



**Republic of Ghana**

# Ghana End of Term Self-Assessment Report

National Action Plan 2016 -2017

**Public Sector Reform Secretariat**

**August 2017**

Contents

1.0 Introduction..... 2

2.0 National Action Plan Process..... 2

3.0 Independent Reporting Mechanism Recommendations and NAP2..... 2

4.0 Implementation of National Action Plan Commitments ..... 4

    Commitment 1: Open Contracting and Contract Monitoring..... 4

    Commitment 2: Right to Information ..... 5

    Commitment 3: Citizen’s Participation ..... 6

    Commitment 4: Fiscal Responsibility..... 7

    Commitment 5: Oil Revenue Management and Mineral Development Fund ..... 8

    Commitment 6: Ghana Open Data 2.0 ..... 10

5.0 Stakeholders’ Forum and Media Engagement ..... 11

6.0 Conclusion and Next Steps..... 11

## 1.0 Introduction

Since Ghana signed on to the Open Government Partnership (OGP) in September 2011, the country has not only shown its commitment to the initiative's founding principles and values but has also ensured frequent submission of the relevant reports. This report is an End of Term Self-Assessment for the Ghana's second National Action Plan (NAP 2) prepared for the period 2016 and 2017. The Public Sector Reform Secretariat, the coordinating agency in charge of the implementation of the OGP commitments, prepared this report outlining pertinent issues regarding the NAP preparation and implementation.

To demonstrate the Government of Ghana's commitment to OGP, Cabinet approved Ghana's membership and participation in the activities of the OGP in October 2015. With the apex decision making body endorsing OGP, the initiative is now officially binding on all institutions that have role in the implementation.

## 2.0 National Action Plan Process

Ghana's NAP 2 was created keeping in mind the four open government principles namely: transparency, civic participation, public accountability, and technology and innovation for openness and accountability. In preparing Ghana's NAP 2, the Government of Ghana expanded efforts to co-create the plan with civil society and the media. The initial process of the action plan preparation involved joint review of the first action plan between the government and civil society in October 2014 to ascertain progress made and brainstorm on issues to carry forward in the second NAP. The review considered issues in the first action plan, Independent Reporting Mechanism (IRM) report on the first action plan, and the self-assessment report of the first action plan. In May 2015, a consultative meeting between state actors and non-state actors (civil society organizations and the media) was organized to consider issues from the review as well as solicit views from participants to kick-start the development of the second NAP. The consultative meeting culminated in the establishment of action plan working committee (APWC) to compile all the issues identified at the consultative forum into an action plan. Experts in public sector institutions, civil society organisations and representative from parliament teamed up to form the APWC. The committee drafted NAP2 and submitted the report for validation by all the participants of the consultation meeting. The validation meeting was held in July 2015 comprising members of public institutions, civil society organisations and the media.

## 3.0 Independent Reporting Mechanism Recommendations and NAP2

All the recommendations in the first NAP were incorporated in the second NAP. The table below shows how the NAP2 addressed some of the recommendations in the IRM progress report

IRM Report recommendations	Second Nation Action Plan
<b>Create an implementation mechanism: The government should modify the current organizational structure of OGP in Ghana</b>	The Office of the Head of the Civil Service (OHCS) is considered a key partner in the implementation of this OGP Action Plan.

<p><b>to include an implementation mechanism. The researcher suggests forming implementation teams, according to clustered commitments, that will be responsible for the progress of assigned commitments and actions. The implementation teams should brief the steering committee on a half yearly basis on commitment progress and action plan implementation.</b></p>	<p>Therefore the OHCS will be encouraged to incorporate OGP Actions in MDAs Performance Contracts.</p>
<p><b>Budget allocation: At the national level, the government should make budgetary allocations to allow for speedy implementation of OGP activities. If this is not possible, the government should establish a body, independent of government, to mobilize resources from government, development partners, private sector, and individuals to expedite OGP activities.</b></p>	<p>Government agencies who are the Lead Agencies for the purpose of implementing the commitments are expected to include their respective commitments in their annual institutional budgets. However, Civil Society Organizations and other collaborating institutions are encouraged to explore other sources of funding on the strength of the Action Plan. The PSRS and the Steering Committee shall mobilize funds for the purpose of coordinating, monitoring and evaluating the Action Plan.</p>
<p><b>Provide a clear timeline for implementation: The Public Sector Reform Secretariat (PSRS), or the agency responsible for coordinating OGP, should give lead agencies a time line for reporting on action plan implementation. The coordinating agency should follow up with lead and collaborating institutions on commitment implementation.</b></p>	<p>For effective monitoring of the Action Plan implementation, OGP Point of Contacts (PoCs) will be identified in the Lead Agencies. The PSRS will hold quarterly meetings with the PoCs with the view to collating updates on the implementation of the Commitments. In order to ensure that the Lead Agencies attach the desired importance to the implementation of the commitments, heads of the Agencies will also be persuaded to include the OGP commitments in their Performance Contracts with Government.</p>
<p><b>Raise awareness: The government should make public institutions (especially those implementing OGP commitments) and other institutions mentioned in the action plan, more aware and sensitized to OGP. It is crucial to frequently sensitize the public to this initiative given the rate of staff turnover and transfers in public sector institutions.</b></p>	<p>At the end of the Action Plan period, evaluation will be conducted to determine the level of awareness and possible impact of the Action Plan on the ordinary Ghanaian.</p>
<p><b>Develop specific commitments: Future action plans should contain more specific and measurable commitments and</b></p>	<p>The Implementation Road Map prepared at the end of the plan outlined target dates for each of the commitments</p>

