

Independent Reporting Mechanism (IRM): Ghana Design Report 2017–2019

This report was prepared in collaboration with Titilope F. Ajayi, Independent Researcher

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Executive Summary: Ghana

Ghana’s third action plan aimed to promote access to information and civic participation to prevent corruption in different public policy areas. As in previous action plans, the passing of the Right to Information bill continues to be a centerpiece for the OGP agenda in the country. The co-creation process gained political momentum in 2017, improving the role of the national Steering Committee. However, in the forthcoming action plan the government needs to invest disproportionately in engagement after feedback is collected. This will ensure that adequate spaces for iterative dialogue are created to discuss commitment proposals and their design.

The Open Government Partnership (OGP) a global partnership that brings together government reformers and civil society leaders to create action plans that make governments more inclusive, responsive, and accountable. The Independent Reporting Mechanism (IRM) monitors all action plans to ensure governments follow through on commitments. Ghana joined OGP in 2011. Since, Ghana has implemented 2 action plans. This report evaluates the design of Ghana’s 3rd action plan.

General overview of action plan

Ghana’s third action plan had a strong focus on initiatives that aim to address corruption, through disclosure of information in different sectors, enacting new legislation and promoting citizen feedback at the local level. Approval of the Right to Information Bill –stalled for almost 20 years- was also included as one of the action plan’s commitments. Its passing would be a major step to provide CSOs and citizens with the necessary legal framework to access government held information but will also require additional efforts to ensure definition of all complementary guidelines for its implementation.

The OGP processes gained political momentum in 2017, when the new government moved the OGP Secretariat from the Ministry of Public Sector Reform to the Office of the Senior Minister. OGP has been integrated into the National Public Sector Reform Strategy 2018-2023. The process has also benefited from more flexible funding arrangements.

Table 1. At a glance
 Participating since: 2011
 Action plan under review: 3rd
 Report type: Design
 Number of commitments: 8

Action plan development
 Is there a Multistakeholder forum: Yes
 Level of public influence: Consult
 Acted contrary to OGP process: No

Action plan design

Commitments relevant to OGP values	8 (100%)
Transformative commitments	0 (0%)
Potentially starred:	0 (0%)

Action plan implementation
 Starred commitments: N/A
 Completed commitments: N/A
 Commitments with Major DIOG*: N/A
 Commitments with Outstanding DIOG*: N/A

*DIOG: Did it Open Government



A 20-member Steering Committee was responsible for the co-creation process; CSOs and government institutions were equally represented. The committee met six times during development of the NAP; selected stakeholders were invited to provide inputs on an as-needed basis. Most meetings were held in Accra with very limited opportunities for participation from actors outside the city.

One key area of opportunity for the country continues to be the need to provide feedback on how the government incorporates CSOs inputs into the action plan. In addition, information about the process, meeting minutes and implementation evidence needs to be available on a public platform –a website or online repository- to foster citizen engagement and transparency.

The eight commitments included in Ghana’s action plan focused on initiatives that contribute to prevent government corruption in different areas -such as the extractives sector and during government contracting- with relatively limited ambition. The IRM recommends that the OGP Secretariat Ghana needs to strengthen its efforts to promote the open government agenda as a cross-cutting initiative that can contribute to address challenges in different public policy sectors that have a direct impact on citizen’s lives.

Table 2. Noteworthy commitments

Commitment description	Moving forward	Status at the end of implementation cycle.
<p>II. Anti-corruption transparency</p> <p><i>Update and pass legislation in key areas related to prevent government corruption.</i></p>	<p><i>A future version of this commitment could focus on developing complementary legislation and guidelines to implement new legislation, such as specific protection mechanisms for whistleblowers.</i></p>	<p><i>Forthcoming: this will be assessed in the Implementation Report, after the end of the action plan cycle.</i></p>
<p>IV. Fiscal Transparency and Accountability</p> <p><i>Develop regulations on public financial management; build national consensus on debt and deficit limits</i></p>	<p><i>The government needs to provide information on the follow-up mechanisms that will ensure public officials adhere to the new regulations and limits. Engage CSOs and provide the required training for them to understand and use public financial information to conduct oversight activities.</i></p>	<p><i>Forthcoming: this will be assessed in the Implementation Report, after the end of the action plan cycle.</i></p>
<p>VI. Right to information</p> <p><i>Pass the Right to Information Bill and develop strategies for its implementation</i></p>	<p><i>As part of the next action plan cycle, the government could implement an awareness campaign targeting different audiences to explain the benefits of the new bill. It could also promote dialogue with CSOs on sensitive areas.</i></p>	<p><i>Forthcoming: this will be assessed in the Implementation Report, after the end of the action plan cycle.</i></p>
<p>VII. Civic Participation and Accountability</p> <p><i>Expand social accountability units; monitor civic participation.</i></p>	<p><i>In order to close the feedback loop, a future action plan could work on developing a mechanism to solve cases when citizen’s complaints or requests have not been addressed properly by government officials.</i></p>	<p><i>Forthcoming: this will be assessed in the Implementation Report, after the end of the action plan cycle.</i></p>

Recommendations

The IRM recommendations aim to inform the development of the next action plan and guide implementation of the current action plan.

Table 3. Five KEY IRM Recommendations

1. Include more detailed information, in the design of commitments, on the expected goal or change and the means to achieve the goal.
2. Supplement and/or strengthen commitments on transparency with broader focus on public accountability and civic participation.
3. Develop a dedicated OGP website and provide reasoned feedback to the public on how commitments in the action plan were selected.
4. Conduct outreach and awareness raising activities with wider range of stakeholders across Ghana, to encourage better awareness and participation in the OGP process.
5. Support effective implementation of the Right to Information (RTI) Law through stronger coordination between the Ministry of information, government agencies and civil society.

ABOUT THE IRM

OGP's Independent Reporting Mechanism (IRM) assesses the development and implementation of national action plans to foster dialogue among stakeholders and improve accountability.

Titilope F. Ajayi collaborated with the IRM to conduct desk research and interviews to inform the findings in this report. Titilope F. Ajayi is an independent researcher, writer, editor, and scholar of civil society and gender and security.



I. Introduction

The Open Government Partnership is a global partnership that brings together government reformers and civil society leaders to create action plans that make governments more inclusive, responsive, and accountable. Action plan commitments may build on existing efforts, identify new steps to complete ongoing reforms, or initiate action in an entirely new area. OGP's Independent Reporting Mechanism (IRM) monitors all action plans to ensure governments follow through on commitments. Civil society and government leaders use the evaluations to reflect on their own progress and determine if actions have made an impact on people's lives.

Ghana joined OGP in 2011.¹ This report covers the development and design of Ghana's third action plan for 2017–2019.

The Independent Reporting Mechanism of OGP has partnered with Titilope F. Ajayi, Independent Researcher, who carried out this evaluation. The IRM aims to inform ongoing dialogue around development and implementation of future commitments. For a full description of the IRM's methodology please visit <https://www.opengovpartnership.org/about/independent-reporting-mechanism>.

¹ Page 1, Ghana National Action Plan 2017-2019.

II. Open Government Context in Ghana

Ghana remains a stable democracy after a peaceful transfer of power from the National Democratic Congress to the former opposition National Patriotic Party in December 2016. However, a number of recent cases of high-level corruption, including in the judiciary, have shaken public trust and confidence in government. The country still has challenges that impact the open government context like tackling corruption across government agencies, enforcing accountability initiatives, passing key legislation on access to information, and improving oversight institutions. An area of opportunity for future action plans is an open government approach to public financial management.

Access to information

At the time of the writing of this report, the Right to Information Bill had been stalled for almost 20 years and has remained the focus of intense civil advocacy by the Right to Information Coalition and other civil society actors. While some experts, such as Ibrahim Alhassan, have expressed hope that the legislation would be essential to enforce openness and government accountability in Ghana¹, the real effect of the law on reducing corruption could only be assessed after its implementation.² During the legislative process, CSOs proposed some amendments, such as including the RTI Coalition into the bill.³ These amendments have not been incorporated in the law despite CSOs' argument that they would safeguard the successful implementation of the law.⁴ The IRM researcher interviewed CSO activists who were hopeful that the bill would pass during the current OGP cycle but expressed concern about continued delays in the process, resistance by some politicians, and continuing disagreements over portions of the bill.⁵

Civic Participation

The government of Ghana's record in engaging CSOs and the public in decision-making has not been impressive, although vast opportunities existed for the citizens' engagement. According to Freedom in the World (FIW), the international community has accepted the result of the country's recent election in 2016, and even praised the election process, despite some tensions during the campaign period.⁶ The Constitution of Ghana enshrines the right to constitute a political party. Although this right is by and large observed, financial and procedural barriers have posed difficulties for candidates to participate.⁷

In Freedom of the World's assessment of Ghana's laws, religious, ethnic, and culture minority groups are granted opportunities for participation in politics under equality standards.⁸ Nevertheless, according to Francoli, Ostling, and Steible, the country's legal framework for encouraging citizen participation still needs to be enforced to promote greater engagement of the citizens with the government.⁹

Civic space

Consistent with Freedom of the World's assessment, Ghana's constitution enshrines the right of freedom to expression, which is for the most part complied with.¹⁰ FIW believes that the country's media offers a wide and dynamic range of private and state-owned enterprises.¹¹ Moreover, the Reporter Without Borders' World Press Freedom Index revealed that government and entrepreneurs with ties to the government own a third of the country's media.¹² In the essay titled "*Free Speech, Press Freedom, and Democracy in Ghana, A Conceptual and Historical Overview*," Corsy, Ahmad, and Pride stress that liberalization of the country allowed the independent media to flourish. Quoting Blankson (2002), they argue that radio created a space for individuals to discuss issues of public interest, thus allowing for more freedom of expression.¹³ In this regard, the authors affirm that radio became a core tool for the country's democracy and civic space.¹⁴ According to the 2017 Press Freedom Index published by Reporters Sans Frontières, Ghana ranked 26th in the world.¹⁵ This index comprises how the country stands in terms of pluralism, media independence, media environment and self-censorship, legislative framework, transparency, and quality of infrastructure to produce news and publish information.¹⁶

According to FIW, the Constitution of Ghana protects the rights of freedom of association and to assembly, which are for the most part observed.¹⁷ In its assessment of NGO's ability to act, FIW argues NGOs are able to work for the most part and play a principal role in advancing transparency in Ghana.¹⁸ Furthermore, citing a previous work from Global Integrity, Kunain Rahman (U4 and Transparency International) argues that government may allow anti-government institutions to act but, in some instances, oversees their activities and takes action based on CSO's announcements.¹⁹

Accountability

According to Freedom House, Ghana's Constitution of 1993 conferred to citizens the right to elect the president and the legislature. The Constitution also set out innovations in this regard. Some of them were to limit presidential terms (up to two terms) and to create an independent judiciary, an ombudsman's office, and a bill of rights.²⁰ However, in the view of Professor Ransford Edward Van Gyampo, Ghana's constitutional framework does not allow for a true balance of powers. The Constitution grants excessive powers to the president, allowing the president to introduce parliament bills and appoint ministers from parliament who cannot therefore provide a check on the president and are thus unable to independently exercise their oversight functions.²¹

According to the 2017 Ibrahim Index of African Governance (IIAG), Ghana ranks in the top 10 highest scoring countries (6 out of 54) with a score of 68.1 (out of 100.0) in overall governance.²² However, Rahman argues that corruption persists within branches of government, with the judiciary and the police being the most corrupt.²³ According to Transparency International's 2017 Corruption Perceptions Index (CPI), the country ranked 81 out of 180 countries.²⁴

In his assessment of the country's corruption overview and quoting previous work from Global Integrity, Rahman argues that the country lacks a specific legislative tool that targets corruption. Yet, Ghana's criminal code addresses some practices of corruption, such as active and passive bribery, use of public office for one's own benefit, and bribery of foreign officials.²⁵ Rahman's assessment highlights the absence of measures to address cases of cronyism, patronage, and nepotism, among others.²⁶

OGP's Eligibility Criteria

Ghana has shown good and continuous performance in fiscal transparency, as the country has published both the Executive's Budget Proposal and Audit Report in a timely manner between 2015 and 2017.²⁷ As of 2017, the country still did not have an access to information law approved.²⁸ Regarding Public Officials Asset Disclosure, World Bank Data suggest that the country has a disclosure system in place, established through Act 550/1998.²⁹ Ghana's performance on citizen engagement, as assessed by the EIU democracy index, reported a slight decrease (with 0 being an authoritarian regime and 10 being a full democracy) from 6.69 in 2017 to 6.63 in 2018.³⁰

Areas of Governance Concern and Scope of Action Plan

Ghana's action plan proposed commitments to tackle corruption by encouraging transparency in the extractives sector, public contracting, beneficial ownership, and an anti-corruption strategy. The Imani Center for Policy Education has identified key governance areas targeted by the Action Plan, such as Fiscal Policy and the enactment of the Right to Information Law.³¹ Ghana has historically faced challenges in managing macroeconomic policy to ensure stability in prices and borrowing.³² In that regard, Commitment 4 of Fiscal Transparency and Accountability is a positive step. The action plan comprised commitments on Technology, Innovation, and Civic Participation. Nonetheless, analysts propose that other critical areas for governance could be addressed in action plans, such as concentration of political power and better management of the country's revenue from exports of natural resources.³³ OGP action plans could be leveraged more strategically to strengthen government institutions and oversight mechanisms. The co-creation process could also pivot more to encourage inclusion of minority and gender groups.

