

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

This report was prepared in collaboration with Titilope F. Ajayi, independent researcher.

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Executive Summary: Ghana

Funding shortfalls and stalled legislation continue to limit commitment implementation in Ghana. However, passage of the long-awaited Right to Information Act and establishment of the Office of the Special Prosecutor marked important progress in establishing the legal and administrative infrastructure needed to further open government. Moving forward, government and civil society should capitalize on these achievements by ensuring full implementation of the RTI Act and an independent and well-resourced Special Prosecutor.

The Open Government Partnership (OGP) 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. 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 three action plans. This report evaluates the implementation of Ghana's third action plan.

General overview of action plan

The overall level of implementation was moderate. Notably, implementation of Commitment 4 (beneficial ownership transparency) was completed. Yet the IRM assessed the open government impact as "marginal" as it did not create public beneficial ownership information during the implementation period.

Commitments 4 and 6 were substantially completed. The passage of an almost 20-year-old Right to Information Bill was a significant milestone. However, civil society is concerned with the one-year moratorium on its implementation (ending January 2020) to allow the government to prepare an implementation roadmap.

Government and civil society worked together throughout implementation. However, Steering Committee meetings were infrequent and limited to the capital. Moving forward, the Ghanaian OGP Secretariat should prioritize the creation of an OGP repository. This public database of OGP activities, meetings, and commitment progress is an essential transparency tool to quickly educate government and civil society participants who are new to the OGP process.

Table 1. At a glance

Participating since: 2011
Action plan under review: Third
Report type: Implementation
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
Potentially starred: 0

Action plan implementation

Starred commitments: 0
Completed commitments: 1
Commitments with Major DIOG:* 0
Commitments with Outstanding DIOG:* 0
Level of public influence: Involve
Acted contrary to OGP process: No

*DIOG: Did it Open Government

Table 2. Noteworthy commitments

Commitment description	Status at the end of the implementation cycle
Commitment 6: Right to Information Parliament to pass RTI bill by June 2018; and the Ministry of Information to develop strategies for the implementation of the RTI law by September 2018.	The RTI Act, 2019 (Act 989) finally passed in March 2019. It had stalled for almost 20 years, according to civil society advocates, owing to uncertainty about its implications, a lack of political will and disagreements between the state and civil society over some of the bill's content. The Media Foundation for West Africa and the RTI Coalition welcomed the passage as a boon for anticorruption and accountability. However, they are concerned about the government moratorium on implementing the law until early 2020 for budgetary reasons. Implementation strategies are unclear.

Five Key IRM Recommendations

The IRM key recommendations are prepared in the IRM design report. They aim to inform the development of the next action plan and guide implementation of the current action plan. In Ghana's 2017–2019 Design Report, the IRM recommended the following:

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

About the Author

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

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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.

The Independent Reporting Mechanism of OGP has partnered with Titilope F. Ajayi, 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>.

This report covers the implementation of Ghana's third action plan for 2017–2019. Since implementation commenced in late 2017, Ghana took positive steps to increase government openness, including the passage of the landmark Right to Information Act, 2019 (Act 989), which has been a recurrent commitment in successive national action plans. However, increased attacks against journalists dampened the promise and expectations that the new law would help to enforce government accountability. These developments resulted in a drop in Ghana's press freedom ranking.¹ The government also created an Office of the Special Prosecutor to tackle high-level corruption. However, the progress of this new anti-corruption body has been compromised by poor resourcing, non-cooperation of other anti-corruption bodies, conflicting mandates, and political interference in its operations.²

Ghana's 2017–2019 national action plan contained eight commitments, which focused on transparency and accountability (Commitments 1–6), civic participation (Commitment 7), and technology and innovation (Commitment 8). Overall, the predominant focus areas are access to information and anticorruption. Some commitments, such as the one on the right to information, were continued from the 2015–2017 action plan.

¹ Media Foundation for West Africa, "Creeping State of Insecurity for Journalists in Ghana: Reporters Brutalised, Radio Station Stormed, Journalist threatened in One Week" (18 Mar. 2019), <https://www.mfwa.org/creeping-state-of-insecurity-for-journalist-in-ghana-reporters-brutalised-radio-station-stormed-journalist-threatened-in-one-week/>; Emmanuel Ayamga, "Ghana drops four places in 2019 World Press Freedom Index" (19 Apr. 2019, Pulse Ghana), <https://www.pulse.com.gh/news/local/ghana-drops-four-places-in-2019-world-press-freedom-index/1kc2w3n>.

² Dr. Kojo Pumpuni Asante (Dir. for Advocacy and Policy Engagement, CDD-Ghana, on behalf of Corruption Watch), "An assessment of the Office of the Special Prosecutor, one year on" at a Roundtable Discussion on One Year of the OSP (Coconut Grove Hotel, Accra: 13 May 2019), https://www.cddgh.org/wp-content/uploads/2019/05/OSP-AFTER-ONE-YEAR_ASSESSMENT-1.pdf; Jerry Sam (journalist and Dep. Dir. of PenPlusBytes), interview by IRM researcher, 19 Jun. 2020; Ghana News Agency, "Pay your GH¢13m NITA debt – Ursula orders MMDAs" (16 Apr. 2019), ghanabusinessnews.com/2019/04/16/pay-your-ghc13m-nita-debt-ursula-orders-mmdas/.

II. Action Plan Implementation

The IRM Implementation Report assesses “Completion” and “Did it Open Government?”. These two indicators are based on each of the commitment’s implementation progress at the end of the action plan cycle. This report does not revisit assessments of “Verifiability,” “Relevance,” or “Potential Impact.” The former are indicators assessed in IRM Design Reports. For more details on each of the indicators, please see Annex II in this report.

2.1 Overview of Action Plan

Substantial progress was made on three out of eight commitments. Overall progress on implementation of Ghana’s 2017–2019 action plan was limited, similar to Ghana’s implementation of commitments in its second National Action Plan. Factors that contributed to limited implementation included funding shortfalls and the absence of, or delay in passing, supporting legislation. However, the government did pass new laws and created critical infrastructure, like the Office of the Special Prosecutor, which helped advance open governance. Civil society advocacy played a key role in encouraging government action to pass, review, or implement laws and other commitments.

No commitments led to a major or outstanding change in government practice. The vague or imprecise formation of some activities under commitments made their implementation and completion difficult to assess and occasionally compelled extrapolations of progress across a wide spectrum of activities. The highlight of Ghana’s third action plan was the long-awaited passage of the Right to Information Act, 2019 (Act 989). However, there have been some shortcomings in its implementation. For example, while the Right to Information Commission was legally established it was yet to be functional.¹

¹ GhanaWeb, “RTI Commission: Delayed governing board is information denied!” (2020), <https://www.ghanaweb.com/GhanaHomePage/NewsArchive/RTI-Commission-Delayed-governing-board-is-information-denied-882547>.

2.2. Commitments

1. Open Contracting and Contract Monitoring

Commitment text: *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.

