THE GHANA CHARTER FOR FAIR GOVERNMENT–VENDOR PARTNERSHIPS

Strengthening Trust. Protecting Public Value. Advancing National Development.

A Foundational Public Interest Charter

Proposed by the Ghana Vendor Rights Initiative (GVRI)

An independent public interest initiative of E K Brand Consult

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A CALL FOR A NATIONAL CONVERSATION

Preamble

The relationship between government and the private sector is fundamental to Ghana's economic and social development.

Government institutions depend upon private businesses for a wide range of goods, services, technology, infrastructure, expertise and innovation. Businesses, in turn, invest capital, employ people, acquire equipment, develop intellectual property and commit substantial resources in order to serve the State.

When these relationships work well, the benefits extend far beyond the contracting parties.

- Businesses create employment.
- The government obtains goods and services.
- Taxpayers receive public value.
- Innovation enters the public sector.
- Local industries develop.
- Ghana's economy becomes stronger.

However, when government–vendor relationships are poorly managed, the consequences can extend well beyond an individual contract.

Businesses may suffer severe financial distress. Employees may lose their livelihoods. Investments may be stranded. Public projects may be disrupted. Taxpayer resources may be wasted. Innovation may be discouraged. And confidence in doing business with the State may decline.

Ghana is a constitutional democracy governed by laws and institutions. Governments must retain the authority to make procurement decisions, review programmes, change priorities and terminate contractual relationships where permitted by law and the public interest.

At the same time, the exercise of governmental authority should be accompanied by fairness, transparency, accountability, due process and responsible contract management.

A change in political leadership should not, by itself, undermine legitimate commercial relationships or create unnecessary uncertainty for businesses that have acted lawfully and in good faith.

The challenge, therefore, is not to place vendors above the government.

It is to build a system in which the government can protect the public interest while vendors can have confidence that they will be treated fairly.

This Charter proposes a set of principles to guide that relationship.

It is offered as a starting point for national discussion, expert review and stakeholder consultation.

OUR VISION

We envision a Ghana where government and private-sector vendors can work together with confidence, fairness and mutual respect.

A Ghana where:

- government institutions obtain the best possible value for the taxpayer;
- businesses can confidently invest in serving the State;
- public contracts are managed transparently and professionally;
- political transitions do not unnecessarily destroy productive commercial relationships;
- contractual disputes are resolved fairly and efficiently;
- innovation and local enterprise are encouraged; and
- strong institutions provide continuity beyond individual administrations.

OUR PURPOSE

The Ghana Charter for Fair Government–Vendor Partnerships seeks to establish a shared set of principles for responsible relationships between public institutions and legitimate private-sector vendors.

The Charter aims to encourage:

Fairness
in the treatment of government vendors.

Predictability
in public-sector commercial relationships.

Transparency
in decisions affecting public contracts.

Accountability
for both government institutions and vendors.

Continuity
during changes in government, leadership or policy.

Innovation
through an environment in which businesses can invest with confidence.

Public value
as the ultimate objective of government procurement.

THE TEN PRINCIPLES

PRINCIPLE 1

FAIRNESS AND PROFESSIONAL TREATMENT

Government vendors should be treated fairly, professionally and impartially throughout the lifecycle of their relationship with a public institution.

Government institutions should exercise their authority responsibly and should avoid arbitrary, discriminatory or retaliatory treatment.

Vendors should likewise conduct themselves professionally and fulfil their obligations in good faith.

Fair treatment builds confidence in public institutions and encourages businesses to compete for government opportunities.

PRINCIPLE 2

TRANSPARENCY AND PREDICTABILITY

Material decisions affecting a government–vendor relationship should, where appropriate and subject to lawful confidentiality requirements, be communicated clearly and supported by adequate documentation.

Government vendors should not be left in prolonged uncertainty regarding significant matters affecting their contracts, investments or ability to perform.

Predictability enables businesses to make responsible investment decisions and allows the government to obtain better value.

PRINCIPLE 3

RESPECT FOR CONTRACTS AND THE LAW

Government institutions and vendors should honour their contractual obligations and comply with the Constitution, applicable legislation, procurement requirements and other relevant legal obligations.