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- ¹ Ibrahim Alhassan, How it took Ghana 22 years to pass a 'Right to Information' law, <https://africafeeds.com/2019/03/29/how-it-took-ghana-22-years-to-pass-a-right-to-information-law/>, 29 March 2019.
- ² Ibid.
- ³ Ibid.
- ⁴ Ibid.
- ⁵ For detailed information, see analysis of Commitment 6
- ⁶ Freedom in the World 2018, Ghana Profile.
- ⁷ Ibid.
- ⁸ Ibid.
- ⁹ From Informing to Empowering: Best practices and recommendations for improving government-civil society interactions within OGP.
- ¹⁰ Freedom in the World 2018, Ghana Profile.
- ¹¹ Ibid.
- ¹² 2019 World Press Freedom Index, Ghana Profile, Reporters Without Borders, <https://rsf.org/en/ghana>.
- ¹³ Murtada Ahmad, Chudey Pride and Anthony komalatse Corsy, Free Speech, Press Freedom, and Democracy in Ghana - A Conceptual and Historical Overview, https://www.researchgate.net/publication/330423482_Free_Speech_Press_Freedom_and_Democracy_in_Ghana_-_A_Conceptual_and_Historical_Overview, January 2016. P. 67.
- ¹⁴ Ibid. P.67.
- ¹⁵ 2019 World Press Freedom Index, Ghana Profile.
- ¹⁶ 2019 World Press Freedom Index, Detailed methodology, <https://rsf.org/en/detailed-methodology>
- ¹⁷ Freedom in the World 2018, Ghana Profile.
- ¹⁸ Ibid.
- ¹⁹ Kaunain Rahman, Overview of corruption and anti-corruption in Ghana, U4 Anti-Corruption Resource Center, <https://www.u4.no/publications/overview-of-corruption-and-anti-corruption-in-ghana-2018-update>. P.15.
- ²⁰ Countries at the crossroads, 2012. Ghana Profile, in <https://freedomhouse.org/report/countries-crossroads/2012/ghana>
- ²¹ Constitution upsets balance of power in Ghana – Prof Gyampo, 16 April 2019, Ghana Business News, <https://www.ghanabusinessnews.com/2019/04/06/constitution-upsets-balance-of-power-in-ghana-prof-gyampo/>
- ²² 2018 Ibrahim Index of African Governance, Ghana Profile, <http://iiag.online/>.
- ²³ Kaunain Rahman, Overview of corruption and anti-corruption in Ghana, P.1.
- ²⁴ Ibid. P.3.
- ²⁵ Ibid. P.10.
- ²⁶ Ibid. P.10.
- ²⁷ Open Budget Survey 2017. Ghana, International Budget Partnership. <https://www.internationalbudget.org/wp-content/uploads/ghana-open-budget-survey-2017-summary.pdf>
- ²⁸ Global Right to Information Rating, By Country, Ghana. <https://www.rti-rating.org/country-data/>
- ²⁹ Ivana M. Rossi, Laura Pop, Tammar Berger. Getting the Full Picture on Public Officials. A How-To Guide for Effective Financial Disclosure, World Bank Group, 2017. <https://star.worldbank.org/sites/star/files/getting-the-full-picture-on-public-officials-how-to-guide.pdf>. P. 121.
- Act 550/1998, Government of Ghana: https://publicofficialsfinancialdisclosure.worldbank.org/sites/fdl/files/assets/law-library-files/Ghana_Disclosure%20Act%20550_1998_en.pdf
- ³⁰ The Economist Intelligence Unit's Democracy Index. <https://infographics.economist.com/2019/DemocracyIndex/>
- ³¹ "Assessing Ghana's Performance on Governance using the Mo Ibrahim Index of African Governance (IIAG)" Imani Center for Policy and Education, 31 July 2018. <https://imaniafrica.org/wp-content/uploads/2018/08/imani-mo-ghana.pdf>
- ³² Chapter 8, Currency and Price Stability, BTI 2018 Ghana Country Report, <https://www.bti-project.org/en/reports/country-reports/detail/itc/GHA/>
- ³³ "Ghana Democracy, Human Rights and Governance Assessment," NORC at the University of Chicago, <http://www.norc.org/Research/Projects/Pages/ghana-democracy-human-rights-and-governance-assessment.aspx>

III. Leadership and Multi-stakeholder Process

The multi-stakeholder forum (MSF) was inclusive and collaborative. The national steering committee held consultations with some CSOs not based in Accra, but these were minimal due to a lack of resources. In future action plan development processes, the MSF or the government should increase efforts to disseminate, publish and share its reasoning for selecting priorities within the action plan with the public, for which the development of an OGP website is advisable. The IRM also suggests broadening the geographic scope of consultations.

3.1 Leadership

This subsection describes the OGP leadership and institutional context for OGP in Ghana. The OGP Secretariat coordinates Ghana's OGP process. The new National Patriotic Party government that took power in January 2017 moved the OGP Secretariat from the Ministry of Public Sector Reform to the Office of the Senior Minister in June 2017 in a bid to make it a more integral part of governance. The OGP Secretariat is mandated to oversee the development and implementation of action plans and liaise between the state, CSOs, and the OGP Africa structure, though it has no enforcement powers. Government and civil society organizations (CSOs) are equally represented on a 20-member Steering Committee in charge of decision- and policy making for the OGP process. The secretariat is a member of the steering committee.

Mr. P. A. K. Danyo, who has staffed the secretariat alone since 2013, informed the IRM researcher that the OGP process has gained more momentum under the Office of the Senior Minister.¹ This may be due to several factors. First, the government integrated OGP into the National Public Sector Reform Strategy 2018–2023, making it a prerequisite for the successful implementation of Pillar I, which aims to build a “Citizen and private sector-focused public sector.”²

A second factor that may be revitalizing the OGP is more flexible funding arrangements. During the 2015–2017 cycle, the secretariat operated with a very tight budget and faced delayed disbursements that hampered OGP activity. Under the Office of the Senior Minister, currently no fixed budget for OGP activity exists. This has been an advantage, allowing the secretariat to fund a few steering committee meetings at the secretariat in 2018, including one on fundraising for the OGP process in Ghana.³ However, it also means that funds for OGP are subject to the discretion of those in charge. A decline in political interest in OGP by future governments could starve the process of vital funds for implementation and make it difficult to achieve set goals.

A third factor affecting OGP is changes to the constitution of the steering committee. In 2018, four new state members joined, replacing those whose commitments are not part of the current action plan. The new members are the National Commission for Civic Education, Ministry of Information, Registrar-General's Department, and Economic and Organised Crime Office.⁴

According to Mr. Danyo, compared to the low level of state interest in the OGP in previous cycles, the secretariat is optimistic that this newfound momentum will improve the implementation of the action plan and help revive interest in OGP in Ghana.⁵

3.2 Multi-stakeholder process throughout action plan development

In 2017, OGP adopted the OGP Participation and Co-Creation Standards intended to support participation and co-creation by civil society at all stages of the OGP cycle. All OGP-participating countries are expected to meet these standards. The standards aim to raise ambition and quality of participation during development, implementation, and review of OGP action plans. Please see Annex I for an overview of Ghana's performance implementing the Co-Creation and Participation Standards throughout the action plan development.

OGP's Articles of Governance also establish participation and co-creation requirements a country or entity must meet in its action plan development and implementation to act according to OGP process. Given that guidance materials were not yet published during the rollout period of this new policy, countries developing 2017–2019 action plans were given a one-action-plan cycle grace period. Therefore, Ghana is not considered to have acted against the OGP process.⁶

Table [3.1]: Level of Public Influence

The IRM has adapted the International Association for Public Participation (IAP2) “Spectrum of Participation” to apply to OGP.⁷ 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 “collaborate.”

Level of public influence		During development of action plan
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	

Multi-stakeholder forum

The steering committee (SC) comprises 10 state and 10 CSO OGP-implementing institutions. It is co-chaired by one state and one CSO representative.⁸ The SC met six times in 2017 while developing the action plan (in one meeting on 9 August, it presented the OGP to the senior minister).⁹ According to meeting minutes, each meeting involved iterative discussions of priorities, and the SC held a validation meeting in October 2017 before publishing the plan.¹⁰ It is worth noting that according to a CSO source who preferred to remain anonymous, despite continuous engagement, the government either ignored suggestions that did not suit its agenda or included them without any intention of implementing them.¹¹ Meetings comprised mainly members, but the SC would invite selected stakeholders to provide inputs on an as-needed basis.¹² Also, CSOs like the Ghana Integrity Initiative are a coalition of multiple organizations and represented collective views.¹³ The majority of the meetings took place in Accra, but some meetings were held in nearby cities. To broaden participation and awareness of the OGP, the SC is concluding plans to hold three zonal workshops in three regional districts, Ho (south), Kumasi (middle), and Tamale (northern), during implementation.

Participation and engagement throughout action plan development

Consultations regarding the NAP occurred mainly within meetings of the steering committee. The committee invited some non-member government and CSO institutions to some such meetings to provide specialist/technical inputs as required.¹⁴ These participants provided inputs feedback via remote technologies such as email and mobile telephones, as a lack of resources prevented robust in-person follow-ups with non-members, especially those who do not live in Accra. The government has committed to holding three zonal workshops in regions outside the capital Accra to overcome this challenge in co-creation. Although some CSO members of the steering committee represent large and diverse CSO groups, they are typically based in Accra.

During consultations

Government and civil society took part in the action plan development meetings. Civil society could participate a bit more. Government representatives included the OGP secretariat, the Office of the Senior Minister, the National Council for Civic Education, and the Ministry of Information. Civil society representatives included the Ghana Integrity Initiative, the Centre for Democratic Development-Ghana, and the Ghana Anti-Corruption Coalition.¹⁵ These institutions discussed priorities and set the agenda collaboratively.¹⁶ However, one CSO member who declined to be named told the IRM researcher that although the government accommodated some of their ideas, it did so on the basis of political expedience. In his view, the RTI bill that civil society advocated for strongly was adopted to placate CSOs and not because the government had strong intentions of enforcing it.¹⁷

After consultations

No national OGP website exists, so most of the communication around the action plan development took place by email and telephone. Meetings of the steering committee produced the most robust updates and feedback. The steering committee held two post-consultation meetings, including the final validation meeting in which stakeholders approved the action plan.

High-level participants attended the various consultation meetings in which the action plan was developed. That said, subsequent plans could benefit from broader and more diverse participation.

Overall, Ghana showed evidence of improved performance around co-creation standards regarding the MSF mandate, MSF composition, and MSF conduct. The MSF invited non-members to some of its meetings during action plan development. It also maintained a balance of state-CSO membership and a collaborative approach to developing the action plan priority areas.

Notwithstanding, communication and outreach during development were not as broad as possible owing to resource constraints. Meetings appear to have been held on an as-needed basis as opposed to predetermined periods and were clustered close together. This was at least partly due to resource constraints.

Co-creation and participation recommendations throughout development

Some areas in which Ghana can improve include the following:

- The lack of a national OGP website means that no structural and procedural memory of OGP in Ghana exists. The IRM researcher found that personnel assigned to OGP in both state and civil society organizations move around, especially when a change of government occurs, leaving gaps in information that cannot always be easily filled. In that regard, it is recommended that Ghana build its national OGP website, including a repository of historical documents and processes related to OGP in Ghana. This would also facilitate the MSF's engagement with IT-literate segments of the public. As of January 2018, a study published by Hootsuite, We Are Social, revealed that the internet- user rate Ghana is about 35% (10.11 million users).¹⁸ The website could include where it can place information such as SC members and contact info, SC meeting minutes, and updates on OGP process. Moving forward, having an online repository will also be measured as a requirement in OGP process.
- More regular, broad consultations need to be incorporated into the OGP planning process. If resources are not forthcoming, the MSF may need to consider combining in-person consultations with low-cost alternatives. It would be critical to include input from stakeholders outside of the forum and improve awareness-raising and communication channels. Overall, Ghana needs to reconstitute the MSF and create a sustainable process for OGP.

To improve performance in these areas, the IRM suggests that moving forward, the following actions be taken:

- Improve accountability to the public by publishing rationale, criteria, and information on what factors determine the MSF's decisions about priorities for the action plan along with what proposed commitments were considered and not included in the NAP. This also constitutes an OGP process requirement that needs to be met in the future.
- Delegate selected CSOs to act as OGP contact points in communities across Ghana who can periodically represent their views to the MSF and vice versa if travel to consultative meetings is not feasible.

¹ IRM researcher interview with Mr. Danyo, 13 February 2019.

² Pillar 1 of the NPSRS aims at a "Citizen and private sector-focused public sector." On page 76, it lists among the criteria for implementation success: "Accelerate the implementation, monitoring and evaluation of the OGP Action Plan."

³ Mr. Danyo (OGP secretariat coordinator) communication in November 2018 and interview with IRM researcher, 13 February 2019.

⁴ The OGP Secretariat gave the IRM researcher a list of the current composition of the Steering Committee during an interview with Mr. P. A. K. Danyo.

⁵ IRM researcher interview with Mr. Danyo, 13 February 2019.

⁶ OGP's Participation & Co-creation Standards were updated in 2016 to support participation and co-creation throughout all stages of the OGP cycle. The Participation & Co-creation Standards outline "basic requirements," which all OGP member countries are expected to meet, and "advanced steps" which, although not obliged to meet, countries will be supported and encouraged to do so. In this line, the Steering Committee resolved in 2017 that if a government does not meet the IAP "involve" requirement during development, or "inform" during implementation of the NAP, as assessed by the IRM, it will be considered to have acted contrary to OGP Process. For more information visit Section 6 of the OGP Handbook – Rules and Guidance for Participants: https://www.opengovpartnership.org/wp-content/uploads/2019/03/OGP_Handbook-Rules-Guidance-for-Participants_20190313.pdf

⁷ "IAP2's Public Participation Spectrum," IAP2, 2014.

http://c.yimcdn.com/sites/www.iap2.org/resource/resmgr/foundations_course/IAP2_P2_Spectrum_FINAL.pdf

⁸ IRM researcher interview with Mr. Danyo, 13 February 2019.

⁹ Committee members whom the IRM researcher interviewed in late 2017 had varying recollections of how many times the SC had met. The researcher interpreted this to mean either that some members had not been attending regularly or internal communication was not fluid in some CSOs.

¹⁰ These meeting minutes are not publicly available but the IRM researcher viewed them at the OGP Secretariat during her interview with Mr. Danyo on 13 February 2019.

¹¹ IRM researcher interview with a CSO source, who wished to remain anonymous.

¹² IRM researcher interview with Mr. Danyo, 13 February 2019.

¹³ Broader views on OGP occur during consultations at more inclusive convenings like the civil society meeting held in Accra in June 2018 where OGP was discussed. The IRM researcher was unable to attend but has requested the agenda and report of the meeting from the Ghana Anti-Corruption Coalition and had not received it at the time of submitting this report.

¹⁴ IRM researcher interview with Mr. Danyo, 13 February 2019.

¹⁵ IRM researcher interview with Mr. Danyo, 13 February 2019.

¹⁶ IRM researcher interview with Mr. Danyo, 13 February 2019.

¹⁷ IRM researcher interview, February 2019.

¹⁸ Global Digital Report 2018. Digital in 2018 in Western Africa Part 2 – East, Ghana Profile, Global Digital Agencies, We Are Social, Hootsuite, <https://www.slideshare.net/wearesocial/digital-in-2018-in-western-africa-part-2-east-86865566>, Slide 67.

IV. Commitments

All OGP-participating governments develop OGP action plans that include concrete commitments over a two-year period. Governments begin their OGP action plans by sharing existing efforts related to open government, including specific strategies and ongoing programs.

