

Independent Reporting Mechanism (IRM): Ghana End-of-Term Report 2016-2017

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Overview: Ghana

Independent Reporting Mechanism (IRM) End-of-Term Report 2016–2017

The action plan contained potentially transformative measures to implement open contracting, increase extractives' revenue transparency, and improve online access to public information. Although completion levels were higher than the midterm, the government did not fully implement any commitments. Moving forward, the Ghanaian government could prioritize the RTI Law and give serious consideration to improving the resourcing of OGP commitments in the country.

The Open Government Partnership (OGP) is a voluntary international initiative that aims to secure commitments from governments to their citizenry to promote transparency, empower citizens, fight corruption, and harness new technologies to strengthen governance. The Independent Reporting Mechanism (IRM) carries out a review of the activities of each OGP-participating country.

This report summarizes the results of the period from 1 July 2016 to 31 December 2017. It builds on the IRM midterm progress report on the country's OGP performance, "Ghana Progress Report 2015–2016," which covered the development and implementation of the second national action plan from January 2016 to June 2016. Among the sources consulted was the Ghana End of Term Self-Assessment Report 2016–2017.

Government and civil society organizations (CSOs) are equally represented on a 20-member Steering Committee (SC) in charge of decision and policymaking for the OGP process. The Public Sector Reform Secretariat (PSRS) houses the OGP Secretariat which answers to the SC. Previously under the Ministry of Public Sector Reform, the PSRS has been under the controversial Office of the Senior Minister, contested for its constitutionality,¹ under the new government since June 2017.² The Office of the Senior Minister is responsible for the oversight of essential ministries and flagship government projects. Implementation of commitments is the responsibility of the relevant Ministries, Departments, and Agencies (MDAs), and CSOs. In response to concerns about political commitment to and resourcing of the OGP process, there was some inconclusive discussion among the Executive branch during the reporting period about relocating the Secretariat to the office of the Vice President.³ Given divisions over the legality of the Office of the Senior Minister⁴ and the recent rejection of its budget,⁵ it is unclear how this challenge will be resolved in future plans. This could be a priority in the 2017–2019 national action plan (NAP), which was

Table 1: At a Glance

	<i>Midterm</i>	<i>End-of-term</i>
Number of Commitments	6	
<i>Level of Completion</i>		
Completed	0	0
Substantial	1	2
Limited	5	4
Not Started	0	0
<i>Number of Commitments with...</i>		
Clear Relevance to OGP Values	5	5
Transformative Potential Impact	4	4
Substantial or Complete Implementation	1	2
<i>All Three (⊕)</i>	1	2
<i>Did It Open government?</i>		
<i>Major</i>	0	
<i>Outstanding</i>	0	
<i>Moving Forward</i>		
Number of Commitments Carried Over to Next Action Plan	5	

published on the OGP website in early December 2017 to enhance the effectiveness and efficiency of Ghana's involvement in OGP going forward.

On the whole, commitments carried forward in the 2016–2017 action plan were more ambitious than in the first action plan. For example, the commitment in the first NAP to complete an e-immigration project by automating entry and exit points transformed into an open data project that aimed to enhance citizens' access to and use of data in health, education, energy, and agriculture. A commitment to promote citizens' participation in local administration under the theme of citizen participation was carried forward, as were commitments to pass laws on fiscal responsibility and right to information.

Ghana published its end-of-term self-assessment report ahead of schedule on 31 August 2017. According to the OGP Secretariat, an acute lack of material and financial resources prevented it from organizing a validation or dissemination workshop or other forum for public comment.

¹ "Ayariga writes to Akufo-Addo on unconstitutional nomination of 'Senior Minister'", Myjoyonline.com 17 January 2017), <http://www.myjoyonline.com/politics/2017/january-17th/ayariga-writes-to-akufo-addo-on-unconstitutional-nomination-of-senior-minister.php> and Marian Ansah, "Osafo-Maafa justifies Senior Minister portfolio"

Citifmonline, (20 January 2017), <http://citifmonline.com/2017/01/20/osafo-maafa-justifies-senior-minister-portfolio/>

² P. A. K. Danyo (OGP Coordinator) interview by IRM researcher on 14 November 2017.

³ Ghana Integrity Initiative Interview by the IRM researcher, 22 November 2017.

⁴ Justice Kofi Bimpeh, 'Senior minister is a prime minister in disguise—Kwesi Pratt', Prime News Ghana (22 January 2017), <https://www.primenewsghana.com/general-news/senior-minister-designate-is-a-prime-minister-in-disguise-kwesi-pratt.html>

⁵ Musah Yahaya Jafaru, 'Parliament rejects GH¢6m budgetary allocation to Senior Minister's Office', Daily Graphic (18 December 2017), <https://www.graphic.com.gh/news/politics/parliament-rejects-gh-6m-budgetary-allocation-to-senior-minister-s-office.html>.

Consultation with Civil Society during Implementation

Countries participating in OGP follow a process for consultation during development and implementation of their action plan. All OGP partners (government and civil society) that the IRM researcher spoke with confirmed that collaborative consultations took place between them during development of the action plan, as noted in the progress report. However, during implementation of the plan, the only meeting during the reporting period was held in July 2017. (Note that the Ghanaian action plan implementation period ran until 31 December 2017, roughly one year after the last meeting in 2016.¹) Interviewed stakeholders who participated in the meeting had no recollection of the content or format of the meeting. Neither the steering committee nor the government released meeting notes. As a result of this lack of information, the IRM research coded the level of stakeholder participation at this event as “inform” only. Several CSOs and the OGP secretariat remarked that CSOs showed more commitment than government representatives did on the committee, whose attendance was comparatively low.

The low number of consultations during implementation may be attributed to a communication breakdown between the government and participating civil society. For example, one CSO contact said his organization had participated in the early days of OGP, but had stopped receiving information and was no longer involved.² The government OGP coordinator said that cost constraints prevented more frequent meetings and affected participation across the board, a recurring issue mentioned in previous reports. For example, during development of the action plan, the CSO Ghana Integrity Initiative demonstrated commitment to the process by financing meetings when the government subvention fell short. However, the sustainability of this model is questionable when looking at the shrinking of finances for CSOs’ own activities.

In summary, although there was consultation and collaboration between government and civil society partners, it did not happen frequently, on account of the factors outlined above. Consultation is therefore coded as “inform.”

Table 2: Consultation during Implementation

Regular Multistakeholder Forum	Midterm	End of Term
1. Did a forum exist?	Yes	Yes
2. Did it meet regularly?	No	No

Table 3: Level of Public Influence during Implementation

The IRM has adapted the International Association for Public Participation (IAP2) “Spectrum of Participation” to apply to OGP.³ This spectrum shows the potential level of public influence on the contents of the action plan. In the spirit of OGP, most countries should aspire for “collaborative.”

Level of Public Influence during Implementation of Action Plan	Midterm	End-of-Term
Empower	The government handed decision-making power to members of the	

	public.		
Collaborate	There was iterative dialogue AND the public helped set the agenda.	✓	
Involve	The government gave feedback on how public inputs were considered.		
Consult	The public could give inputs.		
Inform	The government provided the public with information on the action plan.		✓
No Consultation	No consultation		

¹ CHRI/RTI Coalition/OGP steering committee, interview by IRM researcher, 21 February 2018.

² [Passionate Africa Leadership Institute](#) interview by IRM researcher, October 2017.

³ "IAP2's Public Participation Spectrum," International Association for Public Participation, <https://bit.ly/2qVYaFz>

About the Assessment

The indicators and method used in the IRM research can be found in the IRM Procedures Manual.¹ One measure, the “starred commitment” (★), deserves further explanation due to its particular interest to readers and usefulness for encouraging a race to the top among OGP-participating countries. Starred commitments are considered exemplary OGP commitments. To receive a star, a commitment must meet several criteria:

- Starred commitments will have “medium” or “high” specificity. A commitment must lay out clearly defined activities and steps to make a judgment about its potential impact.
- The commitment’s language should make clear its relevance to opening government. Specifically, it must relate to at least one of the OGP values of Access to Information, Civic Participation, or Public Accountability.
- The commitment would have a “transformative” potential impact if completely implemented.²
- The government must make significant progress on this commitment during the action plan implementation period, receiving an assessment of “substantial” or “complete” implementation.

Starred commitments can lose their starred status if their completion falls short of substantial or full completion at the end of the action plan implementation period.

In the midterm report, Ghana’s action plan contained one starred commitment. At the end of term, based on the changes in the level of completion, Ghana’s action plan contained two starred commitments.

Finally, the tables in this section present an excerpt of the wealth of data the IRM collects during its reporting process. For the full dataset for Ghana, see the OGP Explorer at www.opengovpartnership.org/explorer.

About “Did It Open Government?”

To capture changes in government practice the IRM introduced a new variable “Did It Open Government?” in end-of-term reports. This variable attempts to move beyond measuring outputs and deliverables to looking at how the government practice has changed as a result of the commitment’s implementation.

As written, some OGP commitments are vague and/or not clearly relevant to OGP values but achieve significant policy reforms. In other cases, commitments as written appear relevant and ambitious, but fail to open government as implemented. The “Did It Open Government” variable attempts to capture these subtleties.

The “Did It Open Government?” variable assesses changes in government practice using the following spectrum:

- Worsened: Government openness worsens as a result of the commitment.
- Did not change: No changes in government practice.
- Marginal: Some change, but minor in terms of its effect on level of openness.
- Major: A step forward for government openness in the relevant policy area, but remains limited in scope or scale.
- Outstanding: A reform that has transformed “business as usual” in the relevant policy area by opening government.

To assess this variable, researchers establish the status quo at the outset of the action plan. They then assess outcomes *as implemented* for changes in government openness.

Readers should keep in mind limitations. IRM end-of-term reports are prepared only a few months after the implementation cycle is completed. The variable focuses on outcomes that can be observed in government openness practices at the end of the two-year implementation period. The report and the variable do not intend to assess impact because of the complex methodological implications and the time frame of the report.

¹ IRM Procedures Manual, <http://www.opengovpartnership.org/about/about-irm>.

² The International Experts Panel changed this criterion in 2015. For more information, visit <http://www.opengovpartnership.org/node/5919>.

Commitment Implementation

General Overview of Commitments

As part of OGP, countries are required to make commitments in a two-year action plan. The tables below summarize the completion level at the end of term and progress on the “Did It Open Government?” metric. For commitments that were complete at the midterm, the report will provide a summary of the progress report findings but focus on analysis of the ‘Did It Open Government?’ variable. For further details on these commitments, please see the Ghana IRM progress report 2015-2016.

Ghana’s action plan focused on four main areas: transparency, citizen’s participation, accountability, and technology and innovation. The government carried over many of the commitments from the previous action plan although it updated all commitment milestones. Open contracting and contract monitoring is a new commitment.

Table 4: Assessment of Progress by Commitment

Commitment Overview	Specificity				OGP Value Relevance (as written)				Potential Impact				Completion				Midterm	End-of-Term	Did It Open Government?				
	None	Low	Medium	High	Access to Information	Civic Participation	Public Accountability	Technology & Innovation for Transparency & Accountability	None	Minor	Moderate	Transformative	Not Started	Limited	Substantial	Completed			Worsened	Did Not Change	Marginal	Major	Outstanding
★1. Overall				✓	✓		✓					✓		✓									
1.1. Publish All Contracts				✓	✓				✓						✓							✓	
1.2. Monitoring of Contract Execution		✓			✓					✓							✓					✓	
1.3. Negotiations on Legislative Amendments			✓		✓					✓			✓		✓							✓	
1.4. Pass the PEnPB ¹			✓		✓							✓		✓								✓	
1.5.		✓					✓			✓					✓							✓	

Implementation of NACAP													✓						
1.6. Prosecution of Officials Indicted in the PAC ² Report			✓				✓				✓		✓						✓
1.7. Publish Contract Beneficial Ownership			✓		✓						✓		✓				✓		
2. Right to Information				✓	✓						✓		✓				✓		
3. Citizen's Participation				✓	✓	✓	✓				✓		✓				✓		
4. Fiscal Responsibility				✓	Unclear						✓		✓				✓		
5. Oil Revenue Mgmt and Mineral Dvlp Fund				✓	✓	✓	✓				✓		✓						✓
6. Ghana Open Data 2.0			✓		✓	✓		✓			✓		✓				✓		

¹ PEnPB is the Petroleum Exploration and Production Bill.

