

FOR IMMEDIATE RELEASE:

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PRESS RELEASE

CSOs Issue Joint Statement Expressing Profound Disappointment with Cabinet's Reluctance to Approve the Conduct of Public Officers Bill (CoPO) for enactment.

The Coalition of CSOs and OccupyGhana issue the following joint statement in response to the Cabinet's considerable reluctance to approve the 2022 CoPO despite the repeated assurances and justifications by the President and Attorney-General & Minister of Justice to Ghanaians and the International community, including the IMF, that the Bill will be passed into law. We specifically challenge and reject the Cabinet's false claim that "there are already adequate provisions in existing laws to deal with the conduct of public officers," and urge the Cabinet to quickly approve the Bill for enactment by Parliament soonest.

Essentially, the CoPO Bill was first introduced in 2008, laid in Parliament in May 2015 and then July 2020 without being enacted into law. The Vice President, Dr Bawumia assured in December 2019 that the government would collaborate with Parliament to enact the 2018 CoPO Bill, which he found as 'the oldest outstanding bill before Parliament,' early 2020, in order to rein in on corruption in public sector (ghanaiantimes.com.gh). The current 2022 CoPO Bill deals mainly with reforms in the declaration of assets and liabilities, conflict of interests and code of conduct for public officials, and their enforcement. Significantly, when enacted, the Bill would change how successive governments have since 1993 unconstitutionally extended the time for appointed public officials to declare their assets up to 3 months AFTER appointment instead of the constitutional requirement to do so BEFORE they assume office. Consequently, most public officials never declare their assets, or having assumed office, are able to make 'presumptive' declarations of assets they expect to acquire while in office.

We are convinced that the recent issues arising and concerning public officials and apparently unexplained wealth would have been resolved if the 2022 CoPO Bill had been enacted. Possibly, that is why the Bill is facing strong resistance in Cabinet against its approval. This is inexplicably shocking, considering that the 2018 CoPO Bill was previously recommended for Parliament's adoption with minimum suggestions by the Parliamentary Committee on Constitutional, Legal and Parliamentary Affairs (Parliamentary Committee) in July 2020. The non-passage of any CoPO Bill since 2013 suggests governments' and parliaments' lack of commitment to fight the rising cases of alleged corruption, bordering on procurement and conflict of interest breaches in the Fourth Republic. Substantively, a recent Afrobarometer survey shows "majority (77 %) of Ghanaians say the level of corruption in the country has increased and the government is doing a poor job of fighting corruption" and "many citizens (69%) see widespread corruption in key public institutions, but fear retaliations should they report cases of corruption to the authorities" (CDD, News Release, 28 July 2022). As widely reported, public institutions are undermined by corruption, leading to low public confidence in government and economic systems, and a low level of trust required for the operation of a market economy.

It is noteworthy that although citizens elect presidents or executives and give them the authority to make policy decisions on their behalf, due to personal interests the elected officials' actions do not usually align with the interest of the citizens. Consequently, for transparency and accountability, most jurisdictions have implemented legislations like the United States Ethics in Government Act of 1978, the Public Officers Ethics Act of Kenya, 2003, and the UK Constitutional and Governance Act of 2010 to ensure that public officers respond to the needs of citizens and ensure public funds are spent effectively and corruption minimised. Incredibly, Ghana's elected officials have since 1993 been merely paying lip service to the primary responsibility outlined by Article 34(8) of the 1992 Constitution that, "The State shall take steps to eradicate corrupt practices and abuse of power." Unsurprisingly, Ghana scored 43 points out of 100 and was ranked 70 out of 180 countries on the Transparency International's 2023 Corruptions Perception Index.

The current Cabinet's resistance to the Bill is based on several, successive false claims and excuses, the worst of which was the Cabinet Secretary's RTI response in February 2023 to OccupyGhana that "there are already adequate provisions in existing laws to deal with the conduct of public officers." The claim is in contrast to the Parliamentary Committee observation in its July 2020 report that, "These laws are scattered in a number of laws and the provisions thereof have been found to be inadequate to deal with public office accountability...and lacking of sufficient deterrence towards the agenda of zero tolerance governing public office holders." Not even a 20-page table submitted in OccupyGhana's response to this false Cabinet claim, clearly setting out the new, strong provisions in the 2022 CoPO Bill, could move our Cabinet. Ironically, during the September 2023 Ghana Bar Association's Conference, the President promised that the A-G would soon bring a Bill that follows the examples in jurisdictions like the US, the UK and Kenya for Cabinet's consideration and subsequent enactment by Parliament inspite of A-G's submission of the CoPO Bill 2022 to the same Cabinet in May 2022.

Importantly, in the 2020 NPP Manifesto promised the publication and enforcement of the 2018 CoPO Bill to give effect to article 24 of the Constitution, whereas the NDC promised the enactment of conflict of interest legislation for all Government officials including the executive and the legislature. However, in the recently launched Manifesto, NPP is rather promising the enactment of a Corruption Act to consolidate existing corruption and corruption-related offences. NDC also promises an implementation of a code of conduct for public officers instead of a legislation. We are concerned that this deliberate dithering will remain until the people of Ghana take a firm interest in the Bill. As Dr Bawumia said in 2019, the CoPO is "one law that can help build integrity in the Public Service, and we cannot afford to delay it any further." Undoubtedly, the enactment of the CoPO Bill will set the tone for an efficient and well functioning Public Sector to "maximise the rate of economic development and to secure maximum welfare, freedom and happiness of every person in Ghana..." as stipulated in Article 36(1) of the Constitution.

We, therefore, invite Ghanaians, fellow CSOs and the media, to join in this campaign to ensure that Cabinet approves the Bill and forwards it to Parliament, and that Parliament passes the Bill into law, all at the earliest times possible. #PasstheCoPObillnow

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Signed.

OccupyGhana

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