

**Security Governance Initiative
Joint Country Action Plan**



**The United States Government
and
The Government of Ghana**

February 2016

OVERVIEW

The Joint Country Action Plan (JCAP) is a shared document that outlines a roadmap for successful bilateral engagement under the Security Governance Initiative (SGI). Based on discussions that took place in Accra, Ghana, October 7-16, 2015, between U.S. and Ghanaian subject matter experts, this JCAP captures the security governance challenges, desired end states, intermediate objectives, and recommendations for the Governments of Ghana (GOG) and the United States (hereinafter the "Partners") in three jointly identified focus areas: 1) Maritime Security; 2) Border Management and Integration; and 3) Cyber Security and Cyber Crime. A fair, effective and efficient justice sector was identified as a fundamental component of the environment and conditions necessary to achieve a sustainable impact in the three primary focus areas, and address that issue, cross-cutting legal and judicial reforms have been identified that will enhance the conditions within the justice sector essential to the success of undertaking reforms in the three focus areas.

This JCAP also describes expectations for the SGI partnership and plans for ongoing monitoring and engagement. This JCAP allows the Partners to jointly identify the most appropriate, effective, and impactful opportunities for the SGI.

FOCUS AREA ONE: MARITIME SECURITY

Current Environment

The GOG is responsible for the promotion of maritime safety, security, and the sustainability of living marine resources. Several agencies within Ghana have lead and/or supporting authorities in the maritime domain including, but not limited to, the Ghana Maritime Authority, Ghana Navy, Ghana Marine Police, Ghana Ports and Harbours Authority, Ghana Immigration Services, Ghana Revenue Authority-Customs Division, Bureau of National Investigations, Narcotics Control Board, and the Ministry of Fisheries and Aquaculture Development. In many cases, the responsibilities of these agencies overlap, resulting in significant inefficiencies and redundancies.

The successful investigation and prosecution of maritime crimes on and off the coast of Ghana is further challenged by unspecified and overlapping legal and institutional authorities, inadequate legal frameworks, and the limited availability of well-trained prosecuting authorities. In addition, no specific guidance exists to guide the resolution of conflicts that come about as a result of the intersection of Ghanaian agency stakeholders operating in the maritime domain. While there are existing coordinating mechanisms to address maritime-related issues (e.g., Joint Port Control Unit), most agencies are not adequately trained to understand each other's roles, authorities, and responsibilities. Furthermore, processes for information-sharing across agencies, when they are in place, are cumbersome at best. Delays in sharing time-sensitive information have caused the loss of evidence, loss of suspects and can be blamed for numerous missed enforcement opportunities.

Desired End State

Ghana is better positioned to identify, mitigate, and respond to maritime threats, as well as ensure economic sustainability and development in its waters, by developing and employing a whole of government Integrated Maritime Strategy.

Intermediate Objectives

1. *Develop a National Integrated Maritime Strategy.* This document will include a strategic vision, articulate Ghanaian maritime safety and security priorities, establish whole-of-government information sharing and a system for coordinated response, and establish government support for efforts that position the Ghana maritime domain and ports as

157

12/18

efficient, safe, and prosperous venues for economic activity and maritime commerce. Further, the Strategy will provide guidance for the creation of Standard Operating Procedures.

2. *Implement a whole-of-government collaboration framework* (consistent with the National Integrated Maritime Strategy).
 - a. This Framework will integrate, align, and coordinate agency efforts in day-to-day operations, in the following areas: information collection and analysis, response actions, and disposition (to include prosecutions, as appropriate)
 - b. The Framework will support Ghanaian security, legal, diplomatic, and governance priorities, and detail requirements for whole-of-government notification, information-sharing, and coordination when more than one agency is (or could be) involved at any point in the response spectrum.
 - c. The overarching goals of this Framework would include integrating agencies to protect, support, and defend Ghanaian interests in the maritime space; creating effective, integrated, transparent and timely maritime situational awareness; supporting actions to ensure safety of life from the perils of the sea, protecting the marine environment, enhancing the safety of ships and improving cargo security; ensuring a legal disposition for those who exploit the maritime environment to commit illicit activity, and ensuring the optimum employment of resources; and formalizing the processes by which information is shared and responses are coordinated between agencies.
3. Align training and interoperability for tactical-level, and operational joint task forces.
4. Ensure legal accountability for illicit activity in the maritime environment by adopting appropriate legislation and regulations. For all cases involving maritime crime, prosecutors are to be consulted as soon as possible from the time of interdiction (or earlier, as appropriate) and remain in contact throughout indictment.

