



Office Of The Senior
Presidential Advisor
/Public Sector
Reforms Secretariat
OFFICE OF THE PRESIDENT



Ghana Integrity Initiative (GII)
Local Chapter of Transparency International

**REPORT ON NATIONAL STAKEHOLDER
CONSULTATIVE MEETING FOR THE
DEVELOPMENT OF THE
4TH OPEN GOVERNMENT PARTNERSHIP
NATIONAL ACTION PLAN**

MAY 2021



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LIST OF ABBREVIATIONS

AML	Anti-Money Laundering
BNI	Bureau of National Investigation
CEO	Chief Executive Officer
CID	Criminal Investigation Department
COVID-19	Corona Virus Disease of 2019
CRIC	Constitutional Review Implementation Committee
CSO	Civil Society Organization
CSU	Client Service Units
EOCO	Economic and Organized Crime Office
GDP	Gross Domestic Product
GFDO	Ghana Federation of Disability Organizations
GII	Ghana Integrity Initiative
GODI	Ghana Open Data Initiative
HR	Human Resource
IT	Information Technology
JVCs	Joint Venture Company
LGS	Local Government Service
LI	Legal Instrument
MDFs	Mineral Development Funds
MOFA	Ministry of Food and Agriculture
MOFEP	Ministry of Finance and Economic Planning
MONICOM	Monitoring Committee

MMDAs	Metropolitan Municipal District Assemblies
MMDCEs	Metropolitan Municipal and District Chief Executives
NACAP	National Anti-Corruption Action Plan
NAP	National Action Plan
NDC	National Democratic Congress
NPP	New Patriotic Party
ODI	Open Data Initiative
OGP	Open Government Partnership
OSP	Office of Special Prosecutor
PAC	Public Accounts Committee
PPA	Public Procurement Act
PRMA	Petroleum Revenue Management Act
PSRS	Public Sector Reform Secretariat
RTI	Right to Information
SA	Social Accountability
SDG	Sustainable Development Goal
SIGA	State Interests and Governance Authority
SOEs	State Owned Enterprises

PART ONE



1. INTRODUCTION

The National Action Plan (NAP) process is bi-annual and involves extensive consultations by all stakeholders, government, and civil society, in order to arrive at the priority areas to be captured. Since the inception of Open Government Partnership (OGP), Civil Society Organizations (CSOs) have been working closely with the Public Sector Reform Secretariat (PSRS) to ensure that the tenets of Open Governance are adhered.

At the national stakeholder consultative meeting, the consultant to facilitate and lead the process of developing Ghana's 4th National Action Plan is expected to present the draft Open Government Partnership 4th National Action Plan. Participants are also expected to make inputs in terms of the four thematic areas of OGP, namely, transparency, accountability, citizens' participation and innovative and technology for incorporation into the draft NAP. The output of the stakeholder consultative meeting will be submitted to a national forum for validation.

The first activity which is a one-day national stakeholder consultative meeting took place in Accra on Wednesday 19th May, 2021 at Tomreik Hotel, East Legon. The meeting brought together representatives from the public institutions, academia, civil society organization and the media. The meeting was graced with the presence of the Hon. Yaw Osafo-Maafa, the Senior Presidential Advisor and Chairman of the Open Government Partnership (OGP) Steering Committee, who delivered the keynote address.

The meeting started with an opening prayer, an address from the Executive Director, GII and Co-Chair, OGP Steering Committee, Mrs. Linda Ofori-Kwafo, the Senior Presidential Advisor, Hon. Yaw Osafo-Maafa and a presentation by the Consultant, Dr. Kwesi Jonah. This was followed by a breakout session based on the four thematic areas of OGP: Accountability, Transparency, Innovation and Technology and Citizen's Participation. These discussions were facilitated by Mrs. Linda Ofori-Kwafo for Transparency Group; Dr. Steve Manteaw for Accountability Group; Mr. Eric Akumiah for Innovation and Technology Group and Mr. George Osei-Bimpeh for the Citizen's Participation Group.

This report begins with the opening remarks by Mrs. Linda Ofori-Kwafo; a brief statement by Hon. Yaw Osafo-Maafo. This will be followed by a political economy analysis by Dr. Kwesi Jonah and end with the breakout session among participants.

2. OPENING REMARKS BY MRS. LINDA OFORI-KWAFO, EXECUTIVE DIRECTOR, GII AND CO-CHAIR OGP STEERING COMMITTEE

The opening remark was delivered by Mrs. Linda Ofori-Kwafo, the Executive Director, Ghana Integrity Initiative (GII) and Co-Chair of the OGP Steering Committee. In her address, Mrs. Ofori-Kwafo indicated that Ghana continues to make progress in the implementation of its commitments towards achieving the goals of OGP. She noted that Transparency International played a key role in promoting the OGP and based on that, the GII has received grant through the Africa Support Unit of the OGP to facilitate the co-creation process by organizing the meeting.

She stated that it is the goal of OGP that democracy must be practiced everyday through citizens shaping and overseeing the policies that impact their lives. It is in this vision that OGP seeks to champion citizens' interest through government and CSO's to co-create action plans and reforms that will make government more open, participatory, and responsive to citizens.

Mrs. Ofori-Kwafo noted that Ghana joins other countries to commemorate the Open Government Week, a platform which was created to reflect on the successes and challenges bedeviling the achievement of the objectives of the partnership. She further indicated that the COVID-19 pandemic has underscored the need for openness in all public decision relative to the management of the pandemic. She however acknowledged that more can be done in ensuring openness and transparency and it is in that regard that there has been an adoption of the Open Renewal strategy to complement the existing Open Response and Open Recovery campaign.

She stated that despite the many successes that the country has achieved to further open up government, there are still some significant challenges that need to be addressed. Key among these challenges include low appreciation and comprehension of the OGP, unrealistic timeframes for the implementation of actions, low commitment of government to fund the

actions of OGP lack of ambition in the commitments made, and low level of capacity of civil society and citizens' participation in the process.

Accordingly, it was her hope that governments publicly commit to concrete reforms that make government more open, participatory, and responsive to citizens, while citizens and civil society engage to shape and oversee governments between and beyond elections. She expressed optimism that the meeting will begin the process towards the development of a robust NAP-4.

2.1 STATEMENT BY HON. YAW OSAFO-MAAFO, SENIOR PRESIDENTIAL ADVISOR AND CHAIRMAN, OPEN GOVERNMENT PARTNERSHIP STEERING COMMITTEE

The keynote address for the meeting was delivered by the Senior Presidential Advisor and Chairman of the Open Government Partnership (OGP) Steering Committee, Hon. Yaw Osafo-Maafa. He expressed his appreciation to participants for honoring the invitation to be part of the meeting. He stated that the OGP is a global initiative that brings government leaders and civil society advocates together for the purpose of promoting transparency, empowering citizens, fighting corruption and encouraging the use of new technologies to improve governance.

He indicated that the Government has shown great commitment through several achievements made under the various thematic areas through the implementation of three (3) OGP National Action Plans. Key among them include the enactment of the Office of the Special Prosecutor Act, 2017 (Act 959), the enactment of the Fiscal Responsibility Act, 2018 (Act 982), the enactment in 2019 of the Companies Act, 2019 (Act 992), the enactment of the Right to Information Act, 2019 (Act 989), the enactment of the State Interests and Governance Authority Act, 2019 (Act 990), the implementation of the Ghana Open Data Policy and the digitization agenda by the incumbent government.