Commitments should be appropriate to each Ghana-unique circumstance and challenge. OGP commitments should also be relevant to OGP values laid out in the OGP Articles of Governance and Open Government Declaration signed by all OGP-participating countries.¹ The indicators and method the IRM research used can be found in the IRM Procedures Manual.² A summary of key indicators the IRM assesses is below:

- **Verifiability:**
 - Not specific enough to verify: As written in the commitment, do the objectives stated and actions proposed lack sufficient clarity and specificity for their completion to be objectively verified through a subsequent assessment process?
 - Specific enough to verify: As written in the commitment, are the objectives stated and actions proposed sufficiently clear and specific to allow for their completion to be objectively verified through a subsequent assessment process?
- **Relevance:** This variable evaluates the commitment's relevance to OGP values. Based on a close reading of the commitment text as stated in the action plan, the guiding questions to determine the relevance are as follows:
 - **Access to Information:** Will the government disclose more information or improve the quality of the information disclosed to the public?
 - **Civic Participation:** Will the government create or improve opportunities or capabilities for the public to inform or influence decisions or policies?
 - **Public Accountability:** Will the government create or improve public-facing opportunities to hold officials answerable for their actions?
 - **Technology & Innovation for Transparency and Accountability:** Will technological innovation be used in conjunction with one of the other three OGP values to advance either transparency or accountability?
- **Potential impact:** This variable assesses the *potential impact* of the commitment, if completed as written. The IRM researcher uses the text from the action plan to:
 - Identify the social, economic, political, or environmental problem;
 - Establish the status quo at the outset of the action plan; and
 - Assess the degree to which the commitment, if implemented, would affect performance and tackle the problem.
- **Completion:** This variable assesses the commitment's implementation and progress. This variable is assessed at the end of the action plan cycle, in the *IRM Implementation Report*.
- **Did It Open Government?** This variable attempts to move beyond measuring outputs and deliverables to looking at how the government practice, in areas relevant to OGP values, has changed as a result of the commitment's implementation. This variable is assessed at the end of the action plan cycle, in the *IRM Implementation Report*.

What makes a potentially starred commitment?

A potentially starred commitment has more potential to be ambitious and to be implemented. A good commitment is one that clearly describes the following:

1. **Problem:** What is the economic, social, political, or environmental problem? Rather than describing an administrative issue or tool? (For example, "Misallocation of welfare funds" is more helpful than "lacking a website.")
2. **Status quo:** What is the status quo of the policy issue at the beginning of an action plan? (For example, "26 percent of judicial corruption complaints are not processed currently.")
3. **Change:** Rather than stating intermediary outputs, what is the targeted behavior change that is expected from the commitment's implementation? (For example, "Doubling response rates to information requests" is a stronger goal than "publishing a protocol for response.")

Starred commitments

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/entities. Starred commitments are considered exemplary OGP commitments. To receive a star, a commitment must meet several criteria:

- Potential star: the commitment’s design should be **verifiable**, **relevant** to OGP values, and have **transformative** potential impact.
- The government must make significant progress on this commitment during the action plan implementation period, receiving an assessment of **Substantial** or **Complete** implementation.

This variable is assessed at the end of the action plan cycle, in the *Implementation IRM report*.

General Overview of the Commitments

The action plan contains eight commitments, structured by the OGP themes of transparency and accountability, civic participation, and technology and innovation. The pervading themes are access to information and anti-corruption. Some commitments, like the one on the right to information, were brought forward from the 2015–2017 action plan.

¹ “Open Government Partnership: Articles of Governance,” OGP, June 2012 (Updated March 2014 and April 2015), https://www.opengovpartnership.org/sites/default/files/attachments/OGP_Articles-Gov_Apr-21-2015.pdf

² “IRM Procedures Manual,” OGP, <https://www.opengovpartnership.org/documents/irm-procedures-manual>

I. Open Contracting and Contract Monitoring

Language of the commitment as it appears in the action plan:

‘As part of efforts to ensure open contracting, the government commits to provide information on Public–Private Partnerships (PPP) and contract monitoring information to the public. Government still maintains significant investments in some sectors of the economy despite substantial offloading of Government interest in a large number of commercial activities. The government also commits to ensure open and transparent tracking of its investments. The actions build on the second action plan commitment to initiate action to monitor contract executions to ensure effective service delivery.’

Milestones/Activities:

- Public Investment Division (PID) of Ministry of Finance (MoF) to provide comprehensive monitoring information on PPP by December 2018;
- PID of MoF to track government investments to ensure effective service delivery by December 2018;
- PID of MoF to report on contractors who have been blacklisted and debarred by December 2018; and,
- PID of MoF to provide comprehensive monitoring information for all public infrastructure by December 2018.

Start Date: November 2017

End Date: December 2018

Action plan is available in this [link](#)

Commitment Overview	Verifiability		OGP Value Relevance (as written)				Potential Impact				Completion				Did It Open Government?				
	Not specific enough to be verifiable	Specific enough to be verifiable	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
I. Overall		✓	✓					✓			Assessed at the end of action plan cycle.				Assessed at the end of action plan cycle.				

Context and Objectives

This commitment forms part of the broader fight against public corruption in Ghana. According to a 2016 scoping study on open contracting in Ghana co-authored by Ghanaian NGO PenPlusBytes and cited in the End-of-Term Report 2015–17, effective and transparent procurement in Ghana is limited. This is evidenced by many factors, including the mixed capacities of procurement bodies to use an electronic procurement planning system, non-compliance by some procurement 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 and heighten the risk of corruption.¹

In an interview with the IRM researcher, Vitus Azeem, former director of the Centre for Budget Advocacy and anti-corruption campaigner corroborated this, adding that some governments bypass procurement principles to award sole-source contracts to officials and other political allies, for which little accountability is expected or required, paving the way for corruption and substandard contract performance.² Mr. Azeem also said that contract monitoring by the government is poor and that citizens’ ability to oversee public infrastructure projects is constrained by lack of access to public procurement data. He also added that the prevalent practice of sole sourcing is obstructing attempts to have more open contracting. Both statements were affirmed by several expert participants during a CSO training workshop in February 2019 on access to information, procurement legislation, and open contracting.³

To address these lapses, in addition to a 2003 public procurement law, the former ruling National Democratic Congress (NDC) government established a National Public Private Partnerships (PPP) Policy in 2011.⁴ The same government initiated the passage of a Public Private Partnership bill since 2012 that was expected to pass during the NAP 2015–17 cycle but was still under consideration in May 2019 according to a media report.⁵ The NDC also amended the Companies Act in 2016 to mandate the creation of a beneficial ownership register but stopped short of making it publicly accessible.⁶ In June 2018, the Public Procurement Authority launched a Public Procurement Database Registration Portal with all prospective contractors obligated to register for a fee to promote information, awareness, and transparency.⁷ In April 2019, the government launched an electronic public procurement system to mitigate the risks of manual processes.⁸ Yet problems remain with access to procurement information, transparency in contract awards, and civic participation in monitoring and oversight of public contracts.

This commitment’s main objectives are to provide comprehensive monitoring information on public infrastructure, PPPs and blacklisted contractors and to improve service delivery.

This commitment is relevant to the OPG value of access to information, as (Milestone 1) seeks to provide information on PPP and public infrastructure (Milestone 4) and therefore contributes to filling information gaps in public knowledge and improving transparency. While this commitment strives to report on contractors who have been blacklisted, the commitment does not include any specific activity that helps hold contractors accountable before the law or any mechanisms to punish any practice that withholds information from the public.

This commitment is overall verifiable and specific enough to verify its completion. Verifiability can be assessed via the information available on the number of blacklisted companies and the information on public infrastructure. The description of milestones I and II (monitoring information on PPP and government investments) seem somewhat unclear.

Although this commitment addresses critical aspects of open contracting in Ghana, potential impact is rated as minor for the following reasons. First, the notion of “comprehensive information” is nebulous and makes it difficult to determine what volume and kind of information would qualify. Second, the omission of the passage of the PPP bill as a milestone for this commitment is glaring given the patent need for legislation to cement the guiding principles outlined in the National PPP Policy. This is important, as it contains specific provisions on procurement processes that are absent from the 2003 Procurement Act and the National PPP Policy.⁹ Furthermore, the milestones do not indicate an overt role for civil society and citizens to participate in monitoring and enhancing popular capacities to contribute to ongoing, open-contracting reform processes.

Next steps

- Concerns over public contract ownership, particularly in the extractive sector remain central to public discourse, and the OGP Secretariat in Ghana should continue to give them priority. That said, the best way to maximize the utility of action plans would be to develop measurable indicators pertaining to specific aspects of the problem to make it easier to assess progress and achieve set milestones and objectives. In this case, the commitment could be more ambitious and measurable by its setting clear targets regarding what constitutes comprehensive information, where and how often this will be published, and who will have access to it.
- Future action plans in this area could be developed in coordination with the special prosecutor for Anti-Corruption
- Future commitments could be more ambitious by sharpening their focus on fewer aspects of public procurement and proposing more robust and ambitious elements to address challenges in open contracting. For example, the activity on reporting blacklisted contractors is reactive, as it overlooks preventive interventions around people in government who knowingly assign contracts to unqualified contractors or who collect kickbacks that unnecessarily prolong the implementation of the contract, delay its completion and undermine its efficiency.¹⁰ There is a need for more proactive measures to screen all prospective contractors for eligibility and for checks and balances within government to ensure that those in charge of procurement respect established contractor selection processes.
- Ghana could create a commitment that includes more activities aimed at strengthening public accountability rather than just at accessing information. Transparency alone will not decrease corruption if punitive measures are not in place.
- This commitment covers an important policy area for Ghana as it has been carried forward from previous action plans. It could be continued, with enhancements in commitment design that boost the ability to track the progress of the measures.

¹ Open Contracting Scoping Study: Ghana Country Report, 9 March 2017, <https://www.developmentgateway.org/sites/default/files/2017-094/Open%20Contracting%20West%20Africa%20-%20Ghana%20-%20Development%20Gateway.pdf>

² IRM researcher interview with Vitus Azeem, independent consultant and former coordinator, Centre for Budget Advocacy, January 2019.

³ The workshop was organized by the Ghana Anti Corruption Coalition in partnership with Africa Freedom of Information Centre as part of a series of trainings with public entities and CSOs to enhance understanding of and participation in access to information and open contracting frameworks and practice in Ghana. GACC invited the IRM researcher to take part as an observer.

⁴ The policy was created as part of efforts to meet a ‘monumental challenges in infrastructure development and public service delivery’ that the government was struggling to meet because of limited budget resources. The policy aimed to ‘leverage’ public and private resources and expertise to meet these challenges. Government of Ghana Ministry of Finance and Economic Planning, ‘National Policy on Public Private Partnerships: Private Participation in Infrastructure and Services for Better Public Services Delivery’, June 2011, https://www.mofep.gov.gh/sites/default/files/reports/economic/ppp_policy.pdf

⁵ Christian Kpese, ‘PPP Bill on Agenda as Parliament Reconvenes for Second Meeting’, Modern Ghana, <https://www.modernghana.com/news/935315/ppp-bill-on-agenda-as-parliament-reconvenes-for-second-meeting.html>

⁶ EoT 2015-17 pp. 13-14.

⁷ Ghana News Agency, ‘PPA unveils Public Procurement Database Registration Portal’, 12 June 2018, *Business Ghana*, <https://www.businessghana.com/site/news/business/166720/PPA-unveils-Public-Procurement-Database-Registration-Portal>

⁸ Rex Mainoo Yeboah, 'E-procurement takes off in Ghana', Government of Ghana, undated, www.ghana.gov.gh/index.php/news/5578-e-procurement-takes-off-in-ghana

⁹ David Ofori-Dorte, Ferdinance Adadzi and Sena Kpodo, 'Public Procurement: Ghana', Getting the Deal Through, October 2018, <https://www.gettingthedealthrough.com/area/71/jurisdiction/134/public-private-partnerships-ghana/>

¹⁰ Interview with Vitus Azeem, January 2019.

2. Anti-Corruption Transparency

Language of the commitment as it appears in the action plan:

‘One of the major strategies initiated by the Government of Ghana to address corruption is a National Anti-Corruption Action Plan (NACAP) developed and adopted as a non-partisan strategy for a ten-year implementation period. To minimize the misuse of entrusted power for private gain, there is the need to pass all outstanding anti-corruption enhancing bills and also ensure that anti-corruption institutions and quasi security agencies report on their activities. For example, asset declaration by public office holders in its current form is not meaningful when it comes to transparency. Public office holders need to be transparent when it comes to asset declaration. The key issues regarding asset declaration by public office holders relate to asset declaration, verification, and publication. There is the need to gradually amend Asset Declaration Act (Conduct of Public Office Holders Bill) to enable verification and publication of assets declared by public office holders. There is also the need for investigative bodies (like Criminal Investigation Department -CID and Bureau of National Investigation -BNI), anti-corruption institutions (like CHRAJ), and quasi security institutions (like EOCO) charged to investigate corruption related issues to make public reports of their investigations.’

Milestones/Activities:

- Attorney-General’s (AGs) Department and Parliament to ensure the amendment and passage of Conduct of Public Office Holders Bill to include thorough declaration and verification;
- Investigative bodies (CID and BNI), anti-corruption institutions (like CHRAJ), and quasi security institutions (like EOCO) to periodically make public (publish on their websites) corruption related reports that have been generated (quarterly);
- Attorney-General’s Department and Parliament to work together to pass the Witness Protection Bill;
- Attorney-General’s Department and Parliament to work together to pass the Whistle Blower Amendment Bill;
- Attorney-General’s Department to establish the OSP to promote investigations and prosecution of corruption offenders by December 2018.’

Start Date: November 2017

End Date: December 2018

Action plan is available in this [link](#)

Commitment Overview	Verifiability		OGP Value Relevance (as written)				Potential Impact				Completion				Did It Open Government?				
	Not specific enough to be verifiable	Specific enough to be verifiable	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
2. Overall		✓	✓		✓				✓		Assessed at the end of action plan cycle.				Assessed at the end of action plan cycle.				

