, such as the regulations on public sector reporting on anti-corruption measures, digitisation of the public sector, the development of a public sector code of conduct and sexual harassment policies, and the unification of allowances in the public sector. Others include the passage of the Office of the Public Prosecutor Act 2017 (Act 959) and the Right to Information Act 2019 (Act 989).

However, the thesis identified some challenges with the implementation of the NACAP, which include inadequate political will by succeeding governments and insufficient commitment by bureaucrats. Other challenges identified by the study's participants are a lack of an identifiable source of funding for the implementation of the NACAP and low and poor reporting of anti-corruption activities by implementing partners. There is also the overly concentrated public education on anti-corruption within the public sector to the detriment of anti-corruption activities within the private sector and faith-based organisations and petty corruption among the public, particularly within schools, communities, universities, marketplaces, and churches.

In spite of the challenges, the study found that the CHRAJ has been consistent in producing the NACAP Annual Progress Report from 2015 to 2020, which was submitted to Parliament. It indicates the success made in the implementation of the long, medium, and short-term activities, challenges and recommendations. Regrettably, however, Parliament has yet to subject these reports to scrutiny. The inability of Parliament to discuss CHRAJ's annual reports and the NACAP progress report has denied the general public the information to know what CHRAJ has done or not done over and this creates the public impression that CHRAJ has not been effective in its effort to address the menace of corruption (Fieldwork, 2022).

Third, the findings also confirmed a study by Ayee (2016) that through the efforts of the CHRAJ and its stakeholders, there is greater awareness and intolerance towards the menace of corruption. However, the first Deputy Commissioner asserted that public servants were surprised to see the CHRAJ organise a conference on corruption in its early stages. Today, corruption issues are discussed in the media, the market, churches and schools.

Fourth, the findings also demonstrated that the CHRAJ consistently submitted its annual report to Parliament and published it on the CHRAJ website for the past twenty-seven years (1993 to 2020). This demonstrates the good governance and accountability principle by the CHRAJ as an agent to its principal (Parliament and Ghanaians). However, the principals rarely scrutinise reports to hold the CHRAJ (the agent) accountable.

#### **7.2.2.2 Investigation and Enforcement**

First, the findings indicated that the CHRAJ had implemented its original functions by the following legislative and policy frameworks: Chapter 18 of the 1992 Constitution and Article 218, which outlines the functions of the Commission; Chapter 24 of the 1992 Constitution on the Code of Conduct for Public Officers; The CHRAJ Act 1993 (Act 456); The CHRAJ (Investigations Procedure) Regulations, 2010 (CI 67); The Whistleblower Act 2006 (Act720); and the National Anti-Corruption Action Plan (NACAP 2015-2025).

Second, the CHRAJ has asserted its independence by investigating all sitting presidents and ministers under the Fourth Republic. It has performed its functions by investigating human rights, administrative justice, and corruption cases by adhering to the provisions concerning receiving and investigating complaints and adhering to procedures after investigations. In addition, it has established regional and district offices that invoked its special powers and refused to investigate cases in accordance with Section 13 of the CHRAJ Act (Act 456).

Third, the findings on investigations show that between 1993 and 2009 the CHRAJ received 162, 070 cases of human rights, administrative justice, and corruption and resolved 159 216 cases which constituted 98% of the total cases investigated. Furthermore, the CHRAJ investigated 110,399 out of 110,968 cases received from the years 2010 to 2020. This also represents over 99% of cases resolved.

However, there is a significant disparity of cases resolved based on the three mandate areas. While cases resolved on human rights and administrative justice constitute over 90%, the anti-corruption cases resolved constituted 46%, indicating a lower percentage of cases resolved than human rights and administrative justice from 2010 to 2020. Averagely, the Commission concluded over 50% of cases annually (see Table 5.3.). The explanation behind the over 90% of cases resolved in human rights and administrative justice includes those pending during the previous years. In addition, allegations of corruption complaints received by the CHRAJ increased marginally since 2012 except in 2013. In 2020, the Commission recorded an increase from 66 cases received in 2019 to 158 cases representing an exponential increase of 139.4% in the allegation of corruption cases received in 2020. Out of the 158 cases of corruption, 119 (75.3%) were received in non-disclosure of assets.

Fourth, the assessment also pointed out that the CHRAJ has gained both national and international recognition and relevance due to the investigation of both low and high-level anti-corruption cases it investigated and concluded under the Fourth Republic. These cases involved heads of state, sector ministers, public institutions, public servants, and the private sector. In addition, though the CHRAJ is mandated to fight corruption within the public sector, the Okudzeto Ablakwa case expanded its mandate to investigate cases that involve the private sector. From the findings, this opportunity has not been fully explored to address corruption within the private sector. Moreover, funding of political parties was noted as one of the key

sources of the causes of corruption. Nevertheless, the CHRAJ has yet to adequately address corruption within the political parties.

Also, the lack of evidence to support the allegation of corruption was noted as one of the main challenges that impede the CHRAJ's anti-corruption mandate. Yet, this extraordinary power to subpoena persons and documents has seldom been utilised by the CHRAJ. In a few cases, such as the Freddie Blay bus purchase case, it was rejected by the court. Though it affected the CHRAJ, it shows that the CHRAJ's authority can be challenged in court and that it does not exercise absolute powers. Similarly, the court ruling on the Dr Richard Anane case shows that the powers of anti-corruption institutions are not without limits, and other institutional equals can play a significant role in reshaping how anti-corruption cases are investigated, especially when there is a lacuna in the law.

In essence, even though the court can play a significant role in the fight against corruption, the onus lies on anti-corruption bodies like the CHRAJ to implement their mandates in accordance with the law by exhibiting administrative accountability as the bedrock of democratic governance. However, the study failed to gather evidence on the number of anti-corruption cases the CHRAJ has enforced over the years mainly because of the internal and external barriers that impeded the exercise of this mandate which has subsequently contributed to the low prosecution of anti-corruption cases.

### **7.2.3 The Capacity of the CHRAJ in the Performance of its Anti-corruption Mandate, the Challenges Faced, and How They Have Been Addressed**

First, the outcome of the assessment of the capacity of the CHRAJ shows that in terms of human, logistical, and accessibility, there has been an increase in the number of offices in the regions and districts over the years. For example, its 1993–1994 Annual report indicated that the CHRAJ established its national headquarters and offices in 10 regions and 28 districts. The

national headquarters initially had four Directors (Operations, Legal, Administration and Chief Accountant) with 14 units under its first organogram. It currently has over 10 Directors out of which 5 are women. The number of staff continues to increase though inadequate. The Anti-corruption Department moved from three staff in 2006 to over twelve in 2018 at the national headquarters. The current total staff is 894 and consists of 574 males and 320 females signifying gender disparity. The CHRAJ has offices in all 16 regions and 163 districts out of the current 261 districts.

Second, the findings demonstrated that various development partners supported the CHRAJ financially and technically in implementing its anti-corruption mandate. Among them are the Danish International Development Agency (DANIDA), the United Nations Development Programme (UNDP), and the European Union Accountability and Rule of Law Programme. From the findings, the Government of Ghana has constantly provided financial support to the CHRAJ since its inception, with a substantial rise in budgetary allocation since 2016.

