

# **Independent Reporting Mechanism**

Action Plan Review:  
Ghana 2021-2023

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Open  
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Partnership



Independent  
Reporting  
Mechanism

## Introduction

Starting in January 2021, the IRM began rolling out the new products that resulted from the IRM Refresh process.<sup>1</sup> The new approach builds on the lessons after more than 350 independent, evidence-based, and robust assessments conducted by the IRM and the inputs from the OGP community. The IRM seeks to put forth simple, timely, fit-for-purpose, and results-oriented products that contribute to learning and accountability in key moments of the OGP action plan cycle.

The new IRM products are:

1. **Co-Creation Brief** - brings in lessons from previous action plans, serves a learning purpose, and informs co-creation planning and design. This product was rolled out in late 2021, beginning with countries co-creating 2022-2024 action plans.
2. **Action Plan Review** - an independent, quick, technical review of the characteristics of the action plan and the strengths and challenges the IRM identifies to inform a stronger implementation process. This product was rolled out in early 2021 beginning with 2020-2022 action plans. Action Plan Reviews are delivered 3-4 months after the action plan is submitted.
3. **Results Report** - an overall implementation assessment that focuses on policy-level results and how changes happen. It also checks compliance with OGP rules and informs accountability and longer-term learning. This product is scheduled to roll out in a transition phase in early 2022, beginning with 2019-2021 action plans ending implementation on 31 August 2021. Results reports are delivered up to four months after the end of the implementation cycle.

This product consists of an IRM review of Ghana's 2021-2023 action plan. The action plan is made up of 14 commitments. This review emphasizes its analysis on the strength of the action plan to contribute to implementation and results. For the commitment-by-commitment data, see Annex 1. For details regarding the methodology and indicators used by the IRM for this Action Plan Review, see 'Section IV. Methodology and IRM Indicators.'

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<sup>1</sup> For more details regarding the IRM Refresh, visit "About the IRM", Open Government Partnership, <https://www.opengovpartnership.org/process/accountability/about-the-irm/irm-refresh/>.

## Section I: Overview of the 2021-2023 Action Plan

*Ghana's fourth action plan includes commitments that reflect national priorities, primarily around government transparency and public accountability. A lack of specificity in commitment design makes the potential for results and connection to open government unclear for many commitments. Looking ahead, stakeholders should consider revising the action plan to establish a clear implementation roadmap with concrete steps.*

Ghana's fourth action plan contains 14 commitments, many of which are reforms continued over successive action plans. These include access to information, beneficial ownership transparency, open data, and transparency in the extractive sector. This action plan also introduces new policy areas such as anti-money laundering, open parliament, and gender inclusion. The commitment numbers used in this report reflect the order in which they appear in the action plan.

The action plan was developed through a multistakeholder forum with representation of civil society. While fruitful meetings were held even throughout the pandemic, a relatively small number of organizations have been actively engaged in the process. The IRM continues to recommend that Ghana raise awareness and encourage participation of a wider range of stakeholders.

A lack of specificity in commitment design contributed to difficulty in assessing commitments' relevance to open government and potential for results. Around a third of commitments were assessed to have no or limited connection to open government (Commitments 4, 5, and 8). The remaining commitments were not assessed to be promising, as they either faced significant implementation challenges according to interviews conducted (Commitments 3 and 6) or were one-time activities with limited scope (Commitments 7 and 10).

Overall, to achieve the action plan's full potential, Ghana should focus on identifying specific and measurable activities to ease implementation and monitoring. To maximize open government outcomes, those implementing the action plan should prioritize activities that directly impact

### AT A GLANCE

**Participating since:** 2011

**Action plan under review:** 2021-2023

**IRM product:** Action plan review

**Number of commitments:** 14

#### Overview of commitments:

- Commitments with an open government lens: 11 (78%)
- Commitments with substantial potential for results: 1 (7%)
- Promising commitments: 3

Policy areas carried over from previous action plans:

- Right to information
- Beneficial ownership transparency
- Extractive sector transparency
- State-owned enterprise transparency
- Asset declaration
- Open data
- Budget transparency
- Witness protection

Emerging in this action plan:

- Citizen complaint center
- Audit transparency
- Open parliament

#### Compliance with OGP minimum requirements for co-creation:

- Acted according to the OGP process: Yes

citizens' access to government-held information, citizens' ability to participate in government decision making, and citizens' ability to hold public officials to account.

Three commitments were evaluated as most promising to contribute to substantial open government results. Commitment 11 aims to implement Ghana's 2019 Right to Information Law through training for responsible officials and the public, improved records management, and clear and standardized administrative processes. Commitment 13 seeks to establish an Open Parliament Plan and parliamentary Open Government Steering Committee in collaboration with civil society. Commitment 14 aims to improve accessibility and scope of open data available on the National Open Data Portal and to implement to National Open Data Sharing Policy.

All three commitments benefit from CSO and high-level government support and budgetary funding and lay important groundwork for future reforms to strengthen civic participation and public accountability. However, a lack of concrete details of the intended activities leaves some questions as to how activities will be carried out and their likelihood to address the policy problem. The following section analyzes these three commitments in depth and provides recommendations for how stakeholders can strengthen the design of five additional commitments that lacked sufficient information to be evaluated as 'promising' but could result in notable outcomes.

## Section II: Promising Commitments in Ghana's 2021-2023 Action Plan

The following section focuses on the three commitments that the IRM identified as having the potential to realize the most promising results.

- **Commitment 11** promises to increase citizens' access to information through the institutionalization and operationalization of the Right to Information Law.
- **Commitment 13** promises to open parliament through the creation of an Open Parliament Action Plan and establishment of a multistakeholder Open Parliament Steering Committee.
- **Commitment 14** has the potential to strengthen citizens' access to open data through implementation of the National Data Sharing Policy and the provision of resources and training to encourage ministries' provision of data to the Open Data Portal.

It provides an analysis of challenges, opportunities, and recommendations to contribute to the learning and implementation process of this action plan for each commitment. This review will inform the IRM's research approach to assess implementation in the Results Report. The IRM Results Report will build on the early identification of potential results from this review to contrast with the outcomes at the end of the implementation period of the action plan.

This section also provides information on why the remaining 11 commitments are not considered promising and shares commitment design recommendations on how they could reflect ambitious open government results.

### Recommendations to improve commitment design

Most commitments in this action plan provide a high-level overview of the intended reform with limited specific information on the planned activities and how these activities would address the policy problem. As a result, around a third of commitments in this action plan propose potentially ambitious reforms that the IRM could not definitively evaluate as promising due to a lack of information confirming their level of ambition and open government lens—despite information from the interviews conducted.<sup>1</sup> The availability of information therefore influenced the selection of promising commitments.

Commitments 1, 3, 4, 9, and 12 propose reforms that reflect important national issues. However, a lack of specificity around the commitments' planned activities, expected outcomes, and open government lens provided insufficient information to determine whether implementation would result in substantial changes to government practice. To be evaluated as having a substantial potential for results, the commitment text must include sufficient details to indicate that the reform will change or create new 'rules of the game' that introduce binding and institutionalized changes across government.