² PAC is the Public Accounts Committee of Parliament.

Theme 1: Transparency

★1. Open Contracting and Contract Monitoring

Commitment Text:

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.

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).

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.

Actions:

- *The Public Procurement Authority will publish quarterly all contracts entered into by Government from January 2016 to December 2017*
- *Public Procurement Authority and GHEITI will initiate action to quarterly monitor contract executions to ensure effective service delivery from January 2016 to December 2017*
- *GHEITI should hold at least six meetings with the Parliamentary Select Committee on Legal and Subsidiary Legislation on the passage of the Petroleum Exploration and Production Bill by December 2017*
- *GACC, GII and CHRAJ should work to ensure full implementation of the National Anti-Corruption Action Plan by 2017*
- *The Attorney-General's Department to initiate action to prosecute officials indicted in the PAC's report by 2016*

Responsible Institution(s): Ghana Extractive Industry Transparency Initiative (GHEITI), Ministry of Petroleum, Ministry of Lands and Natural Resources, Commission on Human Rights and Administrative Justice (CHRAJ), Public Procurement Authority

Supporting Institution(s): Ghana Anti-Corruption Coalition (GACC), Ghana Integrity Initiative (GII), Oil and Gas Platform, Africa Centre for Energy Policy

Start Date: January 2016
2017

End Date: December

Commitment Overview	Specificity				OGP Value Relevance (as written)				Potential Impact				Completion		Midterm	End-of-Term	Did It Open Government?					
	None	Low	Medium	High	Access to Information	Civic Participation	Public Accountability	Technology & Innovation for Transparency & Accountability	None	Minor	Moderate	Transformative	Not Started	Limited	Substantial		Completed	Worsened	Did Not Change	Marginal	Major	Outstanding
★ 1. Overall				✓	✓		✓					✓		✓							✓	
1.1. Publish all contracts				✓	✓				✓						✓						✓	
1.2. Monitoring of contract execution		✓			✓					✓						✓					✓	
1.3. Negotiations on legislative amendments			✓		✓					✓			✓								✓	
1.4. Pass the PEnPB			✓		✓							✓		✓							✓	
1.5. Implementation of NACAP		✓					✓				✓				✓						✓	
1.6. Prosecution of officials indicted in the PAC report			✓				✓					✓		✓							✓	
1.7. Publish contract beneficial ownership			✓		✓							✓		✓							✓	

Editorial Note: This commitment is a starred commitment because it is clearly relevant to OGP values as written, has transformative potential impact, and is substantially or completely implemented.

Commitment Aim

The main objective of this commitment is to promote transparency and accountability in the government's operations and resource use. It aims to accomplish this goal through several steps. Notably, the commitment aims to produce national reports monitoring the

implementation of public contracts, thereby making public scrutiny possible regarding their implementation. In addition, the commitment aims to initiate prosecution of public officials identified by the Public Accounts Committee (PAC) as having misappropriated public funds. As part of Extractive Industry Transparency Initiative (EITI) requirements, the commitment also aimed to publish information on the beneficial owners of entities winning public contracts.

Status

Midterm: Limited

This commitment saw limited implementation by the midterm. Per the existing practice, the Public Procurement Authority (PPA) continued to publish most government contracts on its website in the reporting period,¹ though contract information (within the action plan period) on natural resources and public private partnerships was not available on its website at the time of reporting. The Public Investment Division of the Ministry of Finance prepared the National Policy on Public Investment Management to facilitate the monitoring of contract execution. The Ministry of Finance presented the Public Private Partnership (PPP) Bill 2016 to Parliament, where Parliament read the bill for the first time in May 2016,² though it was not passed at the end of the reporting period. The milestone to monitor contract executions was marked as “initiate action.” Therefore, the IRM researcher decided the steps taken were sufficient to consider the milestone completed.

Regarding negotiations on legislative amendments, the IRM researcher found no evidence that Ghana Extractive Industry Transparency Initiative (GHEITI) held meetings with the Parliamentary Select Committee on Legal and Subsidiary Legislation on the passage of the Petroleum Exploration and Production Bill. The Commission on Human Rights and Administrative Justice (CHRAJ) provided a framework that it used to prepare the Ghana National Anti-Corruption Plan (NACAP) progress report for Ministries, Departments, and Agencies (MDAs). MDAs used the progress report to monitor and evaluate the NACAP.

Because there were disagreements over which institution had prosecutorial responsibility over officials indicted by the Public Accounts Committee, a separate committee was appointed to review the auditor-general’s report. This committee also identified cases that may be liable for prosecution. In addition, the government passed the Public Financial Management Act 2016 (Act 179), containing provisions for implementing Parliament’s recommendations and decisions on the auditor-general’s report that sanction individuals cited for gross financial mismanagement. Lastly, the government passed a Companies Amendment Act (Act 920) in August 2016, which broadened the scope of beneficial ownership disclosure of public contracts to all companies both inside and outside the extractive sector.³ For more information, please see the 2015–16 IRM midterm report.

End-of-Term: Substantial

Publish All Contracts: This milestone continues to be substantially completed. Following from interviews and monitoring performed by the IRM researcher, contracts continued to be published online in the reporting period.⁴ However, data was incomplete and not up-to-date for some open and sole-sourced contracts, and contracts were not published for some tenders, especially those relating to oil.⁵ For example, the tender lot number, address, and justification were missing from a sole-sourced tender for the “Engagement of a Marketing and Event Management Firm to Organize Ghana Energy Summit.” Also, the 46 contracts and tenders under the Ministry for Land and Natural Resources pertained only to land, services, stationery, furniture, vehicles, consultancies, and equipment; there was no information on contracts for extraction.

An Open Contracting Scoping Study, co-authored by PenPlusBytes, a non-governmental organization (NGO) that works to enhance governance by deepening citizen’s participation

through Information and Communication Technology (ICT),⁶ revealed several reasons why effective and transparent procurement in Ghana is limited. These reasons included the mixed abilities of procurement bodies to use an electronic procurement planning system, non-compliance by some procuring entities with the Public Procurement Authority's reporting standards, and procuring entities' tendency to use restrictive or sole-source tender methods that obstruct open competition, keeping new businesses out of the Ghanaian market and heightening the risk of corruption.⁷

Monitoring of Contract Execution: This milestone remains completed. The Public-Private Partnership Bill passed its second reading in July 2016,⁸ but was not passed in the reporting period. According to several online sources,⁹ the bill was expected to have to pass through the legislative process again, with work projected to begin in October 2017: "The new government has, however, signaled its commitment to pass the Bill quickly, and any amendments are likely to be minor as the Bill is in line with international best practice, and with other PPP legislation in Africa. A procurement process is currently underway for consultancy services for preparing the regulations under the Act, with work expected to begin in October." In a statement at the Ghana Public Private Partnership program on the upgrading of the Accra-Tema Motorway Initial Market Sounding in Accra in September 2017, Senior Minister Yaw Osafo Marfo requested that the bill, which was in front of Parliament at the time, be returned to the Cabinet "for a review before it is passed into law." He said that this was necessary to enable the Cabinet to "make additional input and necessary changes to help address the current infrastructural demands," and address media reports about "some private sector players hiding behind PPPs to defraud the state."¹⁰ The bill was with Cabinet in early December 2017, according to a statement made at an investors' conference in Accra by the Minister of Finance (MoF), Mr. Ken Ofori-Atta.¹¹ The IRM researcher did not find any evidence in the meeting minutes that Parliament discussed or passed the bill, the order papers, or the list of bills passed in 2017.¹²

Negotiations on Legislative Amendments: This milestone saw limited completion. The Natural Resource Governance Institute (NRGI) and GHEITI did not respond to requests for interviews. The MoF stated in its 2016 Annual Report on the Petroleum Funds that it would finalize work on the Petroleum Revenue Management Act (PRMA) regulations and submit them to Parliament,¹³ and PenPlusBytes revealed in an interview with the IRM researcher that the Parliament and other stakeholders had discussed the Legislative Instrument (LI) in at least two meetings, most recently in December 2017.

Pass the Petroleum Exploration and Production Bill (PEnPB): This milestone was completed. This bill was passed into law on 4 August 2017 after the midterm reporting period.¹⁴ The passage process was somewhat troubled. The pace with which the bill scaled the several stages of legislation drew allegations from some observers that it was "rushed," and thus may not have addressed thoroughly enough the multiple proposed amendments by members of parliament and civil society organizations.¹⁵ Implementation activities included the creation and inauguration of a seven-member board of the Petroleum Commission on 24 August 2017.¹⁶ There is some discussion among Parliament, civil society, and other stakeholders toward revising the entire petroleum management legal framework to reconcile it with EITI principles.¹⁷

Implementation of NACAP: This milestone was difficult to assess because the 2015–17 national action plan (NAP) referred to implementing NACAP, a multi-year framework (2015–2024), "by 2017." NACAP runs on annual workplans, but the language of the commitment does not make specific reference to which workplan should be assessed. Therefore, the progress report on which this assessment is based spans the period January–December 2016 under the 2016 workplan ("by 2017"), excluding activities for 2017. Completion of this milestone was coded as substantial, but it is attributed to the substantial implementation of the workplan as discussed below.

The CHRAJ, which is the main body responsible for implementing the NACAP, released its annual NACAP implementation progress report for 2016 in December 2017.¹⁸ The IRM researcher obtained hard copies from the non-governmental organization (NGO) PenPlusBytes, but the report had not been published on CHRAJ's website at the time of writing this report. The IRM researcher's efforts to interview the CHRAJ leadership were unsuccessful.

According to the NACAP Progress Report (January–December 2016), activities were divided broadly into two groups: preparation and implementation. By way of preparation, the CHRAJ revised the 2015 NACAP reporting tool into a 2016 reporting tool, disseminated in hard copy and used to train NACAP implementing partners (IPs). An online reporting tool was under construction at the time of writing of this report.¹⁹ The CHRAJ also prepared a 2016 work plan in collaboration with the Monitoring and Evaluation Committee (MONICOM) and the High-Level Implementation Committee (HiLIC) made up of mainly government bodies, the private sector, and civil society represented respectively by the Private Enterprise Foundation—a non-profit, member-based private business and trade association²⁰—and the Ghana Anti-Corruption Coalition (GACC). Compared to the 2015 NACAP workplan, the 2016 one targeted more activities (broad and specific) and many more IPs (325 against 43 in 2015).²¹ However, only 56 of these, or 17 percent, provided reports to CHRAJ on their NACAP activities.²² While this is a larger number than those who reported in 2015, it represents a smaller proportion of IPs, raising questions about commitment to the NACAP process. It is noteworthy that no private sector IP gave feedback.