He however, noted that these achievements came with a number of challenges; critical among them were budgetary constraints which made it difficult for Ghana to pay up subscriptions to the global OGP fraternity.

He indicated that Ghana is due to submit a fourth (4th) National Action Plan and as part of efforts towards the achievement of this objective, a consultant has been engaged to facilitate and lead the process of developing Ghana's Fourth (4th) National Action Plan. Hon. Osafo-Mafo informed participant that the consultant has reviewed the previous three (3) National Action Plans (NAPs) and has undertaken Political Economy Analysis of them. Therefore, it is imperative that Civil Society Organizations (CSOs) and Government come together to discuss and identify key priority commitments for the 4th National Action Plan.

He reported that virtual consultative meetings are also expected to be held during the NAP development process to ensure Ghana comes out with a National Action Plan (NAP) that meets the requirements of the OGP community.

He outlined the objectives of the consultative process as follows:

1. Report on the review of the 1st, 2nd and 3rd National Action Plans.
2. Report on the Political Economy Analysis on the governance architecture and capturing government's policy priorities to inform the development of the NAP 4.
3. Identify, prioritize and agree on key areas for inclusion in the National Action Plan (NAP) 4.
4. Sensitize existing and potential Implementation Institutions and Agencies on OGP to secure their buy-in.
5. Review past approaches to implementing the first three (3) National Action Plans and agree on modalities to hold each other accountable for the implementation of the NAP 4.
6. Strengthen opportunities for interactions between government and CSO's on their role in development through the open governance process.

He indicated that the output of the stakeholder consultative meeting will be submitted to a national forum for validation and therefore urged participants to contribute to ensure the success of the NAP-4.

3. PRESENTATION ON THE SCOPING/POLITICAL ECONOMY ANALYSIS

The presentation on the political economy Analysis of the 4th Open Government Partnership was delivered by Dr. Kwesi Jonah, the consultant for the project and a Senior Research Fellow with the Institute for Democratic Governance. The presentation started with the progress and setback from the previous national action plan (NAP3) under the various thematic areas and then proceeds to propose new targets based on lessons learnt from the previous actions plans.

He indicated that the specific context for the preparation of the NAP4 is characterized by limited progress in opening up government as some initiatives taken in particular thematic areas undoubtedly point open government in the right direction. However, other major setbacks also pose uncertainties for the future and raise serious concerns about the political will to drive open government forward.

Under the transparency and accountability thematic area, he mentioned that the creation of the office of the special prosecutor, the passage of the right to information Act, the enactment of the fiscal responsibility act and the establishment of legal framework for beneficial ownership are some remarkable progresses that have made been under the NAP 3. He however noted that the forced retirement of the auditor general coupled with the resignation of the first special prosecutor citing executive interference constitute a major setback for transparency and accountability.

Under Civic participation, the consultant indicated that the previous action plans have focused on Client Service Units (CSU) and their integration with Social Accountability (SAs) Units. As positive development, the Local Government Level Client Service Units (CSUs) have been largely implemented. However, the opportunity to link the SDG 5 on gender equality to this thematic area has been consistently missed under OGP commitments. Also, despite the strong advocacy by CSOs for the enactment of the Affirmative Action Bill, it has still not been done. In addition, he mentioned that OGP commitments on Civic participation have consistently overlooked the issue of direct election of MMDCEs as against the current practice of appointment by the President under Article 243 (1). He explained that both the NDC and NPP have promised the election of MMDCEs in their manifestos although they differ on whether political parties should be allowed to participate. Therefore, the will to have MMDCEs directly

elected by the people is strong but the desire for the parties to collaborate and pursue this agenda is weak.

Dr. Jonah further indicated that the establishment of State Interests and Governance Authority (SIGA) has enhanced transparency and accountability of public owned enterprises which was a concern under NAP3. Concerning declaration of asset by public office holder which was a commitment under NAP-3, the consultant indicated that the major issue has been the secrecy and non-verifiability of the declaration, the non-compliance by many public office holders and the specific time for the declaration of asset. Under technology and innovation, the major commitment in NAP-3 was for the Ministry of Communication and Digitalization and related ministries and agencies to finalize the Ghana Open Data Policy by 2018. He noted this has been achieved and as at now, Ghana is considered a leader in Africa in Open Data Initiative.

In terms of lessons learnt from previous action plans, the consultant outlined four main lessons that in his opinion should guide the preparation of the NAP-4. First, previous action plans have not been strong on gender equity and social inclusiveness. Second, there has been a failure to ensure that previous action plans are integrated into priority plans of government and CSOs advocacy. Also, there have been concerns regarding the specificity of commitments and their relevance for opening up government. The final lesson is the issue concerning overloading of commitments by previous action plans.

He argued that based on the review of the context for NAP-4, the government must commit to implement the following undertakings in the 2021-2022 plan period. The government must commit:

- i. That SIGA will ensure that all public entities obliged to submit the required information for inclusion in the State Ownership Report are compliant by the first quarter of 2022.
- ii. To amend the legislation on Assets Declaration in order to empower the Auditor General to verify assets as well as identify and publish names of non-compliant public officers.
- iii. To amend the Public Office Holders (Declaration of Assets and Disqualification) Act 1998 (Act 550) which gives public offers up to six months after assumption of office to declare their assets to make it consistent with Article 286 of the constitution
- iv. Appoints a substantive Special Prosecutor, resource the office and safeguard its independence

- v. That by the end of 2021 Registrar General's Department will publish annually a list of beneficial ownership of companies in the extractive industries
- vi. To ensure that the Fiscal Responsibility Act is fully operational by 2022 to effectively check expenditure overruns in the 2024 elections
- vii. To make public all long-term sales contract in the extractive sector particularly oil revenue by December 20 2021
- viii. To complete the roll out of the administrative structure of the RTI commission in the regions by the end of 2021 and ensure the full operationalization of the RTI law throughout Ghana
- ix. To initiate before the end of 2022 actions to ensure that the people can directly elect their MMDCs along party lines by securing partisan consensus in Parliament to amend Articles 243 (1) and 55 (3) which currently do not allow this to happen
- x. To enact the Affirmative Action Bill into law by December 2021 in order to increase women's participation in decision making
- xi. To pass an amended Disability Act by December 2022 to reflect the concerns of the Ghana Federation of Disability Organizations (GFDO)
- xii. That GODI will fully involve the academic community and ensure that Ministries, Departments and Agencies are uploading relevant data sets for use by the public.

All these responsibilities were assigned to the relevant state agencies together with collaborating CSO groups for follow up and monitoring purposes. He concluded his presentation by encouraging participants to criticize the report and make recommendations for improving it.

3.1 Comment by the Senior Presidential Advisor

After the presentation by the consultant, the Chairperson of OGP Steering Committee and the Senior Presidential Advisor explained that during the consultative assembly in 1992, some women did not want their husband to know about their assets because of the matrilineal system of inheritance in the country. Similarly, some men also opposed the open declaration of assets. In the view of the Senior Presidential Advisor, the asset declaration should be made public to boost the fight against corruption.