<p><b>Commitment 1:</b> Public Accounts Committee and Audit Report</p>	<p>This commitment could contribute to public accountability by strengthening the capacity of audit committees. However, the commitment's potential for results is unclear due to the lack of information on the specific activities and intended outcomes. Examples of specific information on planned activities include the scope of training content and intended participants as well as whether the Internal Audit Agency (IAA) will carry out activities beyond training. Stakeholders could clarify whether intended outcomes entail increasing the percentage of post-clearance audit (PCA) recommendations being implemented; the number of ministries, districts, and agencies (MDAs) and metropolitan, municipal, and district assemblies (MMDAs) implementing PCA recommendations; and the extent to which or the type of recommendations that are implemented.</p>
<p><b>Commitment 3:</b> Witness Protection Act</p>	<p>This commitment outlines high-level objectives that could significantly improve the ability of witnesses in Ghana to come forward. However, the concrete activities to achieve these aims were not clear from the commitment text or interviews conducted. For example, would implementation include the passage of legislation or budget allocation by Parliament? How will this commitment overcome previous obstacles, such as financial constraints, to establishing the Witness Protection Agency? If revised, those implementing are encouraged to include milestones that describe specific, measurable, actionable, relevant, and timebound (SMART) activities.</p>
<p><b>Commitment 4:</b> Public Officials' Asset Declaration</p>	<p>This commitment lays important groundwork for an asset declaration regime through internal government reforms. If this commitment is revised, stakeholders are encouraged to include activities that either directly increase the public's access to information, ability to hold the government accountable, or ability to participate in government decision making. For example, this commitment could aim to make information on officials' assets available to the public or create opportunities for civil society to monitor compliance or highlight discrepancies. As written, this commitment's potential for open government results is unclear, as milestones do not yet open the government to citizens.</p>
<p><b>Commitment 6:</b> Citizens Complaint Centers</p>	<p>This commitment could contribute to public accountability if it leads to the establishment of a mechanism for citizens to submit complaints that result in government action and response. Drafters could include activities and indicators for successful implementation. For example, will the Ministry of Information periodically conduct a review and publish information on the centers' performance, or is this a one-time project? What does the establishment of centers entail—physical offices, call centers, an online commenting portal? What are the metrics to measure the effectiveness of complaint centers—a particular percentage of complaints resolved? Commitment holders are also encouraged to consider how implementation would address the obstacles faced by the existing centers, such as a lack of funding and public awareness.</p>

<p><b>Commitment 9:</b> Beneficial Ownership</p>	<p>As written, this commitment lays important groundwork through mostly internal government reforms to strengthen the beneficial ownership transparency regime. It is considered to have modest potential for results, as the commitment text does not state how implementation would open government to citizens. However, Ghana's OGP Steering Committee clarified through comments to the IRM that this commitment will make beneficial ownership information available to the public. An online portal is under trial and intended for public release in 2023. Ghana Extractive Industries Transparency Initiative (EITI) intends to publish beneficial ownership information in the extractives sector in their annual reports. The government also intends to provide training to civil society and the media on how to make use of beneficial ownership data.<sup>2</sup> Those implementing the commitment are encouraged to detail these activities in the revised commitment to clarify how implementation will open government. Such a revised commitment would facilitate implementation and enable Ghana to receive recognition for the full ambition of this reform.</p>
<p><b>Commitment 12:</b> Citizens Participation</p>	<p>This commitment provides a high-level overview of ambitious and broad reforms for women and persons with disabilities. However, the commitment text and interviews conducted did not provide a clear picture of how the commitment will increase citizens' ability to access information, participate in government decision making, or hold officials to account. If revised, a focused list of milestones tied closely to direct open government outcomes could reveal this commitment's full level of ambition. Specifically, those implementing this commitment could describe how the Affirmative Action Bill and Persons with Disability Re-Enactment Bill would establish channels for citizen participation in government decision making. Likewise, how will decentralizing the National Council for Persons with Disability increase persons with disabilities' participation in government decision making? Specific information on expected changes to open government practices would facilitate evaluation of this commitment's ambition and eventual early results.</p>

Commitments 2, 5, and 8 are not analyzed in this report, as they represent important anticorruption reforms but lack a clear open government lens. Commitments 7 and 10 are also not discussed in detail, as they introduce important but modest reforms for one-off activities to increase transparency of state-owned enterprises and petroleum sales contracts.

The IRM recommends that stakeholders revisit the action plan text to strengthen commitment design with an eye towards clarifying concrete implementation steps and future assessment of outcomes. A revised action plan can be submitted to the OGP up to one year from submission of the original action plan. If the action plan is revised, and in drafting future action plans, the IRM recommends that the text for each commitment includes:

- a description of the policy problem, its impact on citizens, and how the commitment will address the policy problem in concrete terms.



- a description of how the commitment introduces new opportunities for citizens to access information, engage in public decision-making, or hold public officials to account.
- if describing an ongoing reform, information on the main achievements so far, the work that remains, obstacles to implementation up to this point, and how the commitment addresses these obstacles.
- milestones that list specific, measurable, attainable, relevant, and timebound activities (SMART).
- contact information for the individual or individuals who will directly manage implementation, rather than the high-level official for the respective government agency.

## Promising commitments

Commitments 11, 13, and 14 were identified as having the most promise to result in notable open government results. All three commitments benefit from support of CSO coalitions and high-level government officials or institutions as well as allocated government funding. Commitments 11 and 14 aim to strengthen implementation of the Right to Information Law and availability of open data. As access to information is a vital prerequisite for informed civic participation and public accountability, these commitments lay vital groundwork for future open government reforms. Commitment 13 promises to strengthen member of parliaments' understanding and engagement in open government reform. Parliament's involvement is essential to facilitate the passage, funding, and oversight of relevant legislation, as ambitious open government commitments frequently require establishing a legislative framework.

However, as explained in the analysis below, there is opportunity to improve the specificity regarding how the milestones will directly contribute to solving the policy problem in the text of all three commitments. Questions remain as to how particular activities will be carried out. For example, how will the open data portal be made more accessible to people with disabilities (commitment 14), and how will the government limit the overuse of exemptions to responding to access to information requests (commitment 11)?

**Table 1. Promising commitments**

Promising Commitments
<b>Commitment 11</b> promises to increase citizens' access to information through the institutionalization and operationalization of the Right to Information Law.
<b>Commitment 13</b> promises to open parliament through the creation of an Open Parliament Action Plan and establishment of a multistakeholder Open Parliament Steering Committee.
<b>Commitment 14</b> has the potential to strengthen citizens' access to open data through implementation of the National Data Sharing Policy and the provision of resources and training to encourage ministries' provision of data to the Open Data Portal.

**Commitment 11: Enhancing implementation of Right to Information Law** (Ministry of Information, RTI Commission, Public Records and Archives Administration Department (PRAAD), Parliament, National Media Commission (NMC), Ghana Journalists Association (GJA), Media Foundation for West Africa (MFWA), The Right to Information Coalition, Commission for Human Rights and Administrative Justice (CHRAJ)).

For a complete description of commitment 11 see: [https://www.opengovpartnership.org/wp-content/uploads/2021/10/Ghana\\_Action-Plan\\_2021-2023.pdf](https://www.opengovpartnership.org/wp-content/uploads/2021/10/Ghana_Action-Plan_2021-2023.pdf)

### **Context and objectives**

In Ghana, the 1992 Constitution provides for freedom of information.<sup>3</sup> It prescribes that all persons shall have the right to information, subject to such qualifications and laws as are necessary in a democratic society. In 2019, Parliament passed an act to operationalize this constitutional right, after over two-and-half decades of advocacy by civil society organizations and other nonstate actors, including the media.<sup>4</sup> The commitment to pass such law was included in Ghana's previous action plan.<sup>5</sup> The government has made some advancements towards its implementation since the law came into force in 2020, such as setting up of information units and appointing information officers.<sup>6</sup>

This commitment seeks to complete the rollout of the administrative structure in all regions of Ghana by the end of 2022. It aims to train and build the capacity of information officers to handle applications for information; to conduct intensive public education and sensitization on the Right to Information (RTI) Law; to build effective records management systems in public institutions to ease information request and accessibility; to ensure adequate funding and timely release of the right to information commission budget; and to avoid application of exemption provisions in the Right to Information Law. These goals are aligned with one of the key recommendations of the Implementation Report of Ghana's previous action plan.<sup>7</sup>

The government developed this commitment in consultation with the Parliament Select Committee on Communications, the RTI Coalition, the Data Protection Commission, UNESCO Ghana, and the heads of the civil and local government services.<sup>8</sup>

### **Potential for results: Modest**

The government and civil society have begun to roll out the institutions, processes, and awareness required to implement the RTI Law. Ghana's Minister for Information Kojo Opong Nkrumah (MP) officially opened the Right to Information Commission's head office in September 2021. In 2020, the government trained and deployed 99 information officers and established 478 Information Units with designated right to information officers and records officers across public institutions. In 2022, the RTI Commission intends to establish an office in each of the country's 16 regions.<sup>9</sup> The Ministry of Information has also rolled out a data storage retrieval tool to assist with data management.<sup>10</sup> Since 2019, civil society organization Media Freedom for West Africa (MFWA) has conducted sensitization and trainings on the law for journalists, the public, and public officials.<sup>11</sup> In 2021, MFWA also developed and distributed 500 copies of a guidebook on the law.<sup>12</sup>

In addition to the milestones outlined in the commitment, the Ministry of Information and RTI Commission also intend to recruit and train more information officers, conduct training across public institutions to strengthen public officials' knowledge of the law, encourage proactive disclosure, and deploy an online records management system.<sup>13</sup>

Dr. Kwesi Jonah from the Institute for Democratic Governance and MFWA cited three major challenges to implementing the law to be (i) a lack of understanding of the law among public officials and unclear bureaucratic processes, (ii) widespread use of exemptions provided for in the RTI law to deny requests, and (iii) a lack of standardization of fees to process requests across public institutions.<sup>14</sup> As a result, open government results will largely depend on the extent to which implementation addresses these obstacles.