Editorial Note: For the full text of Ghana's 2017-2019 Action Plan please see: <https://www.opengovpartnership.org/documents/ghana-action-plan-2017-2019/>

IRM Design Report Assessment	IRM Implementation Report Assessment
<ul style="list-style-type: none"> • Verifiable: Yes • Relevant: Yes <ul style="list-style-type: none"> ○ Access to Information • Potential impact: Minor 	<ul style="list-style-type: none"> • Completion: Limited • Did it Open Government? Marginal

The commitment's main objective was to provide comprehensive monitoring information on public infrastructure, public-private partnerships (PPPs) and blacklisted contractors, and to improve public service delivery. As noted in a 2016 study on open contracting in Ghana, co-authored by the Ghanaian NGO PenPlusBytes, effective and transparent procurement in Ghana was limited prior to the action plan. This was evidenced by many factors, including the mixed capacity of procurement bodies like local schools to use an electronic procurement planning system, non-compliance with the Public Procurement Authority's reporting standards, and procuring entities' tendency to use restrictive or sole-source tender methods that obstructed open competition and heightened the risk of corruption.¹

Completion for this commitment was limited by the end of the implementation period. The Ministry of Finance launched a dedicated public-private partnerships (PPPs) portal, <http://www.ppp.mofep.gov.gh>, in January 2018 that contains some information on PPP contracts.² However, the website, last updated in April 2018, contained details of only the "project need" and "description of asset" for 32 contracts.³ The IRM researcher found only one reference to "barred suppliers" on the Public Procurement Authority's website, with a message that barred suppliers would be listed there,⁴ and a broken World Bank link.⁵ The 2011 Public-Private Partnership Policy by the Ministry of Finance provides general guidelines on public infrastructure and PPPs.⁶

With regard to assessing completion, as observed in the 2017–2019 Design Report, references in Milestones I and II to "comprehensive monitoring information" and "government investments" lacked specificity and therefore were difficult to assess. However, it does not appear that this

information is readily available to the public. Reports by the World Bank⁷ and the Oxford Business Group⁸ suggest that a robust legal framework would provide clearer guidance for PPP projects in Ghana. The government approved a PPP Policy⁹ in 2011 that has since guided projects, while a PPP Bill (2013)¹⁰ continues to stall.

The government created a dedicated website for PPP contract information and uploaded more contract data than was available during the Design Report assessment. However, there was no change in the volume or quantity of information provided for each contract after April 2018. Given the lack of website updates since the first year of implementation, this commitment demonstrates marginal changes in government practice to disclose information. This commitment would have resulted in greater open governance had a system for regular and comprehensive updates to the PPP contract website been established and maintained.

¹ Development Gateway, Inc., *Open Contracting Scoping Study: Ghana Country Report* (9 Mar. 2017), <https://www.developmentgateway.org/sites/default/files/2017-04/Open%20Contracting%20West%20Africa%20-%20Ghana%20-%20Development%20Gateway.pdf>.

² Ministry of Finance, “PPP Disclosure Diagnostic Report and Web-based Portal Launched” (1 Feb. 2018), <http://www.ppp.mofep.gov.gh/announcements/ppp-disclosure-diagnostic-report-and-web-based-portal-launched>.

³ The PPA website creates space for information on project milestones, description of services, rationale for selection of PPP mode and stakeholder consultations but there is no content for the listed projects, only this placeholder text: “Information will be published as soon as it is available.”

⁴ PPA Ghana, “List of Barred Suppliers” (2019), <https://ppa.gov.gh/suppliers/barred-suppliers/>. The site currently reads: “Firms and individuals ineligible to be awarded government contracts for some periods because they were found to have violated the fraud and corruption provisions of the Public Procurement Regulations will be listed and indicated below. Click HERE for the World Bank listing of Ineligible Firms.” See also MyJoyOnline, “Corruption Watch: PPA has no list of blacklisted contractors” (10 Apr. 2019), <https://www.myjoyonline.com/news/corruption-watch-ppa-has-no-list-of-blacklisted-contractors/#>.

⁵ See web.worldbank.org/external/default/main?contentMDK=64069844&menuPK=116730&pagePK=64148989&piPK=64148984&querycontentMDK=64069700&theSitePK=84266.

⁶ Ministry of Finance and Economic Planning, *National Policy on Public-Private Partnerships (PPP)* (Jun. 2011), https://library.pppknowledgehub.org/documents/2442/download?ref_site=kl.

⁷ The World Bank, *Implementation Completion and Results Report: Ghana - PPP Project* (30 Nov. 2018), 11–12, <http://documents.worldbank.org/curated/en/159951546546576136/Ghana-PPP-Project>.

⁸ Oxford Business Group, “Ghana updates its legal framework for public-private partnerships” (2019), <https://oxfordbusinessgroup.com/analysis/cooperative-effort-updated-legal-framework-public-private-model-will-help-state-continue-spread-risk>.

⁹ Ministry of Finance, “National Policy on Public Private Partnership (PPP)” (accessed 16 Apr. 2021), <https://www.mofep.gov.gh/economic%20reports/national-policy-on-public-private-partnership-PPP/2012-02-28>.

¹⁰ Ministry of Finance and Economic Planning, “Ghana Public Private Partnership Bill Draft” (revised Draft Bill No. 2) (May 2013), https://opencontentghana.files.wordpress.com/2014/01/ppp_law_draft.pdf.

2. Anti-Corruption Transparency

Commitment text: *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.

Editorial Note: For the full text of Ghana's 2017-2019 Action Plan please see:

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

IRM Design Report Assessment	IRM Implementation Report Assessment
<ul style="list-style-type: none"> ● Verifiable: Yes ● Relevant: Yes <ul style="list-style-type: none"> ○ Access to Information ○ Public Accountability ● Potential impact: Moderate 	<ul style="list-style-type: none"> ● Completion: Limited ● Did it Open Government? Marginal

This commitment had two broad aims: to improve access to information on corruption related investigations and to improve the rules, regulations, and mechanisms that hold government officials publicly answerable to their actions. According to Reverend Philip Quayson, Deputy Commissioner of the Commission for Human Rights and Administrative Justice, which oversees the government's national anticorruption campaign, corruption is a significant problem in Ghana that costs the state "at least US\$3 billion annually."¹ Ghana's challenges with corruption include public officials' inflation of procurement contracts and embezzlement.² These challenges are compounded by inadequate state reporting and prosecution of corruption cases, along with low levels of whistleblowing by Ghanaians. Some Ghanaians do not believe that they will be protected if they report corruption.³

This commitment had limited completion at the end of the action plan period. Parliament approved the establishment of the Office of the Special Prosecutor in November 2017, which was a significant accomplishment in the fight against corruption, and passed the Witness Protection Bill in August

2018.⁴ However, only two of five commitment milestones were achieved. The government did not pass the Conduct of Public Office Holders (COPO) Bill,⁵ or the Whistle Blower Amendment Bill, nor did investigative bodies and anticorruption institutions publish quarterly corruption related reports on their websites.

Intense civil society advocacy was instrumental in compelling government action against corruption through the passage of key legislation and creation of important structures.⁶ According to the Centre for Democracy and Development, principal officers of the Office of the Special Prosecutor were put in place, but investigation and prosecution of corruption cases have since been hampered by slow disbursements, inadequate staffing and office space, and institutional mandate clashes and parallel investigations.⁷

According to the Auditor-General, the Special Prosecutor has worked with inadequate facilities and resources since his appointment.⁸ Subsequent efforts to improve this situation have also been stalled for various reasons.⁹ By December 2019, only 5.7 million Ghana cedis (approximately US \$1 million) out of an allocated 180 million Ghana cedis (approximately US \$31 million) had been disbursed to the Special Prosecutor.¹⁰ According to the pressure group OccupyGhana and journalist, Frederick Asiamah who coordinates a Corruption Watch program, a lack of clarity about which public officers are required to declare their assets is a major hindrance to passing the COPO Bill.¹¹

Overall, this commitment marginally changed government practices in access to information and public accountability. The establishment of the Office of the Special Prosecutor promised to usher in strong institutional support for anticorruption efforts, but this only led to marginal changes, as a result of inadequate resources. The government did not provide more information about corruption; journalists and independent investigators told the IRM that they continue to have difficulty obtaining such data.¹² While the Special Prosecutor's biannual reports of cases that he was investigating or prosecuting have slightly improved public accountability,¹³ he has issued several statements about the challenges faced in doing his job.¹⁴ Provision of adequate resources and support would have increased this commitment's influence on open government.

