GHANA INFRASTRUCTURE TRANSPARENCY SCOPING STUDY

Flash Report
1.0 INTRODUCTION
It is estimated that Ghana ought to be spending some $1.5 billion annually on infrastructure in order to decrease its infrastructure deficit. The country currently spends some $1.2 billion annually on infrastructure, equivalent to 7.5% of Gross Domestic Product (GDP). However, even with the current spending; infrastructure investment in Ghana has not delivered full value for money. There has been public outcry over the cost of government infrastructure projects relative to similar projects by private entities, and disparities in the costing of similar public projects. Ghana’s procurement process is reportedly riddled with gaps, inefficiencies and corruption at most stages of the infrastructure delivery process, affecting either the quality of the infrastructure or leading to exorbitant cost of infrastructure, or both. For instance, the Auditor General has noted that there is rampant deterioration of roads in Ghana few months after their completion, raising concerns about the quality of work.

2.0 CoST APPROACH TO INFRASTRUCTURE DELIVERY
The Infrastructure Transparency Initiative's (CoST) approach to infrastructure delivery revolves around increasing infrastructure transparency, accountability and participation in order to reduce mismanagement, inefficiency and corruption in infrastructure delivery. CoST achieves this via four core features, namely: Disclosure, Assurance, Multi-Stakeholder Group and Social Accountability. CoST commissioned this Scoping Study to provide information on the current levels of infrastructure transparency in Ghana. The study sought to document the level of infrastructure data disclosure relative to the Infrastructure Data Standard (IDS), analyse the country context for transparency in infrastructure delivery and make recommendations for increased transparency and data disclosure in Ghana.

3.0 METHODOLOGY
The Study collected both primary and secondary data using interviews and desk studies, respectively. The primary data was collected from both national and sub-national institutions sampled for the study. Four broad groups of respondents were involved in the Study, as outlined below:
1. Legislative, Policy and Regulatory institutions
2. Procuring Entities
3. Service Providers (Private Sector)
4. Other Stakeholders, such as Civil Society and Development Partners

4.0 FINDINGS
The Infrastructure Transparency Initiative (CoST) advocates for complete data disclosure during all the phases of infrastructure delivery. The CoST Standard provides for two kinds of data disclosure: Proactive and Reactive Disclosure. Proactive Disclosure refers to the set of infrastructure data that is disclosed without request. Reactive Disclosure refers to data that is disclosed upon request. The findings of this study show that out of the 40 data sets under Proactive disclosure on the International Data Standard (IDS), 23 are currently disclosed; accounting for 58% proactive disclosure although the legal and policy framework allows for 100% disclosure. Out of the 27 information items within the Reactive disclosure bracket, 19 of them are disclosed (upon request). This represents 70% disclosure, although a significant portion of those disclosed fall within the hardly disclosed category. The legally permissible reactive data disclosure stands at 88% relative to the IDS.
The Scoping Study revealed that Ghana has a number of legislations that allow for infrastructure data disclosure: the Public Procurement Act, 2003 (Act 663) as amended by Act 916 (2016), the Local Governance Act, 2016 (Act 936) and the Right to Information Act, 2019 (Act 989). These legislations allow for almost all data disclosure in the infrastructure delivery cycle, except for tender documents, tender evaluation results and information on the registration and ownership of firms. In the case of the latter, the Companies Act, 2019 (Act 992) which amended the Companies Act, 1963 (Act 179) provides for a Beneficial Ownership Register that could allow for disclosure of ownership of firms. Despite the high level of legally permissible infrastructure data disclosure, proactive disclosure currently stands at 58% while reactive data disclosure is at 70%. This means the current practice on data disclosure falls short of what is permissible, and reflects that public officials are disinclined to release data on infrastructure delivery.

It should be noted that data disclosure only points to transparency. It is important that stakeholders such as citizens and civil society organizations use the data to ensure accountability, and thus reap the benefits of disclosure.

5.0 RECOMMENDATIONS
Overall, the Scoping Study recommends that Ghana presents the need for and a viable environment for a national CoST programme. The Study also makes specific recommendations captured in the table below:

| 1. Government is encouraged to quickly complete the Ghana Electronic Procurement System (GHANEPS). GHANEPS has the potential to streamline data points, reduce human error and bias, and create enough confidence for even small infrastructure service providers to compete. |
| 2. The Ministry of Finance should consider working out a more predictable schedule of funding to procuring entities for infrastructure projects. This would help avert the issue of delayed and abandoned infrastructure projects. |
| 3. The Auditor General needs to continue with performance audits of infrastructure, especially in less highlighted areas, such as energy, water, communication and waste infrastructure. Poor quality infrastructure that deviates from the project design and material specification should be disallowed and surcharged. |
| 4. Government must consider instituting anti-corruption safeguards in the infrastructure delivery process |
B  CIVIL SOCIETY

1. Civil society must particularly build capacity in the areas of tender management and contract implementation to complete its monitoring of the entire infrastructure delivery cycle.

2. Civil society must lead the advocacy for infrastructure data disclosure in the areas where data is currently not disclosed, particularly tender evaluation results and the ownership of firms. The Right to Information law provides a basis for pushing for the aforementioned disclosure.

3. Civil society has a duty to undertake periodic citizens' audit of the infrastructure delivery process through research on compliance to legislation, the prevalence of non-competitive tendering methods, among other key topics.

4. Civil society must lead the advocacy for increased citizen engagement in the infrastructure delivery process.

C  PRIVATE SECTOR

1. Private sector must join the advocacy for increased infrastructure data disclosure.

2. Umbrella bodies in the private sector should consider taking on procurement monitoring activities, advocacy, anti-corruption training and sanctioning of members who are found to engage in infrastructure delivery related improprieties.

3. Infrastructure service providers' associations must consider reaching out to organizations such as the Centre for International Private Enterprise (CIPE) for funding and technical support.