By way of implementation, some general measures were taken alongside the execution of NACAP strategic objectives. General measures included budgeting for NACAP implementation by IPs, designating IP liaison officers, and NACAP awareness-raising for IPs' staff, as well as taking steps to prevent corruption and abuse of office in public, private, and non-profit institutions. Substantive activities were structured in four strategic objectives: (1) build public capacity to condemn and fight corruption; (2) institutionalize efficiency, accountability, and transparency in public, private, and non-profit sectors; (3) engage individuals, media, and civil society organizations (CSOs) in reporting and combating corruption; and (4) conduct effective investigations and prosecutions of corrupt conduct. Each objective comprises multiple sub-targets too numerous to list here, which are detailed in the 2016 NACAP Progress Report. The government committed 1.2 million Ghana Cedis (approximately US\$260,000) towards the anti-corruption work of the CHRAJ, which suffered delays in 2015 due to a severe shortage of public funding.²³

Prosecution of Officials: This milestone is marked as substantially completed. On 14 November 2017, the government passed into law the Office of the Special Prosecutor Bill (OSP)^{24,25} toward the creation of an office dedicated to prosecuting corrupt public officials. Though not specified in the 2015–17 NAP, it is a significant step in the fight against corruption in Ghana, according to a statement by Ms. Gloria Akuffo, Attorney General and Minister of Justice, at a June 2017 meeting with stakeholders on the bill.²⁶ Prior to its passage, the Attorney General and Minister of Justice Gloria Akuffo presented the first draft of the OSP Bill to stakeholders at a meeting in June 2017. The Parliamentary Committee on Constitutional, Legal, and Parliamentary Affairs organized a two-day stakeholders conference on the bill in September 2017, and the GACC held a media training workshop on 6 October (all meetings took place in Accra).²⁷ Various CSOs have queried the government's plans to fund the office²⁸ and questioned its legality on two bases. First, the potential mandate conflicts with the Attorney General and second, whether to create the office using an act of parliament or constitutional provision, to prevent political manipulation of the former that would compromise the prosecutor's independence and effectiveness.²⁹ A civil society coalition comprising the Ghana Integrity Initiative (GII), the GACC, the Ghana Center for Democratic Development (CDD-Ghana) and the Parliamentary News Agency has criticized the government for ignoring its suggestions concerning the 'open and competitive'

appointment of the Special Prosecutor.³⁰ It has also urged for the speedy passage of legislation that is key to the prosecutor's work, including the Whistleblower Bill and the Witness Protection Bill. Ms. Ugonna Ukaigwe, Project Consultant to the Coalition, stated in a media interview in September 2017 that the prosecutor's work would be frustrated in the absence of the Rights to Information (RTI) Bill.³¹

Prosecution has been slow and many cases and allegations of corruption remain unattended from the previous government. The case of businessman Alfred Agbesi Woyome is a well-known example. According to the 2010 Auditor-General's report,³² he was awarded two payments in June and September 2010 amounting to at least 50 million Ghana Cedis (approximately US\$10,800,000) as a 'settlement of claim involving [the] rehabilitation of three stadia.'³³ Prosecution efforts by then-Attorney General Martin Amidu were halted during the December 2016 elections.³⁴ The new government's attempts to retrieve the monies given to Woyome are only recently catching up with him; he is due in court on 28 November for a decision over whether he can be orally examined by the Attorney General.³⁵

Publish Contract Beneficial Ownership: Completion of this milestone remains limited. Several key developments occurred in the reporting period. The Companies Act 1963³⁶ was amended in August 2016 to require the names and particulars of beneficial ownership to be included in the members' register. It is not yet available online and the IRM researcher was unable to obtain a printed copy from Ghana Integrity Initiative and PenPlusBytes, the CSOs interviewed.^{37,38} Statements made by Dr. Mohammed Amin Adam, a Deputy Energy Minister at a July 2017 open data workshop in Accra, affirmed that the register is not yet publicly accessible.³⁹ Efforts are underway to have this provision reviewed to make the register publicly accessible.⁴⁰

The GHEITI collaborated with the NRGI in November 2016 on a "writeshop" to finalize the Beneficial Ownership roadmap, which they submitted to the international EITI Secretariat in December 2016.⁴¹ As of July 2017, the Registrar General's Department, which according to the 2016 GHEITI annual report is the custodian of the Beneficial Ownership register, was being supported by several partners to "undertake a comprehensive needs assessment, develop a prototype register, and redesign new forms to include BO data collection."⁴² The Registrar General Ms. Jemima Oware stated at a meeting on 20 September 2017 that the Companies Act (revised) would be further amended "to unmask the real owners of businesses registered under the law."⁴³

Did It Open Government?

The overarching end goal of this loaded commitment was to promote transparency and accountability in the government's operations and use of national resources. Owing to their disparate nature, each of the seven milestones is assessed individually below for "Did it open government?" to avoid distorting results.

Access to Information: Marginal
Public Accountability: Marginal

Publish All Contracts: The change of government practice in access to information for this milestone was marginal. The 2016–17 action plan identified accountability deficits in natural resource contracting as a major problem, stating that a 'first come first served' practice of allocating mining and oil sector contracts had not yielded value for money to the Ghanaian public. As it had been doing for several years, PPA continued to publish some tenders and contracts on its website, but as stated above, civil society had taken issue with the partial data provided for some contracts and the absence of substantive extractives contract data. In view of the comprehensive range of recommendations for improving public procurement in Ghana contained in a 2017 Ghana Open Contracting Scoping Study,⁴⁴ this milestone does not go far enough to address current challenges with contract management.

Monitoring of Contract Execution: This milestone did not change government practice in contract monitoring. The government's failure to pass the Public-Private Partnership Bill into law means that there continues to be no substantive framework for regulating public-private arrangements with regard to the provision of public infrastructure and services.

Negotiations on Legislative Amendments: This milestone is coded as 'Did Not Change.' The IRM researcher was unable to find any evidence to show what may have happened during the meetings that took place.

Pass the PEnPB: Although the PEnPB passed, it is too soon to assess any changes in government practice as a result of the passage of the bill.

Implementation of NACAP: The implementation of NACAP is expected to reduce corruption and institutionalize accountability. To that effect, minor changes in government practice took place. To build capacity and reduce corruption, selected IPs consisting of public and non-profit entities organized 10,252 public education and awareness programs in and outside the capital.⁴⁵ These programs were mostly in the form of trainings and sensitization events, targeting students, faith-based organizations, the media, and government officials and workers.

In August 2016, the CHRAJ held a workshop⁴⁶ on the generic Code of Conduct for chief directors and chief executives of state agencies.⁴⁷ During the meeting, it requested that all public officials complete a Code of Conduct Compliance form as part of efforts to fight corruption in the public service. In addition, the CHRAJ, the Ghana National Petroleum Commission and the Economic and Organized Crime Office (EOCO) were among several organizations that adopted codes of conduct, designated ethics focal persons, and took other steps to promote internal integrity within their institutions.⁴⁸ The National Development Planning Commission set up a toll-free number to facilitate corruption reports to the head office,⁴⁹ while the National Health Insurance Scheme and Ministry of Communications (MoC) were among IPs which integrated anti-corruption provisions into their business contracts.⁵⁰ Many public service institutions have distinct phone numbers and other means whereby clients can call to make complaints about corruption and other public service irregularities. The rationale is to tailor complaints to affected organizations, including about the misuse of office by public officers.

In terms of engaging individuals, media, and CSOs in reporting and combating corruption, the EOCO introduced measures to help protect citizens who report corruption, like a confidential registry to manage their information. The GII, an IP, also continued to manage two reporting mechanisms to receive complaints and provide legal advice that are accessible across Ghana: two toll-free telephone lines (080010025 and 0800100250), an email address (alac@tighana.org), and www.ipaidabribe.org.gh.⁵¹ In an interview with the IRM researcher, the GII stated that 86 out of 182 corruption reports since late 2014 have been received via the toll-free lines. The information received serves three key purposes: furthers investigation and transfers to relevant anti-corruption agencies for processing, anti-corruption programming, advocacy, and policy engagement, and public awareness.⁵² The IRM researcher was unable to obtain information on how many of these complaints government addressed.

Furthering the objective to conduct effective investigations and prosecutions of corrupt conduct,⁵³ 23 IPs implemented activities relating to the enforcement of anti-corruption laws, provision of office accommodation for anti-corruption agencies, enforcement of financial management legislation, enactment of witness protection legislation, and capacity enhancement for anti-corruption and law enforcement agencies. Though the NACAP Progress Report provides some data on the numbers of processed corruption cases,

incomplete data on the numbers of cases initiated by the EOCO and Bureau of National Investigations (BNI) in 2015 make it difficult to assess what percentage were investigated and concluded.⁵⁴

Lastly, selected representatives of lead implementing agencies took part in trainings on intelligence and assets recovery,⁵⁵ and various agencies acquired diverse ICT equipment (including computers, mobile phones, cameras, communication network tools, and recorders). These tools were part of efforts to expand the use of ICTs in the selection of judges in anti-corruption cases and the management of corruption cases by judicial service staff.⁵⁶

Despite these positive developments, low levels of reporting by IPs made it difficult to assess how this milestone's activities affected government practice. Furthermore, at the time of compiling the NACAP Progress Report, the Whistleblower Protection Bill 2015 had not been passed. There were also limited reports from IPs on their enforcement of public financial management laws. Some observers think that the current government is not doing enough to implement the NACAP and they criticized President Akufo-Addo for not mentioning the plan in his speeches about tackling corruption.⁵⁷ At a validation workshop on the NACAP reporting tool organized by the CHRAJ in Accra in June 2016, Charles Ayamdo, CHRAJ director of anti-corruption suggested that some reasons for the government's delayed action included inadequate knowledge and capacity to use the reporting tool and insufficient funds for awareness raising.⁵⁸

Prosecution of Officials: The implementation of this milestone resulted in marginal changes in government practice. The passage of the Office of the Special Prosecutor Act was a significant achievement in the fight against corruption in Ghana, subject to its independence, adequate resourcing, and the passage of vital legislation, including the RTI Bill. While the CHRAJ and other anti-corruption bodies concluded investigations on some of the corruption cases reported to them, the figures for concluded investigations/prosecutions (285) are low compared to the numbers of cases (604) reported.⁵⁹ Also, the NACAP Progress Report (January–December 2016) did not contain details of specific cases or indicate what proportion are high-profile, whether prosecutions took place, or if the cases stem from the auditor-general's report.

Publish Contract Beneficial Ownership: The implementation of this milestone has not resulted in any change in government practice so far. Although the government amended the Companies Act to provide for beneficial ownership and created a BO register, the register's content is not yet publicly accessible. This means that there is limited public engagement with and scrutiny of business ownership in Ghana.

Carried Forward?

In the 2017–19 national action plan, the themes of transparency and accountability have been merged and the objectives relating to transparency have been separated, as recommended in the progress report.⁶⁰ The new action plan contains six distinct but comprehensive commitments on Open Contracting and Contract Monitoring, Anti-Corruption Transparency, Beneficial Ownership, Fiscal Transparency and Accountability, Extractives Sector Transparency, and Right to Information.⁶¹ Each commitment addresses detailed milestones. This approach allows room for the OGP framework in Ghana to cover much wider ground than the previous action plan. The entire commitment has been carried over with slight modifications. Specifically, it builds on the second action plan by setting milestones that seek to advance previous achievements. For example, recognizing challenges with public access to anti-corruption implementation by public bodies in the previous cycle, the anti-corruption commitment in the 2017–19 NAP includes a milestone for CHRAJ and other investigative bodies and anti-corruption institutions to publish corruption

related reports quarterly by December 2018.⁶² For more information, please see the 2017–19 Ghana national action plan.

