MULTI-STAKEHOLDER INITIATIVES IN AFRICA

Case studies of the African Peer Review Mechanism (APRM), Open Government Partnership (OGP) and the Extractive Industries Transparency Initiative (EITI) in Ghana, Liberia, Sierra Leone and Tanzania

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ACRONYMS

APRM	African Peer Review Mechanism
ARTEIG	Accelerating Responsive and Transparent Extractive Industry Resource Governance
AU	African Union
CCM	Chama Cha Mapinduzi
CRM	Country Review Mission
CRR	Country Review Report
CSAR	Country-Self-Assessment Report
CSO	Civil Society Organization
DI	Democracy International
ECOWAS	Economic Community of West African States
EITI	Extractive Industries Transparency Initiative
GDP	Gross Domestic Product
GHEITI	Ghanaian Extractive Industries Transparency Initiative
IIAG	Ibrahim Index of African Governance
IRM	Independent Reporting Mechanism
M&E	Monitoring and Evaluation
MICAT	Ministry of Information, Cultural Affairs and Tourism (Liberia)
MoU	Memorandum of Understanding
MR&E	Monitoring, Reporting & Evaluation
MSG	Multi-Stakeholder Group
MSI	Multi-Stakeholder Initiative
NAP	National Action Plan
NEPAD	New Partnership for Africa's Development
NGC	National Governing Council
NPoA	National Program of Action
OAU	Organisation of African Unity
OGP	Open Government Partnership
SAIIA	South African Institute of International Affairs
SLEITI	Sierra Leone Extractive Industries Transparency Initiative
TAI	Transparency and Accountability Initiative

TANU	Tanganyika African National Union
TPDC	Tanzania Petroleum Development Corporation
TRI	Technical Research Institute
UN	United Nations
USAID	United States Agency for International Development

EXECUTIVE SUMMARY

This report examines four African states (Ghana, Liberia, Sierra Leone, and Tanzania), and their membership in three multi-stakeholder initiatives: the African Peer Review Mechanism (APRM), the Extractive Industries Transparency Initiative (EITI), and the Open Government Partnership (OGP).[1]

Ghana joined the APRM in 2003 with high-level commitment and interest, but this has waned under recent governments. In 2003, Ghana announced it would join the EITI, but it took ten years to become compliant. EITI reports on Ghana show that projects do not always reach completion due to funding constraints and weak access to information. Nevertheless, Ghana is using the EITI for tangible improvements in resource transparency. Ghana joined the OGP in September 2011, and its OGP Steering Committee formulated its first National Action Plan (NAP) in 2013. Since then, Ghana has made good progress in implementing its commitments. However, the capacity of the OGP in Ghana is limited, which hinders effective intergovernmental cooperation. Its reporting lacks detail and supporting evidence to indicate progress and there is room for improvement in civil society involvement in all three MSIs.

Liberia joined the APRM in 2011, and in from 2013 to 2015 President Ellen Johnson Sirleaf headed the APRM Forum. Liberia received its Country Review Mission in 2017, but newly-elected President George Weah requested re-validation of the draft report. In 2009, Liberia became the first African EITI-compliant state. The Liberian EITI (LEITI) is active and publishes data on key resource sectors: mining, petroleum, forestry, and agriculture. Liberia joined the OGP in 2011 and produced its first NAP in 2013. The Ministry of Information, Cultural Affairs and Tourism (MICAT) is the lead agency for implementing the NAP, but lacks clout and legal power to ensure policy change. Additionally, civil society involvement has been patchy and lacks diversity. Given Liberia's history of conflict, participation in these MSIs can aid the country in strengthening democracy, transparency, and accountability.