Recommendations

Recommendations are in priority order. Short term is one to six months; medium term is six months to one year; long term is one to five years.

1. For all serious maritime crimes (serious crimes as defined by GoG stakeholders), the investigative body shall notify the Attorney General's Office of the opening of a criminal investigation at the earliest opportunity, and no later than an agreed-upon time after the investigating officer has received notice of the alleged criminal act. (short term)

2. Conduct a comprehensive review of maritime security laws, policies, and regulations. (short term)
3. Conduct an inventory of current fisheries capacity programs. (short term)
4. Initiate a process to develop a National Integrated Maritime Strategy. (medium term)
5. As requested by the Yaoundé Code of Conduct (2013), identify the Ghanaian national focal point. (short term)
6. Establish a coordinating Framework to integrate and align interagency efforts. (medium term)
 - a. Draft a Framework for whole-of-government information-sharing and response coordination that includes agency points of contact.
 - b. Conduct a table-top exercise with interagency participants to “test” the Framework and refine as necessary. A key focus area of the exercise is ensuring the Framework supports timely identification of threats, notification, planning, and decision-making.
 - c. Develop standard operating procedures to provide guidance regarding the coordinated response to specific maritime threats and events.
 - d. Develop the curriculum for joint training programs.
7. Develop and/or continue a program of disincentive structures for artisanal fishing offenders in a manner that encourages a culture of compliance. (medium term)
8. Conduct workshops with subject matter experts to address specific issues in the maritime response spectrum, with each workshop producing specific actionable recommendations, (e.g., Port Security Legislation Workshop, Private Security Workshop) (short-medium term)
9. Secure approval of Maritime Crime Legislation (as an amendment to the Criminal Act) and enact other revisions to policy and regulation as needed. (long term)
10. Establish a cadre of specialized investigators, prosecutors and judges in line with existing specialized court practices for maritime cases. (long term)

FOCUS AREA TWO: BORDER MANAGEMENT AND INTEGRATION

Current Environment

Ghana’s borders are porous and difficult to monitor. These challenges are magnified by a lack of collaboration and coordination amongst the various agencies responsible for border management. The stakeholders in the management of Ghana’s borders include Ghana Revenue Authority-Customs Division (GRA-CD), Ghana Police Service (GPS), Ghana

45

270

Immigration Services, Narcotics Control Board, Bureau of National Investigation, Bureau of National Communication, Port Health Authority, and Agriculture Quarantine Service.

Inadequate enforcement, limited resources, and unclear processes and practices hinder Ghana's ability to combat illicit trafficking of humans, drugs, and weapons, and to effectively control illegal crossings at the borders. These challenges undermine the country's ability to maximize customs revenue collections and to respond to transnational disease outbreaks. Ghana also suffers from lack of coordination in combating cross-border threats, interagency rivalries, lapses in integrity, and gaps in cross-fertilization of expertise of border officers. Ultimately, these conditions limit Ghana's development and expose it to transnational crime and terrorism.

Desired End State

The GOG improves the security of its air, sea, and land borders by implementing methods for collaborative and integrated management and operations with participation from all border-related agencies while continuing to facilitate safe and legal trade and movement.

Intermediate Objectives

1. Develop and adopt an integrated approach to border management. This approach will incorporate multiple domestic and international stakeholders; include clearly defined standard operating procedures (SOPs); establish a border management body with rotational leadership among key stakeholder agencies; share border infrastructure across interagency actors; unify communication platforms; and resource border agencies for sustainability with opportunities for training and capacity enhancement.
2. Enhance command presence at the borders through better operations coordination and communication.
3. Increase operational capacity of border agency actors through improved professionalization, integrity, and interagency cooperation.
4. Increase capability to manage border enforcement cases.