¹ Public Procurement Authority Ghana, (2014), www.ppaghana.org

² “Ghana rolls out legal framework to back Public-Private Partnership contracts” (accessed 21 Sept. 2016) available from: <http://kasapafmonline.com/2016/07/18/ghana-rolls-legal-framework-back-public-private-partnership-contracts/>

³ Vice President Dr. Mahamudu Bawumia affirmed this at a February 2017 workshop on beneficial ownership organized by the Ghana Integrity Initiative under the theme “New Beneficial Ownership Transparency Champions”. “Companies Act amended for beneficial ownership—Bawumia”, GhanaWeb, (2 February 2017), <https://bit.ly/2IAy40k>

⁴ “Contracts,” Public Procurement Authority, 2014, http://www.ppaghana.org/contracts_ss.asp?Con_ID=6071

⁵ Ghana Integrity Initiative interview by IRM researcher, 22 November 2017 and IRM researcher’s observation from “Consultancy Services for Independent Assessment of the Impact of the Pilot Interventions in the Customary Land Administration Sector in Ghana by the Land Administration Project,” Public Procurement Authority, <https://bit.ly/2EsXizi>

⁶ “About Us,” PenPlusBytes, 2017, <http://penplusbytes.org/site/index.php/about-us/>

⁷ Development Gateway and Open Contracting Partnership, Open Contracting Scoping Study: Ghana, West Africa Open Contracting Assessment Project” (page 3), Developmental Gateway & Open Contracting Partnership, 13 January 2017, <https://bit.ly/2H4sSoh>

⁸ “PPP Bill Goes Through Second Reading,” Government of Ghana, date not listed,

<http://www.ghana.gov.gh/index.php/media-center/news/2957-ppp-bill-goes-through-second-reading>

⁹ “PPP Bill expected in Ghana this year,” Elizabeth Ashun and Reuben Cronjé, 11 October 2017, <https://www.out-law.com/en/articles/2017/october/ppp-bill-expected-in-ghana-this-year/>

¹⁰ “Osafo-Mafo wants PPP Bill re-submitted to Cabinet,” GhanaWeb, 30 September 2017, <https://bit.ly/2GL3LDw>

The status of the PPP Bill is also corroborated by other media articles: “PPP Law will address inefficiencies in sole-sourced procurements – World Bank”, Ghana Business News, 8 May 2017, <https://bit.ly/2qqotEm>, and “Government to Mobilise Resources of Private Sector for Infrastructure”, Ghana Ministry of Roads and Highways, 29 September 2017, <https://bit.ly/2uUv4Kr>

¹¹ Papa Yaw Danso, “Finance Minister calls for Public Private Partnership in development projects,” Ghana News Agency, 7 December 2017, <https://bit.ly/2HnBWCJ>

¹² “Parliament of Ghana,” Parliament of Ghana, 2017, <https://www.parliament.gh>

¹³ “2016 Annual Report on the Petroleum Funds” (page 4), Ministry of Finance, 2016, <https://bit.ly/2qgn3Kq>

¹⁴ Edward Abambire Bawa, “Petroleum Exploration and Production Bill, 2016 Passed Into Law,” ModernGhana, 5 August 2016, <https://bit.ly/2qfgRmw> and “Latest Bills passed by Ghana’s Parliament,” Ghanajustice.com, 27 September 2016, <https://ghanajustice.com/latest-bills-passed-by-ghanas-parliament/>

“Petroleum (Exploration and Production) Act, 2016 Act 919,” Petroleum Commission Ghana, 2016, [http://www.petrocom.gov.gh/assets/Petroleum\(Exploration%20and%20Production\)Act2016.pdf](http://www.petrocom.gov.gh/assets/Petroleum(Exploration%20and%20Production)Act2016.pdf)

¹⁵ Raymond Akongburo, “Do not pass Petroleum Exploration and Production Bill”, Graphic Online, 27 July 2016, <https://bit.ly/2H4i35M>

For some insight into alternative opinions on the bill, see also “Debate on the Petroleum Exploration and Production Bill,” GhanaWeb, 25 August 2016, <https://bit.ly/2GKbCWq>

¹⁶ Joyce Danso, “Petroleum Commission Board inaugurated,” Ghana News Agency, 25 August 2017, <http://www.ghananewsagency.org/economics/petroleum-commission-board-inaugurated-121455>

¹⁷ PenPlusBytes interview by IRM researcher, 22 December 2017.

¹⁸ CHRAJ, IEA launch National Anti-Corruption and Transparency Week,” International Anticorruption Media, 4 December 2017,

<http://anticorr.media/en/v-gane-nachalas-antikorrupcionnaya-nedelya/>

¹⁹ “CHRAJ Ghana,” NACAP 2016 Reporting Tool, 27 July 2016, <http://www.chrajghana.com/?p=1069> Also accessible in sample form at <http://www.chrajghana.com/wp-content/uploads/2016/06/NACAP-2016-Reporting-Tool-Sample.pdf>

²⁰ “About the Private Enterprise Federation,” Private Enterprise Federation, 2018, <http://www.pef.org.gh/index.php/en/about-pef/about-us-pef>

²¹ NACAP Progress Report 2016, page 30.

²² NACAP Progress Report 2016, page 31.

²³ “Inadequate budgetary support hampers work of CHRAJ”, GhanaWeb, 31 August 2015, <https://bit.ly/2qhQrZl>

²⁴ “Office of the Special Prosecutor Bill 2017,” Parliament of Ghana, 2017, <https://bit.ly/2GKQOKe>

²⁵ Benjamin Mensah and Christopher Arko, “Parliament passes Office of Special Prosecutor Bill”, Ghana News Agency, 15 November 2017, <http://www.ghananewsagency.org/social/parliament-passes-office-of-special-prosecutor-bill-124941Link>

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- ²⁶ “AG presents draft copy of Special Prosecutor bill to stakeholders,” Ghanaweb, 27 June 2017, <https://bit.ly/2IAIxsE>
- ²⁷ Benjamin Mensah, “Parliament holds stakeholders’ conference on Office of Special Prosecutor,” 13 September 2017, Ghana News Agency, <https://bit.ly/2uWI6lr>
- ²⁸ Timothy Ngenbe, “Office of Special Prosecutor must be a constitutional body,” Graphic Online, 8 April 2017, <https://bit.ly/2GHZUvT> ;
“Funding special prosecutor with donations disastrous—IMANI,” Citi FM Online, 6 October 2017, <https://bit.ly/2H3CuzP> ;
and “Budget silent on funding of Office of Special Prosecutor—SEND-Ghana,” MyJoyOnline, 13 March 2017, <https://bit.ly/2uV8HUW>
- ²⁹ “Office of Special Prosecutor must be a constitutional body,” Graphic Online, 8 April 2017, <https://bit.ly/2GHZUvT> ;
“Funding special prosecutor with donations disastrous—IMANI,” Citi FM Online, 6 October 2017, <https://bit.ly/2H3CuzP> ;
and “Budget silent on funding of Office of Special Prosecutor—SEND-Ghana,” MyJoyOnline, 13 March 2017, <https://bit.ly/2uV8HUW>
- ³⁰ Sixtus Dong Ullu, “Special Prosecutor Bill: Csos [sic] Upset Over ‘Ignored’ Proposals”, Citifmonline, 24 November 2017, <http://newsghana.net/general/special-prosecutor-bill-csos-upset-over-ignored-proposals>
- ³¹ “Abubakar Ibrahim, ‘Without RTI Special Prosecutor’s Office will be frustrated – Coalition,” MyJoyOnline, 29 September 2017, <https://bit.ly/2GJxYmw>
- ³² “Report of the Auditor-General on the Public Accounts of Ghana (Consolidated Fund) for the Year Ended 31 December 2010,” Scribd, 30 June 2011, <https://www.scribd.com/document/84127049/Auditors-Report-2010>
- ³³ “Betty’s Ghc58m Gift To Woyome,” Daily Guide, 19 December 2011, <https://bit.ly/2EsvvLf>
- For a detailed chronology of events on this case, see “Dossier: Woyome Case”
- ³⁴ “Martin Amidu’s examination of Woyome pushed to Jan [sic] 26,” 3news, 15 December 2016, <https://bit.ly/2Hkx0hM>
- ³⁵ “Supreme Court to determine Woyome’s fate November 28,” 3news, 21 November 2017, <https://bit.ly/2qfgUhp>
- ³⁶ “The Companies Act 1963,” Government of Ghana, <https://bit.ly/2ICy9Ma>
- ³⁷ “Companies Amendment Act to include names and particulars of beneficial owners of companies in its Register of Members,” GhanaJustice, 26 August 2016, <https://bit.ly/2GlqzUt>
- ³⁸ “Companies Act amended for beneficial ownership – Bawumia,” GhanaWeb, 2 February 2017, <https://bit.ly/2IBBTCy>
- ³⁹ Belinda Ayamgha, “Ghana to have beneficial ownership register by end of year,” Ghana News Agency, 21 July 2017, <http://www.ghananewsagency.org/science/ghana-to-have-beneficial-ownership-register-by-end-of-year-119909>
- ⁴⁰ Ghana Integrity Initiative interview by IRM researcher, 22 November 2017. The IRM researcher was unable to obtain a copy of the revised Companies Act.
- ⁴¹ “Ghana EITI beneficial ownership roadmap,” Ghana EITI, October 2016, <https://eiti.org/document/ghana-eiti-beneficial-ownership-roadmap>
- ⁴² “2016 Ghana EITI Annual Activity Report,” GHEITI Secretariat and Ministry of Finance, July 2017, <https://bit.ly/2HhC5qY>
- ⁴³ “Legislation on beneficial ownership in the offing,” Daily Graphic, 29 September 2017, <https://www.graphic.com.gh/news/general-news/legislation-on-beneficial-ownership-in-the-offing.html>
- ⁴⁴ “Open Contracting Scoping Study: Ghana, West Africa Open Contracting Assessment Project,” (pages 3–7) Development Gateway and Open Contracting Partnership, 13 January 2017, <https://bit.ly/2H4sSoh>
- ⁴⁵ NACAP Progress Report 2016,
- ⁴⁶ “CHRAJ to Ensure all Public Officials Take Code of Conduct Test,” NewsGhana, 6 August 2017, <https://www.newsghana.com.gh/public-officials-to-undergo-compliance-test-on-code-of-conduct/>
- ⁴⁷ “Report of CHRAJ workshop on code of conduct for chief directors and chief executives of state agencies,” (undated), <http://bit.ly/2tPO9Nm>
- ⁴⁸ NACAP Progress Report (January-December 2016), page 44.
- ⁴⁹ NACAP Progress Report (January-December 2016), page 45.
- ⁵⁰ NACAP Progress Report (January-December 2016), page 46.
- ⁵¹ NACAP Progress Report (January-December 2016), page 58.
- ⁵² GII personal communication with IRM researcher, 19 January 2018.
- ⁵³ NACAP Progress Report (January–December 2016), pages 60–65.
- ⁵⁴ See Table 18, NACAP Progress Report (January–December 2016), page 61.
- ⁵⁵ NACAP Progress Report (January-December 2016), page 62
- ⁵⁶ NACAP Progress Report (January-December 2016), page 62.
- ⁵⁷ Josephine Netey, “Anti-graft campaigners criticise Akufo-Addo’s approach to fighting corruption,” The Herald Ghana, 30 August 2017, <http://theheraldghana.com/anti-graft-campaigners-criticise-akufo-addos-approach-to-fighting-corruption/>
- ⁵⁸ “CHRAJ holds validation workshop on NACAP reporting tool,” Ghana News Agency, 30 June 2016, <http://www.ghananewsagency.org/social/chraj-holds-validation-workshop-on-nacap-reporting-tool-105316>

⁵⁹ NACAP Progress Report (January-December 2016), page 33.

⁶⁰ Ghana events not captured in anti-corruption cases and the management of corruption cases by judicial service staff. Progress Report 2015–2016, page 23.