With regards to the Fiscal Responsibility Act, the Senior Presidential Advisor clarified parliamentary censorship ends with the resignation of the minister involved. Therefore, the

only challenge to the law will be if Members of Parliament votes on partisan lines. In this case, it will be difficult to get the required majority to pass the vote of censorship in the Minister since he or she is likely to come for the party with the Majority in Parliament.

PART TWO



4. BREAKOUT SESSIONS

After the presentation by the consultant, the meeting was divided into four (4) groups based on the four thematic areas of OGP for discussions on the presentation. The facilitators for the thematic areas led the discussions in the various groups. The facilitators include Mrs. Linda Ofori-Kwafo for Transparency Group; Dr. Steve Manteaw for Accountability Group; Mr. Eric Akumiah for Innovation and Technology Group and Mr. George Osei-Bimpeh for the Citizen's Participation Group.

4.1 PRESENTATIONS OF ISSUES FROM THE BREAKOUT SESSION

The following are the issues discussed and presented by the four groups.

4.1.1 Accountability Group

Concerns Raised

The following concerns were expressed by accountability group:

- i. How are we able to diffuse issues with transparency and accountability?
- ii. Have we made that critical transition from transparency to accountability? Why is accountability not happening?
- iii. NAP needs to distill what is accountability from what is transparency.

Critiques

The critique of the presentation includes:

- i. The consultant highlighted some of the gains. The consultant could have been granular on some specific achievements.
 - a. What is the specific information?
 - b. Where are the reports on such achievements?
 - c. How much are they spending?
- ii. On the Fiscal Responsibility Act: the consultant should contextualize the issues since we compare ourselves with other countries with different contextual realities. Is the 5 percent really a good benchmark for Ghana compared to our tax revenue as percentage of GDP and overall fiscal position? Importing a global benchmark will further constrain the country. Therefore, in analyzing the law, we have to show its implication.
- iii. On SIGA, it is barely two years and currently setting up the structure. Some of the progress or improvement made include:

Progress

- i. Accountability from SIGA.
- ii. Administer and ensure the profitable operations of SOEs. Advising the removal or otherwise of a CEO.
- iii. Data building is ongoing.

SIGA's commitments

- i. Publish the register of specified entities (SOEs, JVCs, and all other entities that we have shares/interest).
- ii. Publish performance evaluation reports of entities.
- iii. Companies must provide reports and statements to SIGA. And SIGA does monitoring. SIGA publishes an evaluation report.
- iv. Annual governance and performance report to the minister.
- v. Development of a code.

Challenges:

- i. SIGA is currently challenged with adequate staffing. However, in the interim SIGA must direct SOEs to publish annual reports and audited financial statements on their websites.
- ii. SIGA does not have much info/data that speaks to the year-on-year activities of the businesses.
- iii. Can there be a reporting requirement between OGP and bodies like SIGA?

State of Commitments under Previous NAP

- i. The Ministry of Finance and Economic Planning (MOFEP) must report on contractors blacklisted and debarred?
- ii. Investigative bodies (CID/BNI), Anti-corruption institutions and Quasi Security institutions (EOCO) committed to periodically make public reports on corruption related activities. This must be included in the current report.
- iii. MOFEP's commitment to pass whistle blowers (amendment) bill. The consultant must find out the progress of this commitment.
- iv. MOFEP's commitment to provide comprehensive monitoring information on all public infrastructure by December 2018:

- a. What is government's commitment to that and how can citizens also monitor? There should be an assessment of the transparency regime for this commitment in order for it to be improved.
- b. The consultant must also find out what is lacking in regards to this commitment? For instance, is the data comprehensive?
- c. Provide and contract data using internationally accepted standards. e.g., cost of infrastructure data standards, open contract for infrastructure data standards.

Extractive Sector's commitments

The following commitments were made under the extractive sector and therefore, the consultant must determine their progress:

- i. Past regulations to PRMA. The consultant must verify whether the regulation has been passed or not.
- ii. Develop regulations on MDFs. This has not yet been done and therefore and must remain.
- iii. MOFEP to provide financial and non-financial info on the state of utilization of petroleum revenue. The ministries must provide the state of completion in terms of percentages. Can they rather describe the actual stage and level of completion qualitatively?
- iv. MOFA and LGS to ensure MMDAs provide reports on royalty utilization. This has been done.
- v. Have a commitment to an open parliament? Seek assurance and buy-in of parliament into OGP.

Accountability Frameworks.

- i. PAC has expressed frustrations on inaction of implementation committees.
- ii. There must be an establishment of audit committees.
- iii. There should be naming and shaming of individuals involved in corruption. This can be done by the public relations unit of MMDAs.
- iv. In all these, who does the compliance. These issues must be narrowed down to the specific institutions assigned the responsibility.

State of the Commitment to International Treaties

- i. What is the state of Ghana's commitments to AML and terrorist financing? Are there any implementation plans?
- ii. Procurement and fiscal transparency. How far with blacklisting of companies who default on procurement regulations meant to ensure openness to public procurement? Would there be a need for a new LI for public procurement?
- iii. Make public procurement open by default (2016 commitment). These are generally implementation issues.

Corruption Reporting.

- i. Enact witness protection bill. This is a NAP3 commitment and therefore it is important to find out its current state. It is critical to follow up on the establishment of the witness protection commission.
- ii. Improve and extend the established citizens complain center.
- iii. There is the need to hold the Public Procurement Authority PPA to account and track its progress.

4.1.2 Transparency Group

The following comments were made by the transparency group:

- i. Section 2.1.1. Creation of the office of the special prosecutor***
 - a. Issues leading to the resignation of the previous prosecutor have to be addressed to prevent reoccurrence in the future. The consultant should add this to the report.
 - b. The recommendation for the decoupling of the Ministry of Justice and the Attorney General offices should be revisited to address the issue of independent appointment of the Special Prosecutor.
 - c. Reconsider the appointment process of the OSP
- ii. Section 2.1.2. The forced retirement of the Auditor General***
 - a. The heading "***forced***" retirement should be expunged from the document. This should be replaced with exit.
- iii. Section 2.1.3. Beneficial Ownership***

- a. Under the beneficial ownership, the importance is not only for Politically Exposed Persons and therefore it should be broadened to include good corporate governance process. Thus, the consultant should go back to the Act and capture all the objectives of the Act.
- b. Accessibility of the beneficial ownership data to relevant stakeholders

iv. Section 2.1.4. Fiscal Transparency

- a. The clause in the Act mandating the president to remove the finance minister should be changed from “*may*” to “*shall*”

v. Section 2.1.5. RTI

The group agreed that for RTI to serve its purpose, the government must

- a. Put in place the infrastructure for the implementation of the RTI- records management system
- b. Embark on digitization of State institution records or data for easy accessibility.
- c. Fund the implementation of the RTI

vi. Section 2.1.6. Asset Declaration

- a. The consultant should update the information in the report to include the new Conduct of Public Officers Bill.
- b. The new Conduct of Public Officers Bill should be passed by December 2021. This Bill now encapsulates a new asset declaration regime.
- c. There should be a second stage of verification undertaken by the Auditor General. The Auditor General should go to the field to verify the asset declared by public officials.

vii. Missing Issues from the Report

The group agreed that the following issues should be included in the report:

- a. The role of public account committee was missing in the document.
- b. The issue of open contracting under public procurement was also missing in the document.
- c. The implementation of Constitutional Review Implementation Committee (CRIC) proposals was missing in the report. However, the consultant stated the country should come to a consensus on key proposals that need to be amended.
- d. Contract transparency was in NAP3; however, mining contracts are still not accessible. The issue of mining license register is also still not available and therefore they should be included in the report.

viii. Modalities for Monitoring NAP4

- a. It is recommended that OGP should adopt the monitoring system of the NACAP i.e. The OGP should adopt the MONICOM.

ix. Existing Government Commitment

It was stated that the government has already committed to the following and therefore should be highlighted in the report:

- a. Mainstreaming disclosure in the extractive sector
- b. Gender disaggregated disclosure policy
- c. Commodity trading transparency which was in NAP4 is currently ongoing.
- d. Companies are being supported to put information on their website.