Civil society and the media's use of right to information requests indicate the need to address public officials' lack of clarity around the RTI law and processes. MFWA submitted over 30 RTI requests to public institutions between September 2020 and June 2021. These requests revealed grey areas of the law to be clarified, exorbitant fees required by the government before releasing information, and the failure to provide the requested information in most cases. MFWA has met with the RTI Commission to discuss steps to address these obstacles.<sup>15</sup> Between March and July 2021, investigatory research organization The Fourth Estate sent information requests to 33 ministries, received acknowledgment from 17, and the information requested from eight ministries within the 14-day timeline stipulated by the RTI Law. The Fourth Estate noted that low understanding of the RTI Law, particularly among front desk officers who initially received the requests, frequently contributed to requests being misdirected and unacknowledged. However, the organization found that appeals on the lack of response to the head of the agency or the RTI Commission resulted in a response in several instances.<sup>16</sup>

Milestone 5 aims to avoid overapplication of exemption provisions in the RTI Law but does not state how this will be achieved. Sections 5 through 17 of the RTI Law lists information exempt from public disclosure.<sup>17</sup> The Global Right to Information Rating scores Ghana's RTI Law as 19 out of 30 possible points for the "exemption and refusal" indicator. This is in part due to illegitimate exemptions and exemptions that have not yet been harm tested.<sup>18</sup> Therefore, training, clear procedures, and best practice guides are important potential tools to encourage broad interpretation of the law and to avoid overapplication of exemption provisions.

A lack of standardized fees for information requests has resulted in disputes and uneven application of fees across government.<sup>19</sup> In one instance in 2021, the Minerals Commission of Ghana requested GH¢ 6,000 (\$1,000 USD) to respond to an information request on companies licensed to mine in Ghana or that had their licenses suspended between January 2013 and May 2021.<sup>20</sup> The RTI Commission subsequently ruled that this fee was illegal and instructed the Minerals Commission to charge GH¢ 1.90 (US \$0.33) to provide the information via email within 14 days of the ruling. In March 2022, the Accra High Court dismissed the case, thereby affirming the RTI Commission's right to enforce reasonable fees.<sup>21</sup>

While not explicitly addressed in the commitment text, government standardization and minimization of fees is a critical step to fully implement the RTI Law. As of March 2022, the Ministry of Information had presented proposed fees and charges for information requests to parliament for approval.<sup>22</sup> Patricia Sampson, Director Finance and Administration Directorate

with the Ministry of Information reported to the IRM researcher that, “the Ministry of Information in collaboration with the RTI Commission has initiated the process to pass a subsidiary legislation on the RTI Act. This will go a long way to ensure that loopholes in the mother act are addressed accordingly to ensure a smooth implementation of the law.”<sup>23</sup> Stakeholder consultations to inform the subsidiary legislation were ongoing at the time of writing this report.<sup>24</sup> Standardization of lower fees and subsequent training and guidance for responsible officials could significantly contribute to full implementation of the RTI Law.

This commitment has a modest potential to increase citizens’ access to information by institutionalizing the Right to Information Law. If fully implemented, this commitment would address some of the central obstacles to comprehensive implementation of the right to information across government. First, continued training and sensitization could address low levels of understanding of the RTI Law among responsible officials, particularly surrounding the application of exemptions and fees. Evidence of notable open government results could include the issuance of standards of good practice and guidance derived from the trainings conducted. Second, the government’s commitment to work towards adequate funding and effective records management promises to address the bureaucratic obstacles that currently inhibit timely responses to information requests. Finally, well-trained RTI officers support the implementation of other commitments in this action plan, such as maintaining the open data portal and public access to information on the state budget and officials’ assets.

This commitment is very broad and ambitious in scope, which may prove a challenge to realize within the two-year implementation period. Limited information on some of the key activities—such as milestone 5 to avoid overapplication of the exemption provisions of the RTI Law—makes it difficult to fully assess the commitment’s potential. Additionally, the commitment text does not state whether implementation would address uneven application of fees. Lack of specificity in the commitment text around these key activities prevents this commitment from reaching a substantial potential for results.

### **Opportunities, challenges, and recommendations during implementation**

Ghana’s access to information reform benefits from the support of the current administration and a strong civil society coalition.<sup>25</sup> The President’s support could provide an opportunity to send a clear message to all ministries across government on the importance of duly implementing the act. Furthermore, the civil society coalition can advance implementation efforts by continuing to identify barriers to access information and monitoring government progress to address these barriers.

A possible challenge when executing this commitment is a lack of sufficient resources for implementation because of economic hardship. Measures previously adopted by the Ministry of Information during the current pandemic, such as online trainings, can help ease the resources needed for successful implementation. Joining efforts with civil society would also be helpful in this regard. Another challenge relates to restrictions imposed or reimposed due to COVID-19, which may further restrict the right to information.<sup>26</sup> The experiences of CSOs in requesting information during the pandemic should be considered and addressed in the future to avoid new restrictions to the right to information.

Ghana may also refer to other OGP member countries' commitments to implement the right to information.<sup>27</sup> Based on these resources, the IRM specifically recommends the following:

- The Ministry of Information and the Parliament of Ghana should prioritize standardizing and minimizing access to information fees. Fees should be reasonable and clearly stated to the public.
- The RTI Commission and Ministry of Information can also support ministries' proactive and online publication of information to reduce costs and the burden on government officials to respond to requests.<sup>28</sup>
- The Ministry of Information should institutionalize feedback from activities carried out when implementing the commitment. For example, building on learnings from trainings and sensitization, the Ministry could elaborate a code of practice that gathers standards around the use of exemptions to information or the timeline for responses, among other issues,<sup>29</sup> to promote consistency when responding to requests.
- The RTI Commission and Ministry of Information should continue to work closely with civil society to monitor and implement the Right to Information Law, as demonstrated by the Media Foundation for West Africa's work thus far.

**Commitment 13: Open Parliament Engagement** (The Parliament of Ghana, PNAfrica, Center for Democratic Development (CDD), Institute for Democratic Governance (IDEG), Penplusbyte and Odikro).

For a complete description of commitment 13 see: [https://www.opengovpartnership.org/wp-content/uploads/2021/10/Ghana\\_Action-Plan\\_2021-2023.pdf](https://www.opengovpartnership.org/wp-content/uploads/2021/10/Ghana_Action-Plan_2021-2023.pdf)

## Context and objectives

The Parliament of Ghana, the Westminster Foundation for Democracy (WFD), and Parliamentary Network Africa (PNAfrica) initially sought to develop an Open Parliament Plan in addition to Ghana's national OGP action plan. However, the closure of WFD's Ghana office in 2020 impacted the funding and assistance available for the project. As a result, members of parliament on the national OGP Steering Committee and civil society partners decided to include an open parliament commitment within the national action plan.<sup>30</sup>

Prior to this commitment, the Parliament of Ghana has not taken a central role in the implementation of open government reforms beyond the passage of legislation. The Parliament's lack of ownership over proposed reforms has stalled implementation of some previous commitments. While members of Parliament have participated in the OGP Steering Committee since its inception, they have largely engaged in a personal capacity.<sup>31</sup> Therefore, this commitment aims to institutionalize the Parliament's commitment to open government values through the development of an Open Parliament Plan (milestone 1) and multistakeholder Parliamentary Open Government Steering Committee (milestone 2).<sup>32</sup>

## Potential for results: Modest

This commitment has modest potential to strengthen the Parliament's role in the advancement of open government reforms in Ghana. Parliaments can advance open government reform through the passage, funding, and monitoring of relevant legislation as well as strengthening

transparency, participation, and accountability within parliamentary institutions and processes.<sup>33</sup> Full implementation of this commitment could make the Parliament of Ghana more transparent and accessible to citizens. It could also provide an opportunity to advance the passage and funding of open government legislation.

