COLLABORATION IN THE FIGHT AGAINST CORRUPTION

ARE THE UNCAC, OECD CONVENTION WORKING: THE MAYBEY AND JOHNSON CASE

BY

VITUS A. AZEEM
GHANA INTEGRITY INITIATIVE
LOCAL CHAPTER OF TRANSPARENCY INTERNATIONAL
M & J is a bridge construction company that was awarded contracts by a number of developing countries in the 1990s;

Allegations of bribery of public officials in developing countries made in the UK against M & J

SFO in the UK investigates the case of alleged bribery of public officials by these countries;

Based on its findings SFO prosecutes the case
THE CASE

- Judgement given against company & some board members
- Ghana mentioned as one of the countries in which M & J paid the bribes
- Some Ghanaian public officials currently holding public office mentioned as alleged beneficiaries
- Ghana is awarded compensation for the loss
- Denials on air by some of these officials
- Media debate and calls for investigations
THE ROLE OF THE GOVERNMENT

- The President asks Attorney-General to visit the UK to get more information about case
- He was criticised for this but the A-G goes to the UK all the same
- Information could have been obtained without any visit to the UK
- Also, suspicion that this was an attempt to interfere with the case
- On return, two public officials pressured to resign
THE ROLE OF MEDIA AND CIVIL SOCIETY

• More pressure from Media & Opposition parties

• GACC issues press statement supported by GII and other civil society organizations calling for investigations by independent body based on:
  ○ The alleged bribery took place when the current ruling party was in power in the 1990s
  ○ So fear of government attempts to kill the case
Government acts Commission for Human Rights and Administrative Justice (CHRAJ), which also has an anti-corruption mandate, to investigate the allegations;

CHRAJ is a constitutional body, which is independent of the Executive

Thus, the President & the ruling party appear to have exonerated themselves from being accused of interfering with the case

But, three other accused persons still holding public office
THE ROLE OF PARLIAMENT

- Parliament remains silent throughout
- Could have called A-G to answer questions! But No!
- Underplays its oversight role?
Accused persons go to court to restrain CHRAJ from investigating on technical grounds –

- Mandate of CHRAJ questioned – one not in public office
- CHRAJ commissioner had made prejudicial comments on case on air
- One accused person also goes to court to force the investigation to proceed, claiming to be innocent.

The Judiciary is independent but often accused of being corrupt and politically biased.
THE OUTCOME OF THE CASE

- One case requires a Supreme Court interpretation of the Constitution
- Delays in determination of two of these court cases
  - Case successfully stalled for now though not yet determined – pace of case worrying.
- Silence from both opposition and civil society awaiting judgement from courts, ensuring its independence
The UK SFO took up the matter although the UK loses nothing – commitment to OECD convention?
The UK SFO also cooperated and provided all necessary information to Ghana
Important to note also that Government has not directly stopped investigations
Government silent about the status of compensation probably because the allegations took place when ruling party was in power then – beneficiaries?
Government and Party embarrassed - politicisation of corruption
Recent complaints about the Judiciary being corrupt and politically biased – delays? Any influence?
THANK YOU

THANK YOU FOR YOUR ATTENTION