However, the challenges of inadequate human and financial resources have also existed since the beginning of the CHRAJ. For example, the first Commissioner of the CHRAJ, Emile Short, lamented in the CHRAJ 1993-1994 Annual Report the continuous dependence of the CHRAJ on the Ministry of Finance for budgetary allocation was frustrating and called for direct submission of the budget to Parliament for vetting and approval (Republic of Ghana, 1994). This frustration still exists because the suggestion and efforts to have independent funding subject to Parliamentary approval still linger from the first inception annual report to date. The CHRAJ has been given additional responsibilities, as indicated in Appendix 2, but the current state of logistics is still inadequate, particularly within the districts and regional offices.

Third, the findings also show that the CHRAJ had strengthened good governance in Ghana. This is evidenced in holding public officers accountable at different levels, including

investigating low- and high-profile anti-corruption cases, public education, public sector digitisation, development of a code of conduct and sexual harassment policies. Its partnership with stakeholders from government and non-governmental organisations, including the media, CSOs, and think tanks, from its inception in 1993 has significantly enhanced good governance.

In sum, the findings on the assessment of the anti-corruption mandate of the CHRAJ under the 4<sup>th</sup> Republic have reinforced the general theoretical typology of the accountability relationship.

In other words, an effective anti-corruption pursuit by statutory bodies like the CHRAJ, to a large extent, hinges on the complementary role of different stakeholders, which includes the deepening of vertical and horizontal accountability among institutional equals and unequal oversight bodies and the citizenry, respectively. Diagonally, the media and CSOs remain paramount in helping the CHRAJ advance anti-corruption priorities through public education, advocacy and watchdog roles (Luhmann, 2020; Brinkerhoff, 2001).

### **7.3 CONCLUSION**

This thesis has assessed the Commission on Human Rights and Administrative Justice (CHRAJ) based on its anti-corruption mandate as stipulated in the 1992 Constitution and the CHRAJ Act of 1993. More specifically, it explored the following objectives: (i) the causes of corruption in Ghana and the strategies to address them; (ii) the investigative, preventive, and enforcement roles of the CHRAJ in the fight against it; and (iii) the capacity of the CHRAJ in the performance of its anti-corruption mandate, the challenges faced and how they were addressed.

The thesis used the concept of accountability and the principal-agent theory to explain how the CHRAJ has performed its anti-corruption mandate. The thesis further deployed qualitative research methods, out of which semi-structured interviews, documents and thematic analysis were used to undertake the empirical chapters.

From the findings, there is no doubt that the CHRAJ has played a critical role in the fight against corruption under Ghana's Fourth Republic through constitutional, legislative and policy frameworks. Both original and additional powers provide the legal basis for pursuing a significant anti-corruption mandate within prevention and enforcement. As part of its contribution to general good governance and anti-corruption in particular, the NACAP has helped the CHRAJ to facilitate oversight responsibility of public institutions where the regular reporting of anti-corruption issues can serve as a mechanism for preventing institutional corruption in the first place. However, the major priority of the NACAP has not been realised partly because of the low reporting of corruption by various implementing partners and inadequate political will from major oversight bodies like Parliament to ensure strict compliance. Another significant mandate of the CHRAJ is the power to investigate all forms of low- and high-profile alleged corruption cases based on the public's complaints.

Furthermore, within the anti-corruption domain, the expectation is that the recommendations of such investigations are concluded and enforced directly in court through the Attorney-Generals' Office. However, to a certain extent, this expectation has been impeded by excessive powers of the Executive to appoint heads of the Judiciary, the Attorney-General, the Special Prosecutor, and ministers from Parliament.

Thus, effective democratic efforts in the fight against corruption in Ghana should be considered as a shared responsibility of the CHRAJ in partnership with different stakeholders, which includes the oversight responsibility of state institutions like the Parliament, the Judiciary, the Attorney General, the Office of the Special Prosecutor, the Police, as well as the media, CSOs, and the citizenry.

## 7.4 RECOMMENDATIONS

Against the backdrop of the findings and the conclusion of the thesis, the following recommendations are made for policymakers, practitioners and academics to promote the fight against corruption and statutory democratic governance.

### 7.4.1 Legislative and Policy Recommendations

From the study, Ghana has numerous national and international policies and pieces of legislation on corruption that target specific areas of corruption but lacks one comprehensive domestic law that defines and criminalises various types of corruption, including conflict of interest and illicit enrichment. Hence this study recommends the amendment or enactment of one comprehensive law on corruption which will reflect the United Nations Convention on Corruption and the African Union on Prevention and Combating Corruption. An example of such a law is the United Kingdom Bribery Act 2010, which has gone through various amendments to reflect current anti-corruption measures. Act 2010 outlines who a public officer or foreign officials are, the various types of bribery, the offences relating to prosecution and penalties, and private bribery. Others are programmes to enhance compliance, including criminalising inactions to ensure compliance. Act 2010 is similar to other laws on bribery and corruption, such as the Prevention and Combating of Corruption Activities Act, 2004 (PCCAA) of the Republic of South Africa and the Hong Kong Prevention of Bribery Ordinance of 1971 (POBO).

In addition, the poor implementation of anti-corruption policies has been one of the significant challenges in addressing corruption in Ghana (Short, 2015; Ayee, 2016; Asamoah, 2021). Inadequate implementation was also confirmed by over 80% of the study participants as a significant bane that has impeded the CHRAJ's anti-corruption effort. The study suggests a strict, transparent, and bipartisan means to implement anti-corruption laws and policies. Particularly it calls on CHRAJ and its stakeholders to put in place the necessary structures to

implement its Whistleblowers Act, 2006 (Act 720), the Right to Information Act, 2019 (Act 989), the Public Procurement Act 2003 (Act 663), the Asset Declaration Act, 1998 (Act 550) and the NACAP. Very central is the recommendation for Parliament to pass the Conduct of Public Officers Bill (COPO) which has been before Parliament since 2018,

Furthermore, the implementation of NACAP in terms of reporting anti-corruption activities by implementing public institutions has faced challenges partly because of a weak sanctions regime and inadequate public education. To realistically address this impediment, the CHRAJ is recommended to collaborate with CSOs in governance and Parliament to comply with the tenet of the NACAP to operationalise mandatory legal mechanisms where annual reports of the CHRAJ urgently attract discussions and full sanctions regime based on public parliamentary inquiries by the Public Accounts Committee. Parliament should also be encouraged through advocacy by the CHRAJ and CSOs to exhibit more commitment to passing legislation on anti-corruption and overseeing the full implementation of the NACAP just as it passed the Electronic-Levy Bill.

#### **7.4.2 Increase Public Education and Training on Anti-corruption**

The CHRAJ, in collaboration with other statutory independent bodies like the National Commission for Civic Education (NCCE), should intensify and increase public education and train the public on anti-corruption, integrity, transparency, accountability, human rights and corruption, administrative justice through the NCCE civil education programs in the schools, churches, the mosque, communities, media and public sector, among others. This public education on anti-corruption and integrity should be decentralised within the regions and districts. This will help break the culture of accepting corruption as a norm, build a culture of integrity and increase accountability which will consolidate Ghana's democratic governance through the CHRAJ.

