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Publish declared assets of Ghanaian officials – GII

 **29 June 2015**



The Ghana Integrity Initiative (GII) is spearheading a campaign for the law to make it mandatory for all declared assets of public officials to be verified and published to enhance transparency.

“The sad development which renders this law needless in its present state is that the assets, if declared, are not ever known to members of the public who are expected to report of new acquisitions (undeclared) and which may have been procured through acts of corruption,” a statement from the GII Consortium said.

It added: “A review of the regime under the Conduct of Public Officers’ Act without a mandatory requirement of verification and publication will, therefore, mark such backward progress in a democracy as such declarations were gazetted even under Ghana’s Provisional National Defence Council’s (PNDC) military regime.”

Below is the full statement of the GII Consortium:

The GII Consortium, comprising the Ghana Integrity Initiative (GII), the Ghana Anti-Corruption Coalition (GACC) and SEND-Ghana, is extremely pleased that Ghana’s Parliament has commenced consideration of two important and related pieces of proposed laws; the Conduct of Public Officers’ Bill and the Right to Information Bill.

This comes after many years of genuine concerted advocacy for a more robust anti-corruption legal regime in furtherance of constitutional obligations to this effect.

The Consortium notes that Article 35 (8) of Ghana’s Constitution commands that: “The state shall take steps to eradicate corrupt practices and the abuse of power.” We also note that the RTI law will give full effect to Article 21(1) (f) of the Constitution which states that: “All persons shall have the right to – information, subject to such qualifications and laws as are necessary in a democratic society.”

We particularly want to draw attention to what appears to be a review of the assets declaration regime that will still miss the central purpose of the purported review. The Public Office Holders (Declaration of Assets and Disqualification) Act, 1998 (Act 550) has been held, without any equivocation, to represent the single most inconsistent piece of legislation in our statute books. This is because it preserved a public officer’s right to conceal where they are envisaged by the parent law (Chapter 24 of the Constitution) to disclose their assets before assuming a public office.

Section 1 of the Act provides that:

“(1) A person who holds a public office mentioned in section 3 of this Act shall submit to the Auditor-General a written declaration of—

- (a) all properties or assets owned by him; and
- (b) All liabilities owed by him; whether directly or indirectly”

The sad development which renders this law needless in its present state is that the assets, if declared, are not ever known to members of the public who are expected to report of new acquisitions (undeclared) and which may have been procured through acts of corruption.

While the bill in accordance with Article 287 of the 1992 Constitution invites any person who alleges that a public officer has contravened a provision of this Act to make a report/ complaint in accordance with Article 287, it nevertheless retrogressively still makes the Assets declared and kept with the Auditor General confidential information which must be kept as such. If there is no verification by the custodian and publication of such assets, for example, in the gazette how would members of the public get to know what is declared in order to complain if at all? The principles of transparency and accountability require nothing less than both verification and publication of the declared assets of public officers if the intended mischief the law seeks to cure is to be achieved.

A review of the regime under the Conduct of Public Officers' Act without a mandatory requirement of verification and publication will, therefore, mark such backward progress in a democracy as such declarations were gazetted even under Ghana's Provisional National Defence Council's (PNDC) military regime.

The Constitution Review Commission summarized the collective will of Ghanaians in desiring as it found: “...though the Constitution attempts to curb the menace of corruption through the assets declaration regime, the absence of compulsion and the lack of transparency in the exercise defeats the very purpose of the regime.”

Stakeholders at the end of the GII Consortium's “Experts' Workshop on Anti-corruption Law Reforms in Ghana” at the Coconut Regency Hotel on Wednesday, June 24, 2015 urged legislators to bear this in mind as they resume consideration of these two bills – the Conduct of Public Officers' Bill and the Right to Information Bill.

The media and all citizens are encouraged to urge best practice on the MPs to avoid a reproduction of yet another self-serving worthless piece of legislation.

The GII Consortium calls on all well-meaning and patriotic Ghanaians to police the process to ensure that the purpose of the bills and best practice is achieved.

Signed

Vitus Adaboo Azeem,
Executive Director of GII and Chief of Party of the ADISS project

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