Where a contract permits variation, suspension or termination, those provisions should be administered in accordance with the contract and applicable law.

Where circumstances require a departure from an existing arrangement, the parties should seek lawful and responsible mechanisms for managing that change.

PRINCIPLE 4

DUE PROCESS AND REASONED DECISION-MAKING

Significant decisions affecting a government–vendor relationship should be made through appropriate, documented and lawful processes.

Where applicable, vendors should have reasonable opportunities to:

- understand the issues affecting their relationship with government;
- respond to material concerns;
- correct deficiencies;
- clarify disputed facts; and
- pursue available review or dispute-resolution mechanisms.

Due process protects both the State and the private sector.

PRINCIPLE 5

RESPONSIBLE CONTRACT MANAGEMENT

Government–vendor relationships should be actively and professionally managed throughout their lifecycle.

This includes:

- clear communication;
- proper documentation;
- monitoring of performance;
- timely identification of problems;
- appropriate escalation mechanisms;
- responsible management of variations;
- timely consideration of payments and obligations; and
- appropriate planning for completion or termination.

Good contract management reduces disputes and protects public resources.

PRINCIPLE 6

ORDERLY AND RESPONSIBLE TRANSITIONS

Where a government–vendor relationship is completed, transferred, suspended or terminated, the transition should be managed in an orderly manner.

Where relevant, transition planning should address:

- continuity of public services;
- government data and information;
- public assets;
- intellectual property;
- system access and credentials;
- institutional knowledge;
- outstanding deliverables;
- outstanding payments or obligations;
- security considerations; and
- responsibilities of both parties following transition.

A responsible transition protects both public value and legitimate private interests.

PRINCIPLE 7

RESPECT FOR INVESTMENT AND INNOVATION

Government procurement can be a powerful driver of innovation and local economic development.

Businesses frequently make investments in:

- technology;
- infrastructure;
- equipment;
- personnel;
- research and development;
- intellectual property; and
- specialised expertise

in anticipation of delivering long-term value to public institutions.

Government should encourage responsible private-sector investment by creating an environment in which businesses can reasonably assess and manage the risks of working with the State.

This does not guarantee a vendor a continuing contract.

It does, however, support the principle that lawful investment and good-faith performance should be treated fairly.

PRINCIPLE 8

TIMELY RESOLUTION OF FINANCIAL AND CONTRACTUAL OBLIGATIONS

Where contractual obligations, verified payments, deliverables or liabilities remain outstanding, they should be addressed promptly and transparently in accordance with applicable law and contractual terms.

Prolonged uncertainty over legitimate obligations can place unnecessary financial pressure on businesses and can ultimately increase costs for both government and the private sector.

Timely resolution promotes trust and reduces avoidable disputes.

PRINCIPLE 9

ACCESS TO FAIR DISPUTE RESOLUTION

Government vendors should have access to appropriate and credible mechanisms for resolving disputes.

Where disagreements cannot be resolved through ordinary engagement, parties should make use of applicable contractual, administrative, mediation, arbitration, judicial or other lawful mechanisms.

Dispute-resolution systems should seek to provide:

- independence;
- procedural fairness;
- reasonable efficiency;
- clarity; and
- enforceable outcomes.

The objective should be resolution—not unnecessary escalation.

PRINCIPLE 10

INSTITUTIONAL CONTINUITY AND POLITICAL NEUTRALITY

Government–vendor relationships should be managed as relationships between businesses and public institutions rather than as personal relationships with individual political officeholders.

Changes in political leadership should not, by themselves, undermine legitimate contractual relationships.

Where a new administration changes priorities, appropriate mechanisms should exist to:

- review existing commitments;
- assess performance;
- determine whether contracts should continue;
- manage lawful termination where necessary; and
- protect public value during transition.

Strong institutions provide continuity beyond individual governments.

THE RESPONSIBILITIES OF GOVERNMENT

Fair government–vendor partnerships require responsible conduct from public institutions.

Government institutions should strive to:

1. Procure fairly

Apply procurement processes consistently, transparently and in accordance with applicable law.