Sierra Leone joined the APRM in 2004 but was only reviewed eight years later. There are few sources available on its APRM process and implementation. It became an EITI candidate in 2008 and reached compliance in 2014. Current efforts are aimed at reviving the mining companies' participation on the multi-stakeholder group (MSG), a body that all EITI countries set up to bring the government, businesses, and civil society together to steer the process. To join the OGP, Sierra Leone adopted a Right to Access of Information Act in 2013. The OGP provided a platform from which to elevate Sierra Leon's domestic reforms to increase transparency, reduce corruption, and empower citizens. Two key challenges emerged during its construction of the first NAP in 2016: low and uncoordinated government attendance at OGP meetings, and the Ebola outbreak, which took priority over any other processes. Currently, mid-term completion of the second NAP is very low at 9%. Like in Liberia, these MSIs can help overcome the country's endemic poverty solidified by years of civil war.

Tanzania joined the APRM in 2004 and was reviewed in 2013. However, the country took another four years to launch its Country Review Report. This has delayed implementation of the National Program of Action and the APRM has had little traction among multiple domestic development initiatives. Tanzania became an EITI candidate country in 2009. The Tanzanian EITI (TEITI) has struggled to popularize the initiative and communicate effectively between stakeholders. Furthermore, the TEITI MSG should be broadened. Tanzania's opaque mining laws continue to impede successful EITI implementation. However, dramatic reporting progress is evident: discrepancies were previously at 76%, and are now less than 1%. Tanzania joined the OGP in 2011, and its second NAP in 2014 led to the adoption of the Access to Information Act. Limited internet access however has hindered public awareness and effectiveness of the law. In 2017, Tanzania withdrew from the OGP stating its major goals were achieved and that its dual membership with the APRM was onerous.

[1] Tanzania withdrew from OGP in late 2017.

These four case studies offer valuable lessons. High-level political commitment is vital to sustained implementation of MSIs. International pressure can also increase (or diminish) political will. Some states lack the financial and human resources necessary to implement change, which adversely affects success of MSIs. Other trends among these cases are the lack of legitimacy in MSI reports due to unsubstantiated claims and poor drafting, the reporting burden of member states to multiple MSIs, and the weak implementation of supporting domestic legislation. As the case countries are party to multiple MSIs, there is a tendency towards overlapping and duplicating efforts, therefore emphasizing a need for better harmonization and synergy.

INTRODUCTION

Multi-stakeholder Initiatives (MSIs) are voluntary partnerships between governments, civil society, and the private sector that have emerged over the last 15 years to address development challenges collaboratively, entrench democratic practices, and strengthen regulatory frameworks. MSIs operate on the premise that governance outcomes can be improved by increased transparency and enhanced stakeholder participation in policy reforms.

Three most prominent MSIs in Africa are the African Peer Review Mechanism (APRM), the Open Government Partnership (OGP), and the Extractive Industries Transparency Initiative (EITI). These MSIs share the features of voluntarism, peer learning, and the involvement of civil society and prioritize openness and transparency through implementation of and adherence to common standards.

This report presents case studies of four African states that are members of all three initiatives: Ghana, Liberia, Sierra Leone, and Tanzania.[2] While Burkina Faso, Côte d'Ivoire, Malawi, and Nigeria are also members of all three, there are insufficient secondary data to discuss them. The report therefore focuses only on the four countries that have each produced at least one report for all three MSIs.[3] After the research commenced, Tanzania withdrew from the OGP,[4] but it has been retained in the report as it provides important lessons for others, particularly on the reporting burden of MSIs.

After a brief overview of each initiative and its goals, this report analyzes how each of the three MSIs has unfolded in these four states. This report identifies key cross-cutting issues and concludes with a brief analysis of what these case studies reveal about the importance of the APRM, OGP, and EITI in Africa.

MULTI-STAKEHOLDER INITIATIVES: A BRIEF OVERVIEW

AFRICAN PEER REVIEW MECHANISM (APRM)

The APRM was established in 2003 as a voluntary mechanism open to all African Union (AU) member states. It currently has 37 members, 21 of which have completed their first reviews with two (Kenya and Uganda) having undergone their second review.[5] The APRM prioritizes four thematic areas: democracy and political governance, economic governance and management, corporate governance, and socio-economic development.