¹ Caroline Boateng, "Ghana loses more than \$3bn yearly through corruption" (Graphic Online, 4 Jul. 2018), <https://www.graphic.com.gh/news/politics/ghana-loses-more-than-3bn-yearly-through-corruption.html>. See Titilope F. Ajayi, *Ghana Design Report 2017-2019* (OGP, 1 Apr. 2021), 20, <https://www.opengovpartnership.org/documents/ghana-design-report-2017-2019/>.

² Vitus A. Azeem, "The Problem of Corruption in the Public Sector in Ghana" (Modern Ghana, 24 May 2009), <https://www.modernghana.com/news/218100/the-problem-of-corruption-in-the-public-sector-in-ghana.html>.

³ DeutscheWelle, "Why are Ghanaians reluctant whistleblowers?" (accessed 16 Apr. 2021), <https://www.dw.com/en/why-are-ghanaians-reluctant-whistleblowers/a-19441793>.

⁴ Delali Adogla-Bessa, "Office of the Special Prosecutor Bill finally passed" (Citi 97.3 FM, 14 Nov. 2017), <http://citifmonline.com/2017/11/office-of-the-special-prosecutor-bill-finally-passed/>. The Act can be accessed at <https://www.studocu.com/row/document/kaaf-university-college/law/mandatory-assignments/office-of-the-special-prosecutor-act-2017-act-959/4566610/view>. The Special Prosecutor, Martin Amidu, was sworn into office in February 2018 (Flagstaff House Communications Bureau, "President Akufo-Addo swears in Martin Amidu as Special Prosecutor" (Ghana Web, 23 Feb. 2018), <https://www.ghanaweb.com/GhanaHomePage/NewsArchive/President-Akufo-Addo-swears-in-Martin-Amidu-as-Special-Prosecutor-628717>).

⁵ In September 2019, the Commissioner of CHRAJ, Joseph Whittal, urged the government to pass the bill (Caroline Boateng, "Pass Public Officers Conduct Bill; CHRAJ urges govt" (Graphic Online, 2 Sep. 2019), <https://www.graphic.com.gh/news/general-news/pass-public-officers-conduct-bill-chraj-urges-govt.html>). In December 2019, Vice President Dr. Mahamudu Bawumia "assured that the government will collaborate with Parliament to pass the Conduct of Public Officers Bill into law, early next year, to rein in on corruption in public sector." Jonathan Donkor, "Ghana: Govt Signals Passage of Conduct of Public Officers Law Next Year" (10 Dec. 2019), <https://allafrica.com/stories/201912100616.html>.

⁶ Diverse members of the RTI Coalition, interview by IRM researcher, 2016 and 2019. See also Commonwealth Human Rights Initiative, *The Right to Information: Ghana's Journey (1992–2019)* (Accra: Aug. 2019), [https://www.humanrightsinitiative.org/download/1570075247RTI%20GHANAs%20JOURNEY%20\(1992%20-%202019\).pdf](https://www.humanrightsinitiative.org/download/1570075247RTI%20GHANAs%20JOURNEY%20(1992%20-%202019).pdf).

⁷ Dr. Kojo Pumpuni Asante (Dir. for Advocacy and Policy Engagement, CDD-Ghana, on behalf of Corruption Watch), "An assessment of the Office of the Special Prosecutor, one year on" at a Roundtable Discussion on One Year of the OSP (Coconut Grove Hotel, Accra: 13 May 2019), https://www.cddgh.org/wp-content/uploads/2019/05/OSP-AFTER-ONE-YEAR_ASSESSMENT-1.pdf.

⁸ GhanaWeb, "OSP can't operate efficiently in 3-bedroom apartment – Domelevo" (GhanaianTimes, 7 Nov. 2019), <https://www.ghanaiantimes.com.gh/osp-cant-operate-efficiently-in-3-bedroom-apartment-domelevo/>.

⁹ Julius Yao Petetsi, “AMA action stalls work on OSP office complex” (GhanaianTimes, 10 May 2019), <https://www.ghanaiantimes.com.gh/ama-action-stalls-work-on-osp-office-complex/>.

¹⁰ David Apinga, “Special Prosecutor has received only GH¢5.7m out of GH¢180m allocation – Lawyer” (The Ghana Report, 12 Dec. 2019), <https://www.theghanareport.com/osp-receives-just-ghc5-7m-out-of-ghc180m-allocation/>.

¹¹ “OccupyGhana® demands assets and liabilities declaration by over 40,000 affected public officers” <http://www.occupygh.org/media-release/occupyghana-demands-assets-and-liabilities-declaration-by-over-40000-affected-public-officers/>. In a press statement, they state that past practice has been to focus on the public offices named in article 286 of the 1992 constitution to the neglect of many others who fall in ambit of purpose of declaration but are not typically included. Frederick Asiamah (Corruption Watch), interview by IRM researcher, Feb. 2019.

¹² Asiamah, interview.

¹³ Office of the Special Prosecutor of the Republic of Ghana, “Publications” (accessed 17 Apr. 2021), <https://osp-ghgov.org/publications/>.

¹⁴ Office of the Special Prosecutor of the Republic of Ghana, “Press Releases” (accessed 17 Apr. 2021), <https://osp-ghgov.org/category/press-releases/>.

3. Beneficial Ownership

Commitment text: *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.

Editorial Note: For the full text of Ghana's 2017-2019 Action Plan please see:
<https://www.opengovpartnership.org/documents/ghana-action-plan-2017-2019/>

IRM Design Report Assessment	IRM Implementation Report Assessment
<ul style="list-style-type: none"> • Verifiable: Yes • Relevant: Yes <ul style="list-style-type: none"> ○ Access to Information • Potential impact: Minor 	<ul style="list-style-type: none"> • Completion: Complete • Did it Open Government? Marginal

This commitment aimed to enhance transparency and accountability in disclosing owners of public contracts. As stated in Ghana's 2017–2019 action plan, difficulty accessing the identities of the real owners of companies and government contracts, especially within the extractives industry, have contributed to public corruption and tax evasion.¹ This has impeded growth in the national economy and, by extension, the welfare of Ghanaians.

This commitment was completed. The government did not pass regulations to implement the amended Companies Act, 2016 (Act 920) as foreseen in the commitment because the process to pass a substantive revised Companies Act 2019 (Act 992) was well underway.² The government passed a revised Companies Act in May 2019. This Act expands and improves the beneficial ownership framework by incorporating a requirement that all companies provide details of beneficial owners. Though the Ghana Integrity Initiative has acknowledged the expanded beneficial ownership provisions,³ the Act 992 cannot be fully or effectively implemented without regulations, which have not yet been passed.⁴

The Registrar-General's Department (RGD) redesigned its company register to include beneficial ownership information.⁵ Although the milestone has limited specificity as written, the RGD's actions appear to fulfill the criteria. The RGD also designed data collection forms, upgraded its electronic register, and supported the Ghana Extractives Industry Transparency Initiative in collecting beneficial ownership information for extractives.⁶

The government's progress in beneficial ownership transparency benefited from several factors. According to Emmanuel K. Dogbevi, a business news analyst, Ghana faced “a lot of [international] pressure to have a beneficial ownership regime,” chiefly due to concerns about business owners hiding behind proxies and offshore accounts.⁷ Further, Ghana performed poorly in an assessment of its beneficial ownership by the Inter-Governmental Action Group against Money Laundering in West

Africa in 2012⁸ and 2018.⁹ At the UK Anti-Corruption Summit in May 2016, then President of Ghana, John Mahama, committed to improving the beneficial ownership infrastructure,¹⁰ giving fresh impetus to the process.

According to Dr. Steve Manteaw, Chairman of the Civil Society Platform for Oil and Gas and co-chair of the OGP Steering Committee, Ghana is required to set up a beneficial disclosure framework by the OGP, the Financial Action Task Force standards, and the Extractive Industry Transparency Initiative.¹¹ The latter issued a 1 January 2020 deadline for members to establish beneficial ownership registers for entities in the extractives industry.¹² Ghanaian CSOs have also exerted “enormous pressure” for transparency.¹³ This advocacy from domestic and international actors, and Ghana's commitments under multiple open governance frameworks, explain the country's adoption of new laws and changing practices.