Recommendations

Recommendations are in priority order. Short term is one to six months; medium term is six months to one year; long term is one to five years.

42

270

1. For all serious border-related crimes (serious crimes as defined by GoG stakeholders), the investigative body shall notify the Attorney General's Office of the opening of a criminal investigation at the earliest opportunity, and no later than an agreed-upon time after the investigating officer has received notice of the alleged criminal act. (short term)
2. Design a national border management strategy. (short term)
3. Establish an integrated border management coordinating body located within the office of the National Security Coordinator. (short term)
4. Review training curriculum for border management agencies. (medium term)
 - a. Identify vital training programs to enhance professional capabilities, including leadership courses.
 - b. Develop programs to enhance integrity and accountability.
 - c. Develop procedures for the provision of French language training.
5. Establish standard operating procedures for information sharing and coordination of activities (medium term).
 - a. Establish procedures for briefing senior leadership on key border issues.
 - b. Improve procedures for information sharing and operations collaboration.
6. Establish standard operating procedures for case preparation, chain of custody and control of evidence, and communicating with the Attorney General's Office. (medium term)
7. Establish enhanced border control processes. (long term)
8. Develop a joint border management response strategy for refugee situations. (long term)
9. Establish a cadre of specialized investigators, prosecutors and judges in line with existing specialized court practices for border-related cases. (long term)
10. Enhanced border community outreach strategy. (long term)
11. Enhance the process for monitoring transit vehicles. (long term)

FOCUS AREA THREE: CYBERSECURITY AND CYBERCRIME

Current Environment

Cybersecurity and cybercrime are pressing concerns for the GOG. A draft Cyber Security Policy and Strategy is currently pending cabinet approval. The country's National Computer

20

Emergency Readiness Team (CERT) provides mostly reactive services with a long-term focus on developing the capacity to respond to and mitigate incidents affecting government networks. Limited information-sharing and low trust amongst stakeholders within and outside of government frustrates attempts to collaborate on prevention and coordinate appropriate responses to cyber threats.

Multiple legislative authorities provide policy guidance for improving cybersecurity or responding to cybercrime; however, gaps in definitions, understandings and responsibilities exist. The absence of a coordinated National Cybersecurity Strategy that identifies funding and authorities limits Ghana's ability to progress in capacity development and strategic planning. Financial and human capacity constraints complicate Ghana's ability to respond to the ever-increasing risk and demands for services. Additionally, investigators, prosecutors, defense attorneys, and judges lack the capacity to adequately prosecute cybercrime. Inefficient processes in validating identification documents, contributes to high incidences of identity theft.

Desired End State

Government of Ghana has effective systems, legal frameworks, and capacity to ensure cybersecurity due diligence, and to prevent, detect, and prosecute cybercrime.

Intermediate Objectives

1. Implement the draft National Cyber Security Policy and Strategy through an interagency (multi-stakeholder) process.
2. Promote the signing of the Budapest Convention and assess current legal frameworks to harmonize Ghanaian laws with the Budapest Convention.
3. Improve the GOG's capacity to prevent and respond to cyber threats.
4. Create an environment of Cybersecurity Awareness.

Recommendations

Recommendations are in priority order. Short term is one to six months; medium term is six months to one year; long term is one to five years.

1. For all serious cyber-related crimes (serious crimes as defined by GoG stakeholders), the investigative body shall notify the Attorney General's Office of the opening of a criminal investigation at the earliest opportunity, and no later than an agreed-upon