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[2] Timing and resource constraints limited this study to desk-top research, and precluded fieldwork.
[3] Liberia was expected to have presented it APRM Country Review Report in January 2018, but this was delayed due to the incoming President George Weah requesting a re-validation. Hence this case study has less than anticipated material on the Liberian APRM process.
[4] 'In a letter dated June 29, 2017 (received in mid-August 2017) and discussed at the OGP Steering Committee meeting on September 20, 2017, the Government of Tanzania indicated their intention to withdraw from OGP, effective immediately.' See, "Tanzania Withdraws from the OGP," *Open Government Partnership*, September 28, 2017, https://www.opengovpartnership.org/about/news-and-events/tanzania-withdraws-ogp.
[5] The 21 APRM states that have undergone their first peer review are (in the order of review): Ghana, Rwanda, Kenya (twice), South Africa, Algeria, Benin, Uganda (twice), Nigeria, Burkina Faso, Mali, Mozambique, Lesotho, Mauritius, Ethiopia, Sierra Leone, Tanzania, Zambia, Djibouti, Senegal, Chad and Sudan.

The APRM is now an autonomous agency of the AU, having originally grown out of the 2001 New Partnership for Africa's Development (NEPAD), which leaders claimed represented new thinking and "African solutions to African problems."

There are no minimum qualifying criteria. After a country accedes, it establishes domestic institutions: an APRM Focal Point (usually a minister); a National Governing Council (NGC, a multi-stakeholder body to oversee the process and ensure its integrity); a national Secretariat, and Technical Research Institutions (to assist in developing the Country Self-Assessment Report (CSAR), and the resulting National Program of Action (NPoA). After the self-assessment, a Country Review Mission of experts led by a member of the APRM Panel of Eminent Persons visits the member state to conduct an external review and consultation. After consultation, a draft Country Review Report (CRR) is submitted to the government for comment and the government amends its NPoA. The final CRR is presented to the Forum of Participating Heads of State and Government (APR Forum) for discussion and the final peer review. CRRs should be made public six months after the review, although in practice their release is much delayed. The government should report annually on progress in NPoA implementation and prepare itself for subsequent reviews. The continental Secretariat is based in Midrand, South Africa.

Over 15 years, the APRM has experienced significant variations in momentum. Nearly half its members have not been reviewed and only two have undergone a "second generation" review. In 2013 and 2014, no country reviews were undertaken at all. This, coupled with severe financial stresses and the lack of a chief executive officer, resulted in a near collapse of the APRM system. While the APRM system began to revive in 2015, its inability to meet its stated objectives remains concerning. Countries have failed to implement NPoAs due to insufficient political will, lack of funding and capacity constraints, and poor alignment of NPoAs with national development plans, budgets, and donor funding priorities.

EXTRACTIVE INDUSTRIES TRANSPARENCY INITIATIVE (EITI)

The EITI focuses on transparency around the extraction of minerals, oil, and gas. It also came into effect in 2003. It grew out of the "Publish What You Pay" campaign, a voluntary initiative that aims to address the "resource-curse"[6] of many resource-rich countries by increasing transparency, specifically of companies' payments to host governments.[7] The EITI was established because such countries could not transform their wealth into developmental benefits for their citizens, due to diversion of resource rents, badly managed social and environmental policies, and corruption. The EITI requires the formation in each implementing state of a multi-stakeholder group (MSG), with representatives from the government, business, and civil society to oversee implementation.[8] Each implementing country manages its own EITI process, led by a senior government official and the MSG.

The process is flexible to allow each country to adapt, but it is bound by a clear set of principles to promote high transparency standards. A country moves from being an EITI candidate to becoming EITI compliant once it has fully implemented the EITI and undergone a successful validation process. Validation occurs biennially.

At a global level, a 21-member Board governs the EITI representing implementing countries, supporting countries, CSOs, industry, and institutional investors. The International EITI Secretariat is based in Oslo,

[6] The resource curse refers to a situation where resource-rich countries are unable to translate these resources into economic growth and wealth for the majority of their population, usually because of corruption, bad governance and mismanagement.