This commitment marginally opened government. The passage of a substantive Companies Act with targeted provisions on beneficial ownership was a preliminary, yet significant, achievement. Further, the RGD held consultative meetings with stakeholders to discuss proposed methods for collecting beneficial ownership data and present a prototype digital register. Yet, the absence of regulations impeded implementation of the law and the RGD did not collect and publish beneficial ownership data for non-oil and gas companies within the reporting period. Full implementation of the law resulting in the collection and publication of beneficial ownership data would have resulted in a higher “DIOG” coding.

¹ National Resource Governance Institute, *Beneficial Ownership: Tackling Hidden Company Ownership in Ghana* (accessed 18 Apr. 2021), <https://resourcegovernance.org/sites/default/files/documents/infobooklet-tackling-hidden-company-ownership-ghana.pdf>.

² Republic of Ghana, “Companies Act 2019 (Act 992)” (Ghana Business Regulatory Reforms Consultations Portal, accessed 18 Apr. 2021), [https://www.bcp.gov.gh/new/related_pro.php?id=NTcw~The%20Companies%20Act.%202019%20\(%20ACT%20992\)%20~108~53](https://www.bcp.gov.gh/new/related_pro.php?id=NTcw~The%20Companies%20Act.%202019%20(%20ACT%20992)%20~108~53).

³ Sena Abba Agbekoh, Maggie Murphy, and Maíra Martini, *Beneficial Owner Disclosure: Assessment of Ghana's Legal Framework* (Ghana Integrity Initiative, 2017), <https://www.tighana.org/assets/Uploads/BENEFICIAL-OWNER-DISCLOSURE.pdf>.

⁴ Emmanuel K. Dogbevi (managing editor of Ghana Business News), interview by IRM researcher, 16 Jun. 2020; Domtie Afua Sarpong (Principal State Attorney and Co-Assistant registrar of Registrar-General's Department), interview by IRM researcher, 26 Jun. 2020.

⁵ Goldstreet Business, “Beneficial Ownership implementation begins” (GhanaWeb, 29 Jan. 2020), <https://www.ghanaweb.com/GhanaHomePage/business/Beneficial-Ownership-implementation-begins-851008>; Sarpong, interview; Office of the Registrar-General, “Invitation of GHEITI members to a meeting to discuss submission of beneficial ownership data to the Registrar-General's Department” (shared to IRM researcher by Domtie Afua Sarpong, 2019). The Researcher also saw a letter dated 4 July 2019 wherein the RGD forwarded a beneficial ownership collection template to the GHEITI and another letter dated 21 August 2019 that mentions follow-up meetings and revisions to the template.

⁶ *Id.*

⁷ Dogbevi, interview. See also Emmanuel K. Dogbevi, “Ghana: Dr. Bawuah-Edusei: A former Ambassador, his offshore companies and a \$305m oil deal” (Cenozo, 19 May 2018), <https://cenozo.org/ghana-dr-bawuah-edusei-a-former-ambassador-his-offshore-companies-and-a-305m-oil-deal/>.

⁸ GH Headlines, “Ghana to Miss Beneficial Ownership Disclosure Deadline” (19 Dec. 2019), <http://ghheadlines.com/agency/ghana-web-/20191219/133223280/ghana-to-miss-beneficial-ownership-disclosure-deadline>.

⁹ GIABA, *Anti-money laundering and counter-terrorist financing (AML/CFT) measures in Ghana – Fourth Round Mutual Evaluation* (Apr. 2018), <https://www.slideshare.net/fatf-gafi/giabas-mutual-evaluation-report-of-ghana-2018>.

¹⁰ Agora, “Anti-Corruption Summit: No ‘one size fits all’ solution to corruption fight – Mahama” (13 May, 2016), <http://old.agora-parl.org/node/19010>.

¹¹ GH Headlines, “Ghana to Miss Beneficial Ownership Disclosure Deadline,” Dr. Steve Manteaw, interview by IRM researcher, 29 Jun. 2020.

¹² EITI International Secretariat, *Assessing implementation of EITI's beneficial ownership requirement* (Jul. 2019), <https://eiti.org/document/assessing-implementation-of-eitis-beneficial-ownership-requirement>.

¹³ Ghana Integrity Initiative, “Support New Beneficial Ownership Transparency Champions” (2021), <https://www.tighana.org/programs/ongoing-projects/support-new-beneficial-ownership-transparency-champions/>.

4. Fiscal Transparency and Accountability

Commitment text: *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 advice 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

Editorial Note: For the full text of Ghana's 2017-2019 Action Plan please see: <https://www.opengovpartnership.org/documents/ghana-action-plan-2017-2019/>

IRM Design Report Assessment	IRM Implementation Report Assessment
<ul style="list-style-type: none"> • Verifiable: Yes • Relevant: Yes <ul style="list-style-type: none"> ○ Access to Information ○ Civic Participation • Potential impact: Moderate 	<ul style="list-style-type: none"> • Completion: Substantial • Did it Open Government? Marginal

This commitment addressed weaknesses in Ghana's financial management systems, including recurring budget deficits, excessive and off-budget government spending, and inadequate operational and regulatory frameworks.¹ Specifically, the commitment sought to promote fiscal responsibility and access to information in the management of public revenues, mainly within the framework of the Public Financial Management Act (PFMA), 2016 (Act 921). This commitment built on the passage of the latter, an important highlight of Ghana's 2015–2017 action plan.

This commitment was substantially completed. Parliament passed regulations for the PFMA in March 2019.² The MoF collated inputs from government and civil society on proposed amendments to the PFMA. Additionally, President Nana Akufo-Addo inaugurated an Independent Fiscal Council in January 2019.³

According to Mr. Robert Ebo Amuah, head of fiscal decentralization at the MoF, the institution has published prebudget statements ("Fiscal Strategy Documents") on its website since 2017.⁴ The 2019 Open Budget Survey, jointly administered by Ghanaian think tank, SEND-Ghana, and the International Budget Partnership, states that Ghana published pre-budget statements in 2017 and

2019, but that these were published late, not published online, or produced for internal use only.⁵ This resulted in a low score of 15/100 for public participation in the budget process.⁶ Amuah told the IRM researcher that the Fiscal Responsibility Act (FRA), 2018 (Act 982), passed December 2018, provides "all the numerical rules" that led to calls to review the PFMA and thus negated the need for amendment.⁷ The MoF has included nonfinancial information in its budget performance reports since 2015.

Three Ghanaian CSOs, Imani-Africa, the Natural Resources Governance Institute, and the Ghana Oil and Gas for Inclusive Growth, noted two major obstacles to implementing this commitment. First, the Fiscal Council has no basis in Ghanaian law. Neither the PFMA nor the FRA—two principal laws that regulate public financial management in Ghana—provide for its establishment.⁸ This was a new concern that emerged during implementation. These CSOs also raised concerns about the Council's independence, given that its members are appointed by the president and its tenure is coterminous with that office.⁹

In Ghana's Design Report, this commitment was coded for access to information and civic participation. The commitment marginally opened government in these respects. The collection and incorporation of input from civil society in amending the PFMA marked a marginal improvement in civic participation. The commitment's contribution to civic participation would have been greater had the government provided public, reasoned responses to civil society suggestions. This commitment also improved access to information by facilitating the publishing of prebudget statements starting in 2017. However, these were not made available to the public. Therefore, it was no easier in the reporting period for citizens to access information about the budget.

¹ NRG/GOIG, "Concept note, Technical session on Ghana's New Fiscal Responsibility Law" (document shared at the meeting, 2019).