**milestones and clearly articulate their relevance to OGP values.**

#### 4.0 Implementation of National Action Plan Commitments

There was a change in executive leadership during the implementation cycle of the second NAP. NAP 2 commenced under the leadership of President John Dramani Mahama, while the latter part of the implementation saw the election of President Nana Addo Dankwa Akuffo Addo. The change in executive leadership has not in any way affected the Government of Ghana’s commitment to the values and principles of OGP. The new administration is committed to pursuing the implementation of OGP. When it comes to NAP 2, the Government of Ghana has completed many of the OGP commitments in the plan while the remaining few have been substantially implemented. Most of the bills mentioned (with the exception of the Right to Information Bill) in the plan to be passed have been passed into law. The implementation of the 6 commitments is presented below.

##### Commitment 1: Open Contracting and Contract Monitoring

<b>Commitment Completion Framework</b>	
<b>Commitment 1: Open Contracting and Contract Monitoring</b>	
<b>Lead Agencies:</b>	GHETI, Ministry of Petroleum, Ministry of Lands and Natural Resources, CHRAJ, Public Procurement Authority.
<b>Collaborators:</b>	Ghana Anti-Corruption Coalition (GACC), Ghana Integrity Initiative (GII), Oil and Gas Platform, Africa Centre for Energy Policy.
<b>Main Objective</b>	Enhance transparency and accountability in the public sector.
<b>Focus of the Commitment</b>	Open Contracting, Contract Monitoring, Expand the Level of Prosecution of Public Officials, and Anti-Corruption.
<b>Description of Commitment<sup>1</sup></b>	Government does most of her businesses through procurement of goods and services. In addition to this, government of Ghana enters other forms of contractual arrangement such as concessions for the sole management of her natural resources or Public –Private Partnerships with the view to efficiently providing public services and managing large public infrastructure. During the Action Plan Period 2016-2017, Government undertakes to adopt Open Contracting and Contract Monitoring to ensure value for money on all transactions and also as a means of providing information to citizens on all contracts entered into by Government. In addition, all stakeholders including Parliament will be brought together with the view to reaching a consensus that all government contracts should be subject to the Public Procurement Act.

<sup>1</sup> The intention here is to bring the commitment text the way it is written in the plan for readers to know how the commitment was stated

	<p>Within the two year period, Ghana commits to ensuring that officials indicted by the Public Accounts Committee (PAC) are prosecuted by the Attorney-General’s Department. Government also undertakes to pass the Petroleum Exploration and Production Bill which commits the country to open competitive bidding and provides for the publication of all petroleum contracts. Further, Ghana commits to monitor and evaluate the implementation of the Ghana National Anti-Corruption Plan (NACAP).</p> <p>As an Extractive Industry Transparency Initiative (EITI) implementing country Ghana is required to open up its contracting processes, publish contract and provide information on the beneficial owners of the contract. The OGP will work with GHEITI to ensure compliance with these requirements.</p>			
<b>Relevance</b>	By implementing open contracting and contract monitoring there will be efficiency in providing public services and managing large public infrastructure; prosecute corrupt public officials who were hitherto not prosecuted; as well as ensure that all state institutions fully implement the anti-corruption drive.			
<b>Ambition</b>	With open contracting the government intends to open up its contracting processes, publish contract and provide information on the beneficial owners of the contract in all sectors of the economy.			
<b>Completion level</b>	<b>Not started</b>	<b>Limited</b>	<b>Substantial</b>	<b>Completed</b>
				<b>X</b>
<b>Description of the results</b>	Through strenuous effort by government, the Petroleum Exploration and Production Bill was passed into law ( <a href="#">Petroleum Exploration and Production Act, 2016</a> ) by Parliament August 2016. The company’s act was amended to ensure full implementation of the open contracting commitment. In August 2016, the revised <a href="#">Company Act</a> was passed by Parliament. The Act broadened the scope of beneficial ownership disclosure of public contracts to all companies both inside and outside the extractive sector. The Government of Ghana has taken the initial steps to monitor contracts by preparing policies to ensure effective contract monitoring. The Commission of Human Rights and Administrative Justice is continuously ensuring timely implementation of the Ghana National Anti-Corruption Plan (NACAP). The commitment has been implemented within the timeframe of the action plan.			
<b>End date</b>	December 2017			
<b>Next steps</b>	The basic steps to ensure Open Contracting, Contract Monitoring, Expanding the Level of Prosecution of Public Corrupt Officials and Anti-Corruption have been taken. The next steps are to build on the initial steps taken and proceed on ensuring full implementation of the commitment.			