[7] Mari-Lise du Preez and Alex Benkenstein, 2013, "The New EITI Standard and the role of civil society,"' *South African Institute of International Affairs (SAIIA)*, June 4, 2013, http://www.saiia.org.za/opinion-analysis/the-new-eiti-standard-and-the-role-of-civil-society.

[8] EITI International Secretariat, "Oversight: Multi-stakeholder governance-the power of three," *Extractive Industries Transparency Initiative (EITI)*, accessed January 17, 2018, https://eiti.org/oversight.

Norway. The EITI currently has 51 members of which six are suspended.[9] The EITI has tightened compliance requirements, moving to an EITI Standard in 2013 (updated in 2016),[10] which requires member states to submit annual work plans and activity reports and report disaggregated revenue collection by company, region, and subnational transfers, as well as reporting on beneficial ownership.[11] The EITI has progressively tried to make its data and analysis more user-friendly.

OPEN GOVERNMENT PARTNERSHIP (OGP)

The OGP was founded in 2011 by Brazil, Indonesia, Mexico, Norway, the Philippines, South Africa, the United Kingdom, and the United States. Currently, the OGP has over 70 participating countries and 15 subnational governments as members. [12] It has a narrower focus than the APRM and includes members from all around the globe. It was developed to advance transparency and accountability by creating partnerships between governments and civil society to achieve "open governance."[13] To become a member, countries and sub-national governments must achieve 75% or greater on a qualification threshold across four areas: fiscal transparency, access to information, income and asset disclosure, and citizen engagement. OGP reviews are conducted every two years, with the last six months dedicated to developing the country's next National Action Plan (NAP) through a consultative process with civil society.

Annual assessments are produced both by the participating government and by an independent expert through the Independent Reporting Mechanism (IRM). The IRM delivers annual reports for each participating country. These progress reports assess countries on the development and implementation of their OGP action plans and recommend improvements for future action plans. The autonomy of the IRM is safeguarded. The OGP Support Unit provides member states with a list of independent researchers from which they must select to write the IRM report. Though IRM reports and NAPs are tailored to member states, extensive peer learning across the partnership is actively encouraged. Unlike the APRM, which follows a set questionnaire, the OGP allows for customization to local circumstances, as countries choose their own commitments across the OGP's four themes. A permanent multi-stakeholder dialogue forum is important for trust building and information sharing.

The global OGP process is managed by a Steering Committee consisting of up to 11 government and 11 civil society representatives, which is assisted by a Support Unit based in Washington, D.C. At the national level, governments elect a lead agency to coordinate the OGP process. Unlike the Africa-focused APRM, the OGP's membership is global and includes both developed and developing countries.

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[9] The Central African Republic is currently suspended due to political instability, while Iraq, Kyrgyzstan, the Solomon Islands and Tajikistan are suspended due to inadequate progress.

[10] EITI International Secretariat, "Part 1, The EITI Principles," 2016.

[11] 'In accordance with EITI Requirement 3.11.d.i, a beneficial owner in respect of an extractive company means the natural person(s) who directly or indirectly ultimately owns or controls the corporate entity.' See EITI International Secretariat, Board paper 30-4-B, "Beneficial ownership pilot evaluation report," October 6, 2015, 9, https://eiti.org/sites/default/files/documents/BP/board_paper_30-4-b_beneficial_ownership_pilot_-_evaluation_report.pdf..

[12] "Participants," Open Government Partnership, accessed December 7, 2017, https://www.opengovpartnership.org/participants.

[13] "A review of Reviews: Comparing the OGP, UPRM, APRM and OECDA," Open Democracy Advice Centre, May 19, 2015, http://www.opendemocracy.org.za/index.php/what-we-do/access-to-information/open-government-partnership.