⁶¹ “Ghana National Action Plan 2017–2019,” Open Government Partnership, October 2017, <https://www.opengovpartnership.org/documents/ghana-action-plan-2017-2019>

⁶² “Ghana National Action Plan 2017–2019” (page 5), Open Government Partnership, October 2017, <https://www.opengovpartnership.org/documents/ghana-action-plan-2017-2019>

2. Right to Information

Commitment Text:

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.

- Hold four meetings with Parliament for the passage of the Right to Information Bill by June 2016
- Organize 10 regional public sensitization fora on the rights of citizens under the Right to Information Law by 2017

Responsible Institution(s): Ministry of Communications

Supporting Institution(s): Ghana Journalists Association (GJA), Coalition on the Rights to Information Bill (CRTI), Media Foundation for West Africa (MFWA), National Media Commission, Commonwealth Human Rights Initiative (CHRI)

Start Date: June 2016

End Date: December 2017

Editorial note: Milestone 2.2 was added to the table below to capture the commitment language that the “government...commits to passing the Right to Information Bill by December, 2016.”

Commitment Overview	Specificity				OGP Value Relevance (as written)				Potential Impact				Completion		Midterm	Did It Open Government?						
	None	Low	Medium	High	Access to Information	Civic Participation	Public Accountability	Technology & Innovation for Transparency & Accountability	None	Minor	Moderate	Transformative	Not Started	Limited	Substantial		Completed	End-of-Term				
2. Overall				✓	✓							✓	✓				Worsened	Did Not Change	Marginal	Major	Outstanding	
2.1. Meetings with Parliament			✓		✓						✓		✓									
2.2. Pass the bill				✓	✓							✓	✓									
2.3. Regional public hearings				✓	✓						✓		✓									

Commitment Aim

This commitment aimed to intensify and conclude an 18-year-old process¹ and pass the Right to Information (RTI) Bill by December 2016. Passage of the bill would ease difficulties in obtaining official information held by public institutions as well as private entities that perform public functions with public funds. Other related specific milestones envisioned engagements between the Ministry of Communications, Parliament, and the holding of regional public hearings on the bill.

Status

Midterm: Limited

This commitment saw limited completion at midterm because despite efforts by the Executive, Parliament and civil society organizations (CSOs), the bill was not passed. There were reportedly no meetings with Parliament, according to a Ministry of Communications (MoC) respondent,² and it was not clear to the respondent or the IRM researcher what type of meetings were intended. A press statement by a group of CSOs reported that Parliament considered only 29 out of 157 clauses of amendments to the bill between March and June 2016, after which it suspended the consideration of the bill without stating any particular reason.³ The regional public hearings intended as dissemination activities could not be held, since the government did not pass the bill. For more information, please see the 2015–17 IRM midterm report.

End-of-Term: Limited

The information in this section derives from interviews with the Right to Information (RTI) Bill Coalition, the Commonwealth Human Rights Initiative, and media reports on the bill.

This commitment is marked as having limited completion because the bill did not pass in the reporting period, despite, as in the midterm, repeated assurances of commitment by the Executive. This fact would suggest that the government's posture toward the bill has not altered under Ghana's new leadership, and civil society actors who were interviewed were skeptical about it being passed, considering the events so far. Two unnamed CSO respondents stated that the government's continued delay seems to stem from both uncertainty and apprehension about the bill.

At a Paris meeting in September 2016, then-President John Mahama said about the RTI Bill, "I believe it is something we should complete and make available so that people can have a legal basis for demanding information if there is reluctance to give information."⁴ CSOs criticized his administration for its last-minute rush to pass the bill before handing over power after failing to act on it for over four years.⁵ According to a December 2016 statement by the RTI Coalition,⁶ the Attorney General incorporated the outcomes of consultations with Parliament into a new draft bill and submitted it to parliament on 18 October 2016, requesting that it be considered under a Certificate of Urgency. The Select Committee on Constitutional, Legal and Parliamentary Affairs reviewed the draft bill on 23 October 2016 and submitted it to Parliament on 25 October 2016. Minority members of Parliament objected that there was no quorum, subsequently stalling the passage of the bill.⁷ Given the delay, and in light of the change of executive power in December 2016 and the formation of a new parliament, the RTI Bill 2017 was returned to the Cabinet, and must now be reintroduced to the legislature before it can be passed.

At the time of writing, the bill is supposedly still with the Cabinet. Speaking at a Transparency International meeting in Accra in February 2017, Vice President Dr. Mahamud Bawumia stated that the RTI Bill was one of several actions to be implemented by the New Patriotic Party (NPP) government in 2017.⁸ President Akufo-Addo expressed similar sentiments at an Africa Open Data Conference in Accra in July 2017.⁹ When the bill failed to pass in 2017, Minister for Parliamentary Affairs Mr. Osei Kyei Mensah-Bonsu stated at a training session for journalists in early November 2017 that Parliament expected to finish work on the bill by

the second meeting of its next session, anticipated to be around July 2018.¹⁰ In an interview with the IRM researcher, the RTI Coalition expressed frustration at the lack of communication from the government on the bill. The Ministry of Information rebuffed the RTI Coalition's request for updates, and the Attorney General put it on hold pending when the Cabinet concluded work on it. There is no known protocol governing how long bills can remain with the Cabinet. The RTI Coalition continues to pressure the government to pass the bill without further delay, buoyed by the speed with which the Office of the Special Prosecutor Bill became law.¹¹ The passage of the RTI Bill should continue to be a priority in the next action plan.

It is important to note that the new government split the former Ministry of Communications in two, creating a new Ministry of Information in January 2017, which is now responsible for all matters pertaining to the RTI Bill.¹²

Did It Open Government?

Access to Information: Did Not Change

This commitment aimed to increase transparency in governance and the ease of public access to official information by passing the RTI Bill, which had been pending for at least 15 years prior.

This goal was not achieved, as the RTI Bill was not passed and has been rescheduled for passage in mid-2018. Further, some CSOs had to lean on personal contacts to obtain certain public information, like District Assemblies' Development Plans and Budgets, which should have been easily accessible from government sources.¹³ One CSO respondent told the IRM researcher that CSOs are sometimes asked to buy copies of official documents from the government's publisher—a practice that could create privileged access to public information by better-resourced CSOs. In another example, the IRM researcher was unable to access the Companies Act (revised) online or from CSO and government respondents.

Carried Forward?

This commitment is carried forward in the 2017–19 national action plan, with the added proviso that the Ministry of Information develop strategies to implement the RTI law by September 2018.¹⁴

¹ Abubakar Ibrahim, "Without RTI Special Prosecutor's Office will be frustrated—Coalition," Myjoyonline, 29 September 2017, <https://bit.ly/2GJxYmw>

² The IRM researcher talked to the staff at Ministry of Communications on 22 August 2016.

³ "Accounting To The People Must Be Through The Right To Information Law," NewsGhana, accessed 21 September 2016, <https://www.newsghana.com.gh/accounting-to-the-people-must-be-through-the-right-to-information-law/>

⁴ "MFWA Welcomes Presidential Boost for RTI Passage in 2017," Media Foundation for West Africa, 27 July 2017, <http://www.mfwa.org/mfwa-welcomes-presidential-boost-for-rti-passage-in-2017/>

⁵ Ugonna Ukaigwe, "RTI: Missed opportunity for the 6th parliament, John Mahama," Class FM, January 2017, <http://m.classfmonline.com/1.11071165>

⁶ "RTI fiasco: Blame Mahama—Coalition," Class FM online, undated, <http://m.classfmonline.com/1.10668262>

⁷ Priscilla S. Djentuh, "The RTI Bill is needed to curb corruption in the country," Daily Graphic, 26 December 2016, accessed 20 October 2017, <https://bit.ly/2qloRS0>

⁸ Jonas Nyabor, "We'll pass RTI Bill this year – Bawumia," 2 February 2017, citifmonline, <http://citifmonline.com/2017/02/02/well-pass-rti-bill-this-year-bawumia/>

⁹ Jonas Nyabor, "Pass RTI Bill urgently as done for Special Prosecutor Bill – Coalition," citifmonline, 21 November 2017, <http://citifmonline.com/2017/11/21/pass-rti-bill-urgently-as-done-for-special-prosecutor-bill-coalition/>

¹⁰ Duke Mensah Opoku, "July 2018 latest target for passage of RTI Bill," citifmonline, 2 November 2017, <http://citifmonline.com/2017/11/02/july-2018-latest-target-for-passage-of-rti-bill/>

¹¹ Jonas Nyabor, "Pass RTI Bill urgently as done for Special Prosecutor Bill – Coalition," citifmonline,

21 November 2017, <http://citifmonline.com/2017/11/21/pass-rti-bill-urgently-as-done-for-special-prosecutor-bill-coalition/>

¹² Ministry of Communications interview by IRM researcher, 24 November 2017.

See also Gideon Ahenkorah, "Information Minister justifies deputy ministerial appointments," Ghana News Agency, 16 March 2017, <https://bit.ly/2kcgloa>

and "NDC cries over government size," Daily Guide, 20 April 2017, <https://bit.ly/2qmBYm9>

¹³ PenPlusBytes interview by IRM researcher, 22 December 2017.

¹⁴ Ghana National Action Plan 2017–2019, October 2017, page 8.

<https://www.opengovpartnership.org/documents/ghana-action-plan-2017-2019>.

3. Citizen’s Participation

Commitment Text:

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.

Actions:

- Conduct 10 regional Adult Education Programme on the opportunities available for participating in local administration and Parliament by 2017
- Advocate for Parliament to develop an action plan on the implementation of the declaration on parliamentary openness
- Organize 10 regional outreach programmes with faith based organizations on the opportunities available for participating in local administration and Parliament by 2017
- Work closely with the MLGRD and PSRS to ensure compliance with legal requirement to establish Client Service Units in all the District Assemblies by 2017
- Develop capacities of District Assembly members by December 2017

Responsible Institution(s): Ministry of Local Government and Rural Development, Parliament, Institute of Local Government Studies (ILGS), Public Sector Reform Secretariat (PSRS)

Supporting Institution(s): National Commission on Civic Education, Commonwealth Human Rights Initiative, Centre 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)

Start date: Not specified
2017

End date: December

Commitment Overview	Specificity				OGP Value Relevance (as written)				Potential Impact				Completion		Midterm	Did It Open Government?							
	None	Low	Medium	High	Access to Information	Civic Participation	Public Accountability	Technology & Innovation for Transparency & Accountability	None	Minor	Moderate	Transformative	Not Started	Limited	Substantial		Completed	End-of-Term					
3. Overall				✓	✓	✓	✓				✓			✓				Worsened	Did Not Change	✓	Marginal	Major	Outstanding

3.1. Public awareness raising on citizen's participation opportunities	✓		✓					✓		✓							
3.2. Parliamentary openness declaration	✓			✓				✓		✓							
3.3. Citizen's participation at the local level	✓		✓					✓			✓						
3.4. Client Service Units in District Assemblies			✓	✓	✓	✓			✓						✓		
3.5. Capacity building for Assembly members	✓			Unclear				✓			✓						

Commitment Aim

This commitment seeks to provide increased opportunities for citizens' participation in the work of Parliament and local government bodies. In particular, it aims to increase opportunities for vulnerable groups, such as women and people with disabilities, to participate in decision-making processes. Specific milestones include implementing the Declaration on Parliamentary Openness, holding regional education programs, establishing client service units in district assemblies, and building the capacities of assembly members.

Status

Midterm: Limited

Completion was coded as limited overall, as many of the milestones were not completed at midterm. The loose framing of intended targets and program content of at least two milestones, regional education programs, and capacity building for assembly members made it difficult for the IRM researcher to assess their potential impacts.