² Robert Ebo Amuah (head of fiscal decentralization, MoF), interview by IRM researcher, 1 Jul. 2020; Ministry of Finance, Public Financial Management Regulations 2019 (L.I. 2378), (2019), <http://www.mofep.gov.gh/sites/default/files/acts/PFM-Regulations-2019.pdf>.

³ President Akufo-Addo created the Council in January 2019, four months after the OGP target of September 2018 (MOF, "Fiscal, and Financial Stability Councils now Established" (3 Jan. 2019), <https://www.mofep.gov.gh/news-and-events/2018-01-03/fiscal-and-financial-stability-councils-now-established>).

⁴ Amuah, interview.

⁵ International Budget Partnership and SEND-Ghana, "Open Budget Survey 2019: Ghana" (2019), <https://www.internationalbudget.org/open-budget-survey/country-results/2019/ghana>.

⁶ *Id.*

⁷ Amuah, interview.

⁸ Imani-Africa, "Press Release on the Formation of the Fiscal Council and Financial Stability Council" (16 Jan. 2019), <https://imaniafrica.org/2019/01/16/press-release-on-the-formation-of-the-fiscal-council-and-financial-stability-council/>; NRG/GOIG, "Concept note, Technical session on Ghana's New Fiscal Responsibility Law."

⁹ NRG/GOIG, "Concept note, Technical session on Ghana's New Fiscal Responsibility Law."

5. Extractives Sector Transparency

Commitment text: *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

Editorial Note: For the full text of Ghana's 2017-2019 Action Plan please see: <https://www.opengovpartnership.org/documents/ghana-action-plan-2017-2019/>

IRM Design Report Assessment	IRM Implementation Report Assessment
<ul style="list-style-type: none"> • Verifiable: Yes • Relevant: Yes <ul style="list-style-type: none"> ○ Access to Information • Potential impact: Moderate 	<ul style="list-style-type: none"> • Completion: Limited • Did it Open Government? Marginal

This commitment aimed to promote greater transparency and accountability in managing extractives' revenues in Ghana. It responded to concerns about mismanagement of resources from national extractives endowments¹ as evidenced by "the acute non-availability of comprehensive data on extractives-funded contracts and low levels of completion of some extractives-funded development projects."² Civil society experts believe this indicates that extractives laws "are not being implemented as stipulated."³

This commitment had limited completion. Regulations were not passed for the Petroleum Revenue Management Act, 2011 (Act 815) or the Minerals Development Fund Act, 2016 (Act 912). However, the Finance Ministry did provide financial and nonfinancial information on petroleum-funded projects in 2018 and 2019.⁴ The Minerals Development Fund Board was sworn in on April 2019, four months behind target,⁵ but the board does not appear to be active. Progress regarding the remaining activities could not be ascertained.⁶

Government⁷ and civil society actors⁸ viewed the absence of regulations for both the Petroleum Revenue Management Act (PRMA) and the Minerals Development Fund Act, 2016 (Act 921) as responsible for gaps in implementing both laws and, in turn, incomplete implementation of this

commitment.⁹ The Natural Resource Governance Institute identified the additional challenges to the PRMA's implementation: difficulties in understanding and interpreting the law by policymakers, linking petroleum revenue to a broader range of agencies, and inadequate strategies for national financial management.¹⁰

This commitment was relevant to the OGP value of access to information and it contributed a marginal improvement in this regard. The Ministry of Finance published annual reports on the use of petroleum revenues that could be downloaded on its website.¹¹ However, these reports did not give detailed updates on the implementation of petroleum-funded projects, and this information could not be found from other sources. The IRM Researcher could not find publicly accessible evidence of quarterly reports on mineral royalties by MMDAs. This commitment would have had a greater open government impact had the government fully established regulatory and institutional structures necessary for extractives transparency, such as the Minerals Development Fund Board.

¹ Thomas Stephens, "Framework for petroleum revenue management in Ghana: current problems and challenges" in *Journal of Energy & Natural Resources Law* 37, no. 1 (2018) 1–25, https://www.researchgate.net/publication/326190122_Framework_for_petroleum_revenue_management_in_Ghana_current_problems_and_challenges.

² *Id.*

³ Nafi Chinery, interview by IRM researcher, 31 Jan. 2019; Jo Ann Sackey, interview by IRM researcher, 13 Feb. 2019.

⁴ Ministry of Finance, *2018 Annual Report on the Petroleum Funds* (2018), <https://mofep.gov.gh/sites/default/files/reports/petroleum/2018-Petroleum-Annual-Report.pdf>; Ministry of Finance, *2019 Annual Report on the Petroleum Funds* (2019), <https://mofep.gov.gh/sites/default/files/reports/petroleum/2019-Annual-Petroleum-Report.pdf>.

⁵ Timothy Ngenbe, "Minerals Development Fund gets board" (Graphic Online, 12 Apr. 2019), <https://www.graphic.com.gh/news/general-news/ghana-news-minerals-development-fund-gets-board.html>.

⁶ The IRM researcher was unable to reach the government contact identified as lead in Ghana's 2017–2019 action plan for further information.

⁷ G.D. Zaney, "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>.

⁸ Public Interest Accountability Committee, presentation at the technical session on Ghana's new Fiscal Responsibility law (Coconut Grove Regency Hotel, Accra: 11 Apr. 2019).

⁹ See also Chris Adomako-Kwakye, "Neglect of Mining Areas in Ghana: The Case for Equitable Redistribution of Resource Revenue" in *Commonwealth Law Bulletin* 44, no. 4 (2018), 1–15, https://www.researchgate.net/publication/336193670_Neglect_of_mining_areas_in_Ghana_the_case_for_equitable_distribution_of_resource_revenue.

¹⁰ Aisha Adam, "Ghana Petroleum Revenue Management Act: Back to Basics" (Natural Resource Governance Initiative, Apr. 2017), https://resourcegovernance.org/sites/default/files/documents/ghana-petroleum-revenue-management_act.pdf.

¹¹ Ministry of Finance, "Petroleum Reports" (accessed 19 Apr. 2021), <https://www.mofep.gov.gh/publications/petroleum-reports>.

6. Right to Information

Commitment text: *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.

Editorial Note: For the full text of Ghana's 2017-2019 Action Plan please see:

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

IRM Design Report Assessment	IRM Implementation Report Assessment
<ul style="list-style-type: none"> • Verifiable: Yes • Relevant: Yes <ul style="list-style-type: none"> ○ Access to Information • Potential impact: Moderate 	<ul style="list-style-type: none"> • Completion: Substantial • Did it Open Government? Marginal

Carried over from successive action plans, this commitment aimed to pass the Right to Information (RTI) Bill and create mechanisms to implement it. For almost 20 years, the lack of a substantive right-to-information law in Ghana stifled citizens' access to information, allowing corruption to thrive and obstructing popular participation in governance, especially at subnational and local government levels.¹ It also contributed to strained relations between the state and civil society, with the latter having difficulties in holding public officials to account over their reluctance to provide requested information.²

In a major accomplishment, the Ghanaian government finally passed the RTI Act, 2019 (Act 989) into law in March 2019.³ The Information Minister, Mr. Kojo Nkrumah, said that the government was “preparing a roadmap for the implementation of the RTI law” that would require, inter alia, establishing an RTI Commission and Information Units in all public offices, and recruiting and training Information Officers for those units before January 2020.⁴ Yet weeks prior to the deadline, a press release by the Media Foundation for West Africa questioned delays in implementing the roadmap and questioned the feasibility of doing so before 2 January 2020.⁵ In sum, the RTI law was passed, but not immediately implemented due to delays in creating infrastructure and resistance toward information-sharing by some government actors.⁶

Intense advocacy by the RTI Coalition of Ghanaian civil society organizations was instrumental to the passage of the RTI Bill.⁷ The one-year moratorium on implementation may stem from the same reasons that stalled its passage, officials' fear of the law's implications and a lack of political will.⁸ Principal officers of the RTI Commission, the main implementing body, were also not in place by the end of the reporting period. According to the revised “RTI Implementation Roadmap,”⁹ the government will appoint RTI commissioners and top staff between June and September 2020, and will open the Commission in August 2020.