Context and Objectives

The National Anti-Corruption Plan (NACAP) is the bedrock of Ghana’s campaign against corruption, which is spearheaded by the Commission for Human Rights and Administrative Justice (CHRAJ) in collaboration with many diverse partners. Speaking at a public event in October 2018, Reverend Philip Quayson, CHRAJ’s deputy commissioner, said that Ghana loses at least US\$3 billion annually to corruption through public officials’ inflation of procurement contracts—a figure that the think tank IMANI-Africa alleges is about 300 percent of all aid to the country per annum.¹ In an interview with the IRM researcher, journalist and media expert, Fred Asiamah stated that the top five cases he has investigated in an independent civil society monitoring program account for an estimated 9.8 billion Ghana Cedis (roughly US\$2 million).² Other forms of corruption include embezzlement (ostensibly facilitated by a loose asset declaration regulatory framework) and nepotism along with abuses linking public and private actors, such as bribery, extortion, influence peddling, and fraud.³

The country’s global corruption ranking improved in 2018 after successive drops from 2015.⁴ The final IRM End-of-Term Report for the NAP 2015–2017 identified inadequate reporting by only 56 of 325 (17 percent) of NACAP implementing partners and low levels of prosecution of high-profile cases.⁵ Also at issue was the need to revise and pass the Public Office Holders Bill to provide for the verification and publication of asset declarations in the interests of transparency and accountability. High-profile investigations by private investigator-cum-journalist Anas Amereyaw Anas have renewed public interest in the state’s handling of corruption. However, journalists and investigators who do not possess his level of capital find it hard to access information from public sources to enable them to fight corruption.⁶ Furthermore, the murder of Anas’s partner, Ahmed Husain Suale, in January 2019 by yet-unknown killers indicates some hostility toward those who work to uncover corruption. Between this and inadequate government reporting, there is not enough publicly accessible information about corruption and anti-corruption in Ghana. In this context, this commitment has two broad aims: to improve access to information on corruption-related investigations and improve rules, regulations, and mechanisms to publicly hold government officials answerable to their actions.

To reduce corruption in the country, this commitment requires investigative bodies, anti-corruption institutions, and quasi-security institutions to periodically publish on their websites quarterly corruption-related reports. The second group of activities encompasses the passage of or/and amendment(s) to the Public Office Holders Bill, the Witness Protection Bill, and the Whistle Blower Bill.

This commitment is relevant to the OGP values of access to information and public accountability. The related milestone of publishing corruption-related reports on the websites of implementing agencies speaks to the OGP values of access to information. Most milestones aim at holding public officers accountable by strengthening public accountability mechanisms and setting up a government body to conduct prosecutions. The commitment is verifiable as written. Verifiability can be assessed by confirming that the amendment and passage of Conduct of Public Office Holders is approved, if the Whistleblowers Acts are approved, and if reports on corruption are published at the end of the action plan.

If fully implemented as written, this commitment contributes to solving the problem of generalized corruption in the country, although not to a full extent. Therefore, the potential impact of this commitment has been coded as “moderate.” In the IRM researcher’s opinion, several factors prevent this commitment from having a transformative potential impact.

First, focusing on policy frameworks alone is insufficient to tackle the outlined problem(s) holistically. Second, this commitment does not address some problems identified in the End-of-Term Report, including low levels of reporting and buy-in from relevant corruption NACAP-implementing institutions/partners and scanty details of investigations and prosecutions. None of the five milestones mention the regulations needed to operationalize pending legislation.⁷ This means that the potential impact for this commitment is moderate because passing these bills into law will not itself bring the desired change to government practice on corruption, especially in the absence of political will at all levels to implement them. Also, the NAP does not specify any strategies to improve the reporting rates among anti-corruption institutions. It also does not stipulate that these reports should include details of high-profile persons charged with corruption that are most visible and have the greatest influence on public perceptions of corruption. Furthermore, the commitment as written seems to focus on certain types of corruption; it overlooks, for example, the inflation of public contracts.⁸ While the text of the commitment neither explicitly specifies what the provisions will specifically target nor how information will be published, the commitment seeks to achieve improvements from previous initiatives to tackle corruption, such as the enactment and amendment of Witness Protection and Whistle Blower Protection Acts. As of April 2018, there was no evidence of a legal mechanism that would ensure the rights of whistleblowers,⁹ and the previous instruments, such as the Whistleblowers Act, 2006 (Act 720), did not focus on witness protection.¹⁰

Publishing information on corruption through reports is a positive step toward enhancing public access to corruption information and makes this commitment relevant to access to information. Yet this data would by implication be best accessible to citizens who are IT proficient.¹¹

The Public Office Holders Bill is anticipated to mandate asset verification to alter the current practice in which senior public officers declare their assets, and asset declarations are sealed into envelopes and can only be opened if the owner comes under investigation or the CHRAJ and chief justice make express requests for access, which is rare.¹² The non-verification of assets has thus far made it difficult to distinguish between assets that public officers have before assuming office and those that they acquire, legally and otherwise, during their respective tenures. It is hoped that the other two bills will reinforce the protection frameworks for citizens who report corruption. However, Fred Asiamah observed that inasmuch as each bill is useful, emphasis on passing them suggests that the government is using their absence as camouflage for its unwillingness to tackle corruption head-on.

The final activity proposes setting up the office of the special prosecutor (OSP) to investigate and prosecute corruption cases (the OSP Bill was passed in November 2017,¹³ and Martin Amidu was appointed to the position in January 2018).¹⁴ Amidu has a reputation for integrity stemming from his days as attorney general. Though his appointment met with some controversy relating to his membership of the opposition National Democratic Party, there is widespread hope that if the government gives his office the necessary support, it will help transform the fight against corruption in Ghana by ensuring the prosecution of high-profile cases that have cost the government significant financial losses and damaged its integrity.

Next steps

- This commitment could be carried out in future action plans. Special emphasis could be placed on building on the passage of the legislation with the necessary supplementary regulations and resources to ensure a full implementation.
- This commitment could be more ambitious by indicating how it will support NACAP partners to overcome infrequent reporting instead of just stating it as an objective. If underlying issues are not resolved, challenges to implementation are likely to persist. In addition to passing the stated laws, civil society could continue to pressure government to demonstrate political will to fight corruption by taking practical steps even before the bills are passed, like resourcing the OSP adequately.
- It will be important to investigate low levels of reporting by NACAP-implementing partners and respond accordingly, including by intensifying sensitization on the importance of accurate and timely information.

¹ Caroline Boateng, 4 July 2018, 'Ghana loses more than \$3bn yearly through corruption', Graphic Online, <https://www.graphic.com.gh/news/politics/ghana-loses-more-than-3bn-yearly-through-corruption.html>

² Interview with Frederick Asiamah, 1 February 2019.

³ Vitus A. Azeem, 'The Problem of Corruption in the Public Sector in Ghana', 24 May 2009, Modern Ghana, <https://www.modernghana.com/news/218100/the-problem-of-corruption-in-the-public-sector-in-ghana.html>

⁴ Corruption Perceptions Index 2015, 2016, 2017, 2018, 2019.

⁵ "Ghana End-of-Term Report 2015–2017," page 13.

⁶ Frederick Asiamah (Corruption Watch) interview with IRM researcher, February 2019.

⁷ http://www.gaccgh.org/ct/subcat_select.cfm?To%20put%20in%20place%20anti-corruption%20measures%20in%20order%20to%20curb%20the%20canker&fs_id=6#.W_kIok7LcII

⁸ Ghana News Agency, 26 August 2018, "Corruption eroding gains of gov't intervention programmes – CHRAJ", <https://citinewsroom.com/2018/08/26/corruption-eroding-gains-of-govt-intervention-programmes-chraj/>

⁹ "Pass 'Witness Protection Law' now – CHRAJ to government", Ghana Web, 9 April 2018.

<https://www.ghanaweb.com/GhanaHomePage/NewsArchive/Pass-Witness-Protection-Law-now-CHRAJ-to-government-641517#>

¹⁰ "Ghana enhances fight against corruption with passage of Witness Protection Law", Africa News Radio, 11 July 2018. <http://africanewsradio.com/ghana-enhances-fight-against-corruption-with-passage-of-witness-protection-law/>

¹¹ The IRM researcher found no publicly available data on digital literacy levels in Ghana but the country has high mobile subscription rate of 34.7 million out of a population of approximately 30 million people.

¹² Interview with Frederick Asiamah, 1 February 2019.

¹³ Given that the bill was passed at the very beginning of the NAP period, it seems very likely that the preparation was well underway by the time the NAP was formulated.

¹⁴ 'Parliament Passes Office of Special Prosecutor Bill, 2017', 16 November 2017,

<http://www.ghana.gov.gh/index.php/media-center/news/4184-parliament-passes-office-of-special-prosecutor-bill-2017>; 'LI on Special Prosecutor Office finally laid', 26 November 2018, <https://www.myjoyonline.com/politics/2018/November-26th/li-on-special-prosecutor-office-finally-laid.php>

3. Beneficial Ownership

Language of the commitment as it appears in the action plan:

‘To minimize corruption and tax evasion, the Government of Ghana commits to ensure the publication of information on the beneficial owners of entities winning public contracts. The government commits within the next two years to open up its contracting processes, publish contracts and provide information on the beneficial owners of the contracts. The government identifies the need to build on the Registrar-General’s existing infrastructure to comply with the requirements for the development and maintenance of Beneficial Ownership database’.

Milestones/Activities:

- Registrar General’s Department and Attorney General’s Department to develop regulations for the implementation of the amended Companies Act (Act 920, 2016) by September 2018;
- Registrar General’s Department to improve infrastructure to ensure compliance with Beneficial Ownership disclosure by September 2018; and,
- Attorney General’s Department and Parliament to ensure the passage of the substantive bill to replace the Amended Companies Act, (Act 1963) as amended (Act 920, 2016) by August 2019.’

Start Date: November 2018

End Date: December 2019

Action plan is available in this [link](#)

Commitment Overview	Verifiability		OGP Value Relevance (as written)				Potential Impact				Completion				Did It Open Government?				
	Not specific enough to be verifiable	Specific enough to be verifiable	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
3. Overall		✓	✓					✓			Assessed at the end of action plan cycle.				Assessed at the end of action plan cycle.				

Context and Objectives

This commitment aims to enhance transparency and accountability in the disclosure of owners of public contracts to reduce public corruption and tax evasion, both of which have significant effects on the national economy and, by extension, the welfare of Ghanaians. As stated earlier, among the factors feeding corruption in Ghana is the absence of comprehensive, publicly accessible information on the beneficial ownership of government contracts in Ghana. For instance, according to a study by the Ghana Integrity Initiative (GII), beneficial information is available only to government agencies as entitled by the law,¹ and specific provisions for disclosing information within a specific time frame is unclear as stated by the law.² As stated in the NAP 2017–2019 narrative, the identities of the real owners of companies and contracts, especially those relating to extractives, are hidden by chains of unaccountable corporate entities.

To reduce corruption and tax evasion, two of three activities under this commitment seek to update the country's regulatory framework(s): Milestones I and III, regulations for implementation of and replacement of the Amended Companies Act to facilitate information on beneficial ownership contracts. This way, the proposed activities seek to provide firm legal backing to compel the registrar general and attorney general to publish beneficial ownership data in line with proposed amendments.

This commitment is relevant to the OGP values of access to information in that Milestones I and III aim at setting up the legal framework through which contracts on beneficial ownership will be made available to the public. The commitment's milestones aim at disclosing information, but no specific milestone seeks to hold individuals accountable before the law.

As written, this commitment is for the most part verifiable. Verifiability can be assessed by checking whether regulations for the Amended Companies Act were passed and if a bill to replace such act was approved. It is worth noting that verifiability of Milestone II (infrastructure) as written is a bit difficult due to the lack of specific details about how this commitment intends to measure improvement of infrastructure as a whole.

If implemented as written, this commitment would contribute to some extent to solving the problem of corruption and tax evasion. On July 2017, deputy minister of Energy, Mr. Mohammed Amin Adam, stressed that the draft bill to amend the Companies Act did not allow the beneficial ownership register to be available to the public.³ In that sense, the stated laws would primarily provide a more robust legal framework to administer beneficial ownership in Ghana. Unless the question of a publicly accessible beneficial ownership register is resolved—a question raised in the 2015–2017 End-of-Term implementation report, these milestones are likely to have minimal overall impact. Therefore, the potential impact of this commitment is “minor.”

Next steps

Going forward, the government could:

- Build on the momentum and recommendations from the NAP 2015–2017 by putting a priority on the establishment and publication of the beneficial ownership register;
- The framing of these activities is devoid of language that explicitly targets the provision of beneficial ownership data and ensures its accessibility by the public—a key aspect of enabling public scrutiny of public contracts and reducing the risk of corruption. The OGP infrastructure could make public access to beneficial ownership data an unequivocal milestone in subsequent NAPs.

¹ Sena Abla, Agbekoh, Maggie Murphy and Maira Martini, Beneficial Owner Disclosure. Assessment of Ghana's Legal Framework. Ghana Integrity Initiative. Transparency International. 2017.

<https://www.tighana.org/assets/Uploads/BENEFICIAL-OWNER-DISCLOSURE.pdf>. P16-17

² Ibid. P16-17

³ “Ghana to have beneficial ownership register by end of 2017” Ghana Web, 23 July 2017.

<https://www.ghanaweb.com/GhanaHomePage/NewsArchive/Ghana-to-have-beneficial-ownership-register-by-end-of-2017-561996>

4. Fiscal Transparency and Accountability

Language of the commitment as it appears in the action plan:

‘There has been the tendency for successive governments to overspend and over borrow money, therefore creating imbalance in the management of the economy. There is the need to manage public expenditure to avoid budget overruns especially in a manner that endangers national fiscal stability. Gradually, it is becoming incumbent on government to set limits for budget deficits and government borrowing. The government commits to be accountable by frequently making available to the public information on fiscal deficits, government’s borrowing and debt management. This will enable the public to know how the debt situation is being addressed and also enable civil society to engage meaningfully with government on issues of debt management. The government will also establish an independent body to advise government on issues of fiscal responsibility. The government also commits to improve reporting on budget implementation by incorporating non-financial information for citizens to know the extent of budget implementation.’

Milestones/Activities:

- MoF to develop regulations for the new Public Financial Management (PFM) Act by August 2018;
- MoF to facilitate the building of national consensus on the need to amend the new PFM Act to set limits for budget deficits and government borrowing by August 2018;
- The Executive to establish Independent Fiscal Council by September 2018;
- MoF to publish pre-budget statements by September 2018;
- MoF to amend the new PFM Act to strengthen the fiscal responsibility provision (setting limits for budget deficits and government borrowing) in the Act by December 2018; and, MoF to incorporate non-financial information in budget implementation reporting by November 2018

Start Date: November 2017

End Date: December 2018

Action plan is available in this [link](#)

Commitment Overview	Verifiability		OGP Value Relevance (as written)				Potential Impact				Completion				Did It Open Government?				
	Not specific enough to be verifiable	Specific enough to be verifiable	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		✓	✓	✓				✓		Assessed at the end of action plan cycle.				Assessed at the end of action plan cycle.					

Context and Objectives

This commitment aims to promote fiscal responsibility and access to information in the management of public revenues, mainly within the framework of the Public Financial Management Act, 2016 (Act 921).