4.1.3 Technology and Innovation Group

Progress

Since 2018 through the e-Transform Project the following has been undertaken:

- i. Readiness assessment of Ghana Open Data with comprehensive report and strategy developed
- ii. Development of draft policy awaiting approval
- iii. Completion of open data portal <https://data.gov.gh>
- iv. Stakeholder engagement with the tech and innovation eco-system
- v. Framework to enable alliance between government and private sector
- vi. Training on data management and data sharing

Recommendations

The technology and innovation group agreed on the following recommendations for Open Government Partnership through Open Data:

- i. Involve regulatory agencies, license authorities to develop data collection/dataset standards for their agencies
- ii. Empower research, statistics and information management directorates of the MDAs to lead dataset/collection teams
- iii. Ensure security tenure policies for Heads of IT/Data/Information and Innovation agencies for continuity, independence and project sustainability
- iv. Explore ways of raising fund for secretariat.

- v. Independent and financially sustainable open data center
- vi. Government provides specific annual budgetary allocation to the GODI secretariat.
- vii. The data on ODI website should be disaggregated. For instance, the issue of electricity tariff should be disaggregated to reflect the different tariff groups.
- viii. The function and responsibility of data storage and retrieval. In NAP3, there was a commitment for the management of public information. This must be revisited for it to be addressed.
- ix. The link to open data and Right to Information. There should a portal that contains all public information for easy accessibility.

4.1.4 Citizens Participation

The following recommendations were provided by the civic participation group on how to normalize the action plan:

- i. Ensure resources for the secretariat (HR & finance)
- ii. Develop a monitoring framework for NAP
- iii. Resourcing institutions that have direct engagement with citizens like the Information Service Department and National Commission for Civic Education
- iv. Introduce mechanism that requires MMDAs to report on how they are operationalizing the framework on popular participation policy.
- v. Parliament should monitor open government reforms and OGP commitment. Accordingly, Parliament must commit to developing its own action plan.
- vi. Parliament to adopt the open government principles (transparency, accountability, participation and inclusion) in their own work and practice through the development of a co-created open parliament by July 2022.
- vii. Supporting parliament to provide constructive and sustained engagement with citizens in its operations at all levels.
- viii. Include ruling party's manifesto to promote women's participation in governance.
- ix. Facilitate constructive engagement with citizen within the administrative structures at all levels.

4.2 OTHER GENERAL COMMENTS

- i. The deadline for the passage of the conduct of public office bill must be revisited.

- ii. The RTI coalition which was instrumental in the passage of the RTI bill was missing in the presentation and therefore must be captured as one of monitoring partners.
- iii. All other information and ideas should be shared on the email address shared to participants.

4.3 CLOSING REMARKS

The consultant expressed his appreciation to the participants for their comments and contributions and pledged to incorporate all the comments into the final document. The moderator also expressed his gratitude to participants for their presence and contributions. He further urged participants to provide contact details of relevant individuals and groups that can be consulted further on the report.

APPENDIX 1

REMARKS BY MRS. LINDA OFORI-KWAFO EXECUTIVE DIRECTOR – GII AT A NATIONAL STAKEHOLDERCONSULTATIVE MEETING FOR THE DEVELOPMENT OF THE 4TH OGP NATIONAL ACTION PLAN

WEDNESDAY, MAY 19, 2021 AT TOMREIK HOTEL, ACCRA

- The Senior Presidential Advisor at the Office of the President, Hon. Yaw Osafo-Maafa,
- The National Steering Committee,
- Representatives of various public sector Institutions
- The Commissioner General, GRA
- Private Sector Organizations here present,
- Colleagues from CSOs and INGOs
- The media, ladies and gentlemen,
- All protocols observed;

It gives me enormous pleasure to say a few words today as Ghana continues to make progress, howbeit slow, in the implementation of its commitments to achieving the goals of the Open Government Partnership (OGP). Ladies and Gentlemen, Transparency International played a key role in promoting the OGP through a multi-country project - Ghana, Peru, Ukraine and Indonesia- implemented between 2013 to 2016. Based on our capacity and previous engagement with the co-creation process, GII received a small grant through the Africa Support Unit of the OGP to facilitate the co-creation process. It is in this regard that we are gathered here today.

According to Sanjay, Sanjay Pradhan, the CEO of the Open Government Partnership, OGP was grounded in the belief that the exercise of democracy must not be limited to the ballot box, but rather practiced everyday by citizens shaping and overseeing the policies that impact their lives. To that essential end, the Partnership empowers champions of citizens’ interests—notably, government and civil society to co-create action plans, where governments publicly commit to concrete reforms that make government more open, participatory, and responsive to citizens,

while citizens and civil society engage to shape and oversee governments between and beyond elections.

Ladies and gentlemen, this week, Ghana joins over 70 member countries worldwide to commemorate the Open Government Week, a platform created to reflect on the successes and challenges bedeviling the achievement of the objectives of the partnership including but not limited to promoting transparency, empowering citizens, fighting corruption, and harnessing new technologies to strengthen governance. According to the Global OGP, the COVID-19 pandemic has brought to the fore the critical need for openness in all public decisions relative to the management of the COVID-19 pandemic. For instance, ‘open data is helping to track the spread of the virus and empowering citizens with the necessary information to keep them safe. Also, Open contracting, citizen participation, and transparent oversight offer a better path for governments distribution of vaccines within countries. Open government ensures government is held accountable to the citizens on all public procurement aimed at managing the spread and treatment of COVID-19 cases. However, more could be done and it is in this regard that another ‘R’ is being introduced to signify Open Renewal. The other ‘R’s are Open Response + Open Recovery campaign. ‘Open Renewal is about more than resetting. It is about tackling the systematic weaknesses in our societies that for too often have held too many countries back’.

A decade on, as the OGP community reflects the many successes chalked in its strive to further open government and promote government and civil society collaboration, many challenges still exist needing attention particularly in Ghana. Some of these have repeatedly been stated in the Independent Review Mechanisms (IRM reports) and include; low appreciation and comprehension of the OGP, unrealistic timeframes for the implementation of actions, low commitment of government to fund the actions of OGP, relegating this to civil society partners to source and secure funding, lack of ambition in the commitments made, and low level of capacity of civil society and citizens’ participation in the process.