### **7.4.3 Independent Funding**

The Executive and all the development partners that have supported the CHRAJ should ensure that the CHRAJ is well resourced, mainly to have its independent funding where its administrative expenses, salaries, allowances, and pensions will be charged directly to the Consolidated Fund and approved by Parliament as stipulated by Article 227 of the 1992 Constitution. The approved budget falls short of the estimated budget of the CHRAJ through expenditure cuts by the Ministry of Finance (Figure 5.10). This is because inadequate financial resources to implement plans, policies, and strategies to address corruption were noted in the study as critical challenges. The CHRAJ should effectively facilitate the interpretation and enforcement of its financial independence as it is currently (2022) pursuing in court (2022).

### **7.4.4 Strengthened Collaboration to Fight Corruption**

The socio-cultural, economic, institutional and political causes of corruption in Ghana cannot be addressed or minimised without a solid collaboration between actors in the fight against corruption. Though the study showed some evidence of the CHRAJ's collaboration with stakeholders right from its first major conference on corruption in 1995, the study suggests that the CHRAJ should revitalise collaboration as emphasized by Sustainable Development Goal 17 which calls for proactive, vigorous and productive coordination among governments and non-governmental institutions, including CSOs, the media, and the general public including the children and youth.

### **7.4.5 Recommendation to Academia**

The CHRAJ should increase collaboration with the educational sector, particularly the Universities and Colleges of Education, to organise lectures and symposia and introduce mandatory anti-corruption, integrity, and accountability courses. The teaching of anti-corruption should also form part of the syllabus of primary and senior high schools in the

country. This is a way of inculcating the ethos of anti-corruption in the youth, who are the country's future leaders.

#### **7.4.6 Improving internal institutional capacity**

As part of innovative efforts to generate more external funding to carry out its activities, the CHRAJ should market its policy-making and research capacity. A deliberate professional training of its staff and encouraging their independent advance in development, the CHRAJ can build an enormous institutional capacity within the industry of human rights, anti-corruption and administrative justice to assist projects in the West African sub-region, Africa and the international setting. Also, the CHRAJ should facilitate the process to complete the review of its scheme of service to make remuneration attractive and better conditions of service and thereby bridge the gap between legal and non-legal staff.

The role of the Executive in the appointment of Commissioners of the CHRAJ was noted to have created the public perception of political manipulation. In recent times, this perception has been somewhat curbed because both major parties in Ghana have had the course to appoint at least one of the three Commissioners. Yet, the political control of statutory bodies cannot be taken lightly. Since the CHRAJ reports to Parliament, the appointment of the Commissioners by the Executive in consultation with the Council of State should be reviewed to include an aspect of Parliamentary scrutiny and approval as suggested by the Report of the Constitution Review Commission (the Republic of Ghana, 2011) In essence, the public and other relevant stakeholders will have the opportunity to scrutinise the competence, capacity and professionalism of potential candidates of independent constitutional bodies which are similar to the CHRAJ through their elected representatives.

#### **7.4.7 Investigations and Enforcement**

Based on the findings, the study concurs with the report of the Constitution Review Commission that the CHRAJ should be allowed to initiate an investigation on its own in conformity with international best practices (Republic of Ghana, 2011). Also, the recommendations and decisions of the CHRAJ should be made binding and enforceable.

#### **7.4.8 Improve leadership and governance**

The CHRAJ operates within Ghana's social, economic, political, and governance context. Hence its efficiency and effectiveness depend on having an enhanced governance system and transformative leadership (Ayee, 2016). This entails creating a culture of integrity, improving the digitalisation of the economy, creating a transparent information system and incorrupt environment and building an accountable economy. It also requires an efficient governance system with a responsive bipartisan Parliament, Media, Judiciary, Attorney General and, where the rule of law is held high without fear or favour in handling corruption cases.

#### **7.4.9 Implement the Constitution Review Commission (CRC) Report**

The CRC recommendations on the CHRAJ should be implemented. They include initiating complaints without an identifiable complainant, the qualification of Commissioners to include non-lawyers, and maintaining its three mandates which reinforce each other instead of decoupling the anti-corruption mandate.

### **7.5 LESSONS LEARNT AND IMPLICATIONS**

Some of the lessons learnt include the following:

- For a constitutional independent anti-corruption institution to perform effectively in addressing corruption within all sectors, it demands an enhanced governance system that ensures that all Ministries, Department, and Agencies (MDAs) and Metropolitan, Municipal and District Assemblies (MMDAs) implement their mandates more

transparently and efficiently and where the rule of law is respected. Anti-corruption policies and laws should be fully implemented. This includes reducing unnecessary bureaucracies within the public service, which create red tapism leading to the flourishing of corruption. This has confirmed the existing literature that anti-corruption institutions do not operate in a vacuum, but their effectiveness depends on an efficient and a good governance system.

- Sustainable collaboration and partnership at all levels of governance (international, regional, national, and district levels) are central to the fight against corruption by an independent anti-corruption institution. Participation and collaboration are key tenets of good governance. This study has therefore extended the principal-agent theory that it is not enough for the principal to outline clear objectives for the agents to implement but also to ensure that the principal works harmoniously and effectively with other stakeholders to achieve the said objectives.
- Having an effective implementation of laws and policies against corruption does not fight corruption except through a strong political will and bureaucratic commitment exhibited by politicians and bureaucrats coupled with support from the general public and civil society organisations that can support the effort made by anti-corruption institutions such as the CHRAJ.
- The fight against corruption demands a holistic approach targeting society's social, economic, and political fabrics to make it successful. Empirical evidence in chapter five shows that the assessment of an anti-corruption institution should not only focus on corruption and anti-corruption within the public service, but also an assessment of how social, political, economic, and institutional factors impede the efforts of institutions such as the CHRAJ to fight corruption.
- The fight against corruption requires that anti-corruption institutions build effective prevention measures, employ modern, sophisticated investigation machinery, and ensure

strict compliance and enforcement structures to build a culture of transparency, accountability, and integrity.

The principal-agent theory assumes that both the principal and the agent act rationally to promote each other's interests (Roach, 2016). However, empirical evidence from chapter five shows that the principal (the citizens) can go contrary to the agreed contract with the agent (the mandates of CHRAJ) to indulge in activities such as the causes of corruption in Ghana. Furthermore, it is possible or likely for both the principal and the agent to go against the objectives set to achieve their personal gains leading to the abuse of office by the actors of anti-corruption, which is a big challenge particularly to the principal. This means that the principal-agent theory should be elastic to ensure the accountability of both the principal and agents in discharging their obligations contained in their agreed contract terms. This line of argument should, no doubt, have implications for accountability and the principal-agent theories, which form the theoretical framework of this study.

