



Australian Government
Refugee Review Tribunal

Country Advice

Ghana

Ghana – GHA39836 – Maps of Jasikan, Akim Oda, Akim Ayirebi – Political and Electoral System – National Democratic Congress – New Patriotic Party – Financial Loss Law– Corruption

28 February 2012

1. Please supply a map of Ghana showing Akim Ayirebi, Akim, Oda and the Jasikan District in the Volta Region.

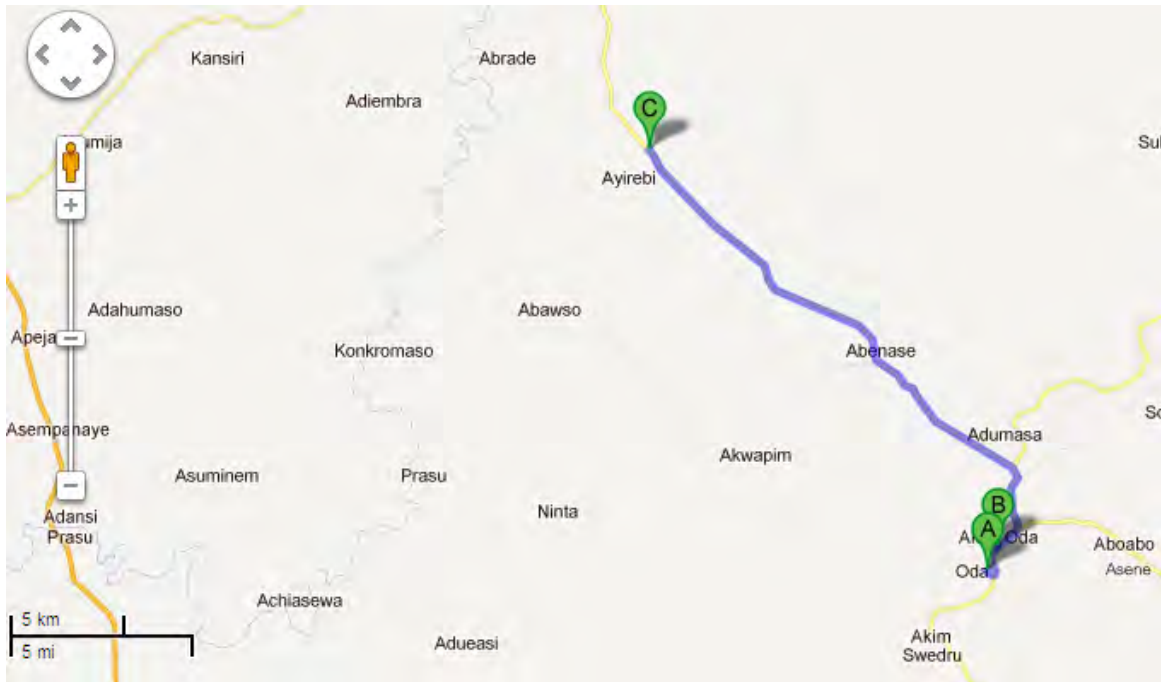
A United Nations map of Ghana shows Jasikan in the Volta Region, in eastern Ghana. Oda is located in the Eastern Region.¹



According to Google Maps, Akim Oda (B) is located in Ghana's Eastern Region, approximately 1.8 kilometres north-east of Oda (A). Ayirebi (C) is located approximately 26.5 kilometres north-west of Akim Oda, also in the Eastern Region.²

¹ United Nations Department of Peacekeeping Operations Cartographic Section 2006, „Ghana’, Map No.4186, Rev.3, February <http://www.un.org/depts/Cartographic/map/profile/ghana.pdf> – Accessed 13 February 2012

² „Oda, Ghana to Ayirebi, Ghana’ (undated), Google Maps <http://g.co/maps/88acd> – Accessed 13 February 2012



A 2006 article in Ghanaian newspaper *The Statesman* reports that Akim Ayirebi is a “small village outside of Akim Oda in Eastern Region”.³

2. **Please provide an overview of Ghana’s political and electoral system. Is it correct that the NPP were in power prior to elections in 2008 at which time the NDC came into power? Are there reports that the new government has introduced new financial loss laws since 2008?**

Ghana is an electoral, constitutional, democracy. Legislative power is vested in a unicameral 230-seat parliament, whose members are elected for four-year terms.^{4 5 6} The president and vice-president are directly elected for a maximum of two four-year terms.⁷ The president also nominates a Council of Ministers, which is subject to parliamentary approval.⁸ Ghana’s multi-party political system is dominated by two major rival parties, the National Democratic Congress (NDC) and the New Patriotic Party (NPP).⁹

Ghana gained independence from British rule in 1957. In 1966, independence leader Kwame Nkrumah was ousted, leading to 15 years of military coups and successive military and civilian governments. Air force officer Jerry Rawlings led a coup against the ruling military junta in 1979,¹⁰ before resigning from the air force in 1992 to campaign for the presidency as

³ Benjamin, C. 2006, „The Development of Akim Ayirebi’, *The Statesman*, 14 December http://www.thestatesmanonline.com/pages/news_detail.php?newsid=1738§ion=9 – Accessed 13 February 2012