2. Communicate responsibly

Provide timely and meaningful communication on matters that materially affect vendors.

3. Manage contracts professionally

Maintain appropriate records, monitor performance and address problems promptly.

4. Honour legitimate obligations

Fulfil contractual obligations or responsibly address them through lawful mechanisms.

5. Protect taxpayer value

Ensure that procurement and contract-management decisions are guided by value for money and the public interest.

6. Protect public assets

Safeguard public funds, data, infrastructure and other government assets throughout the contract lifecycle.

7. Support orderly transitions

Ensure that changes in policy, leadership or contractual arrangements do not unnecessarily disrupt essential public services.

8. Provide avenues for resolution

Ensure that legitimate disagreements can be addressed through appropriate mechanisms.

THE RESPONSIBILITIES OF VENDORS

Vendor rights must be accompanied by vendor responsibilities.

Responsible vendors should strive to:

1. Perform professionally

Deliver goods and services in accordance with agreed standards.

2. Act with integrity

Conduct business honestly and ethically.

3. Comply with the law

Observe procurement requirements, tax obligations, labour laws, data protection requirements and other applicable laws.

4. Protect public resources

Use government assets, information and resources responsibly.

5. Maintain transparency

Provide accurate information and cooperate with legitimate audits and reviews.

6. Manage conflicts responsibly

Disclose and appropriately manage conflicts of interest.

7. Respect confidentiality

Protect confidential government and third-party information.

8. Support transitions

Cooperate with reasonable and lawful transition arrangements when contractual relationships change.

POLITICAL TRANSITIONS AND GOVERNMENT CONTRACTS

Political transitions are a normal and necessary part of democratic government.

New administrations should be able to review policies, programmes, expenditures and contractual commitments.

However, institutional continuity is equally important.

A change of political leadership should therefore trigger **review—not automatic disruption.**

Where an existing government contract is reviewed following a change in administration, consideration should be given to:

1. The original basis for the contract.
2. The vendor's performance.
3. The public value being delivered.
4. The government's continuing need.
5. Outstanding contractual obligations.
6. Investments made in good faith.
7. The cost of termination or replacement.
8. The effect on public services.
9. The legal and contractual rights of both parties.
10. The overall impact on the taxpayer.

The objective should always be to determine what outcome best serves Ghana's public interest.

PROTECTING THE TAXPAYER

Vendor rights are not opposed to taxpayer interests.

They can strengthen them.

When government–vendor relationships are predictable and fairly managed:

- more businesses are willing to compete;
- vendors can make longer-term investments;
- government can attract specialised expertise;
- disputes can be reduced;
- project continuity improves;
- innovation becomes more attractive; and
- the State can obtain better value.

Conversely, uncertainty can discourage capable businesses from working with government or cause vendors to price additional risk into their proposals.

A fair vendor environment is therefore also a value-for-money environment.

PROTECTING LOCAL BUSINESSES

Small and medium-sized enterprises are particularly vulnerable to disruptions in government contracts.

A large corporation may be able to absorb a delayed payment or cancelled project.A small business may not.

For many local businesses, a major government contract can represent:

- significant capital investment;
- employment for dozens or hundreds of people;
- equipment purchases;
- technology development;
- financing obligations;
- supplier commitments; and
- years of accumulated expertise.

Government–vendor policy should therefore consider the economic consequences of contract disruption while preserving the government's legitimate authority and the public interest.

INTELLECTUAL PROPERTY, DATA AND TECHNOLOGY

Modern government increasingly depends on private-sector technology.
Government and vendors should establish clear contractual arrangements concerning:

- ownership of intellectual property;
- licences and usage rights;
- source code where applicable;
- data ownership and access;
- cybersecurity responsibilities;
- system credentials;
- continuity arrangements;
- documentation;
- escrow or contingency arrangements where appropriate; and
- responsibilities following termination.

Clear arrangements protect both public institutions and private innovators.
They also reduce disputes and prevent avoidable disruption to public services.

A PROPOSED NATIONAL FRAMEWORK

The Ghana Vendor Rights Initiative proposes that Ghana consider developing a comprehensive framework for fair government–vendor partnerships.