This commitment was coded as relevant to access to information. Early indications are that some government entities are implementing the RTI Law, albeit more slowly than expected, according to Information Minister, Kojo Oppong Nkrumah.¹⁰ He attributed this to delays in government funding.¹¹ As noted in Ghana's 2017–2019 design report, RTI activists have criticized the requirement for payment before the public can access information, noting that it limits access to those who can afford it.¹² Despite these challenges, this commitment did introduce critical legislative infrastructure

and got some public officials thinking and acting in a more transparent manner. For these reasons, “Did It Open Government” is assessed as marginal. This commitment would have had a greater change if the necessary operational infrastructure been established through the RTI Commission, Information Units, and Information Officers. These RTI institutions would have helped translate the new legislation into concrete improvements in citizens’ ability to access information in Ghana.

¹ Titilope Ajayi, *Ghana Design Report 2017-2019* (OGP, 1 Apr. 2021) 33,

<https://www.opengovpartnership.org/documents/ghana-design-report-2017-2019/>.

² Titilope Ajayi, *Independent Reporting Mechanism (IRM): Ghana End-of-Term Report 2016-2017* (OGP, 26 Jun. 2018) 23,

https://www.opengovpartnership.org/wp-content/uploads/2018/10/Ghana_End-of-Term_Report_2015-2017.pdf.

³ Musah Jafaru, “Right to information - RTI bill passed into law” (Daily Graphic, 26 Mar. 2019),

<https://www.graphic.com.gh/news/politics/ghana-news-rti-bill-passed.html>.

⁴ *Id.* A revised RTI Implementation Roadmap shared with the researcher by Jerry Sam (Dep. Dir. of Programs, PenPlusBytes, and an organizational member of the RTI Coalition) indicates that the government will appoint commissioners and top for the RTI Commission between June and September 2020 and aims to open the Commission in August 2020. The IRM researcher was unable to find this document online.

⁵ Adizatu Maiga, “Ghana’s RTI Implementation - How Prepared Are We?” (All Africa, 18 Dec. 2019),

<https://allafrica.com/stories/201912190839.html>.

⁶ GhanaWeb, “RTI Commission: Delayed governing board is information denied!” (2 Mar. 2020),

<https://www.ghanaweb.com/GhanaHomePage/NewsArchive/RTI-Commission-Delayed-governing-board-is-information-denied-882547>.

⁷ *Id.*

⁸ Ugonna Ukaigwe (Coordinator of the Ghana Civil Society Organizations Platform on the Sustainable Development Goals and RTI Coalition consultant), interview by IRM researcher, 15 Jan. 2019; Regina Amanfo-Tetteh (political scientist and program officer, Centre for Democratic Development-Ghana), interview by IRM researcher, 29 Jan. 2019; and Awal Mohammed (social accountability program officer, Centre for Democratic Development-Ghana), interview by IRM researcher, 8 Feb. 2019. See also *Ghana Design Report 2017-2019*.

⁹ Jerry Sam, see n. 4.

¹⁰ Graphic.com.gh/, “Some institutions implementing RTI slowly — Oppong Nkrumah” (BusinessGhana, 10 Feb. 2020),

<https://www.businessghana.com/site/news/general/205977/Some-institutions-implementing-RTI-slowly-Oppong-Nkrumah>.

¹¹ *Id.* To cite one example, the electoral commission’s denial of an RTI request by Honourable Member of Parliament for Ashaiman Constituency, Mr. Ernest Henry Norgbey, corroborates the slow pace of implementation. Ghana RTI Coalition, “Electoral Commission’s Response to Right to Information Request is Unfortunate – RTI Coalition” (2020),

<http://penplusbytes.org/electoral-commissions-response-to-right-to-information-request-is-unfortunate-rti-coalition/>.

¹² Titilope Ajayi, *Ghana Design Report 2017-2019*, 39.

7. Civic Participation and Accountability

Commitment text: 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

Editorial Note: For the full text of Ghana's 2017-2019 Action Plan please see: <https://www.opengovpartnership.org/documents/ghana-action-plan-2017-2019/>

IRM Design Report Assessment	IRM Implementation Report Assessment
<ul style="list-style-type: none"> • Verifiable: Yes • Relevant: Yes <ul style="list-style-type: none"> ○ Access to Information ○ Civic Participation ○ Public Accountability • Potential impact: Minor 	<ul style="list-style-type: none"> • Completion: Limited • Did it Open Government? Did not change

This commitment aimed to improve civic participation in governance, especially at the sub-national level where the state-society nexus has been historically weak. It sought to do this by strengthening formal structures of engagement with local government.¹ Governance in Ghana has been centered in the capital city, Accra, for almost two centuries. Previous efforts to decentralize have had varying levels of success, owing to low political engagement between local government officials and their constituents, inadequate technical capacity by the former, politicization of local issues, and inadequate resources.²

The completion of this commitment was limited at the end of the implementation period. Progress in relation to three of the six activities (II, III, and IV) could not be assessed because they were assessed in Ghana's 2017–2019 design report as lacking specificity.³ Broadly, these three activities related to integrating and strengthening social accountability structures, ensuring that “all MMDAs adequately support” these structures “to obtain feedbacks from citizens,” and monitoring the implementation of the popular participation (civic participation) framework.⁴ The IRM researcher found that the Ministry of Local Government and Rural Development collaborated with a Ghanaian CSO, CDD-Ghana, to implement a social audit of 20 district assemblies in 2019.⁵ One section of Parliament's website is dedicated to guidelines for the public to submit petitions and specifies that reports on petitions will be made available on its website.⁶ However, the IRM researcher found no petitions or related reports anywhere on the website. Social accountability units that exist are not functional,⁷ and Metropolitan, Municipal, and District Assemblies' (MMDAs') budget reporting rates vary according to local government capacities and transparency levels per district.⁸

Limited progress in implementing this commitment can be attributed to a number of inhibitory factors. As a civil society representative, Awal Mohammed, pointed out in an interview with the IRM researcher, low awareness of rights and responsibilities is a factor common to both the government and governed.⁹ 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. A study by Ghanaian think tank, Imani-Africa, revealed “limitations in accountability and transparency in the management of local expenditure” in 15 MMDAs across Ghana, despite recent reforms.¹⁰ The cumulative effect of these factors was that existing practices and cultures of civic participation at local levels did not change enough to fulfil the objectives of this commitment.

This commitment was relevant to three OGP values: access to information, civic participation, and public accountability. The commitment's implementation did not result in an improvement in access to information as there was no evidence of Parliament publishing reports on petitions and feedback it received from the public.

The researcher was unable to find concrete evidence that the commitment has changed the status quo in civic participation at this time. Although the social accountability units and other structures exist to facilitate public engagement in governance at the local level, they were not fully functional, and citizens' awareness of these units as mechanisms for civic participation was limited. Public accountability is also assessed as “did not change” for the same reasons stated under civic participation. Without active participation, local governments are not accountable to citizens. A measurable increase in citizen engagement with local government civic platforms would have resulted in a higher DOIG coding. Stakeholder interviews indicate that addressing citizens' lack of knowledge of their rights and responsibilities and addressing the weak culture of civic engagement are central to achieving higher public participation in local government.

¹ Awal Mohammed (Social Accountability Program Officer, CDD Ghana), interview by IRM researcher, 8 Feb. 2019.

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

³ Titilope Ajayi, *Ghana Design Report 2017-2019* (OGP, 1 Apr. 2021) 43–44, <https://www.opengovpartnership.org/documents/ghana-design-report-2017-2019/>.