Since it recorded its first negative budget balance in 1959 (two years after independence), Ghana has experienced recurrent high deficits with consequent negative effects on its economic growth due to excessive and off-budget government spending that spikes in election years.¹ Other weaknesses identified in a 1990 review of public financial management systems include insufficiently robust accounting and monitoring systems; inadequate information flows between key actors like the Bank of Ghana, Ministry of Finance, and the Controller and Accountant General's Department; a lack of quality and timely data on government resources; and an outmoded regulatory framework.² This has led to macroeconomic instability as evidenced by, to cite one measure, increasing public debt as a percentage of GDP; this rose from 25.4 percent in 2006 to 73.4 percent in 2016, albeit in a non-linear pattern.³ It has also led the government's seeking repeated emergency assistance from the International Monetary Fund (IMF), compelling the application of strict austerity measures with varying effects on the welfare of the ordinary Ghanaian.⁴ The discovery of oil in increasingly larger commercial quantities since 2006 has not helped and may have worsened fiscal indiscipline in the country. Prior to the passage of the Public Financial Management Act (PFMA Act 921), the legal framework governing public financial management was neither centralized nor integrated.⁵ The lack of caps for public spending, skepticism around the budget process due to unpredictability of spending, among other factors, had presented some challenges that undermined public finance in the country.⁶ However, Ghana has lacked a fiscal council that serves as a regulating force and international institutions such as the IMF have played that role.⁷

Successive governments have tried to remedy this situation in past years through public financial management reforms in the areas of budget, accounting and finance, payroll, fiscal decentralization, and reviews of financial laws. In August 2016, Ghana's parliament passed the PFMA in a bid to provide cohesive fiscal policy guidance, strengthen public financial management, promote fiscal discipline, and promote transparency and accountability in the use of public funds.⁸ The chief object of the PFMA is to regulate the financial management of the public sector within a macroeconomic and fiscal framework.⁹ This is the basis of this commitment that is carried over from the NAP 2015–2017.

This commitment seeks to address the problem of fiscal imbalances by creating a specialized agency to ensure that government's spending and borrowing do not lead to fiscal deficits. The commitment aims to preserve macroeconomic stability by modifying regulations governing financial management in the country to allow the entry into force of the Public Financial Management (PFMA), by encouraging a national consensus on the appropriate levels of public expenditures and by making budget information available to the public.

This commitment is relevant to the OGP values of access to information and civic participation. The commitment contributes to greater access to information by publishing pre-budget statements and incorporating nonfinancial information in budget implementation reporting, which aims to improve reporting to citizens and civil society on budgetary processes. The commitment is also relevant to civic participation. Plans to build national consensus on amending the PFMA to set limits for budget deficits and government borrowing are, in the researcher's opinion, a potentially useful way to enhance civic participation in the public financial management reform process. It is worth noting that this will be possible only if the government involves diverse citizen groups from across the country and at all levels of government and meaningfully incorporates their views into the final decision.

While the commitment's milestones aim at disclosing information, reforming legislation, and creating a special agency to advise on macroeconomic stability in public finance expenditures, there is no specific mention as to how public officials responsible for public finances will be held accountable before the law.

As written, this commitment is for the most part verifiable. Verifiability can be assessed by seeing whether regulations for the Public Financial Management were approved. The development of regulations is vital and easily verifiable; verifiability can be assessed by looking at whether the Independent Fiscal Council was created and if reports with budget information were released. It is worth noting that Milestone II (national consensus) is a bit hard to measure given the lack of specificity in its formulation. This commitment is verifiable as a whole. However, vague language and a lack of context are likely to make specific activities difficult to assess. For example, it is not clear what "facilitate the building of consensus" means or how the Ministry of Finance intends to approach this.

If implemented as written, this commitment will contribute to solving the problem of fiscal imbalances and tax evasion, although not to a full extent. Therefore, the potential impact of this commitment is coded as "moderate." Though the commitment as written does not specify what it will achieve, the economic analysts and expert civil society organizations such as the Institute for Economic Analysis expect that the regulations would address issues like the lack (in the PFMA) of quantitative limits on debts, deficits, and spending and the absence of a monitoring and enforcement framework to ensure that the government respects the PFMA in ways that enhance fiscal performance.¹⁰ The PFMA lays out that local governments will have limits in budget spending and borrowing and are required to consult with the Ministry of Finance in order to respect time-bound borrowing and spending plans.¹¹ Although the regulations seek to enforce the implementation of the PFMA, they may still face challenges. According to Mahamudu Bawumia (former deputy governor of the Bank of Ghana), the PFMA as written fails to provide an institutional framework to ensure the provision of fiscal information with quality standards to the public; in his view, no specific accountability tool shows how civil servants will be held accountable when implementing fiscal policies.¹²

Although this commitment aims to enhance regulatory frameworks by establishing ancillary laws and institutions to help prevent public financial mismanagement through monitoring and greater citizen involvement, information by itself does not guarantee access or comprehension to audiences that are distanced by location (i.e., live outside the capital Accra), language (government business is mainly in English), or lack of expertise in public financial management. In addition, the commitment as written stops short of indicating what this information should contain; how, where, and how often the information will be published, and in what ways the Ghanaian public can engage the actors responsible for financial management beyond being the passive recipients of relevant information. Nevertheless, the establishment of rules that allow for implementation of the PFMA, in addition with the council, are signs of positive improvements in stabilizing public finance in the country.

Next steps

- This commitment covers an important area for the country, in terms of open government and civic engagement. Therefore, it is recommended to carry this forward in the next action plan, with some improvements in commitment design. For example, it is important to include more details and specific activities/milestones as to how public officials will be held accountable as they implement fiscal policies. Also, providing specific information on how information (prebudget statements and other documentation) will be made accessible to the public remains essential.
- Going forward, the NAP could be less ambiguous by setting measurable targets within its milestones to facilitate evaluation.
- The government could also incorporate in the amendment process provisions that identify an institution or set of institutions that are primarily responsible for implementing or overseeing implementation of the PFMA. It should provide an independent selection

mechanism to ensure that there is no political interference in the implementation of the PFMA.

- Working with civil society organizations with financial public management expertise, the government should specify what format its information will take to maximize citizen access and identify opportunities for greater civic participation and how diverse citizen groups across the country can use the information it plans to provide to engage relevant issues on a continuous basis. To complement these actions, it is important to specifically highlight/describe how civic engagement activities (for instance the national consensus) will be carried out: the means, outreach, and communication strategies, and so on.

¹ Eric Osei-Assibey, 2018, 'Making Fiscal Council work for Ghana: Country experiences and best practice', *Policy Analysis*, Vol. 1 No. 1, Institute of Economic Affairs, page 2, <http://ieagh.org/wp-content/uploads/2019/03/Fiscal-Council-Paper-Revised2-3.pdf>; also Samuel Bekoe, Ghana Oil and Gas for Inclusive Growth, presentation at the CSO technical meeting on the Fiscal Responsibility Law, Accra, 11 April 2019.

² Robert Darko Osei and Henry Telli, 2017, 'Sixty Years of Fiscal Policy in Ghana: Outcomes and Lessons', in Ernest Aryeetey and Ravi Kanbur (eds), *The Economy of Ghana Sixty Years after Independence*, Oxford Scholarship Online. See also Grace Adzroe, 'An overview of PFM reforms in Ghana', presentation at the IFAC roundtable discussion on International Public Sector Accounting Standards, Labadi Beach Hotel, 21-22 May 2015.

³ Debt-to-GDP rose from 36.1 percent in 2009 to 46.3 in 2010. It dropped slightly to 42.6 in 2011 before rising gradually through 2012 to 57.2 in 2013 and a high of 70.2 in 2014. Source: <https://tradingeconomics.com/ghana/government-debt-to-gdp>; also Osei-Assibey, op. cit. supra, page 2.

⁴ Aisha Adam and Nafi Chinery, 'New legislation will bolster Ghana's revenue management. Here are four more ways to improve public oversight', 12 February 2019, <https://resourcegovernance.org/blog/new-legislation-will-bolster-ghana-revenue-management-here-are-four-more-ways-improve-public>; Osei-Assibey, op. cit. supra, page 2.

⁵ "Public Financial Management Bill passed into Law" Ghana Justice, 8 August 2016, <https://www.ghanajustice.com/2016/08/public-financial-management-bill-passed-into-law/>

⁶ Ibid.

⁷ "Press Release On The Formation Of The Fiscal Council And Financial Stability Council" IMANI, Center for Policy and Education, 16 January 2019, <https://imaniafrica.org/2019/01/16/press-release-on-the-formation-of-the-fiscal-council-and-financial-stability-council/>

⁸ Report of the controller and accountant-general on the public accounts of the consolidated fund for the year ended 31 December 2016, http://www.cagd.gov.gh/portal/files/public_accounts/REPORT_OF_THE_CONTROLLER_AND_ACCOUNTANT_Publish ed.pdf

⁹ Government of Ghana, Public Financial Management Act, 2016 (Act 921). <https://www.mofep.gov.gh/sites/default/files/reports/economic/PUBLIC%20FINANCIAL%20MANAGT.%20%20ACT%2C%202016.pdf>, Article 1(1).

¹⁰ Osei-Assibey, op. cit. supra, page 2.

¹¹ "Ghana's public financial management act to accelerate subnational action on LEDS", LEDS, 10 January 2018, http://ledsgp.org/2018/01/ghanas-public-financial-management-act-subnational-action/?loclang=en_gb

¹² Ibid.

5. Extractives Sector Transparency

Language of the commitment as it appears in the action plan:

‘The Government proposed to pass the Minerals Development Fund (MDF) Bill in the second action plan and this has been carried out. However, there is the need to pursue this by developing regulations for the Minerals Development Fund Act (MDFA). In the second action plan also the government proposed to develop regulations (Legislative Instruments) for the Petroleum Revenue Management Act of 2011 (Act 815) to effectively operationalize the amended law so as to detail out how the various clauses are to be interpreted and applied. The process commenced during the period of the second plan but was not completed. The government commits to develop the Legislative Instruments for Minerals Development Fund Act and complete the LI for PRMA. PIAC will also be supported to enforce its recommendations.’

Milestones/Activities:

- MoF and AG to finalize the development of regulations to Petroleum Revenue Management Act 2011 (Act 815) by September 2018;
- MoF and AG to develop regulations to the MDFA by August 2019;
- MoF to provide financial and non-financial information as well as the status of implementation of petroleum revenue funded projects by November 2018;
- Ministry of Lands and Natural Resources (MLNR) and the Minerals Commission to establish the necessary structures for the management of MDF (Governing Board, Fund Manager, and office) by December 2018;
- MoF and Local Government Service (LGS) to ensure Metropolitan, Municipal, and District Assemblies (MMDAs) provide quarterly reports on the usage of mineral royalties by December 2018;
- MoF and Parliament to review PIAC’s mandate to ensure PIAC enforces its recommendations by June 2018’

Start Date: November 2017

End Date: August 2019

Action plan is available in this [link](#)

Commitment Overview	Verifiability		OGP Value Relevance (as written)				Potential Impact				Completion				Did It Open Government?				
	Not specific enough to be verifiable	Specific enough to be verifiable	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		✓	✓					✓		Assessed at the end of action plan cycle.				Assessed at the end of action plan cycle.					

Context and Objectives

Revenues from the exploitation of natural resources have long been a key source of income in Ghana's economy. From 2012 to 2016 alone, mining receipts totaled at least US\$1.59 billion.¹ Ghana is the second largest producer of gold in Africa and the ninth largest producer of diamonds in the world.² Oil revenues first surpassed mining receipts in 2013 following the onset of oil production in 2011³ (oil was first discovered in commercial quantities in 2006). Extractives revenues fell sharply in 2015, but oil and gas revenues remain the most lucrative natural resources.⁴ Civil society organizations like the Natural Resource Governance Institute (NRGI) and the Ghana Oil and Gas for Inclusive Growth (GOGIG) are concerned that fiscal indiscipline may have worsened in light of oil revenues that were expected to provide economic relief and that public management of these revenues is not helping further national development.⁵

In separate interviews with the IRM researcher, Nafi Chinery, country program manager of the Natural Resources Governance Institute, and Jo Ann Sackey, senior policy analyst with the Africa Centre for Energy Policy, queried the acute non-availability of comprehensive data on extractive-funded contracts and low levels of completion of some extractive-funded development projects, citing these as evidence that both laws are not being implemented as stipulated.⁶ As part of efforts to help maximize the contributions to development of Ghana's earnings from its natural resources, the government passed two laws: the Minerals Development Fund (MDF) Bill 2014 in February 2016 and the Petroleum Revenue Management Act 2011 (Act 815) (PRMA) in August 2016. It should be noted that the National Democratic Government under Jerry Rawlings created the MDF in 1993, but the fund did not have legal backing, as there was no supporting law until 2016.⁷ Against this background, this commitment aims to promote greater transparency and accountability in the management of extractives' revenues in Ghana.

The PRMA has been implemented without regulations for eight years since it was first passed, making the proposed development of regulations for both laws critical. The absence of regulations may be responsible for some gaps that GOGIG identifies in the PRMA's implementation so far.⁸ In one example, Article 21(3) states that "the spending of petroleum revenues shall give priority to but not be limited to" a list of 12 areas. Public Interest and Accountability Committee⁹ sees this as leeway that the government can exploit to divert revenues to either non-priority or non-budget areas that can create or worsen imbalances in the national economy. Also at issue are transparency concerns over the utilization of the Sinking Fund, which is supposed to hold a percentage of oil revenues from the Stabilization Fund to reduce maturing debts and prevent debt defaults or refinancing at high interest rates.¹⁰

Moreover, a study conducted by the Natural Resource Governance Institute found that PRMA's implementation faced some challenges, including disclosing the information of projects such as the total value of the contracts and difficulties in understanding and interpreting the law by policy makers, linking petroleum revenue with a broader spectrum of agencies and strategies for financial management at the national level.¹¹ On the other hand, according to Mr. Kwaku Asomah-Cheremeh, minister for Lands and Natural Resources, the lack of regulations for the Minerals Development Fund Act, 2016 (Act 921) and ambiguities of the act had become key obstacles for ensuring a transparent implementation.¹²

This commitment seeks to make public all information on the usage of resources from the extractive sector by providing financial and nonfinancial information along with the status of implementation of projects and by enabling the legal framework of the Petroleum Revenue Management Act and the Mineral Development Fund.

This commitment is relevant to the OGP value of access to information. As stated, queries about access to information on the status of implementation of petroleum revenue-funded projects make the proposed provision of financial and nonfinancial information, including on the usage of mineral royalties, vital in the interests of transparency and relevant to the OGP value of access to information. As for public accountability, the commitment does not necessarily explain how the information reported on projects (extractive industries) will translate into consequences or change, particularly in regard to those who hide the information from public audiences.