To that essential end, the Partnership empowers champions of citizens’ interests notably, government and civil society to co-create action plans, where governments publicly commit to concrete reforms that make government more open, participatory, and responsive to citizens, while citizens and civil society engage to shape and oversee governments between and beyond elections; and where there is accountability by OGP’s Independent Reporting Mechanism

publicly assessing whether the government implemented open government actions as promised.

Ladies and Gentlemen, I hope today's event will begin the process towards the development of a robust NAP 4 that responds to all previous IRMs. I wish you a fruitful consultative meeting.

APPENDIX 2

STATEMENT BY HON. YAW OSAFO-MAAFO, SENIOR PRESIDENTIAL ADVISOR AND CHAIRMAN, OGP STEERING COMMITTEE

Heads and Representatives of MDAs and MMDAs

Representatives of Civil Society Organizations

Representatives of Private Sector Organizations

Representatives from Academia

Reps from Media

Invited Guests, Ladies and Gentlemen

I am happy from the roll call that all these groups are represented here this morning. It is with great pleasure that I open this all-important National Stakeholder Consultative meeting being organized by the Public Sector Reform Secretariat, Office of the President, in collaboration with the Ghana Integrity Initiative and the Steering Committee of the National Open Government Partnership (OGP) Initiative.

Ladies and Gentlemen, the Open Government Partnership is a global initiative that brings government leaders and civil society advocates together. It is aimed at promoting transparency, empowering citizens, fighting corruption and encouraging the use of new technologies to improve governance. In September 2011, Ghana signed onto the OGP and, in fulfillment of the requirement for member countries to develop and implement Action Plans every two years, Ghana developed and implemented its OGP National Action Plans (NAP) in 2012, 2015 and 2017 respectively through a broad-based consultative process among Government, CSOs and other stakeholders for submission to the Global Secretariat of OGP.

Invited Guests, Ladies and Gentlemen, the OGP presents an enormous opportunity for Ghana to demonstrate to its good people and the international community, its deepest commitment to pursuing open government.

The Government has shown great commitment through several achievements made under the various thematic areas through the implementation of three (3) OGP National Action Plans.

Key among them, under transparency and accountability, is the enactment of the Office of The Special Prosecutor Act, 2017 (Act 959) which established the Office of the Special Prosecutor and the subsequent appointment of a Special Prosecutor.

Following years of persistent fiscal deficits, Ghana under the IMF-sponsored Extended Credit Facility (ECF) in the 2017-2019 period committed to promote fiscal discipline and transparency by the passage in December 2018 of the Fiscal Responsibility Act, 2018 (Act 982) which capped annual deficit to no more than 5% of GDP and prescribed related censure of the Minister for Finance in the event of breaches. The outbreak of the COVID-19 pandemic in 2020 with its adverse effect on the economy of the country led to its suspension with the approval of Parliament.

The enactment in 2019 of the Companies Act, 2019 (Act 992) established the legal framework for the Beneficial Ownership regime in fulfillment of the resolution which made Beneficial Ownership disclosure mandatory for all implementing countries of the Extractive Industries Transparency Initiative (EITI). Ghana has amended its company code to reflect this. The Registrar General's Department (RGD) is implementing a Beneficial Ownership regime based on the Act following the completion of the upgrade of its electronic register to enable it receive data.

In March, 2019 the Right to Information Bill was passed by the Parliament of Ghana (Right to Information Act, 2019 (Act 989) and became operational in January 2020. It is an important instrument for the promotion of transparency and accountability. Citizens of Ghana have the right to demand information and government agencies have the responsibility to supply such information. This measure of transparency is because citizens need to know what government are doing so, they can be informed. Therefore, it is important for those who need the information to demand for it.

In April, 2019 a State Interests and Governance Authority (SIGA) was established by an Act of Parliament, State Interests and Governance Authority Act, 2019 (Act 990). The main purpose of SIGA is to ensure that the activities of all State-Owned Enterprises (SOEs) and Joint Venture Companies (JVCs) were monitored to among other objectives, ensure;

- i. promotion of efficient operations of the CSOs; and

- ii. adherence to good corporate governance practices.

The state has invested in a lot of companies in the past as most state-owned enterprises have in the past been mismanaged.

In 2017 a major commitment under innovation and technology was for the Ministry of Communications and related Ministries and Agencies to finalize the Ghana Open Data Policy by 2018. Today Ghana is considered a leader in Africa in Open Data Initiative.

His excellency the vice president spent a lot of time ensuring digitization in the country. During the COVID-19 period, GRA exceeded its target because the new system put in place makes it difficult to cheat. The practice where people reduce the price of items so understate revenue have been reduced due to the new technological system that is used at the port.

These achievements have not been without challenges; major among them is budgetary constraints which have made it difficult for Ghana to pay up subscriptions to the global OGP fraternity. However, attempts are being made to settle Ghana's outstanding subscription bill.

Ladies and Gentlemen, Ghana is due to submit a fourth (4th) National Action Plan and as part of efforts towards the achievement of this objective, a Consultant has been engaged to facilitate and lead the process of developing Ghana's Fourth (4th) National Action Plan. The Consultant has reviewed the previous three (3) National Action Plans (NAPs) and has undertaken Political Economy Analysis. As the spirit of co-creation demands, it is imperative that Civil Society Organizations (CSOs) and Government come together to discuss and identify key priority commitments for the 4th National Action Plan (NAP) and thus the Organisation of the National Stakeholder Consultative meeting to solicit inputs from stakeholders.

Virtual consultative meetings are also expected to be held during the NAP development process to ensure Ghana comes out with a National Action Plan (NAP) that meets the requirements of the OGP community. All stakeholders must ensure that there is concise action national plan:

The Consultative process seeks to particularly:

1. Report on the review of the 1st, 2nd and 3rd National Action Plans.
2. Report on the Political Economy Analysis on the governance architecture and capturing government's policy priorities to inform the development of the NAP 4.

3. Identify, prioritize and agree on key areas for inclusion in the National Action Plan (NAP) 4.
4. Sensitize existing and potential Implementation Institutions and Agencies on OGP to secure their buy-in.
5. Review past approaches to implementing the first three (3) National Action Plans and agree on modalities to hold each other accountable for the implementation of the NAP 4.
6. Strengthen opportunities for interactions between government and CSO's on their role in development through the open governance process.

The output of the stakeholder consultative meeting will be submitted to a national forum for validation. Your contribution therefore is very important to the success of the programme.

I wish to encourage all stakeholders gathered here today to bring their experiences to bear on the discussions to be able to achieve the objectives set out for this meeting.

Government will continue to support and be committed to the achievements of the objectives of OGP for improved governance and democracy in Ghana.

Thank you for your attention.

APPENDIX 3

PRESENTATION BY CONSULTANT ON THE SCOPING/POLITICAL ECONOMY ANALYSIS OF NATIONAL ACTION PLAN

2.0 PROGRAM CONTEXT

The specific context for the preparation of the NAP4 is characterized by limited progress in opening up government with major setbacks that pose uncertainties for the future, some initiatives taken in particular thematic areas undoubtedly point open government in the right direction. other developments raise serious concerns about the political will to drive open government forward.