⁴ Freedom House 2011, *Freedom in the World 2011 – Ghana*, UNHCR Refworld, 23 June <http://www.unhcr.org/refworld/docid/4e03440b1a.html> – Accessed 24 February 2012

⁵ US Department of State 2011, *Country Reports on Human Rights Practices for 2010 – Ghana*, 8 April, Introduction

⁶ UK Home Office 2010, *Country of Origin Information Report – Ghana*, 30 September, p.19

⁷ Freedom House 2011, *Freedom in the World 2011 – Ghana*, UNHCR Refworld, 23 June <http://www.unhcr.org/refworld/docid/4e03440b1a.html> – Accessed 24 February 2012

⁸ UK Home Office 2010, *Country of Origin Information Report – Ghana*, 30 September, p.19

⁹ Freedom House 2011, *Freedom in the World 2011 – Ghana*, UNHCR Refworld, 23 June <http://www.unhcr.org/refworld/docid/4e03440b1a.html> – Accessed 24 February 2012

¹⁰ Freedom House 2011, *Freedom in the World 2011 – Ghana*, UNHCR Refworld, 23 June <http://www.unhcr.org/refworld/docid/4e03440b1a.html> – Accessed 24 February 2012

a candidate for the newly-formed NDC.¹¹ Rawlings and the NDC remained in power until 2000, when the opposition NPP and its leader, John Kufuor, won the presidential and parliamentary elections. Kufuor and the NPP were re-elected in 2004.¹²

In the December 2008 presidential and parliamentary elections, the ruling NPP was narrowly defeated by the opposition NDC. NPP candidate, Nana Akufo-Addo, initially won 49 per cent of the vote against NDC candidate John Atta Mills' 48 per cent in the first round of the presidential election. However, as neither candidate received more than 50 per cent, a runoff vote was held, resulting in Atta Mills winning with just 50.23 per cent. In the parliamentary elections, the NDC won 114 seats against the NPP's 107.¹³ Atta Mills was inaugurated as Ghana's president in January 2009.¹⁴

Financial loss law

No reports were located that suggest that the NDC government has introduced new financial loss laws since entering into power in 2008. A law on „wilfully causing financial loss to the state' was passed by the NDC in 1993, as an amendment to the Criminal Code. Although reportedly sparingly applied under the former NDC administration prior to 2000,¹⁵ ¹⁶ the law has been more readily used under the current NDC government to charge former NPP officials.

In February 2012, former Deputy Education and Sports Minister in the NPP government, O. B. Amoah, was reportedly arrested and charged with wilfully causing financial loss to the state over his involvement in a contracts scandal ahead of the 2008 Africa Cup of Nations in Ghana.¹⁷ *The Ghanaian Chronicle* reported in October 2011 that five former NPP government officials were “standing trial for wilfully causing financial loss to the state in the sale of Ghana Airways”, which reportedly resulted in a loss of over US\$58 million.¹⁸

In August 2009, *The Ghanaian Chronicle* reported that former NPP Minister of Foreign Affairs, Osei Agyei, had been charged under the law.¹⁹ Also in 2009, two former members of the government committees responsible for Ghana's 50th anniversary celebrations in 2007 were charged with four counts of wilfully causing financial loss to the state. Their cases were subsequently dismissed by the High Court for lack of jurisdiction.²⁰

¹¹ Muller, T. C., Overstreet, W. R., Isacoff, J. F. & Lansdorf, T. (eds) 2011, „Ghana', *Political Handbook of the World Online Edition*, CQ Press Electronic Library
http://library.cqpress.com/phw/document.php?id=phw2011_Ghana&type=toc&num=69 – Accessed 13 February 2012

¹² Freedom House 2011, *Freedom in the World 2011 – Ghana*, UNHCR Refworld, 23 June
<http://www.unhcr.org/refworld/docid/4e03440b1a.html> – Accessed 24 February 2012

¹³ Freedom House 2009, *Freedom in the World 2009 – Ghana*, UNHCR Refworld, 16 July
<http://www.unhcr.org/refworld/docid/4a6452b6c.html> – Accessed 24 February 2012

¹⁴ US Department of State 2011, *Country Reports on Human Rights Practices for 2010 – Ghana*, 8 April, Introduction

¹⁵ Takyi-Boadu, C. 2009, „Ghana: Law On Causing Financial Loss Must Stay', *All Africa Global Media*, source: *The Ghanaian Chronicle*, 13 January <http://allafrica.com/stories/200901130801.html> – Accessed 14 February 2012

¹⁶ Gyasi, I. K. 2009, „The NPP, the NDC And the Financial Loss Law', *The Ghanaian Chronicle*, 4 August

¹⁷ „O.B. Amoah arrested over Woyomegate' 2012, *Ghana News Bay*, 19 February
<http://www.ghananewsbay.com/2012/02/19/o-b-amoah-arrested-over-woyomegate/> – Accessed 20 February 2012