## **7.6 AGENDA FOR FUTURE RESEARCH**

This thesis is largely devoted to assessing the CHRAJ in the pursuit of its anti-corruption mandate at the national level. Naturally, therefore, it was unable to cover all the areas of anti-corruption, accountability, and the principal-agent theories vis-a-vis methodological, resource, and word limitations, which do not in any way affect the reliability and quality of the findings of the study. Accordingly, the study proposes the following agenda for future research:

- (i) The employment of a mixed-methods research approach to examine the impact that the preventive, investigative, and enforcement strategies have had on curbing the various causes of corruption;

- (ii) The assessment of the contribution of independent statutory institutions in Ghana, compare and contrast their different and complementary contributions to the consolidation of democracy in Ghana;
- (iii) A comparative study of the CHRAJ compared to similar bodies across the world to ascertain how CHRAJ conforms to regional and international standards in practice;
- (iv) The assessment of the CHRAJ and its anti-corruption mandate within the regions and districts; and
- (v) The examination of the role of CHRAJ in promoting human rights and enhancing administrative justice in Ghana.



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- Interview with Deputy Director of National Development Planning Commission (NDPC), Mr. Jonathan Azasoo. Accra. June, 2021
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- Interview with the Director in charge of Legal and Prosecution of the Economic and Organised Crime Office (EOCO), Mr. Abu Issah. Accra. July, 2021.
- Interview with Director of Decentralization, Ministry of Local Government and Rural Development (MLGRD), Mr. Samuel Seth Passah. Accra. July, 2019.
- Interview with Director of Legal and Enforcement, Commission on Human Rights and Administrative Justice (CHRAJ), Accra. July, 2021.
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- Interview with Director, Advocacy and Policy Engagement, Centre for Democratic Development (CDD), Dr. Kojo Asante. June, 2021
- Interview with Director, Anti-corruption, Commission on Human Rights and Administrative Justice (CHRAJ). Mr. Charles Ayamdo Accra. July, 2021.

- Interview with Director, Policy Planning Monitoring and Evaluation Commission on Human Rights and Administrative Justice and (CHRAJ), Mr. Fadil Rahman. Accra. August. 2021.
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- Interview with Former Deputy Director of Ghana Health Service and Lecturer at the University of Ghana Business School, Dr. Yaw Brobbey-Mbiani. Accra. May, 2021
- Interview with the Former Director of the Central Region and Deputy Director Anti-Corruption Commission on Human Rights and Administrative Justice (CHRAJ). Mr. Theophilus Tetteh Tuwor. Accra. July, 2021.
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- Interview with former Legal Officer and Deputy Chief Investigator of the Anti-corruption Department, Commission on Human Rights and Administrative Justice and (CHRAJ), Mr. Dominic Hammond Koforidua. July, 2021.
- Interview with former Senior Programme Officer of the Danish Embassy, Ms. Suzan Yemidi Accra. August, 2021.
- Interview with Ghanaian lawyer, journalist of the year 2019, and Host of News file on Joy Fm, Mr. Samson Lardy Anyenini. Accra. August. 2021.
- Interview with, Executive Director, of Ghana Integrity Initiative and the Board Chair of the Governing Board of the Office of the Special Prosecutor, Ms. Linda Ofori-Kwafo Accra. August, 2021.
- Interview with Officer of the Ethics Unit of the Anti-corruption Department, Commission on Human Rights and Administrative Justice and (CHRAJ), Ms. Eugenia Appiah. Accra August. 2021.
- Interview with Principal Investigator and Legal Officer of the Anti-corruption Department, Commission on Human Rights and Administrative Justice and (CHRAJ), Edna Dogbe. Accra August. 2021.

- Interview with Senior Investigator, Anti-corruption Department, Commission on Human Rights and Administrative Justice and (CHRAJ). Mr. John Asaamah. Accra. July, 2021.
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- Interview with the Deputy Commissioner of the Commission on Human Rights and Administrative Justice (CHRAJ) in charge of the Anti-Corruption Department Mr. Richard Quayson. August, 2021
- Interview with the First Commissioner of the Commission on Human Rights and Administrative Justice (CHRAJ) Justice Mr. Emile Short July 2021.
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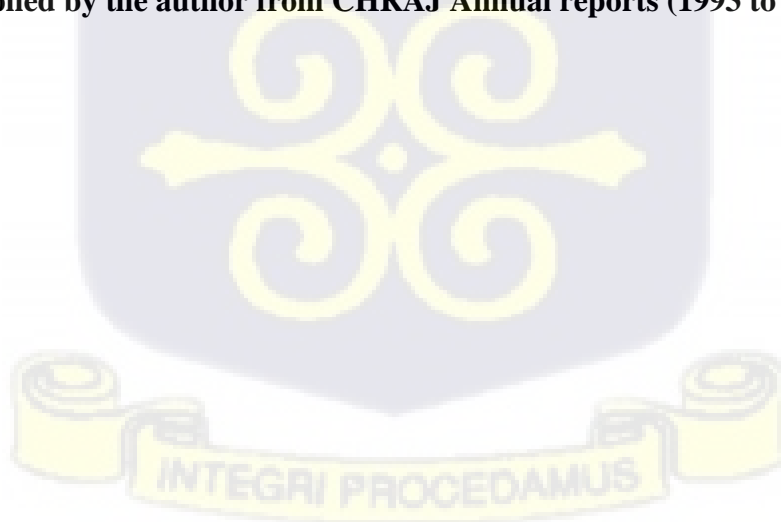
**APPENDICES**

**Appendix 1:**

**The Evolution of the Anti-Corruption Department from 1993-2021**

<b>Year</b>	<b>Placement of the Anti-Corruption Unit</b>	<b>Directors and Deputy Commissioners (Anti-Corruption Unit/Department)</b>
1993 - 1995	Legal Department	Deputy Commissioner, Legal and Operations
1995 - 1998	Legal and Investigation Department	
2001	Public Administration and Anti-corruption Department	Deputy Commissioner, Public Education and Anti-Corruption (Director, Public Education and Anti-corruption)
2001 -2005	Anti-Corruption Unit	
2005- 2015	Anti-Corruption Department	Deputy Commissioner, Anti-Corruption and Public Education (Director, Anti- Corruption)
2016 - 2019	Anti-Corruption Department	Governing Board of the Commission (Director, Anti- Corruption)
2019 – 2020	Anti-Corruption Department	
2020 – 2021	Anti-Corruption Department	Anti-Corruption Department is placed under the Deputy Commissioner in charge of Anti-Corruption, Public Education and Research and headed by the Director of Anti- Corruption.
	Prevention Unit	
	Investigations Unit	
	Ethics Unit	
	NACAP Implementation Support (NISU) Unit	