The IRM researcher found evidence from interviews and media reports that the National Commission for Civic Education (NCCE) executed several adult education and sensitization programs at the regional, district, and national levels, including one in February 2016 for People Living with Disabilities (PLWDs), traditional leaders, religious leaders, youth, and women's groups to address inequity in decision-making.^{1,2} However, the IRM researcher could not find information on either the number of NCCE workshops or to show that any action was taken to implement the Declaration on Parliamentary Openness. Media reports appeared to corroborate the affirmation by a local government respondent that Client Service Units (CSUs) were established in all Metropolitan, Municipal and District Assemblies (MMDAs).³ For more information, please see the 2015–17 IRM midterm report.

End-of-Term: Limited

Completion is coded as limited because the IRM researcher was unable to obtain evidence of completion from either the Institute of Local Government Studies (an implementing partner

for this commitment) or from the media. Scheduling conflicts prevented an interview with Ghana Centre for Democratic Development (CDD-Ghana), also an implementing partner.

Regional Education Programs (Milestone 3.1 and 3.3): This milestone was coded as having limited completion. Besides the workshop report at the midterm (see midterm status above), the IRM researcher found no evidence that additional workshops were held during the second year of implementation of the plan.

Parliamentary Openness Declaration: This milestone was not started. Ghana's Parliament has not formally adopted this Declaration, though it's said to be conducting its work according to the principles of open parliament.⁴

Client Service Units in District Assemblies: Besides the information reported in the midterm report (see above), the IRM researcher was unable to obtain evidence from interviews, including with the Institute of Local Government Studies (an implementing partner for this commitment) or the media that this milestone was completed. She was also unable to secure an interview with the Ministry for Local Government and Rural Development.

Capacity Building for Assembly Members: Besides the information reported in the midterm report (see above), the IRM researcher was unable to obtain evidence from interviews, including with the Institute of Local Government Studies (an implementing partner for this commitment) or the media that this milestone was completed. She was unable to secure an interview with the OGP focal person in the Ministry for Local Government and Rural Development.

Did It Open Government?

Access to Information: Did Not Change

Civic Participation: Did Not Change

Public Accountability: Did Not Change

This commitment sought to enhance the participation of citizens, particularly of underrepresented groups like women and people with disabilities in local and national governance decision-making processes, by adopting the Declaration on Parliamentary Openness and strengthening the capacities of targeted citizen groups and government officials. There were more women parliamentary candidates in 2016 (137) than in 2012 (133). More women were elected to Parliament in 2016 (35) than in 2012 (29).^{5,6} However, it is difficult to attribute changes in women's political participation solely to the NCCE's sensitization efforts.

The government continued to engage citizens through various public fora according to the principles of open parliament, but did not formally adopt the Declaration on Parliamentary Openness.

Carried Forward?

In the 2017–19 national action plan (NAP), this commitment aims to strengthen the client service units that were expanded during the 2015–17 NAP. However, the other milestones listed above and marked as incomplete are not featured. It would be useful to include specific milestones for the adoption of the Declaration on Parliamentary Openness and continual engagements with citizens on political participation, especially women.

¹ NCCE staff questionnaire by the IRM researcher, 3 Oct. 2016.

² "NCCE builds capacity of Women aspirants," GNA, 26 February 2015, <https://www.modernghana.com/news/601160/1/ncce-builds-capacity-of-women-aspira.html>.

³ The IRM Researcher talked to one of the key staff at Local Government Service on 30 September 2016.

⁴ "Better laws for Ghana: Making data accessible to legislators," Westminster Foundation for Democracy, 25 July 2017, <http://www.wfd.org/better-laws-for-ghana-making-data-accessible-to-legislators/>

⁵ Mildred Europa Taylor, "35 female MPs? Ghana could have done better - Gender Activist," Pulse, 13 December 2016, <https://bit.ly/2gpUz1B>

⁶ "More women for 7th Parliament of 4th Republic," Ghana Election 2016, 23 December 2016, <http://ghanaelection2016.ghanaweb-news.com/more-women-in-parliament.html>

Theme 2: Accountability

4. Fiscal Responsibility

Commitment Text:

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 management with the view to determining when expenditures are veering off approved estimates. The implementation of this commitment has not been achieved.

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. 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.

Therefore, during the planned period, OGP Ghana undertakes to facilitate the building of national consensus on the need for the Law.

Action:

- *Organize one (1) international conference on international best practice within enacting and implementing a Fiscal Responsibility Law in Ghanaian context by May, 2016*
- *Organize 1 national two-day consultative workshop on the need for and content of a Fiscal Responsibility Act by August 2016*

Lead Institutions: Office of the Chief of Staff, National Development Planning Commission (NDPC), Ministry of Finance (MoF)

Supporting Institutions: Parliamentary Select Committee on Subsidiary Legislation, Centre for Economic Policy Analysis, Institute of Economic Affairs, Natural Resource Governance Institute (NRGI)

Start Date: Not specified

End Date: August 2016

Editorial note: The first action in the language of the commitment was split into two separate milestones (4.1 and 4.2) in the table below to capture the government’s commitment to “enacting and implementing a Fiscal Responsibility Law in Ghanaian context.”

Commitment Overview	Specificity	OGP Value Relevance (as written)	Potential Impact	Completion	Midterm	Did It Open Government?
					End of Term	

	None	Low	Medium	High	Access to Information	Civic Participation	Public Accountability	Technology & Innovation for Transparency & Accountability	None	Minor	Moderate	Transformative	Not Started	Limited	Substantial	Completed	Worsened	Did Not Change	Marginal	Major	Outstanding	
4. Overall				✓	Unclear							✓		✓				✓				
4.1. International Conference/Discussing Best Practices			✓		Unclear					✓			✓									
4.2. Pass FRL				✓	Unclear							✓		✓								
4.3. Consultations on the Need for Fiscal Responsibility Act			✓		Unclear						✓				✓							
															✓							

Commitment Aim

The commitment to enact a Fiscal Responsibility Law (FRL) to introduce permanent rules of fiscal discipline and mitigate fiscal risk was not completed and thus carried forward from the previous action plan. The FRL is part of the Public Financial Management (PFM) bill that was designed to address persistent weaknesses and promote discipline, transparency, and accountability in the management of public funds. Specific milestones were the organization of an international conference to discuss best practices and establish a common fiscal and monetary policy for the West Africa Monetary Zone, passage of the FRL, and the holding of a two-day consultative workshop on the need for a Financial Responsibility Act.

Status

Midterm: Limited

Completion at midterm was limited for this commitment. The international conference did not hold. The Ministry of Finance (MoF) did not organize a two-day consultative workshop on the content of the bill. However, it provided evidence of a consultative process to build a national consensus on the bill that included internal discussions within the MoF, inter-sector meetings between heads of government institutions, and meetings with development organizations, research institutions, academia, and civil society organizations (CSOs).⁶ The media corroborated these reports. For more information, please see the 2015–17 IRM midterm report.

End-of-Term: Substantial

International Conference: This milestone was not started. The IRM researcher's efforts to reach the MoF OGP contacts were unsuccessful. The researcher was unable to obtain evidence from the media that the international conference was held or was discussed in the reporting period.

Pass the FRL: This commitment was coded as completed because the Parliament passed the Public Financial Management Act (Act 921) and was assented by President Mahama in August 2016.¹ In July 2017, Cabinet proposed to amend Act 921 by limiting the national fiscal deficit to three to five percent of gross domestic product (GDP) from 2018 as part of steps to ensure greater fiscal discipline.^{2,3,4} In the same month, Cabinet approved the submission of the proposed amendment to Parliament.⁵ A media statement by the Natural Resource Governance Institute (NRGI) in October 2017 revealed that the amendment was pending at that time.⁶ The IRM researcher could find no evidence that the amendment was made in the reporting period or that any preparations occurred toward a legislative instrument.

Consultations on Need for FRA: A media report announcing the passage of the FRA stated that the process leading to the law began in 2014 and was “comprehensive, interactive and consultative.” The MoF and the Attorney General prepared successive drafts and held consultations with several groups, including civil society organizations (CSOs), and various professional bodies.⁷ In an August 2016 statement, the Civil Society Platform on Ghana’s International Monetary Fund (IMF) Programme, a coalition of Accra-based think tanks and non-governmental organizations (NGOs) working in the areas of social accountability and anti-corruption, criticized the unusually fast pace with which the act was passed, on grounds that it did not leave room for public input, especially by relevant expert individuals and institutions.⁸ This suggests that consultations did not take place. Related events include a February 2017 PFM Act sensitization-training workshop for finance officers.⁹ Also in 2017, the MoF presented to Parliament a mid-year Fiscal Policy Review of the 2017 budget, as required under the PFM 2016 (Act 921).¹⁰

Did It Open Government?

Access to Information: Did Not Change

Civic Participation: Did Not Change

Public Accountability: Did Not Change

The government’s stated aim of this commitment was to enhance public financial transparency and accountability by passing the FRL and building consensus around its importance. However, as implemented so far, the government has not improved the quality or quantity of information released to the public, neither has it put in place any public-facing accountability mechanism. As it stands, the passage of the FRL may have represented an end in itself as opposed to a means to greater financial transparency. This is evidenced by the 2016 Auditor-General’s report which details “cash irregularities” of up to 32.6 million Ghana Cedis, attributed to violations of financial management rules by district assemblies.¹¹ A separate media report alleged a loss of up to 8 billion Ghana Cedis (about 1.8 billion USD) to broader infractions in 2016 alone.¹²

One outstanding limitation is that the PFM framework is contained in several separate laws and policies,¹³ making it hard to understand how they interact. This could be addressed in future interventions.

Carried Forward?

The milestones for this commitment as captured in the 2017–19 national action plan (NAP) largely sought to build on the passage of the PFM by pursuing laws and structures needed to support its implementation. The incomplete milestone of the international conference on best practices was not carried forward.

¹ “Public Financial Management Bill passed into Law,” GhanaJustice, 8 August 2016, <https://ghanajustice.com/public-financial-management-bill-passed-into-law/> and “Public Financial Management Act 2016 (Act 921),” 2016, <https://bit.ly/2qIMo64>

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- ² “Cabinet approves Fiscal Responsibility Law to cap fiscal deficit to 3-5% of GDP,” Myjoyonline, 25 July 2017, <https://bit.ly/2qkq2lW>
- ³ Maclean Kwofi, “We’ll pass Fiscal Responsibility Law this year — Finance Minister designate,” Graphic Online, 17 January 2017, <https://bit.ly/2GQ1hrW>
- ⁴ Aisha Adam and David Mihalyi, “Optimizing Ghanaavid Mihalyi,,” Natural Resource Governance Institute, October 2017, <https://resourcegovernance.org/sites/default/files/documents/optimize-ghana-fisal-rule.pdf>
- ⁵ “Fiscal Responsibility Law approved to cap fiscal deficit to 3-5% of GDP,” Otecfmghana, 25 July 2017, <http://otecfmghana.com/2017/07/fiscal-responsibility-law-approved-to-cap-fiscal-deficit-to-3-5-of-gdp/>
- ⁶ “Natural resource governance institute wants fiscal responsibility law fast tracked,” Ghana News, 24 October 2017, <http://www.reportingoilandgas.org/natural-resource-governance-institute-wants-fiscal-responsibility-law-fast-tracked/>
- ⁷ Musah Yahaya Jafaru, “Parliament passes Publi Financial Management Bill,” Graphic Online, 4 August 2016, <https://www.grapgc.com.gh/news/general-news/parliament-passes-public-financial-management-bill.html>
- ⁸ “Statement: Parliament Should Not Rush Passage of the New Public Financial Management (PFM) Bill,” Civil Society Platform, 10 August 2016, <http://www.csplatformghana.org/press-release-on-the-new-public-financial-management-pfm-bill/>
- ⁹ Morkporkpor Anku, “Finance officers train on Public Financial Management Law,” Ghana News Agency, 2 February 2017, <http://www.ghananewsagency.org/economics/finance-officers-train-on-public-financial-management-law-112889>
- ¹⁰ “Mid-Year Fiscal Policy Review of the 2017 Budget and Economic Policy,” Ministry of Finance, 2017, citifmonline, <http://citifmonline.com/wp-content/uploads/2017/07/2017-Mid-Year-Fiscal-Policy-Review-Final-310717.pdf>
- ¹¹ “Report of the Auditor-General on the management and utilization of district assemblies’ common fund and other statutory funds for the year ended 31 December 2016,” Republic of Ghana, September 2016, <https://ghaudit.org>site>reports>
- Seth J. Bokpe, “MMDAs ‘chop’ money—2016 Auditor-General’s Report reveals,” Graphic Online, 12 August 2017, <https://www.graphic.com.gh/news/general-news/mmdas-chop-money-2016-auditor-general-s-report-reveals.html>
- ¹² Oswald K. Boateng, “Auditor-General: Ghana lost about GHc8 billion to infractions in 2016”, Myjoyonline, 11 December 2017, <https://www.myjoyonline.com/news/2017/December-11th/auditor-general-ghana-lost-about-gh8billion-to-infractions-in-2016.php>
- ¹³ “Natural resource governance institute wants fiscal responsibility law fast tracked,” Ghana News, 24 October 2017, <http://www.reportingoilandgas.org/natural-resource-governance-institute-wants-fiscal-responsibility-law-fast-tracked/>

★5. Oil Revenue Management and Mineral Development Fund

Commitment Text:

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.

