



## OCCUPYGHANA PRESS STATEMENT

*Accra, 24 July 2023*

### **UNEXPLAINED WEALTH OF PUBLIC OFFICERS AND THE DEMAND FOR THE PASSAGE OF THE DRAFT CONDUCT OF PUBLIC OFFICERS BILL, 2022 INTO LAW**

For the umpteenth time, Ghanaians are confronted with another scenario of the suspected, unexplained wealth of a public officer, and staring at the apparent impotence of the law in dealing with this, outside article 286(4) of the Constitution. That article simply provides that an asset declared to have been acquired while in public office, *'which is not reasonably attributable to income, gift, loan, inheritance or any other reasonable source shall be deemed to have been acquired in contravention of this Constitution.'*

From 2017, OccupyGhana has consistently expressed concern about the necessity of reinforcing this assets declaration regime. This measure is vital in curbing the trend where public officers acquire unexplained wealth, especially where their known economic means cannot justify such acquisitions or wealth.

To compound matters, although the Constitution demands in article 286(1) that public officers shall declare their assets and liabilities **'BEFORE TAKING OFFICE,' 'AT THE END OF EVERY FOUR YEARS,'** and **'AT THE END OF [A]... TERM OF OFFICE,'** Ghana's political class conspired to unconstitutionally extend the period of filing by six months, under section 1(4) of the Public Office Holders (Declaration of Assets and Disqualification) Act, 1998 (Act 550). The effect of this grave unconstitutionality is that once public officers get appointed without declaring assets and liabilities **'BEFORE TAKING OFFICE'** as the Constitution demands, they, for the most part, either do not declare at all or may engage in shenanigans such as 'presumptive' declarations of non-existent assets in the hope of being able to acquire them.

Our public campaign to remove this offensive unconstitutionality yielded no discernible results, until we wrote to the Attorney-General on 1 December 2019 to demand steps to amend the law. Thankfully, on 8 January 2020, the then Attorney-General wrote to OccupyGhana to agree to amend the law by deleting the unconstitutional extension of time, and indicating that that office was seeking Cabinet approval to prepare the necessary amendment bill to be subsequently laid before Parliament for enactment.

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**OCCUPYING HEARTS AND MINDS FOR GOD AND COUNTRY**

After more than a year of receiving no information on the promised action, OccupyGhana wrote again to the Attorney-General on 16 July 2021 to request an update and whether there was anything that we could do to aid or speed up the amendment process. Curiously, this time, we were ignored. Our 24 September 2021 reminder was also ignored.

Thus, on 21 October 2021, we wrote to the Office of the Special Prosecutor, inviting that office to throw its weight behind our fight for the critical amendment, which would give teeth to that Office's expressed desire to pursue public officers with unexplained wealth. The OSP responded on 22 October 2021 to agree with us and assure us of *'the unreserved backing of the office.'*

We therefore began work on drafting what we considered a 'citizens bill' to submit to Parliament for the sole purpose of the amendment. However, sometime in May 2022, we discovered that a draft Conduct of Public Officers Bill, 2022 ('Bill') had been prepared, which not only took our concerns into consideration, but contained exhaustive provisions that would regulate what public officers may or may not do or acquire while in public office. We were however informed that although the Office of the Attorney-General had forwarded the Bill to Cabinet, there was apparently considerable resistance or reluctance at Cabinet in granting approval for the Bill to be forwarded to Parliament for debate and enactment.

Since then, the following has transpired:

1. **29 May 2022:** OccupyGhana Press Release demanding that (i) the President summons an emergency cabinet meeting for the sole purpose of approving the Bill, (ii) the Attorney-General provides a clear timeline on when the Bill would be submitted to Parliament, and (iii) Parliament ensures passage before it rose for the 2022 long vacation – **NO RESPONSE;**
2. **24 August 2022:** OccupyGhana Letter to Attorney-General inquiring about the status of the Bill and demanding a roadmap on the questions posed in the 29 May 2022 Press Release – **NO RESPONSE;**
3. **31 August 2022:** OccupyGhana Right to Information Letter to Cabinet Secretary requesting information on the status of the Bill and a roadmap on when it would be approved and sent to Parliament;
4. **5 September 2022:** Cabinet Secretary Response marked '**Confidential**' to OccupyGhana stating that the Cabinet Committee on Governance and Legal Matters had considered the Bill and referred it to Cabinet for approval. However, Cabinet had requested the Committee to undertake further work on certain aspects of the Bill, and was awaiting the Committee's recommendations to facilitate Cabinet approval and submission to Parliament;
5. **17 October 2022:** OccupyGhana Letter to Cabinet Secretary requesting a status update – **NO RESPONSE;**

6. **11 January 2023:** OccupyGhana Reminder to Cabinet Secretary requesting a status update;
7. **14 February 2023:** Cabinet Secretary Letter marked '**Confidential**' and '**Secret**' to OccupyGhana to state that the Cabinet Committee had resubmitted the Bill to Cabinet with the necessary recommendations. But Cabinet, having reconsidered the Bill, had declined approval because in its view, there are already adequate provisions in existing law to deal with the conduct of public officers;
8. **20 February 2023:** OccupyGhana Letter to Cabinet Secretary, requesting a withdrawal of the '**Confidential**' and '**Secret**' status of the 14 February 2023 Letter so that its '*disappointing contents*' may be shared with Ghanaians – **NO RESPONSE**;
9. **27 February 2023:** OccupyGhana Letter to Cabinet Secretary repeating request for withdrawal of the '**Confidential**' and '**Secret**' status of the 14 February 2023 Letter, and pointing out that under the Right to Information Act, 2019, Cabinet cannot purport to assert a privilege over the contents of the 14 February 2023 Letter – **NO RESPONSE**;
10. **30 May 2023:** OccupyGhana Letter to Cabinet Secretary to state its surprise that the Government, this time, under pressure from the International Monetary Fund, had promised to enact the Bill into law. We also attached a 20-page table comparing the contents of the Bill with existing law to show that the vast majority of the Bill's clauses do not already exist in Ghana law as falsely claimed by Cabinet, and therefore, once again, urging its quick passage into law; and
11. **16 June 2023:** Cabinet Secretary Letter to Occupy Ghana (also marked '**Confidential**') stating that the 30 May 2023 Letter and its attachments '*will be brought to the attention of Cabinet.*'

We have set out the above correspondence detail to show that in our view, the Government appears inexplicably unwilling or unprepared to approve the Bill and transmit it to Parliament for enactment. This is strikingly ironic because the passage of this Bill was a campaign promise at page 105 of the New Patriotic Party's 2020 Manifesto, Table 1.13 on *Governance, Corruption and Public Accountability*, items 235 and 236. Even the admitted IMF pressure does not appear to us to be having any effect. We are concerned that this deliberate dithering will remain until the people of Ghana take a firm interest in the Bill and what it says, and then demand that Cabinet does what is required under the circumstances.

We therefore invite Ghanaians, fellow Civil Society Organisations and the media, to join us 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.