As written, this commitment is for the most part, verifiable. Verifiability can be assessed, for instance, by seeing whether regulations for the Petroleum Revenue Management Act 2011 and the MDFA are provided. Financial and nonfinancial information and the status of implementation of petroleum revenue-funded projects must also be provided for this commitment to be verifiable.

If implemented as written, this commitment will contribute to solving the problem of lack of transparency in the extractives sector, although not to a full extent. Therefore, the potential impact of this commitment is coded as “moderate.” According to Nafi Chinery and Jo Ann Sackey,¹³ the milestones are very relevant and would help achieve the set objectives if they are implemented as written. They both told the IRM researcher that information on the status of implementation of petroleum revenue-funded projects is severely lacking and thus applauded this milestone. As observed by Nafi Chinery and Jo Ann Sackey in separate interviews,¹⁴ Ghana’s mining sector is much less structured than the petroleum one, necessitating a separate regulatory framework to ensure that it receives the same level of scrutiny as petroleum does.¹⁵ By this token, creating the structures needed to manage the MDF is essential for it to function effectively. However, the commitment does not address underlying issues such as the politicization of contracting and awarding of projects to ruling party cronies, some of whom are difficult to monitor.¹⁶

The commitment’s final activity, which aims to review PIAC’s mandate to ensure it enforces its recommendations, is more ambiguous than the others. The IRM researcher thus validates the Public Interest and Accountability Committee’s opinion that although there is some level of transparency in natural resource revenue management, accountability is lacking and should be the focus of all interventions going forward. Providing information on projects related to extractive industries is relevant for the country and useful as a tool to prevent fund mismanagement; yet, as stated before, more specific activities/milestones enforcing public accountability, for instance, in cases where information on projects is being kept from the public unlawfully, clear mechanisms for prosecuting those instances might reinforce the scope of this commitment. It may be the case that the regulations aim toward that end, but this cannot be inferred, as written in the action plan.

Next steps

- It is recommended that this commitment be continued, with improvements in public accountability activities, with clear rules and details, aiming at prosecuting officials who hide/cover up information of extractives unlawfully.
- Going forward, the NAP could take better account of the broad range of issues relating to this theme, for example, the debate about developing separate legislation for mining, and address them explicitly.
- To make a tangible change, the regulations will need to address such gaps in collaboration with civil society experts like GOGIG, ACEP, and PIAC that have done extensive research and nationwide advocacy on these issues.
- It is important for assessment purposes for future milestones to distinguish baselines from potential change. For example, the activity of reviewing PIAC’s mandate would be more verifiable if it identified existing gaps and specifically how the Ministry of Finance and Parliament would address these during the review.
- Citizen groups within communities where development projects are allocated should be integrated into monitoring processes and made aware of contract terms to empower them to ensure that contractors meet agreed standards and complete assigned projects. It is vital that proposed implementation structures of both the MDF and PRMA be selected carefully and allowed to function independently to enhance transparency and accountability and to help Ghana make the most of its natural resources.

¹ Ghana Chamber of Mines data, cited in Freeman Koryekpor Awlesu, ‘Mining sector contributes US\$ 1.59 billion to national economy from 2012-2016’, 4 December 2017, <https://www.todaygh.com/mining-sector-contributes-us-1-59-billion-national-economy-2012-2016/>

² <https://eiti.org/ghana>

³ <https://eiti.org/ghana>

⁴ <https://data.gheiti.gov.gh/#total-revenues-by-commodity>

⁵ Presentations by both organisations at the technical session on Ghana's new Fiscal Responsibility law, 11 April 2019 at Coconut Grove Regency Hotel, Accra.

⁶ IRM researcher interviews with Nafi Chinery, 31 January 2019 and Jo Ann Sackey, 13 February 2019.

⁷ 'Ghana's MDF Law Delay Hampering Development in Mining Communities', 19 March 2019, News Ghana,

<https://www.newsghana.com.gh/ghanas-mdf-law-delay-hampering-development-in-mining-communities/>

⁸ Presentation by Public Interest Accountability Committee at the technical session on Ghana's new Fiscal Responsibility law, 11 April 2019 at Coconut Grove Regency Hotel, Accra.

⁹ 'The Public Interest and Accountability Committee was established under Section 51 of the PRMA, to among others, monitor and evaluate compliance with the Act. The Committee was inaugurated and commenced work on 15th September, 2011. Source: <http://www.piacghana.org/portal/2/3/history>

¹⁰ 'Terkerper urges gov't to leverage Sinking Fund to reduce maturing debts', 13 June 2018, MyJoyOnline.com, <https://www.myjoyonline.com/business/2018/june-13th/terkerper-urges-govt-to-leverage-sinking-fund-to-reduce-maturing-debts.php>

¹¹ Aisha Adam, "Ghana Petroleum Revenue Management Act: Back to Basics" Natural Resource Governance Initiative. April 2017. https://resourcegovernance.org/sites/default/files/documents/ghana-petroleum-revenue-management_act.pdf

¹² G.D. Zaney, Esq. "Ghana: National Conference On the Mineral Development Fund Act, 2016 (Act 912) Held in Accra", AllAfrica, 28 May 2019, <https://allafrica.com/stories/201905280779.html>

¹³ IRM researcher interviews with Nafi Chinery, 31 January 2019 and Jo Ann Sackey, 13 February 2019.

¹⁴ IRM researcher interviews with Nafi Chinery, 31 January 2019 and Jo Ann Sackey, 13 February 2019.

¹⁵ IRM researcher interviews with Nafi Chinery, 31 January 2019 and Jo Ann Sackey, 13 February 2019.

¹⁶ Interview, Vitus Azeem, independent consultant and former coordinator of the defunct Centre for Budget Advocacy and former director of the Ghana Integrity Initiative, 31 January 2019.

6. Right to Information

Language of the commitment as it appears in the action plan:

'The Government undertook to enact a Right to Information (RTI) Law both in the first and second action plan. However, the RTI bill has not been passed. 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 June 2018.'

Milestones/Activities:

- Parliament to pass RTI bill by June 2018; and,
- Ministry of Information to develop strategies for the implementation of the RTI law by September 2018.

Start Date: November 2017

End Date: September 2018

Action plan is available in this [link](#)

Commitment Overview	Verifiability		OGP Value Relevance (as written)				Potential Impact				Completion				Did It Open Government?				
	Not specific enough to be verifiable	Specific enough to be verifiable	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		✓	✓						✓		Assessed at the end of action plan cycle.				Assessed at the end of action plan cycle.				

Context and Objectives

This commitment is pivotal, as it has bearings on all the other commitments in the current action plan. It aims to pass the Right to Information (RTI) Bill and to create mechanisms to implement it. According to Francis Ametepey, a contributor from Young Reporters for the Environment-Ghana, the absence of implementation of the law implies the lack of mechanisms to require public agencies to publish information.¹ Without the law, citizens are deprived of a means to hold public officials accountable for their actions as civil servants, which may encourage violation of rights and laws.² The prolonged lack of a substantive law has stifled citizens' access to information, allowing corruption to thrive and obstructing popular participation in governance, especially at sub-state/local government levels. It has also contributed to strained relations between the state and civil society.

Ghana began the process of passing an RTI law almost two decades ago in 2002. Successive governments have since acknowledged its importance to governance, yet failed to pass it, ostensibly for several reasons.³ In separate interviews, Ugonna Ukaigwe, coordinator of the Ghana Civil Society Organizations Platform on the Sustainable Development Goals (GCPS) and consultant with the RTI Coalition, and Regina Amanfo-Tetteh, political scientist and program officer with the Centre for Democratic Development-Ghana, said that the bill has stalled because public officers are afraid of its implications.⁴ In their opinion, this reflects a misunderstanding and low awareness of the right to information.

Ugonna, Regina, and Awal Mohammed, program officer for social accountability with the Centre for Democratic Development-Ghana,⁵ also highlighted, in separate interviews, the lack of political will as

a major obstacle, explaining how several governments have promised to pass it as a form of political horse-trading with an increasingly politically aware citizenry. A third point of contention is disagreements between the state and civil society over some of the bill's content. For example, the RTI Coalition objects to the special protected status of information from the presidency on grounds that this office is expansive and the protections would block access to critical information. In addition, a 2018 study by the US-based Center for Law and Democracy states that the rules on appeals are contradictory and located in different parts of the bill: section 38 suggests that requesters may appeal directly to the courts in certain cases without going through the Information Commission whereas under section 68(b), requesters must exhaust the right of review before approaching the courts.⁶ There is no evidence of whether this contradiction will be solved prior to passing the bill. The NAP 2017–19 thus includes this commitment again in the hope that the bill will finally be passed into law and help address the issues identified above.

This commitment is relevant to the OGP value of access to information, as it seeks to pass a law allowing for greater access to information in the country. Also, the commitment is verifiable in that completion can be seen by checking whether the law on information was approved.

If implemented as written, this commitment contributes to solving the lack of a legal framework allowing citizens to have access to greater information, although not to a full extent. Therefore, the potential impact for this commitment is graded as “moderate.” As RTI activists argue, several aspects of it would need to be reviewed for it to be truly transformative. These aspects include the fact that requesters would have to pay before they access information and that there are exemptions on information deriving from the presidency.⁷ This is significant because these exemptions cover some key ministries, including Monitoring and Evaluation, Business Development, Regional Re-organisation, Zongo, and Inner-City Development. Mrs. Amanfo-Tetteh also expressed concern that the bill does not sufficiently integrate subnational government structures, implying that citizens at regional and district levels would have restricted access to information in those contexts. Public officials like K. T. Hammond, member of Parliament for Adansi Asokwa, are deeply resistant to having an RTI law and do not understand why citizens require access to public information.⁸ Such people may try to frustrate implementation, but Ugonna Ukaigwe suggests that high levels of civic interest could help enforce action and ensure accountability.

The passage of the law after almost 20 years is measurable and plausible and would be a significant achievement because it is the product of uneasy compromises between the state, civil society actors, and other interested parties (it has evolved in response to diverse feedback over the years). Its passage would reinforce the fundamental right to information by creating a legal obligation for government to provide information within set time frames or face clear sanctions. It would also provide legal backing to citizens' demands for information, which are anticipated to be high, owing to the level of interest in and engagement with the advocacy for the passage of the bill.

Next steps

This commitment covers an important policy area for the country. To facilitate successful implementation, this commitment could consider:

1. Facilitating implementation of this commitment by disaggregating global goals into targeted activities that can be pursued or/and achieved within set time frames. One example, suggested by Ugonna Ukaigwe, would be to set clear targets for how public officials will be prepared to understand how the RTI law would affect them and its broader implications for state-society relations. Although steps like this need not be included in subsequent action plans, they are good practice and can help improve the climate for access to information before the bill is passed. They also signal to civil society that the government is committed to passing the bill.
2. Ensuring effective implementation of this and all other laws and policies in any country so that citizens can fully exercise their right of access to information. Whether the commitment passes or not, the government could work to transform the culture and climate of information access in the country by sensitizing government officials and the public to the right to information and what their respective rights and responsibilities are. Continued and consistent engagement of

citizens by the RTI Coalition will help deepen support for the prospective governance benefits of the bill and may help make its passage more feasible.

3. Promoting understanding and dialogue between CSOs and government on sensitive topics where there may be disagreement about the law through workshops, trainings, and forums. This may also include raising awareness among policy makers about the benefits of having access to information in order to reduce skepticism about the changes brought by the law and to promote/enforce political will, if possible. Some advocacy work/campaigning could be beneficial.
4. Mandating government agencies to comply with the RTI and allocating resources to this end.

¹ Francis Ametepey , “Ghana’s Journey To Implement New Right To Information Law”, 5 April 2019. We Are Restless, <https://wearerestless.org/2019/04/05/ghanas-journey-to-implement-rti-law/>

² Nwachukwu Egbunike , “Right to Information: With its new law in place, will Ghana go the way of Nigeria?”, Global Voices Advox, 27 May 2019, <https://advox.globalvoices.org/2019/05/27/right-to-information-with-its-new-law-in-place-will-ghana-go-the-way-of-nigeria/>

³ Centre for Law and Democracy, 'Ghana: Analysis of the Right to Information Bill, 2018', June 2018, https://www.law-democracy.org/live/wp-content/uploads/2018/06/Ghana.FOI_Jun18.pdf (15 January 2019).

⁴ IRM researcher interviews with Ugonna Ukaigwe, 15 January 2019 and Regina Amanfo, 29 January 2019.

⁵ Interview with IRM researcher, February 2019.

⁶ Center for Law and Democracy, op. cit. supra.

⁷ STAR Ghana, “Review RTI clause that shields information from Presidency - RTI Coalition”, 1 July 2018, <http://www.star-ghana.org/news-2/281-review-rti-clause-that-shields-information-from-presidency-rti-coalition>

⁸ He has said at various times in July 2015 and November 2018 that Ghana is not ready for RTI, “the bill is dangerous for governance” and that the government will “have no secrets” once it is passed. Efu Idan Osam, 3 July 2015, “Ghana not ready for RTI—K T Hammond”, citifmonline.com, <https://citifmonline.com/2015/07/03/ghana-not-ready-for-rti-kt-hammond/>; Marian Ansah, 14 November 2018, “I stand by comments on RTI Bill, criticize me if you want” – K.T Hammond, <https://citinewsroom.com/2018/11/14/i-stand-by-comments-rti-bill-criticize-me-if-you-want-k-t-hammond/>

7. Civic Participation and Accountability

Language of the commitment as it appears in the action plan:

'As part of efforts to strengthen citizen's engagement at the sub-national level, a framework on participatory planning and budgeting has been developed by the Local Government Service (LGS) to guide Metropolitan, Municipal and District Assemblies (MMDAs) in citizens' engagement. The new Local Governance Act (Act 936) passed by Parliament in 2016 dedicates a whole section to popular participation. The Inter-Ministerial Coordinating Committee on Local Government has consequently developed a manual and an action plan to guide its implementation.

In 2013, the Government of Ghana through the Ministry of Local Government and Rural Development (MLGRD) commenced implementation of the Local Government Capacity Support Project (LGCSP) in some 46 selected Metropolitan and Municipal Assemblies (MMAs). An integral component of this project is the establishment of Social Accountability (SA) units, development and use of public financial management templates by the participating assemblies to improve citizens' education, communication and engagement.

In the second action plan the government proposed to establish Client Service Units (CSU) in all the District Assemblies. This action has been substantially implemented. The government is committed to move this process further to promote effective citizens' participation in decision-making processes. The government is committed to strengthening mechanisms for ensuring that citizens can receive feedback from elected officials (both Members of Parliament and Assembly Members). This can be accomplished through innovative ways that ensure citizens' engagement and open civic space. The decentralized institutions at the sub-national level are to be accountable to citizens by annually reporting on budget implementation to include non-financial information.'