To effectively operationalize the amended law, there will be the need to develop regulations (Legislative Instruments) that will detail 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.

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.

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.

Actions:

- *Organize quarterly sensitization fora on the content, government's and citizens' obligations under the Petroleum Management Act by December 2017*
- *GHEITI and Ministry of Lands and Natural Resources should hold at least 4 consultative meetings with the Finance Committee of Parliament and the Parliamentary Select Committee on Legal and Subsidiary Legislation on the passage of the Mineral Development Fund Bill by December 2016*
- *GHEITI should organize 2 public fora on the contents of the Mineral Development Fund Bill by June 2016*
- *PIAC to organize dissemination fora on its M & E reports on oil revenue management 2017*
- *PIAC and the Ministry of Finance should work together to organize two public consultations on the draft Legislative Instrument of the Petroleum Revenue Management Act by September 2016*
- *Ministry of Finance should work with Parliament to develop a Legislative Instrument of the Petroleum Revenue Management Act by 2017*

Editorial note: Milestone 5.4 was added to the table below to capture the commitment language that “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.” This commitment is a starred commitment because it is clearly relevant to OGP values as written, has transformative potential impact, and is substantially or completely implemented.

Responsible Institution(s): Ministry of Finance, GHEITI, Ministry of Petroleum, Ministry of Lands and Natural Resources

Supporting Institution(s): National Commission on Civic Education, Public Interest and Accountability Committee (PIAC), Oil and Gas Platform

Start Date: Not specified
2017

End Date: December

Commitment Overview	Specificity				OGP Value Relevance (as written)				Potential Impact				Completion		Midterm	End-of-Term	Did It Open Government?					
	None	Low	Medium	High	Access to Information	Civic Participation	Public Accountability	Technology & Innovation for Transparency & Accountability	None	Minor	Moderate	Transformative	Not Started	Limited	Substantial		Completed	Worsened	Did Not Change	Marginal	Major	Outstanding
★5. Overall				✓	✓	✓	✓					✓			✓				✓			
5.1. Public awareness raising on Petroleum Management Act		✓			✓					✓			✓									
5.2. Consultations with Parliament on the passage of MDF			✓		✓						✓		✓									
5.3. Public consultations on contents of MDF Bill				✓	✓	✓					✓		✓									
5.4. Pass MDF Bill				✓	✓							✓					✓					
5.5. Public consultations on PIAC M &		✓			✓					✓					✓							

E reports																
5.6. Public consultation on the draft Legislative Instrument			✓			✓					✓			✓		
5.7. Developing a Legislative Instrument of the Petroleum Revenue Management Act			✓				✓				✓			✓		

Editorial note: This commitment is clearly relevant to OGP values as written, has transformative potential impact, and is substantially or completely implemented and therefore qualifies as a starred commitment.

Commitment Aim

In response to calls for legislation by mining sector stakeholders to help track revenues and enhance its contribution to the economy,¹ this commitment aims to ensure transparency and accountability in the management of extractives, particularly mining, oil, and gas. The Minerals Development Fund (MDF) Bill had previously stalled due to a lack of sufficient guidelines. This gap led to mining funds being used primarily for recurrent expenses by district assemblies, which are mandated to ensure social, economic, and environmental development at the local level.³ Specific milestones, grouped under the rubrics of MDF and oil revenue management, are Public Awareness Raising on the Petroleum Management Act (PMA); consultations with Parliament on the Passage of the MDF; public consultations on contents of the MDF Bill; pass the MDF Bill; public consultations on the PIAC monitoring & evaluation (M&E) reports; and develop a legislative instrument (LI) of the Petroleum Revenue Management Act PRMA.

Status

Midterm: Substantial

Completion for this commitment was substantial at midterm. While the MDF bill (milestone 5.4) was passed in February 2016 and the Legislative Instrument was partially completed, a number of milestones were not started after the first year of implementation.

The IRM researcher found no evidence among civil society organizations (CSOs) and public institutions in the extractive sector of any public awareness activities. There was no publicly available information on the consultative meetings with Parliament on the passage of the MDF Bill. The Ghana Extractive Industry Transparency Initiative (GHEITI) provided some reports on their dissemination activities to the IRM researcher, but there was no evidence that public consultations on the contents of the MDF Bill took place.

The Public Interest and Accountability Committee (PIAC)'s M&E dissemination activities were limited to two out of Ghana's ten regions. At midterm, PIAC's report was being disseminated and circulated for public input on the next selection of priority areas for the 2017–19 annual budget, in accordance with the National Petroleum Management Act (Act 815) 2011. PIAC was also inspecting projects funded with oil revenues to ascertain whether the money was being used for the purpose for which it was dispersed.

Ministry of Finance (MoF) officials and CSOs working on oil and gas indicated that the MoF was in the process of developing the LI for the PRMA at the time of reporting.¹¹ According to the MoF, the LI was submitted to the Attorney-General's Department (AGD) in March 2016, and returned to the MoF for clarification in July 2016 that the MoF had partially provided at midterm. The LI was due to be sent to Parliament once the AGD had finished working on it. For more information, please see the 2015–17 IRM Midterm Report.

End-of-Term: Substantial

Although the government did not complete all the elements leading to the passage of the bill, it did pass the bill and did substantial work on some other milestones resulting in substantial completion overall.

Reporting in this section is based mainly on interviews with some CSOs and media and other documentary reports given the challenges securing interviews with key implementing partners for this commitment. Specifically, efforts to reach the National Resource Governance Institute (NRGI) were unsuccessful, and scheduling conflicts did not permit a meeting with the Integrated Social Development Centre-Extractive Industries Transparency Initiative (ISODEC-EITI).

Milestones 5.1, 5.2, and 5.3 remain to be started, as the IRM researcher could find no further evidence of progress since the midterm.

Completion of milestone 5.5 remains substantial. In the reporting period, PIAC published regularly semi-annual and annual reports on the management of petroleum revenues in keeping with the PRMA.²

According to the researcher's interview with PenPlusBytes, there was some progress with Milestone 5.6, whereas Milestone 5.7 saw no further progress, and completion remains limited. As of July 2017, Parliament had still not passed the LI/regulations for the MDF Act. According to PenPlusBytes, it was being discussed as recently as early December in meetings they attended, involving Parliament, CSOs, and other stakeholders.³ In a public statement, Dr. Steve Manteaw criticized this 'violation' of the act, stating that by law, regulations should be ready within one year of the passage of substantive legislation.⁴

Did It Open Government?

Access to Information: Did not change

Civic Participation: Marginal

Public Accountability: Did not change

This commitment aimed to contribute toward better transparency in extractives management by helping to track revenues and enhance their contribution to the economy. Among the challenges identified in the 2015–17 national action plan was the need for a Minerals Development Fund law to inform the judicious use of mining revenues, especially in host mining communities. Also observed were funding and other resource constraints to the work of the PIAC, a citizens' oversight body established by the Petroleum Revenue Management Act.

The commitment did not change government practice in access to information. The PIAC continued to publish its twice-yearly reports on petroleum revenue management. Yet restricted public access to a beneficial ownership registry combined with limited extractive contract procurement information served to narrow citizens' access to information on petroleum revenues. PenPlusBytes project coordinator for extractives, Mr. Kwabena Tabiri stated in an interview with the IRM researcher on 17 January 2018 that there is a need for more transparency with regard to access to data on contracts with investors. Furthermore,

Dr. Steve Manteaw, ISODEC-EITI vice-chair stated in Parliament on 14 November 2017, said that successive governments have breached the PRMA's provisions concerning quarterly fora on government's obligations in at least one way by not providing updates on all oil-funded projects in the year under review.⁵ In December 2017, Parliament proposed that the PRMA be amended further to facilitate the completion and identification of oil-funded projects.⁶ The PIAC 2017 report states that oil-funded projects are either incomplete due to insufficient funds or "cannot be found," suggesting a lack of transparency in their management.⁷

Civic participation is coded as marginal because of insufficient information and evidence. Parliament invited CSOs to at least some of its deliberations on the LI for the PRMA. Second, the PIAC's continued operation enabled some level of citizen engagement with the petroleum management process. Also, the PIAC created more opportunities for the public to inform the management of petroleum revenue through consulting the public on its semi-annual and annual reports. Stakeholders consulted include the MoF, the Petroleum Revenue Commission, the Ghana National Petroleum Corporation, and unspecified oil companies.⁸ However, while the report was 'validated by stakeholder institutions before publication,'⁹ it does not specify who they are nor give details of where, when, and how validation occurred.

Public accountability is coded as not having changed. A multi-agency petroleum revenue committee was set up in November 2017, but the IRM researcher could find no information on the work of the committee so far, neither in the media nor according to PenPlusBytes.

Carried Forward?

Carried forward into the 2017–19 NAP from this commitment are the development of regulations for the PRMA and the MDF Act. New but related milestones include setting up structures needed to implement the MDF Act and steps toward more frequent reporting on the use of petroleum revenues. The latter responds in part to civil society concerns about transparency in access to information on how petroleum resources are being used and whether they are used for targeted projects.

¹ Fred Yaw Sarpong, "Mines chamber calls for legal backing on mineral revenue," NewsGhana, 15 November 2017, <https://www.newsghana.com.gh/mines-chamber-calls-for-legal-backing-on-mineral-revenue/>

² "PIAC Semi-Annual Report 2017," Public Interest and Accountability Committee, 2017, <http://www.piacghana.org/portal/>

direct download can be accessed here:

http://www.piacghana.org/portal/files/downloads/piac_reports/piac_2017_semi-annual_report.pdf

³ PenPlusBytes interview by IRM researcher, 22 December 2017.