Commitment 2: Right to Information

Commitment Completion Framework				
<b>Commitment 2: Right to Information</b>				
<b>Lead Agency:</b>	Ministry of Communications			
<b>Collaborators:</b>	Ghana Journalists Association (GJA), Coalition on the Rights to Information Bill (CRTI), Media Foundation for West Africa (MFA), National Media Commission, CHRI.			
<b>Main Objective</b>	Government recognizes the importance of unfettered access to information in contributing to stability in governance and therefore commits to passing the Right to Information Bill.			
<b>Focus of the Commitment</b>	Passage, Consultations, Sensitization on Right to Information Bill.			
<b>Description of Commitment</b>	Under the first Action Plan 2013-2014, Government undertook to enact a Right to Information Law. However, the implementation of this commitment has not been realized. Government still recognizes the importance of unfettered access to information in contributing to stability in governance and therefore commits to passing the Right to Information Bill by December, 2016.			
<b>Relevance</b>	For the Right to Information Bill to be relevant at promoting transparency and accountability, there is the need to engage all the key stakeholders (citizens, civil society, parliament) to input into the bill.			
<b>Ambition</b>	The aim is not just to come out with a bill but pass a bill that is acceptable by all the key stakeholders.			
<b>Completion level</b>	<b>Not started</b>	<b>Limited</b>	<b>Substantial</b>	<b>Completed</b>
			<b>X</b>	
<b>Description of the results</b>	After long period of engagements with all the stakeholders and subsequent revision based on inputs from stakeholders, the right to information bill is sent to Parliament for passage. Parliament is still considering the bill for passage.			
<b>End date</b>	December 2016			
<b>Next steps</b>	The government is taking the necessary steps to ensure early passage of the bill.			

Commitment 3: Citizen’s Participation

Commitment Completion Framework	
<b>Commitment 3: Citizen’s Participation</b>	
<b>Lead Agencies:</b>	Ministry of Local Government and Rural Development, Parliament, Institute of Local Government Studies (ILGS), Public Sector Reform Secretariat (PSRS).
<b>Collaborators:</b>	National Commission on Civic Education, Commonwealth Human Right Initiative, Center for Democratic Development, Institute of Democratic Governance, National Association of Local Authorities of Ghana (NALAG), Regional Coordinating Councils, Ghana

	Independent Broadcasters Association (GIBA), Ghana Journalist Association (GJA), Ghana News Agency (GNA), Information Services Department, (ISD).			
<b>Main Objective</b>	Provide opportunities for citizens to participate in both central and local administration.			
<b>Broad Areas of the Commitment</b>	Citizens' Participation and Local Government			
<b>Description of Commitment</b>	Ghana's OGP Action Plans, past and current, recognize citizens' participation as an important part of its democracy and the development process and therefore commits to providing opportunities for citizens to participate in both central and local administration. During the plan period, Government of Ghana intends to increase opportunities for citizens' participation in the work of Parliament and the local government structures.			
<b>Relevance</b>	Citizens' participation enhances civic engagements towards good governance.			
<b>Ambition</b>	Through sensitization, outreach programs and capacity building people will be aware of their civil responsibilities and also demand accountability.			
<b>Completion level</b>	<b>Not started</b>	<b>Limited</b>	<b>Substantial</b>	<b>Completed</b>
			<b>X</b>	
<b>Description of the results</b>	The National Commission on Civic Education has carried out lots of sensitization on citizens' participation. Through sensitization, the number of women taking part in political activities has been increasing. ILGS also carried out several trainings for local government actors to build their capacity.			
<b>End date</b>	December 2017			
<b>Next steps</b>	The governments will continue to bring out programs to promote citizens' participation both at the local and central government levels.			