**Sources: Compiled by the author from CHRAJ Annual reports (1993 to 2021)**



**APPENDIX 2:**

**Original and additional functions of the CHRAJ**

<b>No</b>	<b>Legislations</b>	<b>Original Functions of CHRAJ</b>
1	Section 7 (a) of the CHRAJ Act 1993 (Act 456) and Article 218 of the 1992 Constitution.	To investigate and remedy complaints arising from the violations of human rights and freedoms, administrative injustice, and corruption.
4	Section 7 (a) of the CHRAJ Act 1993 (Act 456) and Article 218 of the 1992 Constitution.	To investigate and remedy complaints arising from abuse of power and unfair treatment of any person by a public officer in the exercise of his official duties.
5	Section 7 (b) of the CHRAJ Act 1993 (Act 456) and Article 218 of the 1992 Constitution	To investigate and remedy complaints in so far as the complaints arise from the i) failure to achieve a balanced structuring of those services or ii) fair administration of those services within the following public institutions. a) Public Services Commission, b) The administrative organs of the State. c) The offices of the Regional Coordinating Council and the District Assembly. d) The Armed Forces, e) The Police Service and the Prison Service
8	Section 7 (c) of the CHRAJ Act 1993 (Act 456) and Article 218 of the 1992 Constitution	The practices and actions by persons, private enterprises, and other institutions where those complaints alleged violations of fundamental rights and freedoms/
9	Section 7 (e) of the CHRAJ Act 1993 (Act 456) and Article 218 of the 1992 Constitution	To investigate allegations that a Public Officer has contravened or has not complied with a provision of Chapter 24 of the Constitution on Code of Conduct of Public Officers.
10	Section 7 (f) of the CHRAJ Act 1993 (Act 456) and Article 218 of the 1992 Constitution	To investigate all instances of alleged or suspected corruption and the misappropriation of public money by officials and take appropriate steps, including reports to the Attorney-General and Auditor-General resulting from such investigation.
11	Section 7 (g) of the CHRAJ Act 1993 (Act 456) and Article 218 of the 1992 Constitution	To educate the public as to human rights freedoms by such means as the Commissioner may decide, including publications, lectures, and symposia.
	Section 7 (h) of the CHRAJ Act 1993 (Act 456) and Article 218 of the 1992 Constitution	To report annually to Parliament on the performance of its functions.
12	Section 35 (2) of the transitional provisions of the 1992 Constitution;	To confiscate properties acquired through illegal means
<b>Additional functions of CHRAJ</b>		
<b>No.</b>	<b>Legislations</b>	<b>Functions</b>

14	Office of the Administrator of Stool Lands Act, 1994 (Act 481) Section 7	“A beneficiary of stool land revenue aggrieved by the apportionment of the stool land revenue may submit a complaint to the Commission on Human Rights and Administrative Justice.”
15	Children’s Act, 1998 (Act 560); Section 48(2)	“The following persons may apply to a family tribunal for a maintenance order ... (d) The Commission on Human Rights and Administrative Justice.”
16	The Juvenile Justice Act 2003 (Act 653); Section 42(2)	“...the Commission on Human Rights and Administrative Justice may visit and inspect any centre.”
17	Human Tracking Act, 2005 (Act 694); Section 6 of Act 694.	“A person with information about tracking (a) Shall inform the police, or (b) The Commission on Human Rights and Administrative Justice....”
18	Whistleblower Act, 2006 (Act 720).	To investigate disclosures of impropriety (economic crime, waste, mismanagement, misappropriation of public resources, environmental degradation) and complaints of victimisation of whistleblowers.
19	Whistleblower Act, 2006 (Act 720). Section 3(1) (h)	“Disclosure of impropriety may be made to one or more of the following ... the Commission on Human Rights and Administrative Justice”.
20	Whistleblower Act, 2006 (Act 720). Section 13(1).	“A Whistleblower who honestly and reasonably believes that that whistleblower has been subjected to victimisation or learns of a likely subjection to victimisation because a disclosure has been made, may in the instance make a complaint to the Commission.”

Source: Compiled by the author from CHRAJ Annual reports (2019)



**APPENDIX 3:**

**A chronology of CHRAJ preventive activities (Legislations and Policies)**

<b>Year</b>	<b>Output</b>	<b>Impact</b>
1998	Organised the first National Integrity workshop in collaboration with Civil Society Organizations.	Created awareness among stakeholders on national integrity.
2000	Organised public education on anti-corruption to hold public officers to the highest standard of probity and accountability.	Increased public education led to the investigation of complaints on corruption against high top public officials on conflict of interest.
2000	Develop the first National Action Plan against corruption in collaboration with the Ghana Anti-Corruption Coalition.	Development of the first NACAP.
2003	Drafted the guidelines on conflict of interest to improve efficiency, effectiveness, professionalism, and fairness of the Commission's mandate.	It led to the development of the Code of Conduct guidelines by CHRAJ.
2005	Advocated for the passage of acceptable Whistleblower legislation.	Submitted proposals on the Whistleblower Bill to Parliament in November 2005.
2006	Promoted the ratification and implementation of the Optional Protocol to the Convention Against Torture (OPCAT).	Contributed to raising awareness for ratification of OPCAT in 2016.
2006	Organised a one-day workshop for the Parliamentary Select Committee on Legal, Constitutional and Parliamentary Affairs. Aimed to consider the proposals contained in the memorandum to Parliament on the Whistleblower Bill in collaboration with the Serious Fraud Office (SFO).	The Whistleblower Act, 2006, Act 720 was passed.
2006	Developed the "Anti-corruption Training Strategy" (the Strategy).	The strategy was developed with eight (8) training modules for the systematic training of anti-corruption officers (investigators and legal officers) and members of management.
2006	It launched its Guidelines on Conflict of Interest of Public Officials on 6 <sup>th</sup> December 2006.	Guidelines on Conflict of Interest of Public Officials launched on 6 <sup>th</sup> December 2006.
2007	Developed a Training of Trainers (ToT) Manual for STAFF and the Public Service.	The Commission developed two ToT manuals to train its officers and the public on the guidelines on Conflict of Interest in 2007.
2006	A round table conference on the OPCAT in collaboration with the Association for the Prevention of Torture (APT) of Switzerland. Expert Meeting in Geneva on OP.	To increase efforts in the ratification of the OPCAT.
2007	A documentary on corruption was produced and launched.	The documentary explains corruption: its forms and effects on national development to the public.

2008	Drafting of Code of Conduct.	The CHRAJ commenced drafting the Code of Conduct for CHRAJ staff and public officials.
2008	Organised a round table discussion for stakeholders to mark the second anniversary of the Convention on Preventing and Combating Corruption and Related Offences.	Led the mapping of strategies to ensure that Ghana's Election 2008 environment was free from corruption.
2008	Organised a round-table discussion on the Whistleblower Act, 2006 (Act 720) and the challenges of its implementation.	About 45 persons from organisations such as GACC, IAA Board, Public Procurement Board, National Security, Serious Fraud Office, and other investigative bodies appreciated the issues relating to the implementation of the Act.
2009	Repackaging of Code of Conduct and Conflict of Interest Guidelines.	The Commission combined the Guidelines issued in 2006 with the Code of Conduct launched in 2009 to produce a more reader-friendly booklet.
2009	Continued advocacy on anti-corruption legislation in 2009.	It held meetings on two draft Bills, the Whistleblower Amendment Bill, 2009, and the Public Officers Accountability Bill, 2009.
2010	Developed its own Code of Conduct (the CHRAJ Code)	The CHRAJ Code is a supplemented Chapter 24 of the 1992 Constitution and the Code of Conduct for Public Officers of Ghana
2012	Organised a round table meeting to review the implementation of the United Nations Convention against Corruption (UNCAC).	Ghana's implementation of the UNCAC was reviewed.
2015	A round-table discussion was organised for heads and representatives of investigative institutions to review the draft Witness Protection Bill in 2015.	The draft Witness Protection Bill in 2015 was reviewed.
2017	Organised 2 <sup>nd</sup> Phase of the UN Convention Against Corruption (UNCAC) review of Ghana for 20 stakeholders.	Stakeholders were educated on the UNCAC reviewed process and strengthened collaboration for effective implementation of the UNCAC.
2018	Development of Ghana's Self-Assessment Checklist (SACL) on the implementation of UNCAC.	SACL submitted to United Nations Office on Drugs and Crime (UNODC).
2017	Organised a dialogue on the Office of the Special Prosecutor's Bill for 21 members of the Ghana Anti-Corruption Coalition (GACC).	A Commission's memorandum was sent to Parliament for consideration before the Bill was passed into law.
2017	A stakeholder's discussion to review Ghana's Anti-Corruption legislation (Criminal Offences (Amendment) Act Bill, Whistle-blower Amendment Act Bill, Independent Public Prosecutor's Bill)	Contributed to the passage of the Legislations
2001to Date	Celebration of landmark days (International Anti-corruption Day in December every year)	Created awareness of corruption in Ghana and galvanised efforts in the fight against corruption.