⁴ Emmanuel Bruce "Govt violates Minerals Development Fund Act—Dr Steve Manteaw," Daily Graphic, 4 July 2017, <https://bit.ly/2HttJws>

⁵ Godwin Akweiteh Allotey, "Petroleum Revenue Mgt. Act breached for 7-years [sic] running—PIAC," CITI FM, 14 November 2017, <http://citifmonline.com/2017/11/14/petroleum-revenue-mgt-act-breached-for-7-yrs-running-piac/> and Benjamin Mensah, "Finance Minister must include petroleum revenue management in 2018 budget," Ghana News Agency, 14 November 2017, <https://bit.ly/2IJTCrm>

⁶ "Parliament proposes amendments to PRMA," Ghana Business and Finance Magazine, 12 December 2017, <https://ghanabusinessfinance.com.gh/2017/12/12/parliament-proposes-amendments-to-prma/>

⁷ "PIAC Semi-Annual Report 2017," Public Interest and Accountability Committee, 2017, <http://www.piacghana.org/portal/>

direct download can be accessed here:

http://www.piacghana.org/portal/files/downloads/piac_reports/piac_2017_semi-annual_report.pdf

⁸ "Semi-Annual Report on Management of Petroleum Revenues for the Period January to June 2017 (September 2017)," Public Interest and Accountability Committee, 2017,

http://www.piacghana.org/portal/files/downloads/piac_reports/piac_2017_semi-annual_report.pdf

⁹ "Semi-Annual Report on Management of Petroleum Revenues for the Period January to June 2017 (September 2017)," Public Interest and Accountability Committee, 2017,

http://www.piacghana.org/portal/files/downloads/piac_reports/piac_2017_semi-annual_report.pdf

Theme 3: Technology and Innovation

6. Ghana Open Data 2.0

Commitment Text:

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.

Actions:

- *Upgrade Ghana Open Data portal to enhance data management features and incorporate open data standards in order to meet global standards*
- *Infuse analytic engines into the Ghana Open Data portal platform to help users of the portal do more data analysis (correlation of datasets) and make evidence-based decisions*
- *Establish data standards and do four collections and management capacity building workshops in each of the four selected sectors*
- *Put up 50 datasets that has business value for economic empowerment of open data entrepreneurs, journalists and developers*
- *Organize four Hackathons (or boot camps) every quarter for each of the sectors over the two (2) year period to develop citizen-centric free application for use by citizens*
- *Put in place an effective impact monitoring system to measure economic and social impact*
- *In collaboration with other open data stakeholders, GODI will establish the Ghana Open Data Alliance*

Editorial Note: *Milestone 6.3 encompasses two of the actions in the commitment text: (1) Establish data standards and do four collections and management capacity building workshops in each of the four selected sectors and (2) put up 50 datasets that have business value for economic empowerment of open data entrepreneurs, journalists and developers.*

Responsible Institution(s): NITA, GNA, PSRS

Supporting Institution(s): Ghana Statistical Service, Data Controllers, Research Institutions, CSOs with interest in Open Data, MDAs, CAGD, YES-Ghana

Start Date: Not specified

End Date: December 2017

Commitment Overview	Specificity	OGP Value Relevance (as written)	Potential Impact	Completion	Midterm	Did It Open Government?
					End-of-Term	

	None	Low	Medium	High	Access to Information	Civic Participation	Public Accountability	Technology & Innovation for Transparency & Accountability	None	Minor	Moderate	Transformative	Not Started	Limited	Substantial	Completed	Worsened	Did Not Change	Marginal	Major	Outstanding
6. Overall			✓		✓	✓		✓			✓			✓				✓			
6.1. Upgrade Open Data portal		✓			✓			✓		✓				✓							
6.2. Technical improvement of open data portal		✓			✓			✓		✓			✓								
6.3. Data standards, capacity building, and 50 datasets for the portal			✓		✓			✓		✓			✓	✓							
6.4. Hackathons			✓		✓			✓			✓		✓	✓							
6.5. Impact monitoring system		✓			✓			✓		✓			✓	✓							
6.6. Ghana Open Data Alliance			✓		✓	✓		✓			✓			✓							

Commitment Aim

The main focus of the commitment is to improve data collection and management in the health, education, energy, and agriculture sectors, as well as to enable people to access Ministries, Departments, and Agencies (MDA) data online. The impulse for this commitment is partly Ghana's membership since 2011 in the global Open Data Initiative (ODA), which led to the establishment of the National Information and Technology Agency (NITA) and the Ghana Open Data Initiative (GODI). A second factor is the rising population of Internet users: figures grew from 10.6 percent in 2012¹ to 28.4 percent in 2016.² Milestones for this commitment are upgrade Open Data portal; technical improvement of the Open Data portal; data standards, capacity building, and 50 datasets for the portal; organize Hackathons; set up an Impact monitoring system; and establish a Ghana Open Data Alliance.

Status

Midterm: Limited

Completion was coded as limited, as many of the milestones were being implemented at

midterm. Their technical nature and the lack of comprehensive information available from NITA made it difficult to assess them, as did abortive efforts to contact YES-Ghana, a civil society organization (CSO) and independent stakeholder mentioned in the action plan.

The GODI team upgraded the Open Data portal to a DKAN, or an open data platform, version with enhanced data management features that allow users to publish, manage and maintain open data content. NITA was however unable to provide a copy of the terms of reference (TORs) for the consultant it hired to update the portal to global best practices under an 'e-transform' project. It also did not provide TORs for establishing standards and business-centric datasets and the procurement process in relation to infusing analytics into the portal—the second part of this milestone. This was assessed as not started at midterm, as the IRM researcher could not find any analytics features on the portal website. Hackathons billed for 2016 were shifted to 2017, and the impact-monitoring program was expected to launch before the end of 2016.

Participants at a forum on Open Data, Open Science and Open Access in Agriculture in Ghana in July 2016 agreed to establish a multi-actor platform to advocate for open data in the country. The researcher could not find a draft version of the Ghana Open Data Alliance's (GODA's) bylaws, expected to come into force by the end of 2016 on NITA's website. For more information, please see the 2015–17 IRM midterm report.

End-of-Term: Limited

The completion status of the milestones has not changed much since the IRM midterm report, as a NITA representative stated that most of them were suspended to accelerate work under the World Bank-sponsored e-transform project.³ Ghana's hosting of the Africa Open Data Conference in July 2017 created the opportunity for the NITA to convene open data stakeholders and provide training and data simulations to potential users.⁴ It also organized several training and capacity-building events, notably within communities, although NITA did not provide evidence that these events took place to the IRM researcher. The change of government in January 2017 also obstructed the implementation of some parts of this commitment. The NITA anticipates that it will achieve full or substantial completion of this commitment during the first quarter of 2018 when the new government is more settled. YES-Ghana, a non-governmental organization (NGO) collaborating partner on the open data project, was unable to comment on completion status for this commitment as the data portal was down during an interview with the IRM researcher on 12 December 2017. YES-Ghana Director Edudzie Emmanuel did say that there has been limited communication about the GODA since its last convening in early 2017.⁵

Upgrade Open Data Portal: Completion is coded as limited. There was no significant material change to the portal since the IRM midterm report. However, NITA told the IRM researcher that the new portal is more resilient than the previous one as, for example, it no longer slows under heavy traffic.⁶

Technical Improvement of Open Data Portal: Completion is coded as not started. There were no additional technical improvements to the portal in the reporting period.

Data Standards, Capacity Building, and 50 Datasets for the Portal: Completion is coded as limited. The website home page boasts of 'over 133 datasets from 25 agencies,' but there are still only a few datasets available on the website, although NITA told the IRM researcher that the outstanding data have been prepared and are ready to be uploaded.⁷ NITA did not respond to requests for supporting evidence. In separate interviews with the IRM researcher, YES-Ghana and PenPlusBytes affirmed that no new data had been added recently. YES-Ghana Programmes Manager said that among the challenges facing NITA is the failure of several public entities to provide data for publication.

Organise Hackathons: Completion is coded as not started. This was not done, partly because of the e-transform project and a lack of resources. NITA tried to fundraise from external donors to cover budgetary shortfalls for this activity, but did not succeed.⁸ YES-Ghana informed the IRM researcher in an interview that the original idea behind this activity was to relieve the burden on the government and engage tech-savvy youth in converting raw data into information that is easily accessible by the public. YES-Ghana's inability to confirm whether this was done suggests both a lack of implementation and the need for better communication between the government and CSO implementing partners.

Impact Monitoring System: Completion is coded as not started. This is also pending. According to the NITA respondent, a lack of resources to set this up was a major challenge.⁹

Ghana Open Data Alliance: Completion is coded as limited because NITA did not respond to requests for evidence of reported activity. According to NITA, GODA is registered as a legal entity, and is awaiting the selection of executives. It would have become operational before November 2017 except for the delay caused by the change of government in January 2017. It is not clear how much NITA is engaging GODA's members. In an interview with the IRM researcher, Mr. Edudzie stated that he was unaware that the GODA is functional and that to his knowledge, there had been no convening of open data actors in Ghana in 2017.¹⁰

Did It Open Government?

Access to Information: Did Not Change

Civic Participation: Did Not Change

Technology & Innovation for Transparency & Accountability: Did Not Change

This commitment had two key goals: better government data collection and management and improved public online access to information in health, education, energy, and agriculture.

As of 30 December 2017, the researcher could only find the same data relating to health, statistics, and agriculture on the website that were already available as of the midterm report. Of these, most were in statistical formats that would be difficult to understand by persons lacking the requisite analytical skills. Further, the quality of the available data is unclear, a qualification that emerged from the researcher's interview with YES-Ghana. Going forward, there needs to be galvanized action toward completing each milestone. Further, as the Director of YES Ghana pointed out, there can be no open data in Ghana without the firm legal backing of a Right to Information (RTI) law.¹¹

Carried Forward?

None of the above milestones appears in the 2017–19 national action plan, despite their limited completion status. While the new milestones are important for the improvement of open data policy and practice in Ghana, some consideration could be given to the financial constraints that hampered more substantive implementation of previous milestones under this commitment.

¹ "Ghana Internet Users," Internet Live Stats, 2016, www.internetlivestats.com/internet-users/ghana/

² "The 2016 Annual Ghana Social Media Report: A Rankings Report on the Most Influential Brands and Personalities on Social Media in Ghana," CliqAfrica Limited and Avance Media, 2016, <https://cliqafrika.com/wp-content/uploads/2017/01/2016-Final-Ghana-Social-Media-Rankings-Report-CliQAfrica-Ltd.pdf>

³ NITA interview by IRM researcher, 24 November 2017.

⁴ NITA interview by IRM researcher, 24 November 2017.

⁵ YES-Ghana interview by IRM researcher, 12 December 2017.

⁶ NITA interview by IRM researcher, 24 November 2017.

⁷ NITA interview by IRM researcher, 24 November 2017.

⁸ NITA interview by IRM researcher, 24 November 2017.

⁹ NITA interview by IRM researcher, 24 November 2017.

¹⁰ YES-Ghana interview by IRM researcher, 12 December 2017.

¹¹ YES-Ghana interview by IRM researcher, 12 December 2017.

Methodological Note

The end-of-term report is based on desk research and interviews with governmental and nongovernmental stakeholders. The IRM report builds on the findings of the government’s self-assessment report; other assessments of progress put out by civil society, the private sector, or international organizations; and the previous IRM progress report.

Information for this report was obtained through desk research, individual interviews, and focus group interviews. Initial findings were validated by email to all respondents. The IRM researcher also created a Facebook page where she shared the 2015–17 national action plan and the Ghana government self-assessment report for public comments. A stakeholder meeting and report launch is scheduled to be held in Accra in the first quarter of 2018, in collaboration with the Ghana Anti-Corruption Coalition, to which stakeholders from Ghana’s ten regions are being invited. The choice to hold a single meeting was encouraged by time limitations. However, due attention will be paid to representations of region, gender, expertise, professional sector (state and non-state), and institutional affiliation. Names have been omitted, unless explicitly agreed by respondents, in the interest of free expression.

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The Open Government Partnership (OGP) aims to secure concrete commitments from governments to promote transparency, to empower citizens, to fight corruption, and to harness new technologies to strengthen governance. OGP’s Independent Reporting Mechanism assesses development and implementation of national action plans to foster dialogue among stakeholders and to improve accountability.