The Parliament of Ghana has passed important legislation to advance open government in recent years. However, the passage of these acts has been delayed, such as the Access to Information Act after decades of advocacy or the Conduct of Public Officers Bill (commitment 4), which is yet to be passed.<sup>34</sup> Therefore, the consolidation of a steering committee and open parliament plan could facilitate legislative action to support commitments in this action plan. In particular, the Parliament could standardize fees for access to information requests. Positively, a meeting was held discuss how the Parliament and national OGP Steering Committee will work together to monitor implementation of commitments.<sup>35</sup>

Besides the passage of legislation, the parliament has undertaken initial steps to increase transparency and civic participation in parliamentary processes. This includes the creation of an “electronic Parliament” system that allows citizens to send electronic petitions or memorandums to Parliament.<sup>36</sup> However, there remains opportunity to further strengthen the petition and memorandum process as well as increase the proactive release of information around parliamentary activities, as highlighted in Ghana's previous IRM Implementation Report.<sup>37</sup> The development of an Open Parliament Plan provides a channel to partner with civil society and identify strategic opportunities to institutionalize transparency, participation, and accountability. Samuel Obeng of Parliamentary Network Africa notes that there also remains significant opportunity to familiarize parliamentarians with the concept of open government and Parliament's role in Ghana's OGP processes.<sup>38</sup>

This commitment intends to establish an OGP Caucus (also referred to an Open Parliament Steering Committee) in the House by the end of 2022. In March 2020, an Open Parliament Task Team comprised of parliamentary staff met with civil society. At this meeting, it was determined that a multistakeholder group with 10 representatives each from parliament and civil society should be established.<sup>39</sup> This Steering Committee is likely to include organizations already involved in parliamentary reform, such as the Ghana Network of Parliamentary Monitoring Civil Society Organizations.<sup>40</sup> Hon. Emmanuel Kwasi Bedzrah notes that it will take time to engage civil society organizations that are not already involved.<sup>41</sup> The creation of the Steering Committee was stalled due to COVID-19, and at the time of writing, civil society had not received invitations to join the committee. Samuel Obeng notes that the administrative heads of parliament need to provide clearance to the Task Team to commence the co-creation process.<sup>42</sup>

As written, this commitment has a modest potential to institutionalize open government in the Parliament of Ghana through development of an Open Parliament Plan and Steering Committee. A lack of specificity in the commitment text related to the development process, potential content, and objectives of the plan prevents determination of whether the reform might contribute to substantial open government results. Additionally, the current commitment only foresees developing and not implementing the plan.

However, this commitment may prove to have substantial results in the longer term if (i) the plan is co-created with opportunities for broad public input so that it reflects priorities of both parliament and civil society, (ii) the Open Parliament Plan leads to a new climate that



strengthens transparency, civic participation, and public accountability in Parliament. Moreover, the establishment of an Open Parliament Steering Committee could greatly facilitate the passage of legislation to advance other commitments in the action plan and formally institutionalize civil society-parliament collaboration.

An ambitious Open Parliament Plan would aim to strengthen and institutionalize new modes of engagement between citizens and Parliament. A strong plan would include commitments with specific and verifiable activities that directly contribute to greater transparency, civic participation, and public accountability.<sup>43</sup> For example, the plan could include mechanisms to hear from citizens and civil society between electoral cycles,<sup>44</sup> or create opportunities for the public to learn about, contribute to, influence, and track the work of Parliament.<sup>45</sup> These commitments should be developed in close collaboration with civil society, in which CSOs' ideas are considered and responded to.

### **Opportunities, challenges, and recommendations during implementation**

This commitment benefits from civil society support and the work of members of Parliament on the national OGP Steering Committee to build buy-in from Parliament as a whole. Promisingly, the Open Parliament Task Team includes senior members of the Parliamentary Service staff and the First Deputy Speaker as the Lead on Open Parliament. Moreover, the Parliament of Ghana and the current Speaker of Parliament have a history of working with civil society.<sup>46</sup> The Parliament has also stated its intention to provide financial support for the commitments made in the Open Parliament Plan.<sup>47</sup> Therefore, the initial scaffolding for a co-creation process is in place, provided that Parliament takes the crucial next step of engaging civil society to establish the multistakeholder forum.

Keeping open government on the Parliament's full docket will be a central challenge to this commitment.<sup>48</sup> Current tensions in Parliament could distract from open parliament efforts.<sup>49</sup> However, the lack of a parliamentary majority could also provide for a strong accountability mechanism in which the opposition party ensures that open parliament commitments make progress. Given the context, implementers should seek to build cross-party support for open parliament reforms. To consolidate efforts, the Speaker of Parliament could incorporate the open parliament co-creation process into planned citizen outreach efforts as part of bringing Parliament closer to the people. Parliament should also make use of civil society partners to share the workload. Finally, the Open Parliament Steering Committee should strategically consider the political, financial, and technical context when drafting open parliament commitments.<sup>50</sup>

Samuel Obeng noted several possible policy areas for open parliament commitments including: adopting policies on parliamentary transparency; moving towards recording and publishing member of Parliaments' votes; publishing the parliamentary budget and expenditures; and improving the code of conduct regime for members and parliamentary staff. He also recommended that the ongoing review process on the Standing Orders of Parliament produces a final document that makes parliamentary work more inclusive and encourages citizen participation.<sup>51</sup>

As open parliament commitments are the second fastest growing area within the OGP,<sup>52</sup> learnings from other countries can help guide design and implementation of the plan. Ghana

can look to examples of reforms such as the adoption of a parliamentary Code of Conduct in Georgia; a new framework for asset declaration by members of Parliament in Argentina; and a platform that enables citizens to track Parliament's Sustainable Development Goals implementation in Paraguay.<sup>53</sup> See the Open Parliament Fact Sheet for more examples of possible reforms to open government.<sup>54</sup>

When co-creating the action plan and designing commitments, the IRM recommends that implementers consider the following recommendations:

- Consider **enabling civil society to develop a fair and transparent selection process** for civil society representation on the Steering Committee. Actively seek opportunities to involve civil society beyond those who typically engage in parliamentary reform.
- **Conduct a 'legislative scan' of national OGP commitments** to encourage dialogue with implementing institutions and align activities to strengthen the Parliament's role in supporting national open government reforms, such as commitments 2, 4 and 12.<sup>55</sup>
- **Provide procedural transparency** around the development and implementation of the action plan including advanced notice of opportunities for the public to provide input and information how this feedback was considered and incorporated into the plan.<sup>56</sup>
- **Design milestones with specific and verifiable activities** to support accurate monitoring and evaluation. Design commitments with a clear statement of the policy problem and how implementation of the commitment will begin to address this problem.
- Designate a moment in the design process to **review all draft commitments and ensure a clear connection to open government values**. For each commitment, clearly state how implementation will contribute to (i) the release of government-held information to the public, (ii) strengthen or create opportunities for the public to participate in parliamentary processes, and (iii) strengthen or create opportunities for the public to hold officials to account.

**Commitment 14: Enhancing public open data** (Ministry of Communications and Digitalization, KNUST, University of Professional Studies Accra (UPSA), Ashesi University, Ghana Open Data Alliance, Ghana Academic and Research Network, National Council on Persons with Disability).