- time after the investigating officer has received notice of the alleged criminal act.
(short term)
2. Sign and ratify the Budapest Convention. (short term)
 3. Approve and implement the National Cybersecurity Strategy. (short term)
 4. Establish a Cybersecurity Awareness Training protocol for civil servants and other government employees. (short to medium term)
 - a. Identify vulnerabilities and universal trends across agencies.
 - b. Develop a training programing, including online tools for self-training.
 - c. Establish training goals and implementation strategy for training program through Government of Ghana institutions.
 5. Identify good practices and requirements for effective handling of digital evidence.
(medium term)
 - a. Review relevant authorities and legal requirements.
 - b. Enact new legislation or policies, if necessary, to define cybercrime and digital evidence and determine the requirements and use of digital evidence in criminal and civil proceedings.
 - c. Build the capacity of investigators, prosecutors, defense attorneys and judges in the management and use of digital evidence.
 6. Increase efforts to reduce identity theft. (medium term)
 - a. Review legal authorities on data privacy and data protection on how/when information can be released.
 - b. Provide curriculum assistance and planning on anti-counterfeiting for identity documents.
 7. Develop a Cybersecurity Awareness Program to educate the citizens of Ghana.
(medium term)
 - a. Explore program models worldwide to assess best practices.
 - b. Join STOP.THINK.CONNECT as an international member.
 - c. Create new materials or adapt existing open source materials for local languages and local needs to build awareness of risks and role of consumer in cybersecurity awareness.
 8. Provide support for CERT maturation. (medium to long term)
 - a. Develop a non-disclosure/information-sharing agreement for use with private sector, academia and others.
 - b. Develop a program to train CERT staff on risk management and assessment.
 - c. Provide technical certification and/or distance learning opportunities for CERT staff to build a corps of technical professionals.
 - d. Expand coordination and collaboration with US-CERT and other governmental CERTs outside of Ghana.
 - e. Build capacity toward incident response and mitigation.

9. Review existing legal frameworks to harmonize with the Budapest Convention, identifying gaps and determining needs for expanded or new authorities, laws, and polices to effectively meet requirements of the Convention. (long term)
10. Establish a cadre of specialized investigators, prosecutors and judges in line with existing specialized court practice for cyber-related cases. (long term)
11. Support implementation of the nine pillars of the National Cyber Security Policy and Strategy. (long term)

CROSS-CUTTING ISSUE: ADMINISTRATION OF JUSTICE

Issues that undermine the ability of the justice sector to effectively investigate and prosecute criminal acts relevant to all focus areas include: 1) the practice of police prosecutors of the GPS to prosecute serious crimes without input or assistance from a State Attorney; 2) the lack of consistent information collection and information sharing regarding pertinent facts related to cases between all actors involved in the administration of justice; and 3) deficient and out-of-date substantive legal frameworks in each of the three focus areas which do not support the enforcement and prosecution of associated crimes. The JCAP includes recommendations each of the focus areas that are intended to address justice sector gaps relevant to that focus area.¹

Looking to the future, the GOG may consider expanding these recommendations to apply to all serious crime. During the JCAP process experts discussed additional recommendations the GOG could undertake, outside SGI, to enhance the administration of justice beyond the three SGI focus areas. These include:

1. Conducting a feasibility study to determine requirements for developing the Attorney General's Office to effectively represent the State in all criminal proceedings. This would entail: 1) the AG's Office, in coordination with the Ministry of Finance, developing a three- to five-year plan and budget for the recruitment and retention of sufficient numbers of State Attorneys; and 2) the Ministry of Interior with the GPS, and in coordination with the AG's Office, developing a transition plan with milestones to reduce the number of Police Prosecutors in line with the AG's office plan.
2. The AG's Office, the Judicial Service, GPS and Prison Service jointly developing the requirements for an integrated, scalable, criminal case management system to increase efficiency, transparency and accountability within the justice sector as a whole. Such requirements may leverage existing systems and emerging donor efforts.

¹ See Focus Area 1: Recommendations 1, 2, 6, 8, 9, & 10; Focus Area 2: Recommendations 1, 6, & 9; and Focus Area 3: Recommendations 1, 5, 6, 9, & 10.

EXPECTATIONS OF PARTNERSHIP

Operating Procedures

Information Sharing

Partners intend to build upon past strong cooperation and remain transparent regarding changes in the security governance environment, and will continue to hold timely discussions about urgent and emerging threats. Partners also intend to advise each other of issues that may impact the SGI partnership, including unforeseen resourcing and staffing constraints and other bilateral policy priorities. Partners remain committed to sharing information relevant to the SGI focus areas.

Responsiveness

Partners intend to continue the past practice of responding as quickly as possible to one another when information is requested.

- Partners intend to provide comments and approval of documents on a mutually determined timeframe.
- Partners intend to communicate feedback on the day-to-day management of SGI through the established SGI Points of Contact (POCs). For formal communications between the Steering Committee members or other inquiries, the SGI POCs should send emails.