2.1. Transparency and Accountability

The major initiative taken in this thematic area is the decision in 2017 by President Akufo Addo to implement a significant anti-corruption pledge in NPP 2016 election manifesto

2.1.1. Creation of The Office Of The Special Prosecutor

The first year of the Akufo Addo government saw the enactment of the Office of The Special Prosecutor Act 2017 (Act 959) which established the Office of the Special Prosecutor. The office was designed as a specialized independent investigating, prosecutorial and asset retrieving anti-corruption body.

On January 11, 2018, to the joy and excitement of civil society organizations. Mr. Martin Amidu a popular anti-corruption ambassador was appointed the first Special Prosecutor of Ghana.

By November 16, 2020, barely three years after his appointment, the Special Prosecutor had resigned from the position alleging unacceptable executive interference in the work of his office.

The president accepted his resignation and appointed his deputy as the Special Prosecutor in an acting capacity. Effectively Martin Amidu's resignation set back the clock of progress in the national fight against corruption.

2.1:2. Forced Retirement of The Auditor General

Another major setback to accountability relates to the forced retirement of the Auditor General Mr. Daniel Yao Domelevo in March 2021. The Office of the Auditor General as is enshrined in Ghana's 1992 constitution as a frontline state accountability institution. The Constitution Article 187(2) expressly provides that the public accounts of Ghana and all Public offices and any, body or organization established by an act of parliament shall be audited and reported on by the Auditor General.

In view of the importance of the office of the Auditor General for the critical function of protecting the public purse the Ghana Constitution Article 187(13) provides safeguard against arbitrary dismissal of the holders of the office. The constitution accordingly states that the provisions relating to the removal of the Justices of the Supreme Court of Judicature from office shall also apply to the Auditor General.

In spite of the crucial importance of the office for the accountability of public officers and protection of the public purse as well as the constitutional guarantee against arbitrary dismissal Daniel Domelevo was forced out of office in bizarre circumstances vehemently opposed by civil society organizations. He was initially forced to proceed on accumulated leave that took him out of his office for nine (9) months i.e., July 1, 2020, to March 3 2021. On resumption of duty after the prolonged leave he was immediately forced into retirement. The justification for the compulsory retirement by the Board of the Audit Service was that Domelevo's actual date of birth as per his social security records is June 1, 1960, and not June 1, 1961, as he claimed. Accordingly, he was deemed to have retired from public service in June 2020.

The board further made allegations of Domelevo not being a Ghanaian but having a Togolese nationality.

Civil society organizations in Ghana with one voice rejected the forced retirement as unlawful.

2.1:3. Transparency: Beneficial Ownership (BO)

Ghana acceded to the EITI in 2003 which enjoins member states to commit to transparent and accountable management of national resources for the benefit of citizens. In 2016 the EITI Global conference passed a resolution which made beneficial ownership disclosure

mandatory for all implementing countries, giving countries up to 2020 to fully operationalize the disclosure regime.

Accordingly, NAP-3 made the disclosure of beneficial ownership a major commitment.

The legal framework for the beneficial ownership regime however was non-existent. The enactment in 2019 of the Companies Act 2019 (Act 992) removed this impediment. The Registrar General Department (RGD) began implementing a beneficial ownership regime based on the Act following the completion of the upgrade of its electronic register to enable it receive data.

Currently, the RGD's BO electronic register has gone live to enable companies file their respective beneficial ownership data to the Department. In this regard the RGD has designed three (3) specific terms to facilitate the collection of BO data namely companies limited by guarantee and external companies.

One area of particular interest to stakeholders is Politically Exposed Persons (PEP) which has been duly incorporated. Companies have been tasked to provide details on such persons and indicate the nature of their connection to the company.

2.1:4. Fiscal Transparency

A characteristic problem with macro-economic management in Ghana is that the fiscal deficit has been persistently high typically in election years. After years of persistent fiscal deficits, Ghana under the IMF sponsored Extended Credit Facility (ECF) in 2017-2019 period committed to promote fiscal discipline and transparency by the passage in December 2018 of the Fiscal Responsibility Act 2018 (Act 982).

The Act capped the annual deficit to no more than 5percent of GDP and prescribed related censure of the Minister of Finance in the event of breaches.

The Fiscal Risk Unit (FRU) was established in the Ministry of Finance with responsibility for fiscal risk management. This was followed with the creation in 2020 of the Fiscal Responsibility Advisory Council to offer independent advice on fiscal responsibility and ensure the stability of the entire financial system across all the subsectors.

In August 2020 the Parliament of Ghana at the request of the Ministry of Finance, approved the suspension of the Fiscal Responsibility Rules for the 2020 financial year in accordance with the constitution of Ghana.

The outbreak Covid-19 pandemic had resulted in unanticipated increase in the expenditure which rendered scrupulous adherence to the fiscal responsibility rules contained in the Fiscal Responsibility Act unrealistic.

2.1:5. The Right to Information

The Right to Information Bill which under NAP-3 was expected to be passed by Parliament of Ghana by September 2018 was eventually passed in March 2019 and became operational in January 2020. The law is intended to give effect to Article 21(1) of the 1992 constitution of Ghana which provides that “All persons shall have the right to information subject to such qualifications and laws as are necessary in a democratic society” The RTI Act requires that a commission be established and accordingly the President Nana Addo Danquah Akufo Addo in October 2020 inaugurated the seven-member Governing Board Chaired by Justice K. A. Ofori Atta a retired High Court Judge. Mr. Yaw Sarpong a distinguished lawyer was also appointed the Executive Secretary to the Commission with responsibility for coordinating the administrative activities of the commission.

The RTI is an important instrument for the promotion of transparency and accountability. It obligates public institutions to voluntarily make information accessible to those who require it. It will also ensure that people can hold public bodies accountable for their actions.

3.0 CIVIC PARTICIPATION AND ACCOUNTABILITY

NAP-3 and previous Action Plans in advancing the attainment of commitments under this thematic area overly focused on Client Service Units (CSU) and their integration with Social Accountability (SA’s) Units. The Local Government Level Client Service Units (CSU’s) have been largely implemented but the opportunity to link the SDG 5 on gender equality to the thematic area has been consistently missed under OGP commitments. This has drawn strong criticism from researchers on Ghana’s OGP commitments to the effect that Ghana has not deliberately sought to include women in OGP processes and commitments. This is in spite of strong advocacy for close to a decade by Ghana’s Civil Society Organizations for the enactment

of The Affirmative Action Bill which would substantially improve the representation of women at all levels of government.

In October 2016, the Bill had been gazetted ready to go to Parliament but the election campaign took precedence over the improvement of women's representation. The 2020 presidential and parliamentary elections similarly passed without action on the Bill. At long last the President Nana Addo Dankwa Akufo Addo in his first State of Nation Address (SONA) of his second term assured the nation of the passage of the Bill within the first year (i.e., 2021).

Similarly, the OGP commitments on Civic participation consistently overlooked a burning issue of political participation which has remained a popular subject for public debate since November 2011 when the Constitutional Review Commission issued its report. This is the issue of whether or not the people should be allowed to directly elect their own District Chief Executives or district political heads as against the current constitutional position which vests the president with power to appoint chief executives under article 243 (1). In its 2016 election manifesto the NPP pledged to undertake the constitutional amendment necessary to enable the people to directly elect chief executives. The president later promised that the direct election of the people should be along party lines.