For a complete description of commitment 14 see: [https://www.opengovpartnership.org/wp-content/uploads/2021/10/Ghana\\_Action-Plan\\_2021-2023.pdf](https://www.opengovpartnership.org/wp-content/uploads/2021/10/Ghana_Action-Plan_2021-2023.pdf)

## Context and objectives

Ghana has made efforts to establish the legal and institutional framework to open government data to the public over the last decade. While the government has established the Ghana Open Data Initiative<sup>57</sup> to oversee efforts and create an open data portal,<sup>58</sup> financial, technical, and capacity constraints along with a lack of participation from ministries, departments, and agencies (MDAs) have limited the availability of data.<sup>59</sup>

As a result, a working group with members of the open data community representing government, civil society, and academia identified the activities outlined in this commitment to



consolidate open data efforts. The draft commitment was shared with the Minister of Communication and Digitalization, who confirmed the ministry's support for these aims.<sup>60</sup>

These activities include raising public awareness of the open data portal; regularly updating data from critical sectors such as agriculture and industry; supporting public institutions to develop data collection standards and build an interoperable digital system; training personnel to manage data; providing annual budgetary allocation to the Ghana Open Data Initiative; and ensuring that the National Open Data Sharing Policy is implemented. This commitment prioritizes the publication of data relevant to effective public service delivery.<sup>61</sup>

### **Potential for results: Substantial**

Over the last decade, Ghana worked to establish a legal and institutional framework to advance open data. The Ghana Open Data Initiative (GODI) Secretariat is located within the National Information Technology Agency (NITA) under the Ministry of Communications and Digitalization (MoCD). GODI coordinates open data efforts such as encouraging ministries to release data, academics to make use of data, and responding to inquiries from data users.<sup>62</sup> Ghana has worked in partnership with the Web Foundation and World Bank to improve its open data portal since 2012.<sup>63</sup> As of January 2022, the portal contained 315 datasets from 22 ministries and agencies.<sup>64</sup> However, the portal lacks comprehensive data from critical sectors, such as agriculture and education, as well as recent data from across MDAs (milestone 2).

Ghana has sought to improve its open data ecosystem throughout previous OGP action plans. The government of Ghana established the open data portal under its first OGP action plan.<sup>65</sup> In the following, NITA aimed to improve the technical capabilities of the open data portal but was hampered by financial constraints.<sup>66</sup> In the third action plan, Ghana slightly improved MDAs' internet connectivity, websites, and digital records management.<sup>67</sup> Unlike previous commitments, this commitment benefits from high-level support, such as the Minister of Communication and Digitalization and specific budget allocations for open data (milestone 5).<sup>68</sup>

This commitment was designed to address underlying factors that have inhibited MDAs' contribution to uploading and updating data into the national portal. Foremost, budget provisions will support the ongoing training and expansion focal persons across government units to manage and update data (milestone 4). Deputy Director of NITA Mussah Issah highlighted the need to ensure focal persons across all MDAs and in local, municipal, and metropolitan governments. Additionally, access to information officers deployed across the government in recent years are trained in open data management. Therefore, thorough implementation of commitments 11 and 14 in this action plan are mutually beneficial. To monitor MDAs' compliance, NITA will conduct periodic assessments of available data and follow-up with focal persons to address data gaps. NITA will prioritize working with agencies that deliver public services and produce data.<sup>69</sup>

The government of Ghana has drafted, but not passed, a National Data Sharing Policy (milestone 6). According to the third draft policy from February 2019, the main goal of the policy is that "all government ministries, departments and agencies must be aware of the specificities of the government's data sharing initiative, and understand the requirements, guidelines and processes to share government data" (milestone 3). The draft policy calls for the establishment of a Data Sharing Steering Committee and lays out a framework for data

publication along with establishing channels for feedback and data requests from the public.<sup>70</sup> The IRM did not find information on the specific steps that stakeholders intend to take to advance the passage and implementation of the National Data Sharing Policy (milestone 6).

Under this commitment, GODI intends to continue outreach activities on the benefits of open data to government officials and the public (milestone 1). Mussah Issah confirmed sensitization efforts will include outreach to universities and other groups the government wishes to engage in open data uptake.<sup>71</sup> In 2019, Mobile Web Ghana and NITA organized a hackathon that encouraged representatives from MDAs to upload data and partner with data scientists to develop technology for the public benefit. The winning team developed an application that enabled citizens to trade their waste for money.<sup>72</sup> According to the GODI website as of January 2022, GODI and the Energy Commission intend to organize an additional hackathon to encourage disclosure and uptake of open data.<sup>73</sup> The government will also use TV and radio to publicly communicate open data efforts.<sup>74</sup> However, the IRM did not find information on how implementers intend to make open data more accessible to persons with disability as mentioned in the milestone.

If implemented fully, this commitment has the potential to substantially increase citizens' access to open data. The expansion of technical capacities across sectors and levels of government through the training and appointment of focal persons promises to improve the scope and quality of open data. Importantly, the implementation of the National Data Sharing Policy and provision of financial resources could provide MDAs with essential guidance and capabilities to comply with NITA's disclosure expectations. GODI's continued outreach efforts—particularly within government—to demonstrate the benefit of comprehensive data disclosure is essential to building a culture of data transparency. Moreover, proactive and reactive disclosure of data is also a key component to implementing Ghana's 2019 Right to Information Law. However, certain aspects of this commitment lack specificity, such as how the National Data Sharing Policy will be formalized and implemented or how data will be made more accessible to people with disabilities.

At the end of the implementation period, evidence of open government results would include institutionalized changes to open data practices across government. These changes should improve the quality and quantity of data available online and be implemented in collaboration with civil society. Evidence of substantial early results would include indication that the newly available data informed civic participation and public accountability as well as improve public service delivery.<sup>75</sup>

### **Opportunities, challenges, and recommendations during implementation**

This commitment benefits from support in both civil society and government, in particular from the Minister of Communication and Digitalization. Allocated funding for the Ghana Open Data Initiative also promises to contribute to implementation.<sup>76</sup> The presence of existing open data infrastructure within government, such as GODI, and the incremental consolidation of access to information processes further provide a foundation for successful implementation.

The IRM recommends that those implementing commitments 11 and 14 take advantage of opportunities to pursue mutually beneficial activities. For example, training access to information and archive officers in open data management can help to improve MDAs' technical

capacities. Additionally, communicating how proactive publication of open data can ease the burden on MDAs to respond to access to information requests could facilitate their proactive disclosure. The IRM also recommends that implementers consult civil society, academia, the private sector, and other relevant stakeholders on which categories of open data should be prioritized for disclosure to align efforts with data users' priorities.

A lack of financial and technical resources was a primary obstacle for Ghana's previous open data commitments. Additionally, open data advocates have had to overcome a culture of secrecy where public officials are unclear and hesitant on how to share government-held information. While the passage of the Right to Information Law was long awaited, it includes broad exemption clauses that could be employed to withhold data from the public. Therefore, the creation of clear guidance documents, procedures, and trainings for public officials will be critical to shift government mindset towards one that is 'open as default.'

In implementing this commitment, Ghana can look to other OGP members facilitating similar open data reforms. Buenos Aires, Argentina used their 2018 action plan to hold broad consultations with civil society to develop an open data policy and guidance documents to facilitate open data publication.<sup>77</sup> Buenos Aires also encouraged the development of visualizations or 'data stories' to communicate the information contained in data and demonstrate its use.<sup>78</sup> Also through their 2018 action plan, Morocco drafted an Open Data Policy and procedure manuals to inform publication of data; trained officials; and established a steering committee on open data to oversee implementation of the policy.<sup>79</sup>

<sup>1</sup> The IRM researcher conducted eight interviews with members of government and civil society to inform this report.

<sup>2</sup> Information provided by the national Steering Committee to the IRM during the report's pre-publication comment period, 22 March 2022.

<sup>3</sup> Ghana's Constitution Article 21(1)(f) available at [https://www.constituteproject.org/constitution/Ghana\\_1996.pdf](https://www.constituteproject.org/constitution/Ghana_1996.pdf).

<sup>4</sup> "The Right to Information: Ghana's Journey (1992-2019)," CHRI, available at [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).

<sup>5</sup> "Ghana Action Plan 2017-2019," Open Government Partnership, <https://www.opengovpartnership.org/documents/ghana-action-plan-2017-2019/>.

<sup>6</sup> B Antiedu and G Larbi, "Application under the Right to Information Act, 2019: Does the Reason Matter?," Modern Ghana, 1 August 2021, <https://www.modernghana.com/news/1095974/application-under-right-to-information-act-2019.html>.

<sup>7</sup> "Ghana's 2017-2019 Implementation Report," Independent Reporting Mechanism, Open Government Partnership, [https://www.opengovpartnership.org/wp-content/uploads/2021/05/Ghana\\_Implementation\\_Report\\_2017-2019.pdf](https://www.opengovpartnership.org/wp-content/uploads/2021/05/Ghana_Implementation_Report_2017-2019.pdf).

<sup>8</sup> Winnifred Nafisa Mahama, Ph.D. (Deputy Chief Information Officer, Head, Access to Information Division Information Services Department), through an e-mail dated 8 November 2021.

