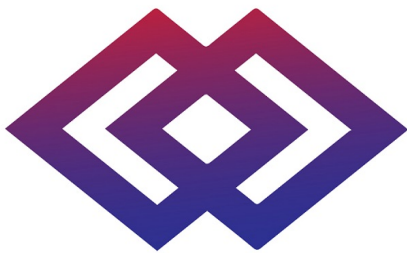


The Accra Dialogue



ILPA
INSTITUTE OF LAW AND PUBLIC AFFAIRS

FRIEDRICH
EBERT 
STIFTUNG

Topic:

Combating Corruption: The Architecture of the Office of the Special Prosecutor

Background

Ghana's democracy has been touted as one of the leading experiments in the sub-region. This is often attributed, largely, to the structure of its current Constitution – the 1992 Constitution. That notwithstanding, recent occurrences suggest strongly that the Constitution is a little too helpless in dealing with one of the most vicious threats to democracy – corruption. As a result, corruption has become the most important political issue in Ghana today. Reports of corrupt practices abound in the media (tradition and social), places of religious worship, workplaces, among others.



Concomitantly, a very careful observation would reveal that the desire, as least on the face of it, to root out corruption underpins literally all the substantive amendments that have been variously proposed to the Constitution. Proposals relating to diminution of executive power, strengthening Parliament to better perform its oversight responsibilities, abolition of the Council of State, decentralisation, unification of wages and other forms of compensation for public office holders, national development planning, etc., are fuelled by the desire to crackdown on corruption one way or the other. Another proposal which reflects this desire is the one which seeks, generally, to de-executivise the State's prosecutorial powers.

While the other proposed measures to dealing with corruption may require a lot more deliberation or consultation and, consequently, a great amount of time and tact to pull through, the proposal that seeks to de-executivise prosecution seems to be a little more straightforward. It also enjoys a relatively higher amount of consensus. For example, the NDC, in its manifesto for the 2016 general elections, promises to infuse into criminal prosecution elements of private anti-corruption measures. The NPP, on the other hand, has maintained that instituting an Office of Special Prosecutor (OSP) which will be independent of the executive, namely, the Attorney-General and Minister of Justice, would be a better option under the circumstances. The methodology the party proposes for achieving this, however, is the enactment of an Act of Parliament (rather than the traditional view of express constitution amendment).

While the result of the NPP's promise – an independent prosecutor – seems to enjoy a great deal of support, the methodology for achieving it – an Act of Parliament – has triggered sharp criticisms and a debate, particularly among lawyers. This debate, broadly speaking, involves a line between 2 schools of thought: first, those who insists that an Act of Parliament would be sufficient to achieve the desired result; and, second, those who argue that the desired decoupling would not mean much unless or until it is done at the constitutional level.

The Dialogue

Purpose

One of the principal objectives of the Institute of Law and Public Policy (ILPA) is to help improve policy-making processes and, concomitantly, the quality of policy by creating a free and healthy market of ideas from the perspective of law, governance and development. In line with this objective, ILPA is partnering with the Friedrich Ebert Stiftung (FES) to create a formal platform for weighing the 2 sides to the matter.

The Dialogue will bring together leading thinkers and practitioners in the area of law and development policy to scrutinise the issues on which the options turn. This will be done with the aim of influencing government decisions and actions in respect of the options. Accordingly, the products of the debate will be synthesised and published as a position paper or communique by ILSA for general education and consideration by government.



Structure

The fundamental objective of the Dialogue is to give currency to expert opinion on the matter. To ensure this and also keep it simple and more interactive, the Dialogue will be structured as follows:

Each panellist would be allotted 7 minutes to, first, state their position on the issues. Thirty minutes would, then, be allowed for the panellists to query each other on their respective positions on the issues. Thereafter, the audience would be allowed 30 minutes to put questions to the panellists.



Program Details

Date:

Wednesday, March 15, 2017.

Time:

4:00 pm.

Venue:

Moot Court Auditorium, Faculty of Law, GIMPA.

Host/Moderator:



Dean Kofi Abotsi, Dean, Faculty of Law, GIMPA.



Panellists



Dr A. Gyekye-Jandoh, Snr Lecturer, Pol. Sci. Department, UG.



Prof H. K. Prempeh, Governance and Legal Policy Expert.



Dr Dominic Ayine, M.P., Former Deputy A-G



Dr Raymond Atuguba, Former Executive Secretary, CRC.