Milestones/Activities:

- MLGRD through the Local Government Service (LGS) to expand the establishment of SA units in all the 216 MMDAs (46 Metropolitan and Municipals already have accountability units and Focal Persons) by December 2018;
- MLGRD through the Local Government Service (LGS) to integrate and strengthen the CSUs and SA desks in line with the social accountability role of MMDAs by August 2019;
- MLGRD and LGS to monitor the implementation of the popular participation (civic participation) framework by March 2019;
- MLGRD and Office of the Head of Local Government Service to ensure all MMDAs adequately support Accountability Units and Client Service Units to obtain feedbacks from citizens by August 2019;
- MoF Fiscal Decentralization Unit (FDU), MLGRD, and LGS to ensure MMDAs comprehensively report on budget implementation (both financial and non-financial information) annually to citizens by March 2019; and,
- Parliament to provide quarterly reports on petitions and feedbacks received from the public by December 2018.'

Start Date: November 2017

End Date: August 2019

Action plan is available in this [link](#)

Commitment Overview	Verifiability		OGP Value Relevance (as written)				Potential Impact				Completion				Did It Open Government?				
	Not specific enough to be verifiable	Specific enough to be verifiable	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
7. Overall		✓	✓	✓				✓		Assessed at the end of action plan cycle.				Assessed at the end of action plan cycle.					

Context and Objectives

This commitment aims to improve civic participation in governance, especially at subnational levels where the state-society nexus has been historically weak.¹ For almost two centuries, governance in Ghana has been centered in the capital city, Accra. Efforts to decentralize have had varying levels of success.² Interventions to build districts’ capacities and bring government closer to the people are ongoing but continue to confront low political engagement and technical know-how, politicization, and inadequate resources. For example, a study conducted in nine localities revealed that some Assembly Members were unpaid, affecting their ability to meet with their constituents. Frustration also resulted of the public servants’ incapacity to deliver on citizens’ expectations vis-à-vis the availability of means.³ Another assessment of local government in one of the country’s Municipal Assemblies found that few opportunities were given to local communities to participate in relevant affairs and, in a few instances, were disregarded.⁴ Analysts who monitor decentralization find it hard to access vital information.⁵

The NAP thus includes this commitment to try to improve popular participation and to increase transparency in governance at the district level. Women’s involvement is a notable challenge, especially in cultural contexts like the Northern Region where it is against traditional norms for women to be present in certain spaces and to take part in specific activities.⁶

To promote civic engagement at the local level, this commitment seeks to strengthen mechanisms for ensuring that citizens can receive feedback from elected officials by increasing the number of government agencies (social and civil service units) to collect feedback from citizens by encouraging Parliament to report on petitions and feedback from citizens and by reporting on budget implementation annually. The commitment addresses infrastructure, policy, and processes. This commitment aims to institutionalize civic participation in governance at the local government level by creating designated structures for state-citizen engagement and providing information to inform this relationship. It could help strengthen civic participation at local levels by stimulating citizen feedback and strengthening citizen awareness of the public’s civic rights and of the existence and function of feedback mechanisms.

Through implementing the popular participation framework, Milestone III relates to policy and aims to entrench the norm of citizen involvement in governance. The last three milestones put a priority on the sharing of information and are potentially useful ways to promote greater civic participation in budgetary and governance processes. First, the last three milestones do so by supporting Accountability Units and Client Service Units to obtain feedback from citizens as a means of assessing their own performance. Based on preliminary results of the implementation of the Local Government Capacity Support Project (LGCSP) in partnership with the World Bank, elected members of the Metropolitan, Municipal, and District Assemblies (MMDAs) are required to address constituents in fora and town halls regarding the execution of projects.⁷ Second, the three last milestones ensure that MMDAs report are published comprehensively on budget implementation

(both financial and nonfinancial information) annually to citizens. Third, the last milestone requires the Parliament to provide quarterly reports on petitions and feedback received from the public.

This commitment's milestones are clearly relevant to the OGP value of civic participation, as the commitment seeks to improve the government's current mechanisms for collecting inputs and feedback from citizens. This commitment is also relevant to the OGP value of access to information in that it seeks to encourage MMDAs and Parliament to provide citizens, via periodic reports, with information on the status of budget implementation and petitions from citizens. While the commitment refers to public accountability, the IRM researcher could not find any information to determine if the necessary redress and corrective mechanisms have been established for cases where public officials do not address citizen's needs/complaints effectively.

This commitment is for the most part verifiable. Verifiability can be assessed by determining the number of SA units in all the 216 MMDA, by counting the number of reports available to the public on budget implementation and Parliament's treatment of petitions and feedback. It is worth noting that verifiability for milestones II, III, and IV is somewhat less clear. To sum up, the commitment is verifiable, but it would help to strengthen its impact if proposed milestones were more specific about what they intend to achieve and how. For example, it would be difficult to assess implementation of the activity that tasks the Ministry of Local Government and Rural Development to "integrate and strengthen the CSUs and SA desks in line with the social accountability role of MMDAs" because it does not provide indicators with which to measure integration. Additionally, it remains unclear how the implementation of the popular participation framework will be measured.

If implemented as written, this commitment contributes to providing citizens with feedback from elected officials (both Members of Parliament and Assembly Members) although not to a full extent. Therefore, the potential impact of this commitment is minor.

The first two objectives relate to structural changes to the civic participation framework. The first goal is to expand the establishment of SA units in all the 216 MMDAs, and the NAP informs that there are already 46 accountability units and focal persons in MMDAs. According to the findings of survey named "Citizens Perception Survey," conducted in the 46 MMDAs to gauge citizens' opinion on the delivery of the LGCSP, there was greater engagement and involvement of MMDAs with local communities than before.⁸ Although there is a need for greater subnational state-citizen interaction, creating new structures can be cost-intensive. It may thus be worth considering, as Awal suggested, assigning the social accountability mandate to an existing local government structure based in communities. The second goal within the structure rubric are to integrate and strengthen the CSUs and SA desks in line with the social accountability role of MMDAs. This could help provide some cohesion among the plural social accountability actors at local government levels.

There is a need for an entity to serve as a liaison between local government structures and communities. However, it is debatable whether this necessitates the creation of new, special structures in the form of social accountability units, as there are existing local government structures that can be assigned this responsibility and that would benefit from building their capacities to engage with citizens at that level. Awal Mohammed, social accountability program officer with the Centre for Democratic Development-Ghana told the IRM researcher that in addition to the stated benefits, appointing such an existing unit or/and officer to handle community relations is also a cost-saving mechanism.⁹

However, the slow pace of establishing the social accountability units in 2015–2017 suggests that Ghanaians will have disparate access to their local government structures until all the units are all set up and fully functional. The potential impact of the social accountability units will depend on how well they are implemented, how proactive they are in interacting with communities, and how actively citizens engage them. It will also depend on the mandate and function of the units. As such, the potential impact of the commitment is assessed as minor. As Awal pointed out, low awareness of rights and responsibilities is a factor common to both government and those governed. He also pointed to a culture of deference to older, richer, and more powerful people and an attitude of political resignation as factors that prevent citizens from demanding information from their local government officials.

Next steps

This commitment could include activities aimed at enhancing political will/and engagement from members of the Metropolitan, Municipal, and District Assemblies (MMDAs), which is a key ingredient to successful local governance. This commitment should be carried out in subsequent action plans, with improvements in trackability, public accountability, and civic participation.

- Going forward, the NAP could specify, for example, what it means by “adequately support” with regard to milestone IV. Also, with Milestone V, “comprehensively report” is vague and potentially confusing and needs to be spelled out clearly.
- Furthermore, it would be helpful to engage citizen groups in dialogue about the prospects of using coalitions of existing local government structures and civil society groups, instead of social accountability units, to liaise between the government and its people.
- The IRM recommends proposing milestones with more specificity about what they intend to achieve and how.
- The IRM recommends setting numerical and qualitative targets for each milestone about the type and format of data to be shared to facilitate access and comprehension to make goals more actionable.
- It would be important to include a specific requirement or mechanism that makes members of the MMDAs accountable in case they fail to effectively address the needs of their constituents.
- It would also be advisable to include other activities that help citizens make additional decisions once they know the status of their feedback/ facilitating mechanisms that allow them to exert pressure on parliamentary members to address their petitions.
- Several studies and different sources coincide in that effectiveness of public service delivery and engagement of citizens by local servants is crucial. In that regard, ensuring that public officials will deliver on citizen’s needs is important to encourage citizen involvement and participation at the local level.

¹ IRM researcher interview with Awal Mohammed, social accountability program officer, CDD Ghana, 8 February 2019.

² Munawwar Alam and Roger Koranteng (eds.), 2011, Decentralisation in Ghana. London, UK: Commonwealth Secretariat.

³ Kwadwo Adusei-Asante, “The state of Ghana’s local government system: the case of Assembly Members,” Edith Cowan University – Research Gate,

https://www.researchgate.net/publication/269811329_The_state_of_Ghana's_local_government_system_the_case_of_Assembly_Members

⁴ Dominic Degraft Arthur , “Examining the Effects of Governance Challenges in Ghana’s Local Government System: A Case Study of the

Mfantseman Municipal Assembly”, *Journal of US-China Public Administration*, July 2016, Vol. 13, No. 7, 454-465.

<https://www.davidpublisher.com/Public/uploads/Contribute/5857842e44a25.pdf>

⁵ IRM researcher interview with with Awal Mohammed, 8 February 2019.

⁶ IRM researcher interview with with Awal Mohammed, 8 February 2019.

⁷ “PFM-Network on social accountability launched in Accra”, Ghana News Agency, Ghana Online News, 1 October 2017

<https://ghanaonlinenews.com/pfm-network-on-social-accountability-launched-in-accra/>

⁸ Ibid.

⁹ IRM researcher interview with with Awal Mohammed, 8 February 2019.

8. Technology and Innovation

Language of the commitment as it appears in the action plan:

‘Government commits to improve records management by providing a framework for all public institutions to manage information so that they can efficiently provide information when the RTI law is passed. The Ghana Open Data Policy is currently not finalized. In addition, there is the need to improve information flow both internally (within public institutions) and externally (to the public) to bring about transparency and accountability. Not all the MDAs and MMDAs have the necessary infrastructure (including internet and intranet connectivity), personnel, and logistics to improve information management. National Information and Technology Agency (NITA) and Public Records and Archive Division (PRAAD) will work together to improve the infrastructure for ensuring proper management of information (recording, storage and retrieval) in all public institutions.’

Milestones/Activities:

- Ministry of Communication (MOC), Ministry of Information (MOI) and NITA to finalize Ghana Open Data Policy by November 2018;
- NITA and PRAAD to improve connectivity (internet and intranet) facilities for MDAs and MMDAs by August 2019;
- PRAAD and NITA to expand the digitization of data in all MDAs to improve records management by August 2019;
- MDAs and MMDAs to expand automation of services by August 2019;
- NITA and PRAAD to support all MDAs and MMDAs have functional websites with periodic and frequent updates by March 2019;
- MoF to support Data Protection Agency to work effectively by November 2018; and,
- NITA to support Parliament to come out with a framework to provide feedback to citizens by December 2018

Start Date: November 2017

End Date: March 2019

Action plan is available in this [link](#)

Commitment Overview	Verifiability		OGP Value Relevance (as written)				Potential Impact				Completion				Did It Open Government?				
	Not specific enough to be verifiable	Specific enough to be verifiable	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
8. Overall		✓	✓			✓			✓		Assessed at the end of action plan cycle.				Assessed at the end of action plan cycle.				

Context and Objectives

Ghana was one of the pioneers in Africa of the Open Data Initiative,¹ a process the National Information Technology Agency (NITA) began in 2012 with the aim of improving the digital management of public information in Ghana to facilitate access by and feedback from citizens.² The Initiative, which comprises the creation of an open data community and an open data portal,³ followed an open data readiness assessment in 2010 by the Web Foundation.⁴ The study found that there was sufficient political will at the executive level but that there was no clear legal framework. At the public administration level, the study found keen interest and “significant information” available in digital format but only available to citizens in hard copy. The study identified civil society’s role in advocating for the passage of the RTI Bill and some understanding of how an open data initiative could facilitate its implementation. Recommendations included the passage of the RTI Bill and establishment of its institutional mechanisms, the provision of budgetary and leadership support to NITA, improvement of the capacity of public servants to become active consumers of information and enabling of inter-agency data sharing, and the building of knowledge and technical awareness, including through trainings.⁵

As at August 2018, the portal held 155 datasets from 25 government agencies (it has since expanded)⁶ and no publicly available information on public access to and usage of this data. Though this is not listed among proposed activities, as discussed in the End-of-Term assessment report and as remarked on in the three feedback comments on the website,⁷ data on the portal need to be current to sustain their relevance and ensure that they serve their purpose. As described in the NAP 2017–2019, the open data infrastructure in many Ghanaian parastatals is poor. This has had a negative effect on public records management and access to information by the public. The multifaceted baseline of this commitment comprises the underutilized potential for efficient digital public data management in Ghana as indicated by capacity and logistical challenges among government officials, loose regulatory frameworks, and limited available data on the national open data website. A study of the preservation of public records in Ghana as of 2002 revealed that lack of training, awareness, and use of records by both staff and customers were among the main challenges to ensuring effective preservation of public records.⁸

On the whole, the commitment is relevant and verifiable, although the verifiability of some of the milestones needs to be improved to include measurable activities and targets.

In this light, this commitment’s goals are pertinent. Finalizing Ghana’s Open Data policy could help establish a guiding framework that clearly sets out targets and key actors and identifies resources to support the open data agenda, although specific details on what the final outcomes of the policy will be, as written in the commitment, remain unknown. It could also reinforce and provide momentum for the RTI Bill, making it relevant to access to information. Improving public feedback mechanisms on open data deepens this commitment’s relevance to this OGP value. The other milestones all aim to improve digital facilities, data management, and digital capacities of government structures, making the commitment also relevant to the OGP value of technology and innovation.

The commitment is verifiable. Its potential impact on the current state of public digital data management in Ghana is rated as moderate for the following reasons. This commitment focuses on equipment and facilities whereas, as discussed previously under the RTI commitment, some officials’ reluctance to share public data with citizens has obstructed citizen access to information. Also, it focuses heavily on strengthening the government’s capacities to manage data without consideration for digital literacy levels among the citizenry that is the targeted end user of this information. In a similar vein, the milestones of supporting the Data Protection Agency and developing a framework to provide feedback to citizens do not reveal in what ways the agency requires operational improvement or specify what kind of feedback is envisaged.

Going forward, the recommendations proposed below could help make open data objectives more systematic and tangible.