<sup>9</sup> Winnifred Nafisa Mahama, Ph.D. (Deputy Chief Information Officer, Head, Access to Information Division Information Services Department), through an e-mail dated 8 November 2021.

<sup>10</sup> Information provided by the national Steering Committee to the IRM during the report's pre-publication comment period, 22 March 2022.

<sup>11</sup> "Deepening Access to Information for Accountable Governance in Ghana," Media Freedom for West Africa, 7 September 2021, <https://www.mfwa.org/deepening-access-to-information-for-accountable-governance-in-ghana-th-mfwa-experience/>.

<sup>12</sup> "A Guide Book: Essentials to the Access to Information Law (989)," Media Freedom for West Africa, 2021, <https://www.mfwa.org/wp-content/uploads/2021/02/RTI-Toolkit-book-final-1-1.pdf>.

<sup>13</sup> Information provided by the national Steering Committee to the IRM during the report's pre-publication comment period, 22 March 2022.

<sup>14</sup> Dr. Kwesi Jonah (Consultant for the Development of Ghana's fourth national action plan and CSO representative of the Institute for Democratic Governance), interview by the IRM researcher on 5 November 2021; "Deepening Access to Information for Accountable Governance in Ghana," Media Freedom for West Africa, 7 September 2021,

<https://www.mfwa.org/deepening-acces-to-information-for-accountable-governance-in-ghana-th-mfwa-experience/>.

<sup>15</sup> "Deepening Access to Information for Accountable Governance in Ghana," Media Freedom for West Africa, 7 September 2021, <https://www.mfwa.org/deepening-acces-to-information-for-accountable-governance-in-ghana-th-mfwa-experience/>.

<sup>16</sup> "Testing the RTI Law: The 33 Public Institutions that Passed or Failed," The Fourth Estate, 11 October 2021. <https://thefourthestategh.com/2021/10/11/testing-rti-law-the-33-public-institutions-that-passed-or-failed/>.

<sup>17</sup> Access to Information Act, Government of Ghana, 2019, [http://elibrary.jsq.gov.gh/fq/laws%20of%20ghana/2%20REP/RIGHT%20TO%20INFORMATION%20ACT,%202019,%20\(ACT%20989\).htm](http://elibrary.jsq.gov.gh/fq/laws%20of%20ghana/2%20REP/RIGHT%20TO%20INFORMATION%20ACT,%202019,%20(ACT%20989).htm).

<sup>18</sup> "Ghana," Global Right to Information Rating, 2019, <https://www.rti-rating.org/country-detail/?country=Ghana>.

<sup>19</sup> Dr. Kwesi Jonah (Consultant for the Development of Ghana's fourth national action plan and CSO representative of the Institute for Democratic Governance), interview by the IRM researcher on 5 November 2021; "Deepening Access to Information for Accountable Governance in Ghana," Media Freedom for West Africa, 7 September 2021, <https://www.mfwa.org/deepening-acces-to-information-for-accountable-governance-in-ghana-th-mfwa-experience/>.

<sup>20</sup> "Minerals Commission Demands 1,000," The Fourth Estate, 18 June 2021, <https://thefourthestategh.com/2021/06/18/minerals-commission-demands-1000-from-the-fourth-estate-in-a-right-to-information-request-2/>.

<sup>21</sup> "Minerals Commission loses case against RTI Commission over \$1000 charge for information," The Fourth Estate, 18 March 2022, <https://thefourthestategh.com/2022/03/18/minerals-commission-loses-case-against-rti-commission-over-1000-charge-for-information/>.

<sup>22</sup> "Implementing the TRI Law," Business Ghana, September 2021, <https://www.businessghana.com/site/news/general/247463/Implementing-RTI-Law-Information-access-fees-out-soon-Opong-Nkrumah>.

<sup>23</sup> Patricia Sampson (Director Finance and Administration Directorate with the Ministry of Information), email to the IRM researcher, 7 November 2021.

<sup>24</sup> Information provided by the national Steering Committee to the IRM during the report's pre-publication comment period, 22 March 2022.

<sup>25</sup> Dr. Kwesi Jonah (Consultant for the Development of Ghana's fourth national action plan and CSO representative of the Institute for Democratic Governance), interview by the IRM Researcher on 5 November 2021.

<sup>26</sup> "COVID-19 Response in Africa," Article 19, <https://www.article19.org/covid-19-response-in-africa/>.

<sup>27</sup> "OGP Commitment Catalogue," Open Government Partnership, <http://ogpcatalog.herokuapp.com/search>.

<sup>28</sup> "Right to Information Factsheet," Open Government Partnership, November 2021, <https://www.opengovpartnership.org/wp-content/uploads/2021/11/Right-to-Information-fact-sheet.pdf>.

<sup>29</sup> For reference, see: "Ireland: Strengthening Freedom of Information - Implement the Code of Practice for Freedom of Information (FOI). (IE0012)," Open Government Partnership, <https://www.opengovpartnership.org/members/ireland/commitments/ie0012/>.

<sup>30</sup> "Ghana Action Plan 2021-2023," Open Government Partnership, [https://www.opengovpartnership.org/wp-content/uploads/2021/10/Ghana\\_Action-Plan\\_2021-2023.pdf](https://www.opengovpartnership.org/wp-content/uploads/2021/10/Ghana_Action-Plan_2021-2023.pdf), p. 18.

<sup>31</sup> List of national OGP Steering Committee members provided by Thelma to the IRM Researcher, November 2021; current members of Parliament include Hon. Emmanuel Bedzrah and Hon. Ama Pomaa Boateng; Hon. Emmanuel Kwasi Bedzrah has also been central to the process since Ghana joined the OGP.

<sup>32</sup> Honorable Emmanuel Kwasi Bedzrah (Member of Parliament, Government of Ghana), interview with the IRM researcher, 4 November 2021.

<sup>33</sup> "Ghana Action Plan 2021-2023," Open Government Partnership, [https://www.opengovpartnership.org/wp-content/uploads/2021/10/Ghana\\_Action-Plan\\_2021-2023.pdf](https://www.opengovpartnership.org/wp-content/uploads/2021/10/Ghana_Action-Plan_2021-2023.pdf).

<sup>34</sup> "Ghana Implementation Report 2017-2019," Independent Reporting Mechanism, Open Government Partnership, [https://www.opengovpartnership.org/wp-content/uploads/2021/05/Ghana\\_Implementation\\_Report\\_2017-2019.pdf](https://www.opengovpartnership.org/wp-content/uploads/2021/05/Ghana_Implementation_Report_2017-2019.pdf).

<sup>35</sup> Honorable Emmanuel Kwasi Bedzrah (Member of Parliament, Government of Ghana), interview with the IRM researcher, 4 November 2021.

<sup>36</sup> Honorable Emmanuel Kwasi Bedzrah (Member of Parliament, Government of Ghana), interview with the IRM researcher, 4 November 2021.