#### Commitment 4: Fiscal Responsibility

<b>Commitment Completion Framework</b>	
<b>Commitment 4: Fiscal Responsibility</b>	
<b>Lead Agencies:</b>	Office of the Chief of Staff, National Development Planning Commission (NDPC), Ministry of Finance (MoF).
<b>Collaborators:</b>	Parliamentary Select Committee on Subsidiary Legislation, Centre for Economic Policy Analysis, Institute of Economic Affairs, Natural Resource Governance Institute (NRGI).
<b>Main Objective</b>	Maintain fiscal stability through prudent management of public expenditure so as to avoid budget overruns.
<b>Broad Areas of the Commitment</b>	Prudent management, public expenditure, fiscal stability, and fiscal ceiling.



<b>Description of Commitment</b>	<p>Prudent management of public expenditure is necessary to avoid budget overruns in a manner that endangers national fiscal stability. Several works have been done by Civil Society Organizations in the area of compiling essential information on the need for a Fiscal Responsibility Bill. Under the 2013-2014 Action Plan, Ghana is committed to enact a Fiscal Responsibility Law that would instill discipline in her fiscal stability with the view to determining when expenditures are veering off approved estimates. The implementation of this commitment has not been achieved.</p> <p>The aspiration in the West African Region is that there is the need for a common fiscal and monetary policy that will establish a fiscal ceiling for all member states of the regional body.</p> <p>However within the specific context of Ghana opinion is divided on whether or not there is need for a stand-alone law on Fiscal Responsibility.</p> <p>Therefore, during the planned period, OGP Ghana undertakes to facilitate the building of national consensus on the need for the Law.</p>			
<b>Relevance</b>	Come out with a law that will make public officers accountable and responsible			
<b>Ambition</b>	Through accountability ensure fiscal discipline.			
<b>Completion level</b>	<b>Not started</b>	<b>Limited</b>	<b>Substantial</b>	<b>Completed</b>
				<b>X</b>
<b>Description of the results</b>	The government has revised the Financial Administration Act to include measures to ensure fiscal discipline. The new revised Public Financial Management Bill was passed in August 2016. The new <a href="#">Public Financial Management Act, 2016</a> is available online			
<b>End date</b>	August 2016			
<b>Next steps</b>	Make information on fiscal responsibility available to ensure fiscal transparency and accountability.			

Commitment 5: Oil Revenue Management and Mineral Development Fund

<b>Commitment Completion Framework</b>	
<b>Commitment 5: Oil Revenue Management and Mineral Development Fund</b>	
<b>Lead Agencies:</b>	GHETI, Ministry of Petroleum, Ministry of Lands and Natural Resources, CHRAJ, Public Procurement Authority
<b>Collaborators:</b>	Ghana Anti-Corruption Coalition (GACC), Ghana Integrity Initiative (GII), Oil and Gas Platform, Africa Centre for Energy Policy
<b>Main Objective</b>	Strengthen transparency and accountability in the management of the country’s natural resources (including oil and gas revenues).
<b>Broad Areas of the Commitment</b>	Transparency and Accountability

