



OCCUPYGHANA PRESS RELEASE

Accra, 22 October 2025

RE: STOP THE TALK – ENFORCE THE AUDITOR-GENERAL'S POWERS NOW

OccupyGhana has noted the 20 October 2025 press release issued by the Spokesperson for the President and Minister of Government Communications, announcing a meeting between the President, Chief Justice, Attorney-General and Auditor-General to '*discuss measures for strengthening the enforcement of findings contained in the Auditor-General's Reports,*' and to designate special courts to handle cases arising from disallowances, surcharges and related offences.

We welcome any sincere step that might strengthen accountability in public finance. However, this latest meeting risks becoming yet another high-level talk shop: long on publicity and short on results. Ghana does not need more meetings, committees or communiqués. What is needed is simple: *ENFORCE THE LAW*.

THE LAW HAS BEEN CLEAR SINCE 2017

When OccupyGhana began, in 2016, to demand that the Auditor-General fulfil the constitutional duty to *DISALLOW* unlawful expenditures and *SURCHARGE* those responsible for them, we met resistance and even ridicule. The Audit Service then suggested it would 'educate' us on the matter.

We were therefore forced to go to the Supreme Court to compel compliance. Disturbingly, the Attorney-General's office at the time opposed us, arguing technicalities rather than defending the Constitution, a posture that persisted through successive governments.

On 14 June 2017, the Supreme Court unanimously upheld our position. It affirmed that the Auditor-General has a *MANDATORY CONSTITUTIONAL DUTY* to disallow illegal expenditures and surcharge those responsible. It further ordered that:

1. The Auditor-General must recover all sums unlawfully expended or lost to the state; and
2. The Attorney-General must take all necessary steps, including prosecutions, to enforce compliance.

These are not policy options or administrative preferences; they are binding constitutional obligations that remain in full force today.

WHEN ENFORCED, IT WORKED

Under then Auditor-General Daniel Domelevo, Ghana finally saw these provisions implemented for the first time since the Constitution came into effect. According to the World Bank's *'Global Report on Public Sector Performance (September 2020)'*, between June 2017 and November 2018, the Auditor-General issued 112 surcharge certificates and recovered GHS67.3 million for the state.

The World Bank Report cited the *OCCUPYGHANA v ATTORNEY-GENERAL* case as a landmark reform that transformed Ghana from a country that had lost an estimated GHS7.5 billion to irregularities between 2003 and 2014, into a model of active recovery. Ghana, it said, became a continental example, inspiring other countries to enact similar laws.

Then the progress stopped. Domelevo was forced out of office. His successor, who participated in this latest meeting, has since refused to perform the same constitutional duties. No known disallowances or surcharges have been made, and no funds have been recovered. The Auditor-General has defied both the Constitution and the Supreme Court, without consequence.

The Attorney-General, whose office should have enforced surcharges or prosecuted the Auditor-General for the high crime of breaching the mandatory orders of the Supreme Court, has remained silent. The two institutions are in open default of their constitutional mandates.

A FAMILIAR PATTERN OF INACTION

This is not the first time such a high-level meeting has been held. In October 2022, the President, after one such meeting, directed the State Interests and Governance Authority (SIGA) and the Attorney-General to investigate infractions cited in the Auditor-General's reports and to report back within four weeks. That directive achieved nothing, because the law already required those actions. There was no need for another presidential instruction, only enforcement.

Even the idea of 'special courts' is not new. As the 2020 World Bank Report confirms, special courts were already designated years ago by the then Chief Justice to handle disallowance and surcharge matters. Yet five years later, we are re-designating the same special courts, without asking what happened to the old ones or why they produced no visible results.

Let us be clear:

- (i) The Auditor-General's duty is to **disallow, surcharge and recover**, not to meet and talk.
- (ii) The Attorney-General's duty is to **prosecute**, not to promise.
- (iii) The Chief Justice's role in providing courts all over again will mean nothing if the first two do not act, and we do not find out what happened with the first courts provided.

Without enforcement, this new initiative will be yet another expensive charade.

ENOUGH TALK – ENFORCE THE LAW

The Supreme Court's 2017 decision in *OCCUPYGHANA v ATTORNEY-GENERAL* remains binding. Every single day that the Auditor-General and Attorney-General fail to act is a continuing breach of the Constitution. The law does not need to be 'strengthened;' it simply needs to be obeyed.

OccupyGhana therefore demands:

1. Immediate resumption of disallowance and surcharge actions by the Auditor-General;
2. Enforcement and prosecution by the Attorney-General as ordered by the Supreme Court; and
3. Judicial support to ensure that those actions are sustained.

Until these are done, the public meetings, press releases and promises are nothing but a charade. Ghanaians are tired of photo opportunities dressed up as reform. The time for talk is long past.

Ghana deserves institutions that act, not officials who only announce intentions.

Ghanaians deserve accountability, not publicity.

The Constitution demands enforcement, not excuses.

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