Source: Field Work (July 2021) from CHRAJ Annual reports (1993 to 2021)

APPENDIX 4:

**Systematic Roadmap to the development and implementation of the National Anti-Corruption Action Plan (NACAP)**

<b>Date</b>	<b>Activity</b>	<b>Lead organisations</b>
2009	The first Stakeholders Consultative Meeting to consider the development of NACAP.	Coordinated by CHRAJ.
2009	Inauguration Working Group by the Vice President of the Republic of Ghana to develop the NACAP.	Coordinated by CHRAJ. 24 stakeholders participated.
2010	A Consultant was tasked to assess corruption in both the private and public sectors and develop a draft NACAP.	Coordinated by CHRAJ and Consultant.
2011	NACAP was validated at the 2 <sup>nd</sup> National Conference on Integrity.	Coordinated by CHRAJ.
2012	Submission of the 10-year NACAP to Parliament for consideration and adoption.	Submitted by CHRAJ.
2014	The First High-Level anti-corruption conference to implement NACAP.	Coordinated by CHRAJ.
2015	Development of 2015 reporting tool and the Submission of the first progress report to Parliament.	MONICOM members and CHRAJ.
2016	Development of 2016 reporting tool and the submission of the second progress report to Parliament.	MONICOM members and CHRAJ.
2016	Monitoring of Implementing Partners to verify reports submitted to determine their authenticity.	CHRAJ and MONICOM.
2017	Development of the 2017 reporting tool and the submission of the third progress report to Parliament.	MONICOM members and CHRAJ.
2018	Launched the NACORD, developed a 2018 reporting tool, and submitted the fourth Progress report to Parliament.	MONICOM members and CHRAJ.
2019	Developed the 2019 reporting tool and submitted the fifth progress report to Parliament.	MONICOM members and CHRAJ.
2021	Monitoring of Implementing Partners to verify reports submitted to determine their authenticity.	CHRAJ and MONICOM.

Source: Field Work (July 2021) from CHRAJ Annual reports (1993 to 2021).

**Appendix 6:**



**UNIVERSITY OF GHANA**  
**ETHICS COMMITTEE FOR THE HUMANITIES (ECH)**

*P. O. Box LG 74, Legon, Accra, Ghana*

My Ref. No...ECH 165/ 20-21...

May 26, 2021

Abigail Ayengo Tetteh-Yankey  
Department of Political Science  
University of Ghana  
Legon

**ETHICAL CLEARANCE**  
**(ECH 165/ 20-21)**

The protocol title below has been reviewed and approved by the ECH Committee.

**TITLE OF PROTOCOL: THE EFFECTIVENESS OF THE COMMISSION ON HUMAN RIGHTS AND ADMINISTRATIVE JUSTICE (CHRAJ) UNDER THE FOURTH REPUBLIC OF GHANA, AN ASSESSMENT**

**PRINCIPAL INVESTIGATOR: ABIGAIL AYENGO TETTEH-YANKEY**

Please note that the final review report must be submitted to the Committee at the completion of the study. Your research records may be audited at any time during or after the implementation. Any modification of this research project must be submitted to ECH for review and approval prior to implementation.

Please report all serious adverse events related to this study to ECH within seven (7) days verbally and in writing within fourteen (14) days.

This certificate is valid till May 25, 2022. You are to submit annual reports for continuing review.

Please accept my congratulations.

Yours Sincerely,

**Professor C. Charles Mate-Kole**  
**ECH Chair**

Cc: Prof. Joseph Roland Atsu Ayee, Department of Political Science, UG  
Dr. Maame Adwoa Appiah Gyekye-Jandoh, Department of Political Science, UG  
Dr. Isaac Owusu-Mensah, Department of Political Science, UG



SCHOOL OF SOCIAL SCIENCES  
Department Of Political Science

11<sup>th</sup> May, 2021

The Commissioner  
Commission on Human Rights and Administrative Justice  
(CHRAJ)  
Accra

Dear Sir/Madam,

**INTRODUCTORY LETTER: MS. ABIGAIL AYENGO TETTEY YANKEY**

I write to introduce to you Ms. Abigail Ayengo Tetteh Yankey a fourth year PhD candidate with student ID Number 10021633 in the Department of Political Science, University of Ghana.

In partial fulfilment of the conditions for the PhD, Political Science degree, Ms. Yankey is required to write a Thesis. The topic of her Thesis is: "*Fulfilling the Anti-Corruption Mandate of the Commission on Human Rights and Administrative Justice under the Fourth Republic of Ghana (1993-2018): An Assessment.*"

Ms. Yankey needs your help by way of volunteering information on the above subject area to enable her complete her task.

Kindly give her the necessary assistance.

Thank you very much.

Yours sincerely,

A handwritten signature in black ink, appearing to read "Maame A.A. Gyekye-Jandoh".

Maame A.A. Gyekye-Jandoh, Ph.D.

**HEAD OF DEPARTMENT**



**COMMISSION ON HUMAN RIGHTS  
AND ADMINISTRATIVE JUSTICE**

P. O. BOX AC 489  
Accra

233 0302 668839/664267

[www.chrajghana.org](http://www.chrajghana.org)