<p><b>Description of Commitment</b></p>	<p>Ghana intends to continue to ensure transparency and accountability in the management of her natural resources, particularly mining, oil and gas. Pursuant to this commitment, the country has amended its Petroleum Revenue Management Act of 2011 (Act 815) to address some major challenges identified in the course of its implementation in the last four years.</p> <p>To effectively operationalize the amended law, there will be the need to develop regulations (Legislative Instruments) that will detail out how the various clauses are to be interpreted and applied. The Ghana OGP’s interest in ensuring the quick passage of the regulations arises out of the tendency for regulations to primary laws to be unduly delayed, thereby impeding their smooth implementation.</p> <p>The commitment to strengthen transparency and accountability in the management of the country’s oil and gas revenues is to be pursued additionally through the effective oversight of the Public Interest and Accountability Committee (PIAC), a citizens’ oversight body established by the Petroleum Revenue Management Act (PRMA). PIAC has had challenges with funding, and the necessary institutional support for its work. These are issues that are currently being addressed following the amendment of the PRMA and with support from some of the country’s development partners.</p> <p>In the wake of the relatively impressive achievements made by Ghana in managing its petroleum revenues judiciously and in accordance with the law, calls are being made on the government to replicate this arrangement in the mining sector too. In partial response to the suggestion, the government is inclined to expedite action in passing a Minerals Development Fund Bill which has been in the works for a decade and more. The bill, when passed will stipulate how 20 percent of mineral royalty set aside is distributed and spent. It will further provide legislative backing for the practice of disbursing 10 percent of mineral royalty to mining host districts.</p>			
<p><b>Relevance</b></p>	<p>Ensure proper management of revenues from the extractives sector</p>			
<p><b>Ambition</b></p>	<p>Pass relevant laws that will ensure judicious use of the natural resource.</p>			
<p><b>Completion level</b></p>	<p><b>Not started</b></p>	<p><b>Limited</b></p>	<p><b>Substantial</b></p>	<p><b>Completed</b></p>
<p><b>Description of the results</b></p>	<p style="text-align: center;"><b>X</b></p> <p>In February 2016, the Minerals Development Fund Bill has been passed into law by Parliament. The <a href="#">Minerals Development Fund Act, 2016</a> is available online. Demands by civil society organizations working in the extractives sector have now been met based on the implementation of this commitment to bring about transparency and accountability. The government has supported the Public Interest and Accountability Committee (PIAC) to carry out its monitoring to</p>			

	strengthen transparency and accountability in the management of the country's oil and gas revenues.
<b>End date</b>	December 2017
<b>Next steps</b>	Government and civil society organizations will continue to collaborate to bring about transparency and accountability in the extractives sector.

Commitment 6: Ghana Open Data 2.0

Commitment Completion Framework				
<b>Commitment 6: Ghana Open Data 2.0</b>				
<b>Lead Agencies:</b>	NITA, GNA, PSRS			
<b>Collaborators:</b>	Ghana Statistical Service, Data Controllers, Research Institutions, CSOs with interest in Open Data, MDAs, CAGD, YES-Ghana			
<b>Main Objective</b>	Make data in the health, education, energy and agriculture sectors easily accessible to the public.			
<b>Focus of the Commitment</b>	Open Data portal and data collection.			
<b>Description of Commitment</b>	During the Action Plan Period, GODI will work towards improving the efficiency of the Open Data portal (data.gov.gh), data collection capabilities of data controllers and focus on showing impact in four sectors – health, education, energy and agriculture – by ensuring that full benefits of open data can be shown in these sectors.			
<b>Relevance</b>	Making data accessible to the public will help bring about transparency and accountability.			
<b>Ambition</b>	Improve data management in all the public institutions.			
<b>Completion level</b>	<b>Not started</b>	<b>Limited</b>	<b>Substantial</b>	<b>Completed</b>
			<b>X</b>	
<b>Description of the results</b>	The activities outlined under technology for innovation for openness and accountability to be implemented by National Information Technology Agency (key agency responsible for <a href="#">Ghana Open Data Initiative</a> ) were all initiated and substantially implemented. With the support provided to NITA, the general public can obtain information on the key sectors at a click of a bottom. The government is right on track in terms of implementation of this commitment.			
<b>End date</b>	December 2017			
<b>Next steps</b>	The government is considering the possibility of rolling out the data management to all the public institutions.			

## 5.0 Stakeholders' Forum and Media Engagement

Public Sector Reform Secretariat and Ghana Integrity Initiative in August 2016 organized OGP stakeholders' forum to take stock of OGP process and also sensitize stakeholders about the OGP. The stakeholders include public institutions, CSOs and the media to share ideas with the view to finding solutions to some of the challenges facing OGP. After the stakeholders forum, the two institutions also organized a media engagement meeting purposely for the media to create awareness on issues regarding OGP.

## 6.0 Conclusion and Next Steps

The new administration is committed and will vigorously pursue OGP in the years ahead. The government views the implementation of commitments in the OGP action plan as one of the main priorities. Now the major laws have been passed to enable government and CSOs to collaborate towards the achievement of OGP principles, the new administration will put more efforts towards OGP activities. By this we hope to deepening governance in the country through forging partnership with stakeholders outside government. This is not to say there are no challenges in the implementation. We are aware of financial and institutional issues that need to be addressed and are taking the necessary steps to remove these challenges. The government is also taking steps to pass the right to information bill as early as possible, however we do not want to bypass the due legislative procedures in passing any law. We want Parliament to scrutinize the bill before passing. The President is prepared to sign the freedom of information bill into law immediately it is passed by government. We also view the IRM reviews as crucial and prepared to consider the recommendations in those reports as possible areas to include in the next NAP.