This would require the amendment of the entrenched provision under Article 55(3) which prohibits the participation of political parties in local government. Though amendment bills for the amendment of the articles were duly prepared by parliament the government at the very last minute caused their withdrawal. A referendum slated for a popular vote on the entrenched Article 55(3) was canceled when the opposition NDC openly opposed it. In its 2020 election manifesto the ruling NPP promised to reintroduce the amendment of Article 55(3) to enable the election of Chief Executives on party lines subject to building the necessary bi-partisan consensus. The NDC on the other hand pledged to implement some form of direct elections of chief executives but certainly not along party lines. The will to have District Chief Executives directly elected by the people is strong but the desire for parties to work together to achieve the goal is not so strong.

Transparency And Accountability: Comprehensive Information and Public Investments

Under the NAP-3, to enhance Transparency and Accountability of all entities in which the state had investments, the public investment division (PID) of the Ministry of Finance was required

to provide comprehensive monitoring information on Public Private Partnerships (PPP) by 2018. By 2019 the commitments had already been overtaken by events. By April 2019 a State Interest and Governance Authority (SIGA) had been established by an act of parliament. State Interest and Governance Authority Act (Act 990). The main purpose of SIGA is to ensure that the activities of all State-Owned Enterprises (SOEs) and Joint Venture Companies (JVCs) were monitored to ensure that aspects of their operations were streamlined. As at the time SIGA was established the government's public investment portfolio comprised 86 entities in which state resources had been invested and were required under the public Financial Management Act to submit reports for inclusion in the annual State Ownership Report. As at the time SIGA was established many enterprises were not submitting the required report and therefore their activities were shut from public scrutiny. This was in clear contravention of the Public Financial Management Act 2016.

Anti-Corruption And Transparency: Asset Declaration By Public Officers

NAP-3 specifically committed to ensure the amendment and enactment of the public office holders Bill to include thorough declaration and verification of assets by public office holders by December 2018. The relevant legal provisions are Articles 286 and 287 of the 1992 constitution of Ghana and Public Office holders (Declaration of Assets and disqualification) Act, 1998 (Act 556). There are three major issues with the declaration of Assets by public office holders in Ghana these are the secrecy and non-verifiability of the declaration, the non-compliance by many public office holders and the specific time for the declaration of assets.

- i. Assets are declared in secret sealed envelopes that are unverified by any officer.
- ii. Over 40,000 officers legally obliged to declare are in default.
- iii. Article 286 (A) requires the declaration of assets to be made before taking office but Act 550 requires the declaration to be made within six months of assuming office. There is a conflict between the statute and the constitution.

4.0 TECHNOLOGY AND INNOVATION

In 2017 when NAP-3 was drawn up a major commitment under this thematic area was for the Ministry of Communication and related ministries and agencies to finalize the Ghana Open Data Policy by 2018. Today Ghana is considered a leader in Africa in Open Data Initiative.

The Ghana Open Data Initiative (DODI) is under the leadership of the National Information Technology Agency (NITA) under the Ministry of Communication and Digitization (MoCD). The GODI secretariat has since 2010 been located at NITA which functions to coordinate the initiative and respond to enquiries from data users. The importance of Open data for opening up government derives from the fact that it promotes better governance and delivery of public services through increased accountability and transparency of public officials.

The GODI secretariat is seriously engaged in Open Data Academic Outreach to ensure the serious involvement of the academic community in Ghana's Open Data Agenda. The secretariat is at the same time encouraging Ministries, or data consuming public. Departments and Agencies to upload relevant data sets for the data consuming publics.

5.0. PLANNED ACTIONS AND TARGETS

Lessons from the Three Previous National Action Plan (NAP-3)

Since Ghana signed up to the Open Government Parliamentary Initiative Plans have been consistently implemented with modest success in the attainment of commitments. The lessons learnt over the past years should therefore be identified and inform formulation and implementation of subsequent Action Plans. A critical review of the three National Action Plan implemented to date points to several key lessons which should be factored into the plans going forward. These may be summed up as follows.

- i. Previous Action Plans have not been strong on gender equity and social inclusiveness. Therefore, in spite of the persistent effort by civil society groups to have gender issues addressed in Ghana's governance agenda, little or no effort has been made to incorporate them into the previous action plans.
- ii. Another lesson learnt relates to the failure to ensure that commitments made in Action Plans become integrated into the priority plans and strategies of the government and civil society advocacy. However valuable the commitments that find their way into Action Plans they have very little chance of being implemented unless they also become recognized as part and parcel of the government own short to medium term goals.
- iii. There had been issues also regarding the specificity of commitments and their relevance for opening up government. If a commitment is cast in broad and general terms with little or no relevance for opening up government, they pose a crucial challenge. It is

hard to determine whether the commitment has actually been attained or if attained the real value of its contribution to opening government up to the people

- iv. Last, but by no means the least, is the problem of overloading commitments. It is better to have a few OGP relevant specific commitments that can be effectively implemented than to have a tall list that in the end will not see the light of day.

Going forward these lessons should serve as useful signposts that guide Ghana and Ghanaians in terms of where they want to be in running a government that is open to the people in whom national sovereignty resides.

Following up on the brief review of the context for NAP-4 the government now commits to implement these undertakings in the 2021-2022 plan periods.

5.1. Transparency and Accountability. Open and Transparent Tracking of Public Investment

The government of Ghana has huge investments in some 86 entities comprising some 45 wholly state -owned enterprises and 41 partially owned entities also usually referred to as Joint Ventures Companies (JVCs). To ensure open and transparent tracking of entities in the state ownership portfolio entities are legally required under the Public Finance Management Act to submit information to be included in the annual State Ownership Report. Over 40 percent of entities fail to submit the required information and are therefore in clear breach of the law in 2019.

The creation of the State Investment and Governance Authority is demonstration of the commitment of government to ensure that investments made in various companies yield positive returns to the citizens, the government commits that SIGA will ensure that all entities obliged to submit the required information for inclusion in the State Ownership Report are compliant by the first quarter of 2022.

Responsible Institutions

Ministries of Finance and State Interest and Governance Authority (SIGA)

Collaborating Institutions

Center for Budget Advocacy (CBA) Ghana Integrity Initiative (GII) Institute for Economic Affairs (IEA) Institute for Fiscal Studies (IFS) Centre for Democratic Development (CDD) and Ghana Anti-corruption Initiative (GAI).

5.2. Anti-corruption and transparency -Asset Declaration by Public Officers

The assets declaration regime in Ghana has been a commitment of Ghana's open government initiative for some time. There are three main challenges associated with the assets declaration regime in Ghana, relating to the secrecy of the declaration, the non-compliance with the law and the time for compliance. Assets are declared in sealed envelopes not verified by any officer and as it turns out only a small percentage of officers eligible to declare are in compliant. To ensure open and transparent assets declaration by public officers the government of Ghana commits to amend the legislation on Assets Declaration in order to:

- Empower the Auditor General to verify assets declared.
- Identify and publish names of non-compliant public officers.
- Amend the Public Office Holders (Declaration of Assets and Disqualification) Act 1998 (Act 550) which gives public officers up to six months after assumption of office to declare their assets to make it consistent with Article 286 of the constitution which provides for the declaration before taking office. The amendment should be carried out by first quarter of 2022.