- <sup>37</sup> "Ghana Implementation Report 2017-2019," Independent Reporting Mechanism, Open Government Partnership, [https://www.opengovpartnership.org/wp-content/uploads/2021/05/Ghana\\_Implementation\\_Report\\_2017-2019.pdf](https://www.opengovpartnership.org/wp-content/uploads/2021/05/Ghana_Implementation_Report_2017-2019.pdf).
- <sup>38</sup> Sammy Obeng (Parliamentary Network Africa), email to the IRM researcher, 30 December 2021.
- <sup>39</sup> Honorable Emmanuel Kwasi Bedzrah (Member of Parliament, Government of Ghana), interview with IRM researcher, 4 November 2021.
- <sup>40</sup> Sammy Obeng (Parliamentary Network Africa), email to the IRM researcher, 30 December 2021.
- <sup>41</sup> Honorable Emmanuel Kwasi Bedzrah (Member of Parliament, Government of Ghana), interview with IRM researcher, 4 November 2021.
- <sup>42</sup> Sammy Obeng (Parliamentary Network Africa), email to the IRM researcher, 30 December 2021.
- <sup>43</sup> "Civil Society Engagement: Preparing the Plan," Open Government Partnership, <https://www.opengovpartnership.org/civil-society-engagement/preparing-the-plan/>.
- <sup>44</sup> "Memorandum on Parliamentary Engagement," Open Government Partnership, <https://www.opengovpartnership.org/documents/memorandum-on-parliamentary-engagement/>.
- <sup>45</sup> "Parliaments and open governments: Early lessons from country experiences," Open Parliament e-Network, October 2020, [https://alertas.directoriolegislativo.org/wp-content/uploads/2020/10/Publicaci%C3%B3n-OPeN\\_v29-10.pdf?x32394](https://alertas.directoriolegislativo.org/wp-content/uploads/2020/10/Publicaci%C3%B3n-OPeN_v29-10.pdf?x32394).
- <sup>46</sup> Sammy Obeng (Parliamentary Network Africa), email to the IRM researcher, 30 December 2021.
- <sup>47</sup> Honorable Emmanuel Kwasi Bedzrah (Member of Parliament, Government of Ghana), interview with the IRM researcher, 4 November 2021.
- <sup>48</sup> Sammy Obeng (Parliamentary Network Africa), email to the IRM researcher, 30 December 2021.
- <sup>49</sup> "Ghana Action Plan 2021-2023," Open Government Partnership, [https://www.opengovpartnership.org/wp-content/uploads/2021/10/Ghana\\_Action-Plan\\_2021-2023.pdf](https://www.opengovpartnership.org/wp-content/uploads/2021/10/Ghana_Action-Plan_2021-2023.pdf); Thomas Naadi, "Ghana MPs brawl in parliament over mobile money tax," BBC, 21 December 2021, <https://www.bbc.com/news/world-africa-59740528>.
- <sup>50</sup> Sammy Obeng (Parliamentary Network Africa), email to the IRM researcher, 30 December 2021.
- <sup>51</sup> Sammy Obeng (Parliamentary Network Africa), email to the IRM researcher, 30 December 2021.
- <sup>52</sup> "Open Parliaments," Open Government Partnership, <https://www.opengovpartnership.org/policy-area/open-parliaments/#:~:text=Open%20parliament%20commitments%2C%20relating%20directly,from%20more%20than%2055%20parliaments>.
- <sup>53</sup> "Policy Progress Report: Open Parliaments," Open Government Partnership, <https://www.opengovpartnership.org/wp-content/uploads/2021/12/OGP-Policy-Overview-Open-Parliaments.pdf>.
- <sup>54</sup> "Open Parliaments Fact Sheet," Open Government Partnership, <https://www.opengovpartnership.org/wp-content/uploads/2021/11/Open-Parliaments-Fact-Sheet.pdf>.
- <sup>55</sup> "Memorandum on Parliamentary Engagement," Open Government Partnership, <https://www.opengovpartnership.org/documents/memorandum-on-parliamentary-engagement/>.
- <sup>56</sup> "Preparing the Plan," Open Government Partnership, <https://www.opengovpartnership.org/civil-society-engagement/preparing-the-plan/>.
- <sup>57</sup> "About," National Open Data Portal, Government of Ghana, <https://data.gov.gh/about>.
- <sup>58</sup> National Open Data Portal, Government of Ghana, <https://data.gov.gh/>.
- <sup>59</sup> See IRM End-of-Term Report for Commitments 6 and 8 in Ghana's 2015 OGP action plan: "Ghana: Open Data," Open Government Partnership, <https://www.opengovpartnership.org/members/ghana/commitments/GH0019/>.
- <sup>60</sup> Mussah Issah (Deputy Director Regulatory, National Information Technology Agency), interview with IRM researcher, 2 November 2021.
- <sup>61</sup> See Commitment 14: "Ghana Action Plan 2021-2023," Open Government Partnership, [https://www.opengovpartnership.org/wp-content/uploads/2021/10/Ghana\\_Action-Plan\\_2021-2023.pdf](https://www.opengovpartnership.org/wp-content/uploads/2021/10/Ghana_Action-Plan_2021-2023.pdf).
- <sup>62</sup> "Ghana's Open Data Initiative," World Wide Web Foundation, <https://webfoundation.org/our-work/projects/ghana-open-data-initiative-godi/>.
- <sup>63</sup> "About," National Open Data Portal, Government of Ghana, <https://data.gov.gh/about>.
- <sup>64</sup> "Search," National Open Data Portal, Government of Ghana, <https://data.gov.gh/search/type/dataset>.
- <sup>65</sup> See 2013-2014 national OGP action plan: "Ghana: Policy Portal," Open Government Partnership, <https://www.opengovpartnership.org/members/ghana/commitments/gh0013/>.
- <sup>66</sup> See 2015-2017 national OGP action plan: "Ghana: Open Data," Open Government Partnership, <https://www.opengovpartnership.org/members/ghana/commitments/GH0019/>.
- <sup>67</sup> See 2017-2019 national OGP action plan: "Ghana: Technology and Innovation," Open Government Partnership, <https://www.opengovpartnership.org/members/ghana/commitments/GH0027/>.
- <sup>68</sup> Mussah Issah (Deputy Director Regulatory, National Information Technology Agency), interview with the IRM researcher, 2 November 2021.



<sup>69</sup> Mussah Issah (Deputy Director Regulatory, National Information Technology Agency), interview with the IRM researcher, 2 November 2021.

<sup>70</sup> Draft National Data Sharing Policy, Government of Ghana, February 2019, <https://data.gov.gh/sites/default/files/Ghana%20National%20Data%20Sharing%20Policy%20Draft%203.0.pdf>

<sup>71</sup> Mussah Issah (Deputy Director Regulatory NITA [National Information Technology Agency]), interview with IRM researcher, 2 November 2021.

<sup>72</sup> "Aftermath of the Data Upload Challenge and Hackathon," Mobile Web Ghana, 9 April 2019, <https://mobilewebghana.org/2019/04/09/aftermath-of-the-data-upload-challenge-and-hackathon/>.

<sup>73</sup> National Open Data Portal, Government of Ghana, <https://data.gov.gh/>.

<sup>74</sup> Mussah Issah (Deputy Director Regulatory, National Information Technology Agency), interview with the IRM researcher, 2 November 2021.

<sup>75</sup> "Open Data Factsheet," Open Government Partnership, <https://www.opengovpartnership.org/policy-area/open-data/>.

<sup>76</sup> Mussah Issah (Deputy Director Regulatory, National Information Technology Agency), interview with the IRM researcher, 2 November 2021.

<sup>77</sup> "Data Openness and Reutilization," Open Government Partnership, Government of Buenos Aires, 2018-2020, <https://www.opengovpartnership.org/members/buenos-aires-argentina/commitments/bue0007/>.

<sup>78</sup> "Open Data Stories," Buenos Aires Open Data Portal, <https://www.buenosaires.gob.ar/datosabiertos/historias>.

<sup>79</sup> "Open Data," Open Government Partnership, Government of Morocco, 2018-2020, <https://www.opengovpartnership.org/members/morocco/commitments/mo0004/>.

## Section III. Methodology and IRM Indicators

The purpose of this review is not an evaluation as former IRM reports. It is intended as an independent quick technical review of the characteristics of the action plan and the strengths and challenges the IRM identifies to inform a stronger implementation process. This approach allows the IRM to highlight the strongest and most promising commitments in the action plan based on an assessment of the commitment per the key IRM indicators, particularly commitments with the highest potential for results, the priority of the commitment for country stakeholders and the priorities in the national open government context.

To determine which reforms or commitments the IRM identifies as promising the IRM follows a filtering and clustering process:

**Step 1:** Determine what is reviewable and what is not based on the verifiability of the commitment as written in the action plan.

**Step 2:** Determine if the commitment has an open government lens. Is it relevant to OGP values?

**Step 3:** Commitments that are verifiable and have an open government lens are reviewed to identify if certain commitment needs to be clustered. Commitments that have a common policy objective or commitments that contribute to the same reform or policy issue should be clustered and its “potential for results” should be reviewed as a whole. The clustering process is conducted by IRM staff, following the steps below:

- a. Determine overarching themes. They may be as stated in the action plan or if the action plan is not already grouped by themes, IRM staff may use as reference the thematic tagging done by the OGP.
- b. Review objectives of commitments to identify commitments that address the same policy issue or contribute to the same broader policy or government reform.
- c. Organize commitments by clusters as needed. Commitments may already be organized in the action plan under specific policy or government reforms or may be standalone and therefore not clustered.