Next steps

This is an important commitment that deserves every support to enable it to succeed. However, the NAP could provide further clarifications on each activity to facilitate successful implementation. It covers an important policy area and could be carried over in future action plans.

- For activities that involve enhancing capacity, specify existing capabilities and state working targets to make it easy to measure achievement.
- Adopt more holistic approaches to improving digital public data management that target officials' knowledge and attitudes in addition to their technical capacities and digital facilities. Plan intensive sensitization on the importance of open data for good governance.
- Specify the features of a functional website.
- It is recommended to include specific targets and monitoring mechanisms within the activities along with the means through which the activities will be achieved, which will improve the commitment's design.
- To accommodate citizens who lack internet access and literacy, the government should consider partnering with expert Ghanaian CSOs to enhance the capacity of these citizens. It should also innovate alternative ways to communicate the data featured on the Open Data Portal to broaden access. This could include the use of local language applications given that mobile usage is increasing rapidly in urban and rural areas.
- It would be useful for the government to devise a means of monitoring public usage of its data initiatives to assess how well it is achieving its open data goals and position itself to respond to users' experiences.

¹ "MEST attends Ghana Open Data Portal Development Stakeholders' Dialogue," 6 August 2018, <https://meltwater.org/mest-attends-ghana-open-data-development-stakeholders-dialogue/>

² Ghana News Agency, 'GODI and CSOs Hold Meeting on Ghana Open Data Portal', 19 April 2014, <http://www.ghana.gov.gh/index.php/media-center/news/486-godi-and-csos-hold-meeting-on-ghana-open-data-portal>

³ <https://data.gov.gh/>

⁴ <https://webfoundation.org/our-work/projects/ghana-open-data-initiative-godi/>; Open Government Data Feasibility Study in Ghana, 17 May 2011, https://public.webfoundation.org/2011/05/OGD_Ghana.pdf

⁵ Open Government Data Feasibility Study, 2011, pages 3-6.

⁶ <https://data.gov.gh/>

⁷ <https://data.gov.gh/feedback>

⁸ Harry Akussah, "Preservation of Public Records in Ghana: the training, education and awareness factors," Citeseerx, <http://citeseerx.ist.psu.edu/viewdoc/download?doi=10.1.1.881.6143&rep=rep1&type=pdf>

V. General Recommendations

This section aims to inform development of the next action plan and guide implementation of the current action plan. It is divided into two sections: 1) IRM key recommendations to improve OGP process and action plans in the country or entity and, 2) an assessment of how the government responded to previous IRM key recommendations.

5.1 IRM Recommendations

Include more detailed information, in the design of commitments, on the expected goal or change and the means to achieve the goal.

It is recommended that stakeholders and representatives from government and civil society organizations, as they draft their commitments, take steps to make commitments more specific. It is advised that commitments provide as much detail as possible within the activities so that the intended outcome may be known and more trackable. Commitments could clearly address how they intend to address the existing challenges to achieve a specific goal. In that sense, commitments could focus on clear, unambiguous changes that will meaningfully and holistically address a specific existing challenge and thus be more likely to achieve meaningful change.

Supplement and/or strengthen commitments on transparency with broader focus on public accountability and civic participation.

The current action plan primarily focuses on transparency as a means to increase accountability. It is recommended that future plans advance from a singular focus on transparency to a more holistic focus on facilitating meaningful citizen engagement and robust public accountability. This may include opening spaces for citizen engagement and building a broader enabling environment for citizen participation, such as proactively engaging under-represented groups (i.e. women, youth, minorities, and poorer communities) and supporting existing citizen groups (religious, community, co-operatives) through participatory mechanisms.

In the context of public accountability, the focus could be on bolstering existing accountability mechanisms (special prosecutor, SAI, asset disclosure, etc.) by enhancing public oversight of these bodies and mechanisms. This may include commitments to establish civil society advisory bodies or oversight, facilitating responsive engagement with citizens in the gathering of information and dissemination of results, and proactive engagement with media and journalists. The IRM has also previously recommended making online asset and income declarations by public officials a priority.

Develop a dedicated OGP website and provide reasoned feedback to citizens on how commitments in the action plan were selected.

The IRM recommends that the Office of the Senior Minister, in coordination with members of the Global Steering Committee, lead the development of a dedicated OGP website for Ghana. This site can be used to publish all information related to the OGP process in the country, including reasoned responses on how commitments were selected during the co-creation process. Such feedback may include a summary of major categories and/or themes proposed, included, amended, or rejected.¹

It is also recommended, in the development of future action plans, that the country take steps to meet the level of “involve” on the IAP2 spectrum of participation, which requires having a multi-stakeholder forum that meets at least once every three months (four times a year) and provides feedback on how public input was considered. It is also recommended, in the implementation of future action plans, that the country take steps to meet the level of

“inform” – that is, that the government provide the public with information pertaining to implementation.

Conduct outreach and awareness-raising activities with a wider range of stakeholders across Ghana to encourage better awareness and participation in the OGP process. The forum could strengthen outreach and awareness-raising activities on OGP and related processes to encourage and deepen the participation of a wider range of stakeholders, including those outside the capital, and other groups that are generally underrepresented at such forums (for e.g., women, youth, minorities, and rural communities). Such efforts would be further enhanced through the establishment of direct communication channels with stakeholders, to respond to action plan process questions, particularly during times of intense OGP activity.

Support effective implementation of the Right to Information (RTI) Law through stronger coordination between the Ministry of Information, Government Agencies and Civil Society.

The Ministry of Information could take steps to set up the necessary training, resources, and institutional coordination within government and parliament and with relevant CSOs to facilitate effective implementation of the RTI Law. This may also include conducting awareness-raising activities with citizens so that citizens are empowered to use the RTI law. This may involve hosting workshops to train public officials on how to comply with the law and how to disseminate and communicate with the public the basics of the law and the legal mechanisms through which they can submit requests for information from government agencies.

Table 5.1: Five Key Recommendations

1	<i>Include more detailed information, in the design of commitments, on the expected goal or change and the means to achieve the goal.</i>
2	<i>Supplement and/or strengthen commitments on transparency with broader focus on public accountability and civic participation.</i>
3	<i>Develop a dedicated OGP website and provide reasoned feedback to the public on how commitments in the action plan were selected.</i>
4	<i>Conduct outreach and awareness raising activities with wider range of stakeholders across Ghana, to encourage better awareness and participation in the OGP process.</i>
5	<i>Support effective implementation of the Right to Information (RTI) Law through stronger coordination between the Ministry of information, government agencies and civil society.</i>

5.2 Response to Previous IRM Key Recommendations

Governments are required to respond to IRM key recommendations. This section provides an overview of how stakeholders addressed IRM recommendations and how the recommendations were incorporated into next action plan process or content.

Table 5.2: Previous IRM Report Key Recommendations

	Recommendation	Responded to?	Integrated into Current Action Plan?
1	Government should provide necessary financial, human and logistical resources for the OGP secretariat to enable it to function effectively.	✓	✗
2	To ensure effective implementation of a future Right to Information Act, the government will need to prioritize record management (including storage and retrieval).	✗	✗
3	The next action plan can prioritize online asset and income declarations by public officials to minimize the high public perception of political corruption.	✗	✗
4	The next action plan can include commitments to improve fiscal transparency. Specifically, the Ministry of Finance can establish program-level performance reporting in all sector agencies in conformity with the new Public Financial Management Law	✓	✓
5	At the district level, assemblies could ensure elected assembly members and the sub-structures are engaged in community projects through open planning, budgeting and monitoring.	✓	✓

The recommendations discussed here are drawn from the 2015–2017 IRM progress report. The government did not have the chance to consider the recommendations in the End-of-Term Report, as it was published in April 2018, six months after the Ghana government published the NAP 2017–2019 in October 2017.

The government addressed three of the five recommendations, although it incorporated only two in the action plan. The OGP Secretariat remains very thinly staffed, but by relocating it to the Office of the Senior Minister (OSM), the government signaled its willingness to accord more priority to the process in Ghana. Under the OSM, the Secretariat no longer has a fixed budget, but this is not mentioned in the action plan.

The action plan does not mention the need to make record management in relation to the RTI Bill a priority. The plan does talk about improving asset (not income) declaration by public officials as a requirement under the revised Public Holders Bill, but it does not specify that this should be done online.

The action plan contains a commitment on enhancing fiscal transparency and accountability, but its emphasis on reporting has to do with including nonfinancial information in budget implementation but not program-level performance reporting by various sector as recommended by the IRM.

The government responded to and addressed the recommendation on local government involvement in community projects by maintaining the milestone on establishing social accountability units across the country and strengthening the relationships between them, MMDAs, and client service units. The plan also includes a new milestone for MMDAs to report annually to citizens on budget implementation.

¹ Minimum participation requirements and acting contrary to process. OGP Handbook. Rules + Guidance for Participants. Open Government Partnership. February 2019. https://www.opengovpartnership.org/wp-content/uploads/2019/03/OGP_Handbook-Rules-Guidance-for-Participants_20190313.pdf . P.22.

VI. Methodology and Sources

The IRM reports are written by researchers for each OGP-participating country or entity. All IRM reports undergo a process of quality control to ensure that the highest standards of research and due diligence have been applied.

Analysis of progress on OGP action plans is a combination of interviews, desk research, observation, and feedback from nongovernmental stakeholders. The IRM report builds on the evidence available in Ghana OGP repository (or online tracker), website, findings in the government's own self-assessment reports, and any other assessments of process and progress put out by civil society, the private sector, or international organizations. At the beginning of each reporting cycle, IRM staff share a research plan with governments to open a seven-day period of comments or feedback regarding the proposed research approach.

Each IRM researcher carries out stakeholder interviews to ensure an accurate portrayal of events. Given budgetary and calendar constraints, the IRM cannot consult all interested parties or visit implementation sites. Some contexts require anonymity of interviewees and the IRM reviews the right to remove personal identifying information of these participants. Due to the necessary limitations of the method, the IRM strongly encourages commentary during the pre-publication review period of each report.

Each report undergoes a quality-control process that includes an internal review by IRM staff and the IRM's International Experts Panel (IEP). Each report also undergoes an external review where governments and civil society are invited to provide comments on the content of the draft IRM report.

This review process, including the procedure for incorporating comments received, is outlined in greater detail in Section III of the Procedures Manual.¹

Interviews and stakeholder input

In preparing this report, the IRM researcher spoke primarily to CSOs who were selected either because they are listed as implementing parties or their work is related to one or more commitments. She also aimed for gender balance though this was not difficult, as several of the CSOs she interviewed are headed by women with some consciousness of the gender dynamics of the commitments in the NAP. The researcher held personal interviews with seven CSO professionals and has roughly the same number of pending interviews at the time of submitting this report. She also attended, by invitation, at least three OGP-related events, namely a training by the Ghana Anti Corruption Coalition, an Open Government Week seminar at Parliament House, and a CSO technical meeting on the Fiscal Responsibility Law. She made attempts to contact SEND Ghana, PenPlusbytes, the Africa Center for International Law and Accountability, and Occupy Ghana (social movement and advocacy group) but received no responses.

The biggest challenge that she had and that she also faced in 2017 was the unavailability of participants due to the hectic pace of CSO work in Ghana. She had not attended any meetings at the time of submitting this report but may attend one or two of the tri-zonal workshops being planned by the OGP Secretariat and the Ghana Integrity Initiative.

About the Independent Reporting Mechanism

The Independent Reporting Mechanism (IRM) is a key means by which all stakeholders can track OGP progress in participating countries and entities. The International Experts Panel (IEP) oversees the quality control of each report. The IEP is composed of experts in transparency, participation, accountability, and social science research methods.

The current membership of the International Experts Panel is

- César Cruz-Rubio
- Mary Francoli
- Brendan Halloran
- Jeff Lovitt
- Fredline M’Cormack-Hale
- Showers Mawowa
- Juanita Olaya
- Quentin Reed
- Rick Snell
- Jean-Patrick Villeneuve

A small staff based in Washington, DC, shepherds reports through the IRM process in close coordination with the researchers. Questions and comments about this report can be directed to the staff at irm@opengovpartnership.org.

¹ IRM Procedures Manual, V.3 : <https://www.opengovpartnership.org/documents/irm-procedures-manual>

Annex I. Overview of Ghana's performance throughout action plan development

Key:

Green= Meets standard

Yellow= In progress (steps have been taken to meet this standard, but standard is not met)

Red= No evidence of action

Multi-stakeholder Forum	
1a. Forum established: There is a forum to oversee the OGP process	Green
1b. Regularity: The forum meets at least every quarter, in person or remotely	Green
1c. Collaborative mandate development: Members of the forum jointly develop its remit, membership and governance structure.	Green
1d. Mandate public: Information on the forum's remit, membership and governance structure is available on the OGP website/page.	Red
2a. Multi-stakeholder: The forum includes both governmental and non-government representatives	Green
2b. Parity: The forum includes an even balance of governmental and non-governmental representatives	Green
2c. Transparent selection: Non-governmental members of the forum are selected through a fair and transparent process.	Green
2d. High-level government representation: The forum includes high-level representatives with decision making authority from government	Green
3a. Openness: The forum accepts inputs and representation on the action plan process from any civil society or other stakeholders outside the forum	Yellow
3b. Remote participation: There are opportunities for remote participation in at least some meetings and events	Green
3c. Minutes: The OGP forum proactively communicates and reports back on its decisions, activities and results to wider government and civil society stakeholders	Yellow

Key:

Green= Meets standard

Yellow= In progress (steps have been taken to meet this standard, but standard is not met)

Red= No evidence of action

Action Plan Development	
4a. Process transparency: There is a national OGP website (or OGP webpage on a government website) where information on all aspects of the national OGP process is proactively published.	Red
4b. Documentation in advance: The forum shares information about OGP to stakeholders in advance to guarantee they are informed and prepared to participate in all stages of the process.	Green
4c. Awareness-raising: The forum conducts outreach and awareness raising activities with relevant stakeholders to inform them of the OGP process.	Yellow
4d. Communication channels: The government facilitates direct communication with stakeholders to respond to action plan process questions, particularly during times of intense OGP activity.	Yellow
4e. Reasoned response: The multi-stakeholder forum publishes its reasoning behind decisions and responds to major categories of public comment.	Red
5a. Repository: Government collects and publishes a document repository on the national OGP website/webpage, which provides a historical record and access to all documents related to the national OGP process, including (but not limited to) consultation documents, National Action Plans, government self-assessments, IRM reports and supporting documentation of commitment implementation (e.g. links to databases, evidence of meetings, publications)	Red

Editorial note: If a country “meets” the six standards in bold IRM will recognize the country’s process as a Starred Process.