⁴ Republic of Ghana, *Open Government Partnership: National Action Plan for the Republic of Ghana* (OGP, Oct. 2017) 9, <https://www.opengovpartnership.org/documents/ghana-action-plan-2017-2019/>.

⁵ Ghana News Agency, “Centre for Democratic Development Implementing Social Auditing Programmes” (BusinessGhana, 23 Apr. 2019), <http://www.businessghana.com/site/news/General/185776/Centre-for-Democratic-Development-implementing-social-Auditing-programmes>.

⁶ Parliament of Ghana, “Guide for petitions” (accessed 19 Apr. 2021), <https://www.parliament.gh/petition?read>.

⁷ Mohammed, interview.

⁸ Imani Centre for Policy and Education, *Promoting Social Accountability to Enhance Spending Efficiency at Local Government Level* (13 Jan. 2020), <https://imaniafrica.org/2020/01/13/event-report-promoting-social-accountability-to-enhance-spending-efficiency-at-local-government-level/>.

⁹ Mohammed, interview.

¹⁰ Imani Centre for Policy and Education, *Promoting Social Accountability to Enhance Spending Efficiency at Local Government Level*.

8. Technology and Innovation

Commitment text: 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

Editorial Note: For the full text of Ghana's 2017-2019 Action Plan please see: <https://www.opengovpartnership.org/documents/ghana-action-plan-2017-2019/>

IRM Design Report Assessment	IRM Implementation Report Assessment
<ul style="list-style-type: none"> • Verifiable: Yes • Relevant: Yes • Access to Information <ul style="list-style-type: none"> ○ Technology & Innovation for Transparency & Accountability • Potential impact: Moderate 	<ul style="list-style-type: none"> • Completion: Limited • Did it Open Government? Marginal

This commitment aimed to improve the management of public information in Ghana, particularly digital data, in order to facilitate access by and feedback from citizens.¹ It responded to several gaps, including an unclear legal framework, internet connectivity challenges among and within government institutions,² the need to improve public servants' capacity to become active consumers of information, and the need for better interagency data-sharing.³

Completion is assessed as limited for this commitment. The Ghana Investment Fund for Electronic Communications is continuing work on improving internet connectivity for Metropolitan, Municipal, and District Assemblies (Ministries, Departments, and Agencies and MMDAs). Public services appear to have been largely automated, given that transactions like passport applications and payment for public goods like utilities are now conducted mainly on the internet or through digital applications. Most MDAs and MMDAs have websites, though several are static and contain outdated information.⁴ In the reporting period, Parliament engaged citizens through public forums to provide information on parliamentary proceedings.⁵ Jerry Sam, Deputy Director of Programs with PenPlusBytes, also shared information on a Parliamentary Watch digital application that shares information on

Parliament's procedures, votes, and bills.⁶ There was no tangible progress with the Ghana Open Data Policy or the digitization of data in all MDAs.

The government's limited resources and the lack of an evident citizen engagement policy contributed to the slow implementation of this commitment. The Public Records and Archives Department (PRAAD), which is responsible for three main activities, does not have the resources to implement their components of the commitment.⁷ Moreover, in April 2019, Communications Minister Ursula Owusu-Akuful requested MMDAs to pay their composite debt to the National Information Technology Agency, totaling 13 million Ghana cedis (approximately US \$2.3 million).⁸ Parliament does not appear to have a framework for citizen engagement. So far, public engagement has focused on media interactions and school and university parliamentary clubs.⁹ Parliament approached PenPlusBytes to develop a digital application to facilitate its public engagement, evidently without knowing that the Parliamentary Watch application already existed.

This commitment was relevant to the OGP values of access to information and technology and innovation for transparency and accountability. Implementation of this commitment led to a marginal improvement in access to information, including through the use of technology and innovation. There was marginally better internet connectivity at MMDAs, a few new MMDA websites, and new opportunities for citizen engagement in Parliamentary proceedings. While there was progress with enhancing connectivity of public institutions and data automation, this did not translate to easier access to information by citizens. This was partly because the websites of some MDAs and MMDAs were not updated frequently and contained outdated information. This commitment would have further facilitated open government had the government developed and implemented a framework for citizen feedback and established mechanisms to ensure MDA and MMDA websites are regularly updated. These reforms would give citizens the information and platform necessary to hold the government accountable.

¹ Republic of Ghana, *Open Government Partnership: National Action Plan for the Republic of Ghana* (OGP, Oct. 2017) 10, <https://www.opengovpartnership.org/documents/ghana-action-plan-2017-2019/>.

² Local Government Service-Ghana, "The Local Government Service Performance Management System" (24 Nov. 2016), <http://lgs.gov.gh/index.php/the-local-government-service-performance-management-system/>.

³ Web Foundation. *Open Government Data Feasibility Study* (2011) 3–6. <https://webfoundation.org/our-work/projects/ghana-open-data-initiative-godi/>

⁴ Jerry Sam (journalist and Dep. Dir. of Programs, PenPlusBytes), interview by IRM researcher, 19 Jun. 2020.

⁵ STAR-Ghana Foundation, "Leadership of Parliament to engage Citizens with support from STAR Ghana Foundation" (31 Jul. 2019), <https://www.star-ghana.org/news-2/372-star-ghana-foundation-supports-leadership-of-parliament-to-engage-citizens>.

⁶ Parliamentary Watch is available at: <https://play.google.com/store/apps/details?id=net.touchnetgh.pmw&hl=en>. The application appears to be part of an e-parliament project discussed in this article: Kwami Ahiabenu II, "e-Parliament: Bringing citizens closer to Parliament" (20 Jul. 2016), <https://www.graphic.com.gh/features/opinion/e-parliament-bringing-citizens-closer-to-parliament.html>.

⁷ Sam, interview.

⁸ Ghana News Agency, "Pay your GH¢13m NITA debt – Ursula orders MMDAs" (Ghana Business News, 16 Apr. 2019), <https://www.ghanabusinessnews.com/2019/04/16/pay-your-gh%E2%82%B513m-nita-debt-ursula-orders-mmdas/>.

⁹ Sam, interview.

III. Multistakeholder Process

The multistakeholder process achieved a public influence level of “involve” throughout the action plan period. Although the Steering Committee could not meet often owing to resource challenges, government and civil society both actively participated in the meetings that occur. Government and civil society also took part in the action plan implementation process through unilateral and bilateral implementation of various activities.

3.1 Multistakeholder process throughout action plan implementation

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.

OGP's Articles of Governance also establish the participation and co-creation requirements a country or entity must meet in their action plan development and implementation to act according to OGP process. Ghana **did not act** contrary to OGP process.¹

Please see Annex I for an overview of Ghana's performance implementing the Co-Creation and Participation Standards throughout the action plan implementation.

Table 3.1: Level of Public Influence

The IRM has adapted the International Association for Public Participation (IAP2)'s “Spectrum of Participation” to apply to OGP.² 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	During implementation 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		

Multistakeholder meetings occurred throughout the implementation process. However, the meetings were infrequent and concentrated in the capital due to resource constraints. According to Pethuel A. K. Danyo, coordinator of the OGP Secretariat, the OGP Steering Committee (SC) consisted of 10 government and 10 civil society actors, and met three times in 2018.³ Dr. Steve Manteaw, the civil society co-chair recalled that “there were not many meetings.”⁴ Members took part in the action plan implementation process through unilateral and bilateral implementation of various activities. They also participated in joint meetings of implementing actors for specific

commitments, like successive meetings between the Registrar-General, extractive actors, and broader SC convenings. One of these workshops focused on fundraising for the national OGP process.⁵ Civil society organizations like the Ghana Integrity Initiative helped fund some shortfalls in government financing of OGP activities.⁶

Four new government members joined the SC in 2018, replacing those who did not have jurisdiction over the commitments in the 2017–2019 national action plan.⁷ This was to ensure that agencies relevant to implementation were included in the SC. The SC did not meet at all in 2019 due to a lack of funds.⁸ It was also unable to hold three zonal workshops in three regional districts—Ho (south), Kumasi (middle), and Tamale (northern)—which were intended to broaden participation and awareness of the OGP during implementation.⁹ Steering Committee meetings are technically open to participation from any civil society member. However, the fact that meetings only occur in the capital has resulted in infrequent participation from organizations outside the committee.