Our ref: :1231

23<sup>rd</sup> June, 2021

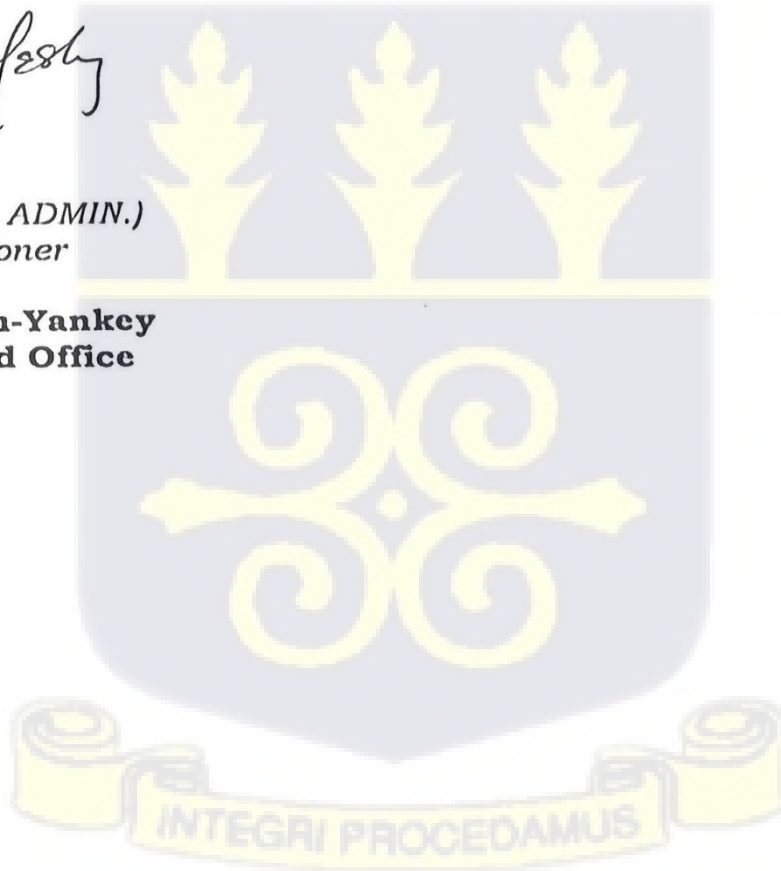
**RE: OUTLINE OF INFORMATION/ DATA NEED FROM CHRAJ**

We write to acknowledge receipt of your memo dated 17<sup>th</sup> May, 2021 requesting for interview with staff.

Approval has been granted for you to interview staff for your Thesis. You are to arrange with the Officers to be interviewed at their convenience.

**Henry Ashley**  
*Director (HR & ADMIN.)*  
*For: Commissioner*

**Abigail Tetteh-Yankey**  
**CHRAJ – Head Office**  
**Accra**



**APPENDIX 7:**

**UNIVERSITY OF GHANA  
DEPARTMENT OF POLITICAL SCIENCE**

**Ph.D. INTERVIEW GUIDE**

**CATEGORY 1: PREVIOUS AND CURRENT COMMISSIONERS AND STAFF OF  
THE COMMISSION ON HUMAN RIGHTS AND ADMINISTRATIVE JUSTICE  
(CHRAJ)**

I am doctoral student at the Department of Political Science, University of Ghana, Legon. This interview guide is to collect data for my Ph.D. thesis titled: “Fulfilling the Anti-Corruption Mandate of the Commission on Human Rights and Administrative Justice (CHRAJ) under the Fourth Republic of Ghana (1993-2018): An Assessment”. It assesses the anti-corruption mandate of the CHRAJ over the last twenty-five years (1993 to 2018).

The information to be provided is meant for an academic exercise. Hence, any data provided will be treated with the utmost anonymity and confidentiality. The duration of the interview would last between thirty minutes and one hour. Kindly be informed that the interview would be audio recorded. Thank you. Kindly contact me on 0244 281 694 for further enquiries.

Interview date.....  
Name of interviewer.....  
Name of interviewee.....  
Name of institution.....  
Official position.....

**General views about corruption and anti-corruption?**

1. What is your view about the fight against corruption in Ghana?
2. What role have state institutions played in the fight against corruption under Ghana’s Fourth Republic?
3. What are the four key causes of corruption in Ghana?

**Investigations**

4. How is an alleged case of corruption investigated by CHRAJ?
5. How many anti-corruption cases has CHRAJ investigated?
6. What are the criteria for successful investigation of an alleged case of corruption?
7. Does CHRAJ have the capacity (legal, logistics, human resource) to detect, prevent, investigate and enforce anti-corruption decisions?
8. What do you consider to be four key challenges faced in investigation by CHRAJ and why?

### **Prevention**

9. What are four key initiatives undertaken to prevent corruption in Ghana? What are their outputs and impact?
10. How do you rate the effectiveness of anticorruption policies?
11. Are there new initiatives such as revised legislation, regulations and procedure being developed to improve corruption prevention?
12. What are the four successes achieved and four challenges encountered?
13. What are the challenges encountered?

### **Enforcement**

14. How are anti-corruption decisions enforced?
15. What has been the impact of enforcement?
16. What are the four successes achieved and four challenges encountered?
17. What are the four key suggestions for the way forward?

### **Finance, Capacity, appointment and independence**

18. What is your current staff strength?
19. How many of them are with the Anti-corruption Department?
20. What are your views on the budget of the Commission?
21. Does CHRAJ receive any funding or support from development partners? If yes, how adequate is it in meeting expenditures?
22. What are the key institutions with which CHRAJ collaborate with in the fight against corruption? How is this collaboration managed? Are there successes and failures?
23. How has international standard on anti-corruption been internalized?
24. How do you assess the conditions of service of staff and directors?
25. What are your views on the appointment of Commissioners by the Executive?
26. How independent is the Commission in terms of its functions, funding and the fight against corruption in general?

### **General assessment**

27. How does CHRAJ contribute to accountability and good governance in Ghana?
28. What are the four key challenges facing CHRAJ?
29. How do you rate CHRAJ in implementing its anti-corruption mandate?
30. Any four suggestions to improve the performance of CHRAJ?



**UNIVERSITY OF GHANA  
DEPARTMENT OF POLITICAL SCIENCE**

**Ph.D. INTERVIEW GUIDE**

**CATEGORY 1 (b): REGIONAL STAFF OF THE COMMISSION ON HUMAN RIGHTS AND ADMINISTRATIVE JUSTICE (CHRAJ)**

I am a doctoral student at the Department of Political Science, University of Ghana, Legon. This interview guide is to collect data for my Ph.D. thesis titled: “Fulfilling the Anti-Corruption Mandate of the Commission on Human Rights and Administrative Justice (CHRAJ) under the Fourth Republic of Ghana (1993-2018): An Assessment”. It assesses the anti-corruption mandate of the CHRAJ over the last twenty-five years (1993 to 2018).

The information to be provided is meant for an academic exercise. Hence, any data provided will be treated with the utmost anonymity and confidentiality. The duration of the interview would last between thirty minutes and one hour. Kindly be informed that the interview would be audio recorded. Thank you. Kindly contact me on 0244 281 694 for further enquiries.

Interview date.....  
Name of institution.....  
Official position.....

**General views about corruption and anti-corruption?**

31. What is your view about the fight against corruption within the regions?
32. What were the causes of corruption within the regions and districts?
33. How do you assess the political will in the fight against corruption in Ghana and particularly within the regions and the districts?

**Investigations**

34. How is an alleged case of corruption investigated by CHRAJ at the regions?
35. What are the criteria for successful investigation of an alleged case of corruption?
36. Does CHRAJ have the capacity (legal, logistics, human resource) to detect, prevent, investigate and enforce anti-corruption decisions at the regions?
37. What do you consider as the key challenges faced in investigation by CHRAJ and why?

**Finance, Capacity, appointment and independence**

38. How do you assess the conditions of service of staff at the regions?
39. How independent is the Commission at the regions in terms of its functions, funding and the fight against corruption in general?