Responsible Institutions,

The Attorney General Department, Parliament, Commission for Human

Rights and Administrative Justice (CHRAG)

Collaborating Institutions. Ghana Anti-corruption Coalition (GACC), Ghana Integrity Initiative (GII), Centre for Democratic Development (CDD). Institute for Democratic Governance (IDEG)

5.3. Anti-Corruption Transparency –Office of The Special Prosecutor

Special Prosecutor of Ghana is a flagship anti-corruption institution. The Office of the Special Prosecutor was created in 2018 with Mr. Martin Amidu a nationally recognized anti-corruption crusader as the first appointee to the office. Since his resignation on November 16 2020 this office has been vacant with the appointment of the Deputy Special Prosecutor to fill the position in an acting capacity. In view of the strategic importance of the fight against corruption, the government of Ghana commits to

- Appoint a substantive Special Prosecutor before the end of 2021.
- Ensure the office is adequately supplied with all the human and financial resources for the effective discharge of the functions of the office.
- Reassure the public of safeguarding and strengthening the independence of the office.

Responsible Institutions

The Presidency, Attorney General and the Commission for Human Rights and Administrative Justice (CHRAG)

Collaborating Institutions.

Ghana Anti-corruption Coalition (GACC), Ghana Integrity Initiative (GII), Centre for Democratic Development (CDD). Institute for Democratic Governance (IDEG)

5.4. Transparency in the extractive industry. Beneficial ownership

The provision of information on beneficial ownership of companies especially in the extractive industries has been a long-standing commitment under previous NAPs. The key impediments to realizing the commitment was the absence of the appropriate legal framework. The companies Act 2019 has now provided the much-needed legal framework for the beneficial ownership regime. The Registrar General Department (RGD) has now deployed the requisite electronic register to receive data on beneficial ownership. The government therefore commits that by the end of 2021 RGD will publish annually a list of beneficial ownership of companies in the extractive industries especially of Politically Exposed Persons (PEPs).

Publish data on the number of applications received from the public for information on beneficiary ownership of companies.

Responsible Institutions

The Registrar General Department (RGD), Department Attorney General's Department

Collaborating Institutions,

Ghana Extractive Industries Transparency Initiative (GHEITI) National Resource Governance Initiative (NRGI) Africa Centre for Energy Policy (ACEP) Public Interest Accountability Committee (PIAC).

5.5. Fiscal Transparency. The Fiscal Responsibility Act.

The enactment of the Fiscal Responsibility Act has remained one of Ghana's OGP commitments for some years. In 2018 Parliament passed the Fiscal Responsibility Act (Act 982) to establish a clear pathway for restoring fiscal discipline and ending persistently high fiscal deficits especially during election years. However, before the Act could be put to the crucial acid test in 2020 election year Covid-19 has driven the economy into tight corners where public expenditures far exceeded revenue. The ceiling of five percent maximum deficit imposed by the Act was no longer sustainable. At the request of the Minister of Finance the Fiscal Responsibility Act was suspended by Parliament. To ensure the Act is restored before election 2024 the government commits to:

- Give clear indications by December 2021 the condition that will enable the restoration of the Act.
- Ensure that the Act is fully operational again by 2022 to effectively check expenditure overruns in the 2024 elections.

Responsible Institutions

Ministry of Finance

Collaborating Institutions,

Institute For Fiscal Studies (IFS), Institute for Economic Affairs (IEA), ISSER University of Ghana, the Department of Economics University of Ghana.

5.6. Extractive Sector Transparency- Petroleum Sales

A large portion of the Ghana's revenue comes from oil, the country having made \$5.2 billion from oil between 2011 and end of 2020 but the sector is highly opaque and trading activities are not subject to oversight by any other body.

Most of the oil revenue comes from Ghana's two long term sales contracts with Russian Trader Litasco and Chinese owned Unipeac Asia. In 2019 revenue from these two sales contracts alone equaled six (6) percent of government revenue and the two deals alone generated 59 percent of government total oil revenue for 2019.

The public however knows next to nothing about these long-term sales contracts. Therefore, the government commits to make public these long-term sales contracts by December 20, 2021.

Responsible Institutions

Ministry of Finance, Ministry of Energy, GNPC

Collaborating Institutions,

Ghana Extractive Industries Transparency Initiative (GHEITI) National Resource Governance Initiative (NRGI) Africa Centre for Energy Policy (ACEP) Public Interest Accountability Committee (PIAC)

6.0. RIGHT TO INFORMATION

Every NAP has included the need to have a law to operationalize the citizens' right to information. This right is already guaranteed by Article 21 (1) of Ghana's 1992 constitution. And yet during the implementation of the three previous NAPs the law was not enacted. In 2019 the Right to Information Act was finally passed, the Act will enable journalist and citizens to effectively engage in the fight against corruption by holding duty bearers to account and promote accountability.

The Act is now operational but the roll out of the requisite infrastructure and administrative machinery is still on going. A Right to Information Commission has now been established and an executive secretary appointed offices must now be established in all 16 regions of Ghana.

The government commits to:

- Complete the roll out of the administrative structure in the regions by the end of 2021 and ensure the full operationalization of the law throughout Ghana.
- Charge the commission to work hard to check the over application of the exceptions provisions which will undermine the full impact of the Act on the nation's governance. Over applications of exceptions is a common feature of the early days of the Right to Information Laws.

Responsible Institution

Ministry of Information,

Collaborating Institutions

National Media Commission, (NMC) Ghana Journalist Association (GJA), Media Foundation for West Africa (MFWA)

7.0. Civic Participation and Accountability,

Under this thematic area, of NAPs the under representation of women, political participation of persons with disabilities (PWDs) and direct participation of people and political parties in the elections of Chief Executives have been consistently over looked these issues of participation have been the target of civil society advocacy over several years. At long last the government has signaled its intention to accelerate actions on these issues

The government accordingly commits to:

- Initiate before the end of 2022 actions to ensure that the people can directly elect their MMDCEs along party lines by securing by partisan consensus in Parliament to amend Articles 243 (1) and 55 (3) which currently do not allow this to happen.
- Enact the Affirmative Action Bill into law by December 2021 to increase women's participation in decision making.
- Pass an amended Disability Act by December 2022 to reflect the concerns of the Ghana Federation of Disability Organizations (GFDO).

Responsible Institution

Ministry of Gender, children and Social Protection, Ministry of Local Government and Rural Development, Attorney Generals Department.

Collaborating Institutions

Collation on Affirmative Action, the Ghana Federation of Disability Organizations (GRDO) Institute for Democratic Governance (IDEG) Centre for Democratic Development (CDD) Centre for Local Government Advocacy.

Ghana is now a leader in Open Data Initiative in Africa, a secretariat is now operational at the Ministry of Communication and Digitization. What is left is for the GODI secretariat to secure the involvement of the academic community in the Open Data Initiative.

The government commits that GODI will fully involve the academic community and ensure that Ministries, Departments and Agencies are uploading relevant data sets for use by the public.

Responsible Institutions

Ministry of Communication and Digitization

Collaborating Institutions,

University of Ghana, (UG), University of Professional Studies Accra (UPSA)

APPENDIX 4

PICTURE GALLERY