Government and civil society participated in the action plan implementation process and associated meetings. Robert Amuah, head of fiscal transparency at the Ministry of Finance, reported that civil society actors and government agencies gave input during consultations on revising the Public Financial Management Act, 2016 (Act 921).¹⁰ According to the OGP Secretariat, new members of the SC were more active than in the previous action plan cycle, but civil society was comparably more active than government actors.¹¹ Civil society actors corroborated this during interviews, stating that they had limited communication with the government leads of commitment areas during the implementation process. Jerry Sam of PenPlusBytes shared that activity seems to peak only during reporting cycles.¹² The SC civil society co-chair Dr. Steve Manteaw stated that a lack of funding, a deficit on the demand side of social accountability, and the absence of an OGP monitoring framework have contributed to this situation.¹³ He also said that a lack of government-civil society communication could be the result of the government accepting civil society input to the OGP agenda but not acting on them. He added that poor internal communication within government offices leads to some implementing agencies being unaware of commitments and not budgeting for OGP activities.¹⁴

The IRM researcher also had difficulty identifying some government actors responsible for coordinating specific commitments. The IRM researcher observed that periodic portfolio reassignments in some public offices meant that individual OGP points of contact were sometimes not known within their institutions or unreachable.

In June 2017, the OGP Secretariat was relocated from the Ministry of Public Sector Reform to the Office of the Senior Minister. While civil society was optimistic this would make the Secretariat a more integral part of governance, this optimism was not realized.¹⁵ Similarly, the government's integration of OGP into the National Public Sector Reform Strategy 2018-2023, which aims to build a "citizen and private sector-focused public sector," did not translate to concerted government actions as was hoped.¹⁶ Continuing funding challenges severely constrained the Secretariat's ability to engage OGP-state and -civil society implementing actors and agencies.

¹ *OGP Participation & Co-creation Standards* were updated in 2017 to support participation and co-creation throughout all stages of the OGP cycle. The 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. 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.

² IAP2, "IAP2's Public Participation Spectrum," (2018), https://cdn.ymaws.com/www.iap2.org/resource/resmgr/pillars/Spectrum_8.5x11_Print.pdf.

³ Pethuel A. K. Danyo (coordinator of the OGP Secretariat), interview by IRM researcher, 12 Feb. 2019.

⁴ Dr. Steve Manteaw, interview by IRM researcher, 29 Jun. 2020.

⁵ Pethuel A. K. Danyo (coordinator of the OGP Secretariat), interview by IRM researcher, 12 Feb. 2019.

⁶ *Id.*; Dr. Steve Manteaw, interview by IRM researcher, 29 Jun. 2020.

⁷ The new members were the National Commission for Civic Education, Ministry of Information, Registrar-General's Department, and Economic and Organised Crime Office. Danyo, interview.

⁸ Danyo, interview; Dr. Steve Manteaw, interview by IRM researcher, 29 Jun. 2020.

⁹ Danyo, interview.

¹⁰ Robert Ebo Amuah (head of fiscal decentralization, MoF), interview by IRM researcher, 1 Jul. 2020.

¹¹ Danyo, interview.

¹² Jerry Sam (Dep. Programs Dir., PenPlusBytes), interview by IRM researcher, 19 Jun. 2020.

¹³ Manteaw, interview.

¹⁴ *Id.*

¹⁵ Danyo, interview; Manteaw, interview.

¹⁶ Republic of Ghana, *National Public Sector Reform Strategy 2018-2023*. 2018. Pillar I of the NPSRS aims at the “[c]itizen and private sector-focused public sector.” On page 76, it lists among the criteria for implementation success, “[a]ccelerate the implementation, monitoring and evaluation of the OGP Action Plan.”

VI. Methodology and Sources

The IRM reports are written by national researchers in each OGP-participating country. 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 assessments of process and progress put out by civil society, the private sector, or international organizations.

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 *IRM Procedures Manual*¹ and in the *Ghana Design Report 2017-2019*.²

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 comprised of experts in transparency, participation, accountability, and social science research methods.

The current membership of the International Experts Panel is

- César Nicandro Cruz-Rubio
- Mary Francoli
- Brendan Halloran
- Jeff Lovitt
- Juanita Olaya

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 OGP, *IRM Procedures Manual* (16 Sept. 2017), <https://www.opengovpartnership.org/documents/irm-procedures-manual>.

² Titilope F. Ajayi, *Ghana Design Report 2017-2019* (OGP, 1 Apr. 2021), <https://www.opengovpartnership.org/documents/ghana-design-report-2017-2019/>.

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

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

Multistakeholder Forum	During Development	During Implementation
1a. Forum established: There is a forum to oversee the OGP process	Green	Green
1b. Regularity: The forum meets at least every quarter, in person or remotely.	Green	Green
1c. Collaborative mandate development: Members of the forum jointly develop its remit, membership, and governance structure.	Green	Green
1d. Mandate public: Information on the forum's remit, membership, and governance structure is available on the OGP website.	Red	Red
2a. Multistakeholder: The forum includes both governmental and non-government representatives.	Green	Green
2b. Parity: The forum includes an even balance of governmental and non-governmental representatives.	Green	Green
2c. Transparent selection: Nongovernmental members of the forum are selected through a fair and transparent process.	Green	Green
2d. High-level government representation: The forum includes high-level representatives with decision-making authority from government.	Green	Green
3d. Openness: The forum accepts input and representation on the action plan process from any civil society or other stakeholders outside the forum.	Green	Green
3e. Remote participation: There are opportunities for remote participation in at least some meetings and events.	Green	Green
3f. Minutes: The OGP forum proactively communicates and reports back on its decisions, activities, and results to wider government and civil society stakeholders.	Yellow	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 Implementation	
4a. The government publishes, via the national OGP website, regular updates (i.e., at least every six months) on the progress of commitments, including progress against milestones, reasons for any delays, and next steps. This is in addition to publishing self-assessments.	Red
4b. The website has a feature to allow the public to comment on progress updates.	Red
4c. The government holds at least two open meetings with civil society (one per year) on the implementation of the NAP.	Green
4d. The government shares the link to the IRM report with other government institutions and stakeholders to encourage input during the public comment phase.	Green
4.e The multistakeholder forum monitors and deliberates on how to improve the implementation of the NAP.	Green
4.f The government submits its self-assessment to the national multi-stakeholder forum for comments and feedback.	Green
4.g. Repository: The government collects and publishes a document repository on the national OGP website, 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, and publications).¹	Red

¹ OGP Participation & Co-creation Standards were updated in 2017 to support participation and co-creation throughout all stages of the OGP cycle. The 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. 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.

Annex II. IRM Indicators

The indicators and method used in the IRM research can be found in the *IRM Procedures Manual*.¹ 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:
 - 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 impact 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*.

Results oriented commitments?

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

1. **Problem:** Rather than describing an administrative issue or tool, what is the economic, social, political, or environmental problem (e.g., "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 (e.g., "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 (e.g., "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. To receive a star, a commitment must meet several criteria:

- The commitment’s design should be **Verifiable, Relevant** to OGP values, and have **Transformative** potential impact. As assessed in the Design Report.
- The commitment’s implementation must be assessed by IRM Implementation Report as **Substantial** or **Complete**.

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

¹ OGP, *IRM Procedures Manual* (16 Sept. 2017), <https://www.opengovpartnership.org/documents/irm-procedures-manual>.