**General assessment**

40. Do you think that CHRAJ has been effective in its anti-corruption mandate than the other mandates of CHRAJ within the regions?

41. How does CHRAJ contribute to accountability and good governance in Ghana within the regions.
42. What are the four key challenges facing CHRAJ?
43. Any suggestions to improve the performance of CHRAJ?



**UNIVERSITY OF GHANA  
DEPARTMENT OF POLITICAL SCIENCE**

**Ph.D. INTERVIEW GUIDE**

**CATEGORY 2: STAFF UNDER MINISTRIES, DEPARTMENTS, AGENCIES AND PARLIAMETARIANS.**

I am doctoral student at the Department of Political Science, University of Ghana, Legon. This interview guide is to collect data for my Ph.D. thesis titled: “Fulfilling the Anti-Corruption Mandate of the Commission on Human Rights and Administrative Justice (CHRAJ) under the Fourth Republic of Ghana (1993-2018): An Assessment”. It assesses the anti-corruption mandate of the CHRAJ over the last twenty-five years (1993 to 2018).

The information to be provided is meant for an academic exercise. Hence, any data provided will be treated with the utmost anonymity and confidentiality. The duration of the interview would last between thirty minutes and one hour. Kindly be informed that the interview would be audio recorded. Thank you. Kindly contact me on 0244 281 694 for further enquiries.

Interview date.....  
Name of interviewer.....  
Name of interviewee.....  
Name of institution.....  
Official position.....

**General views about corruption and anti-corruption?**

1. What are the four key causes of corruption in Ghana? Are there secondary ones?
2. What role have state institutions (CHRAJ) played in the fight against corruption?
3. How would you rate the political will and commitment in the fight against corruption in Ghana?

**Investigations**

4. How do you assess CHRAJ’s capacity (legal, logistics, human resource) to detect, prevent, investigate and enforce anti-corruption decisions? Is it adequate?
5. What are the four key successes that you can attribute to CHRAJ’s investigations on anti-corruption cases? Any impact?
6. What do you consider to be four key challenges faced in investigation by CHRAJ and why?
7. What are the four suggestions to improve CHRAJ’s investigation on anti-corruption?

**Prevention**

8. What are the key activities you collaborated with CHRAJ on its anti-corruption mandate? What are their outputs and impact?
9. How do you rate the effectiveness of anticorruption policies?
10. How can CHRAJ improve its activities to prevent corruption in Ghana?

**Finance, appointment and independence**

11. What are your views on the budget of the Commission?
12. How do you assess the conditions of service of staff and directors?
13. How independent is the Commission in terms of its functions, funding and the fight against corruption in general?

**General assessment**

14. How does CHRAJ contribute to accountability and good governance in Ghana?
15. What are the four key challenges facing CHRAJ?
16. How do you rate CHRAJ in implementing its anti-corruption mandate?
17. Any four suggestions to improve the performance of CHRAJ?



**UNIVERSITY OF GHANA  
DEPARTMENT OF POLITICAL SCIENCE**

**Ph.D. INTERVIEW GUIDE**

**CATEGORY 3: CIVIL SOCIETY ORGANIZATIONS (CSO), MEDIA, PRIVATE SECTOR AND POLITICAL SCIENTIST**

I am doctoral student at the Department of Political Science, University of Ghana, Legon. This interview guide is to collect data for my Ph.D. thesis titled: “Fulfilling the Anti-Corruption Mandate of the Commission on Human Rights and Administrative Justice (CHRAJ) under the Fourth Republic of Ghana (1993-2018): An Assessment”. It assesses the anti-corruption mandate of the CHRAJ over the last twenty-five years (1993 to 2018).

The information to be provided is meant for an academic exercise. Hence, any data provided will be treated with the utmost anonymity and confidentiality. The duration of the interview would last between thirty minutes and one hour. Kindly be informed that the interview would be audio recorded. Thank you. Kindly contact me on 0244 281 694 for further enquiries.

Interview date.....  
Name of interviewer.....  
Name of interviewee.....  
Name of institution.....  
Official position.....

**General views about corruption and anti-corruption?**

1. What are the four key causes of corruption in Ghana? Are there secondary ones?
2. What role have state institutions played in the fight against corruption?
3. Why is corruption still pervasive in Ghana in spite of CHRAJ’s existence?
4. How would you rate the political will and commitment in the fight against corruption in Ghana?

**Investigations**

5. How would you rate CHRAJ’s investigated anti-corruption cases?
6. What are the criteria for successful investigation of an alleged case of corruption?
7. What do you consider to be four key challenges faced in investigation by CHRAJ and why?

**Prevention**

8. How can corruption be prevented in Ghana?
9. What are the key initiatives undertaken in collaboration with CHRAJ to prevent corruption in Ghana? What is the impact?
10. How do you rate the effectiveness of anticorruption policies?
11. What are the four key suggestions for the way forward in preventing corruption in Ghana?

### **Enforcement**

12. How would you rate CHRAJ's enforcement of decisions in anti-corruption cases?
13. What are the four challenges relating to its powers of enforcement.
14. What are the four successes relating to its powers of enforcement.
15. What are the four key suggestions for the way forward?

### **Capacity, finance, appointment and independence**

16. Does CHRAJ have the capacity (legal, logistics, human resource) to detect, prevent, investigate and enforce anti-corruption decisions?
17. What are your views on the budget of the Commission?
18. How independent is the Commission in terms of its functions, funding and the fight against corruption in general?
19. How has CSO's/Accademia/Media/International community collaborated with CHRAJ under its anti-corruption mandate?
20. What are the four successes, four challenges and four suggestions for better collaboration with CHRAJ?



**UNIVERSITY OF GHANA  
DEPARTMENT OF POLITICAL SCIENCE**

**Ph.D. INTERVIEW GUIDE**

**CATEGORY 4: DEVELOPMENT PARTNERS**

I am doctoral student at the Department of Political Science, University of Ghana, Legon. This interview guide is to collect data for my Ph.D. thesis titled: “Fulfilling the Anti-Corruption Mandate of the Commission on Human Rights and Administrative Justice (CHRAJ) under the Fourth Republic of Ghana (1993-2018): An Assessment”. It assesses the anti-corruption mandate of the CHRAJ over the last twenty-five years (1993 to 2018).

The information to be provided is meant for an academic exercise. Hence, any data provided will be treated with the utmost anonymity and confidentiality. The duration of the interview would last between thirty minutes and one hour. Kindly be informed that the interview would be audio recorded. Thank you. Kindly contact me on 0244 281 694 for further enquiries.

Interview date.....  
Name of interviewer.....  
Name of interviewee.....  
Name of institution.....  
Official position.....

**GENERAL ASSESSMENT**

18. General background about your relations with CHRAJ.
19. Is Ghana winning the fight against corruption?
20. Why did you select CHRAJ as your key partner?
21. What was the aim of the collaborations?
22. What are the key activities you collaborated with CHRAJ on its anti-corruption? ICT, Vehicles
23. What were the successes stories?
24. What were the Challenges?
25. Your suggestions for the way forward.
26. How does CHRAJ contribute to accountability and good governance in Ghana?
27. Any reference of document to aid my study?