Budget

Partners intend to manage contributions to SGI through their respective planning and procurement procedures. Implementation of SGI activities are expected to be through technical expertise and other assistance, not direct financial or budgetary support.

Modifications to JCAP

Minor modifications may be required to take into account new information. Under the following conditions the JCAP should be revised:

- If the security governance environment dramatically changes.
- When budgetary limitations arise.
- In response to emerging and/or urgent threats.

278

- If there is a lack of meaningful progress toward desired end states or intermediate results-- indicating that there may be a potential issue with the jointly determined program logic and should be re-evaluated.

Roles and Responsibilities

Management of SGI

- Government of Ghana: Points of Contact: Edward Yaw Donkor, National Security Coordinator
- United States Government Point of Contact: Tim Miller, Regional Affairs Office Chief

Commitment of Personnel

Partners intend to designate individuals with relevant technical expertise to coordinate and contribute to SGI activities.

Steering Committee Members

Government of Ghana

- H.E. Baba Kamara – National Security Advisor
- Mr. Edward Yaw Donkor – National Security Coordinator
- Lt. Col. Frank Kusi-Darko – SGI team Coordinator
- Capt. Inusah Abdul Nasir – Maritime Security Team Lead
- ACP Owusu Donyina – Border Management Team Lead
- Mr. Ken Adu-Amanfo – Cyber Crime/Cyber Security Lead
- Mrs. Stella Ohene-Appiah – Administrative/Justice Overlay

United States Government

- Ambassador Robert P. Jackson, U.S. Ambassador to Ghana
- Ambassador Susan D. Page, SGI Head of Delegation
- Robert Carlson, Chief Political Counselor, U.S. Embassy Accra
- Tim Miller, Regional Affairs Office Chief, U.S. Embassy Accra

10/8

- Andy Karas, Mission Director, USAID
- Dr. Stephanie M. Burchard, SGI Ghana Team Coordinator
- Dr. Assis Malaquias, Maritime Security Team Lead
- Emmanuel Nwankwo, Border Management Team Lead
- Holly Holzer, Cyber Crime and Cyber Security Team Lead
- Chris Krafchak, Administration of Justice Team Lead

The Steering Committee should convene bi-annually to review progress toward meeting desired end states, re-adjust program logic, and, when necessary, approve revisions to SGI objectives.

Meeting Space

- Partners intend to share responsibility for identifying adequate meeting space for focus area workshops, Steering Committee meetings, and follow-up engagements with technical experts, with preference given to space that can be utilized without cost.
- SGI points of contact should communicate difficulties in arranging adequate space to see if alternate locations might be identified.

Public Communications

- Partners intend to develop a joint progress report after regularly scheduled SGI Steering Committee meetings.
- Partners intend to discuss an approach for developing and disseminating reports on SGI progress and challenges.

Monitoring Progress

- Monitoring progress towards identified SGI objectives is expected to be a joint responsibility.
- Partners may opt to bring on external consultants to evaluate progress.

AS

279

Ongoing Monitoring and Engagement

Partners agree that it is appropriate and necessary to periodically re-visit the analytic underpinning of the JCAP to ensure that operating assumptions and SGI's program logic remain relevant. In addition, if the security governance environment has changed or new challenges or opportunities have emerged, this review may allow for focus areas to be added or phased out.

The U.S.-Ghana SGI Steering Committee is expected to convene approximately every six months in Accra, Ghana. The U.S. and Ghanaian co-chairs of the Steering Committee may choose to convene more frequently or select an alternate location for the meeting.

Monitoring Plan

A monitoring and evaluation plan is expected to be jointly developed by both Partners and approved by the Steering Committee no later than six months after the JCAP is approved.

Steering Committee Approval of JCAP

The Steering Committee intends to submit this draft JCAP for approval at the appropriate levels.

Signatures of Officials

Signed at Accra this 18th of February, 2016, in two originals in the English language.

**FOR THE GOVERNMENT OF THE
UNITED STATES OF AMERICA:**



Ambassador Robert Jackson

FOR THE GOVERNMENT OF GHANA:



Minister of Foreign Affairs Hanna Tetteh