**Step 4:** Assess the potential for results of the cluster or standalone commitment.

The filtering process is an internal process and data for individual commitments is available in Annex I below. In addition, during the internal review process of this product the IRM verifies the accuracy of findings and collects further input through peer review, the OGP Support Unit feedback as needed, interviews and validation with country-stakeholders, and sign-off by the IRM’s International Experts Panel (IEP).

As described in the filtering process above, the IRM relies on **three key indicators** for this review:

### I. Verifiability

- “Yes”: Specific enough to review. As written in the action plan the objectives stated and actions proposed are sufficiently clear and includes objectively verifiable activities to assess implementation.

- “No”: Not specific enough to review. As written in the action plan the objectives stated and proposed actions lack clarity and do not include explicit verifiable activities to assess implementation.

\*Commitments that are not verifiable will be considered “not reviewable,” and further assessment will not be carried out.

## II. Does it have an open government lens? (Relevant)

This indicator determines if the commitment relates to open government values of transparency, civic participation or public accountability as defined by the Open Government Declaration, the OGP Articles of Governance and by responding to the guiding questions below. Based on a close reading of the commitment text, the IRM first determines whether the commitment has an open government lens:

- **“Yes”/“No”:** Does the commitment set out to make a policy area, institutions or decision-making process more transparent, participatory or accountable to the public?

The IRM uses the OGP Values as defined in the Articles of Governance. In addition, the following questions for each OGP value may be used as a reference to identify the specific open government lens in commitment analysis:

- **Transparency:** Will the government disclose more information, improve the legal or institutional frameworks to guarantee the right to information, improve the quality of the information disclosed to the public, or improve the transparency of government decision-making processes or institutions?
- **Civic Participation:** Will government create or improve opportunities, processes or mechanisms for the public to inform or influence decisions? Will the government create, enable or improve participatory mechanisms for minorities or underrepresented groups? Will the government enable a legal environment to guarantee freedoms of assembly, association and peaceful protest?
- **Public Accountability:** Will the government create or improve opportunities to hold officials answerable for their actions? Will the government enable a legal, policy or institutional frameworks to foster accountability of public officials?

## III. Potential for results

Formerly known as the “potential impact” indicator, it was adjusted taking into account the feedback from the IRM refresh consultation process with the OGP community. With the new results-oriented strategic focus of IRM products, this indicator was modified so that in this first review it laid out the expected results and potential that would later be verified in the IRM Results Report, after implementation. Given the purpose of this Action Plan Review, the assessment of “potential for results” is only an early indication of the possibility the commitment has to yield meaningful results based on its articulation in the action plan in contrast with the state of play in the respective policy area.

The scale of the indicator is defined as:

- **Unclear:** The commitment is aimed at continuing ongoing practices in line with existing legislation, requirements, or policies without indication of the added value or enhanced open government approach in contrast with existing practice.



- **Modest:** A positive but standalone initiative or changes to process, practice or policies. Commitments that do not generate binding or institutionalized changes across government or institutions that govern a policy area. For example, tools like websites, or data release, training, pilot projects.
- **Substantial:** A possible 'game changer' to the 'rules of the game' (or the creation of new ones), practices, policies or institutions that govern a policy area, public sector and/or relationship between citizens and state. The commitment generates binding and institutionalized changes across government.

This review was prepared by the IRM in collaboration with Eva Okoth and Maria Emilia Mamberti and overseen by the IRM's International Experts Panel (IEP). The current IEP membership includes:

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

For more information about the IRM refer to the **"About IRM" section of the OGP website** available [here](#).

## Annex 1. Commitment by Commitment Data<sup>1</sup>

### Commitment 1: Strengthen Implementation of Audit Recommendations

- Verifiable: No
- Does it have an open government lens? Yes
- Potential for results: Modest

### Commitment 2: Implement the Anti-Money Laundering Act

- Verifiable: Yes
- Does it have an open government lens? Yes
- Potential for results: Modest

### Commitment 3: Implement the Witness Protection Act

- Verifiable: Yes
- Does it have an open government lens? Yes
- Potential for results: Modest

### Commitment 4: Public Officials' Asset Declaration

- Verifiable: Yes
- Does it have an open government lens? No
- Potential for results: Unclear

### Commitment 5: Resourcing the Office of the Special Prosecutor

- Verifiable: Yes
- Does it have an open government lens? No
- Potential for results: Unclear

### Commitment 6: Operationalizing Citizens Complaint Centers

- Verifiable: Yes
- Does it have an open government lens? Yes
- Potential for results: Modest

### Commitment 7: Open and Transparent Tracking of Public Investments

- Verifiable: Yes
- Does it have an open government lens? Yes
- Potential for results: Modest

### Commitment 8: Restoring the Fiscal Responsibility Act

- Verifiable: Yes
- Does it have an open government lens? No
- Potential for results: Unclear

### Commitment 9: Beneficial Ownership Transparency

- Verifiable: Yes
- Does it have an open government lens? Yes
- Potential for results: Modest

#### **Commitment 10: Petroleum Sales Contract Transparency**

- Verifiable: Yes
- Does it have an open government lens? Yes
- Potential for results: Modest

#### **Commitment 11: Implementing the Right to Information Law**

- Verifiable: Yes
- Does it have an open government lens? Yes
- Potential for results: Modest

#### **Commitment 12: Increasing Women and Persons with Disabilities' Political Participation**

- Verifiable: Yes
- Does it have an open government lens? Yes
- Potential for results: Modest

#### **Commitment 13: Develop an Open Parliament Plan**

- Verifiable: Yes
- Does it have an open government lens? Yes
- Potential for results: Modest

#### **Commitment 14: Improve Access to Open Data**

- Verifiable: Yes
- Does it have an open government lens? Yes
- Potential for results: Substantial

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<sup>1</sup> **Editorial notes:**

1. For commitments that are clustered: the assessment of potential for results is conducted at the cluster level, rather than the individual commitments.
2. Commitment short titles may have been edited for brevity. For the complete text of commitments, please see Ghana's action plan: <https://www.opengovpartnership.org/documents/ghana-action-plan-2021-2023/>

## Annex 2: Minimum Requirements for Acting According to OGP Process

According to OGP's Procedural Review Policy, during development of an action plan, OGP participating countries must meet the "Involve" level of public influence per the IRM's assessment of the co-creation process.

To determine whether a country falls within the category of "involve" on the spectrum, the IRM assesses different elements from OGP's Participation & Co-creation Standards. The IRM will assess whether the country complied with the following aspects of the standards during the development of the action plan, which constitute the minimum threshold:

1. **A forum exists:** there is a forum to oversee the OGP process.
2. **The forum is multi-stakeholder:** Both government and civil society participate in it.
3. **Reasoned response:** The government or multi-stakeholder forum documents or is able to demonstrate how they provided feedback during the co-creation process. This may include a summary of major categories and/or themes proposed for inclusion, amendment or rejection.

The table below summarizes the IRM assessment of the three standards that apply for purposes of the procedural review. The purpose of this summary is to verify compliance with procedural review minimum requirements, and it is not a full assessment of performance under OGP's Co-creation and Participation Standards. A full assessment of co-creation and participation throughout the OGP cycle will be provided in the Results Report.

**Table 2. Summary of minimum requirements to act according to OGP Process**

<i><b>OGP Standard</b></i>	<i><b>Was the standard met?</b></i>
<b>A forum exists.</b> There is a 12 member OGP Steering Committee that oversees the design and implementation of OGP action plans. <sup>1</sup>	Green
<b>The forum is multi-stakeholder.</b> The committee includes representatives of civil society, government ministries, and members of parliament.	Green
<b>The government provided a reasoned response on how the public's feedback was used to shape the action plan.</b> The government held a validation meeting where comments received were presented and discussed. Afterwards, participants could send further comments, through a dedicated	Green

email address.<sup>2</sup>

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<sup>1</sup> A list of Steering Committee members and their contact information was provided to the IRM researcher by Thelma Ohene-Asiamah, Director Finance and Administration and the OGP Coordinator, Department of Finance and Administration, Government of Ghana, November 2021.

<sup>2</sup> Meeting minutes for the OGP Steering Committee and validation meeting are available in the national OGP Secretariat Google Drive: <https://drive.google.com/drive/folders/1kzcbjjX7n6PIkdFgCEVGyzIpaezgZIIX>.