Such a framework could include:

1. A Government–Vendor Partnership Standard

A set of minimum principles applicable across public institutions.

2. Standard Contract-Management Guidelines

Clear expectations for managing government contracts from procurement to completion.

3. A Contract Transition Protocol

Standard procedures for handover, termination and continuity.

4. Vendor Dispute-Resolution Mechanisms

Efficient pathways for resolving disputes before they become prolonged commercial conflicts.

5. Government Payment and Obligation Monitoring

Improved transparency around verified outstanding contractual obligations.

6. Technology Contract Standards

Clearer approaches to intellectual property, data, system access and technological continuity.

7. Periodic Vendor Confidence Assessments

Independent measurement of private-sector confidence in doing business with government.

8. Public Reporting and Accountability

Greater transparency concerning government procurement and contract-management performance, consistent with applicable law.

THIS CHARTER IS A STARTING POINT

This document does not claim to have all the answers.

It is intentionally presented as a *starting point for national dialogue.*

The Ghana Vendor Rights Initiative invites government institutions, businesses, professional bodies, academics, civil society organizations, lawyers, procurement professionals, economists, development partners and members of the public to examine these principles critically.

We welcome:

- endorsement;
- criticism;
- proposed amendments;
- additional evidence;
- alternative perspectives; and
- practical recommendations.

A stronger Charter should emerge from broad consultation rather than from the views of one company or one group.

OUR CALL TO ACTION

We invite stakeholders across Ghana to consider one fundamental question:

> *How can Ghana ensure that government and private businesses can work together with confidence, fairness and accountability, even when governments change?*

We believe this is not merely a question about vendors.

It is a question about:

- **Jobs.**
- **Investment.**
- **Innovation.**
- **Public services.**
- **Taxpayer value.**
- **Institutional trust.**
- **and the strength of Ghana's economy.**

We therefore call for a national conversation on how Ghana can build stronger, fairer and more predictable government–vendor partnerships.

THE ACCRA PRINCIPLES

We affirm the following:

- Government has a duty to protect the public interest.
- Vendors have a duty to deliver value to the public.
- Both parties have a duty to act lawfully and in good faith.
- Political transitions should strengthen institutions, not create unnecessary commercial uncertainty.
- Fairness is not a privilege granted to vendors; it is a principle of good governance.
- Protecting legitimate business investment can protect jobs and taxpayer value.
- Strong government–vendor relationships contribute to national development.
- The ultimate beneficiary of a fair public procurement system should be the Ghanaian people.

FOUNDING SIGNATORIES

This Charter is presented for consultation and voluntary endorsement.

By signing, an individual or organization indicates support for the principles contained in this Charter and a commitment to promoting constructive dialogue around fair government–vendor partnerships.

Founding Signatory 1

Name: ____

Organization: ______________________________________

Position: ____

Signature: ____

Date: ____

Founding Signatory 2

Name: ____

Organization: ______________________________________

Position: ____

Signature: ____

Date: ____

Founding Signatory 3

Name: ____

Organization: ______________________________________

Position: ____

Signature: ____

Date: ____

Founding Signatory 4

Name: ____

Organization: __________________________________

Position: ______________________________________

Signature: _____________________________________

Date: ____

Founding Signatory 5

Name: ____

Organization: __________________________________

Position: ______________________________________

Signature: _____________________________________

Date: ____

Founding Signatory 6

Name: ____

Organization: __________________________________

Position: ______________________________________

Signature: _____________________________________

Date: ____

ABOUT THE GHANA VENDOR RIGHTS INITIATIVE

The **Ghana Vendor Rights Initiative (GVRI)** is an independent public interest initiative established to promote fairness, accountability, transparency and institutional trust in relationships between government and legitimate private-sector vendors.

The Initiative seeks to contribute to national dialogue through research, stakeholder engagement, public education and practical policy recommendations.

GVRI believes that stronger government–vendor relationships can improve public value, encourage investment, support local enterprise and strengthen Ghana's economic development.

This Charter represents the beginning of that conversation.

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