¹⁸ Benson, I. 2011, „Ghana: Anane, Akoto Osei Case Adjournd Sine Die', *All Africa Global Media*, source: *The Ghanaian Chronicle*, 26 October <http://allafrica.com/stories/201110270338.html> – Accessed 20 February 2012

¹⁹ Gyasi, I. K. 2009, „The NPP, the NDC And the Financial Loss Law', *The Ghanaian Chronicle*, 4 August

²⁰ US Department of State 2011, *Country Reports on Human Rights Practices for 2010 – Ghana*, 8 April, Section 4

The law was also applied during the reign of the former NPP government from 2000 to 2008, resulting in the imprisonment of some former NDC ministers.²¹ Additionally, the wife of former president and NDC leader Jerry Rawlings, Nana Konadu Rawlings, was accused of wilfully causing financial loss to the state in 2006 in relation to the purchase of a Ghana Industrial Holding Corporation cannery.²²

3. Deleted.

4. Are there reports of widespread official corruption in Ghana?

The US Department of State reported in April 2011 that corruption exists in all branches of government in Ghana, including the judiciary and the police force. Although criminal penalties can be imposed for official corruption, the law is not implemented effectively, and government officials continue to engage in corrupt practices such as extortion and bribery. Police officers have also been rumoured to collaborate with criminals.²³

Freedom House reported in 2011 that corruption was persistent in Ghana's judicial system. Scarce resources and poor salaries for judges have led to bribery and a compromised judicial process. The impartiality of the Accra Fast Track High Court, which hears corruption cases involving former government officials, has been questioned by a number of observers. The National Democratic Congress (NDC) government has also been criticised for "attempting to infringe upon the judiciary's independence" by threatening to intervene if the chief justice fails "to 'purge' the judiciary of corruption".²⁴

A 2009 profile on Ghana by the Business Anti-Corruption Portal stated that the Ghana Police Service is widely perceived as "one of the most corrupt and dishonest agencies in Ghana". Police officers engage in extortion and bribery, and are rarely prosecuted or disciplined. Limited reporting of corruption, due to lengthy procedures and a lack of legal protection for witnesses, meant that no cases of police corruption were prosecuted in the 10 years prior to 2009. A 2007 report by the Commonwealth Human Rights Initiative found that 92 per cent of Ghanaians had paid a bribe to police at some point. Cases reported to police stations are reportedly seen as an opportunity to collect bribes.²⁵

In 2010, the Public Accounts Committee, responsible for auditing government spending, "uncovered numerous cases of embezzlement and misuse of funds by government ministries, departments, agencies, and district assemblies... The committee forwarded all cases to the attorney general; however, no prosecutions had been reported at year's end". Additionally, critics have questioned the ability of the Commission on Human Rights and Justice to independently investigate cases of high-level corruption brought by individuals against government agencies. Nevertheless, the commission generally operates without overt governmental interference.²⁶

²¹ Takyi-Boadu, C. 2009, „Ghana: Law On Causing Financial Loss Must Stay’, *All Africa Global Media*, source: *The Ghanaian Chronicle*, 13 January <http://allafrica.com/stories/200901130801.html> – Accessed 14 February 2012

²² US Department of State 2008, *Country Reports on Human Rights Practices for 2007 – Ghana*, 11 March, Section 3

²³ US Department of State 2011, *Country Reports on Human Rights Practices for 2010 – Ghana*, 8 April, Introduction, Sections 1d, 1e, 4

²⁴ Freedom House 2011, *Freedom in the World 2011 – Ghana*, UNHCR Refworld, 23 June <http://www.unhcr.org/refworld/docid/4e03440b1a.html> – Accessed 24 February 2012

²⁵ UK Home Office 2010, *Country of Origin Information Report – Ghana*, 30 September, pp.24-25

²⁶ US Department of State 2011, *Country Reports on Human Rights Practices for 2010 – Ghana*, 8 April, Sections 4, 5

Freedom House reported in 2010 that entities such as the the Internal Audit Agency, the Public Procurement Authority and the Serious Fraud Office can also be subjected to political pressure as their “boards and executives...are essentially appointed by executive. The practice of creating such watchdog agencies and then giving the executive unfettered discretion to appoint their leaders and control their funding has been criticized by civil society as perverse and self-defeating”. Corruption prosecutions that do occur are often alleged to be politicised.²⁷

²⁷ Freedom House 2010, *Countries at the Crossroads 2010 – Ghana*, 7 April

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<http://www.ghananewsbay.com/2012/02/19/o-b-amoah-arrested-over-woyomegate/> – Accessed 20 February 2012.
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http://www.thestatesmanonline.com/pages/news_detail.php?newsid=1738§ion=9 – Accessed 13 February 2012.
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<http://allafrica.com/stories/2011110270338.html> – Accessed 20 February 2012.
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<http://www.unhcr.org/refworld/docid/4a6452b6c.html> – Accessed 24 February 2012.
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http://library.cqpress.com/phw/document.php?id=phw2011_Ghana&type=toc&num=69 – Accessed 13 February 2012.
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<http://allafrica.com/stories/200901130801.html> – Accessed 14 February 2012.
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