COUNTRY CASE STUDIES

GHANA

APRM

Ghana was among the first countries to accede to the APRM in 2003. In the same year, Ghana created the Ministry of Regional Cooperation and NEPAD, whose minister became the country's APRM Focal Point.[14] Ghana pioneered a multi-stakeholder National Governing Council (NGC). In Ghana's case, it had only seven members, all respected civil society figures. Ghana (along with Kenya) used four main research methods to compile its Country Self-Assessment Report (CSAR)–desk research, expert interviews, focus group discussions, and surveys–and employed four independent, respected Technical Research Institutes (TRIs) for this task. These practices were rolled out to later countries. Ghana is hailed as a good practice example for the transparent, inclusive, frank, and thorough manner in which its APRM process was carried out.[15] Ghana's CSAR (2005) identified several governance challenges, including insufficient decentralization compounded by weak governance capacity at lower tiers; an inability of parliament to perform its representative, legislative, and oversight functions; corruption; and poor healthcare.[16]

Criticisms of the process in Ghana maintain that the selection of the TRIs was not transparent[17] and that Ghana's public awareness campaign was poorly timed. Consequently, interviewees were oblivious of the APRM when they were approached for comment. The civil society groups engaged in the process also complained they were not meaningfully involved and that their inputs were not taken into account.[18] This problem is not unique to Ghana given that the APRM grants countries wide discretion regarding the level and extent of civil society's inclusion. Still, Ghana remained committed to the APRM, which is noteworthy since many other APRM states disbanded their APRM structures following publication of the CRR and/or failed to implement and monitor their NPoAs. Additionally, Ghana has submitted eight progress reports, which is the highest of any APRM country.[19]

In recent years, however, Ghana's enthusiasm toward the APRM has waned. Perhaps this can be attributed to the general downward trajectory of the mechanism between 2010 and 2016 as well as to a lack of consistency and political will across the administrations in Ghana. Ghana submitted its last progress report, which received "overwhelming commendation" at the APRM Forum, in 2011.[20]

APRM's achievements in Ghana include the abolition of the Ministry of Parliamentary Affairs, which strengthened executive-legislative separation. APRM recommendations also led to an upper limit of 13 on the number of Supreme Court justices and encouraged a constitutional review.[21] The APRM facilitated the enactment of the Whistle-blower Act (2006), the Disability Act (2006), and the Domestic Violence Act

[14] African Peer Review Mechanism (APRM), Country Review Report of the Republic of Ghana, "Executive Summary," xvii, June 2005, https://aprm-au.org/st_car/country-review-report-no-1-ghana/#.

[15] Bing-Pappoe A, "Ghana and the APRM: A Critical Assessment: Summary," Governance and Social Development Resource Center, 2007, http://www.gsdrc.org/document-library/ghana-and-the-aprm-a-critical-assessment/.

[16] APRM, Country Review Report of the Republic of Ghana, "Executive Summary."

[17] Ross Herbert and Steven Gruzd, *The African Peer Review Mechanism: Lessons from the Pioneers*, (SAIIA: Johannesburg, 2008), 34.

[18] Herbert and Gruzd, *The African Peer Review Mechanism,* 34.

[19] "Publications: Annual Progress Reports," APRM, accessed July 31, 2017, http://aprm-au.org/publications?nXerGdt=11.

[20] Osei Bonsu K, "High marks for Ghana's African Peer Review Mechanism implementation," APRM, accessed July 31, 2017, http://aprm-au.org/view-social?socid=2 (site unavailable).

[21] S.K.B. Asante, *The African Peer Review Mechanism (APRM): A Decade of Ghana's Experience.* Public Lecture at the South African Institute of International Affairs, University of the Witwatersrand, Republic of South Africa, September 8, 2014, 13, *https://www.saiia.org.za/speeches-presentations-other-events-materials/569-speech-by-prof-asante-aprm-and-ghana-08-sept-2014/file* .

(2007). A Northern Development Fund (2008) was launched to reduce disparities in that part of Ghana, further embodied in the Savannah Accelerated Development Authority Act (2010). The Public Financial Management Act (2016) was passed and Ghana has established a Code of Conduct for public officials.[22] Ghana's APRM success was secured by the strong initial political support it received during the two terms of President John Kufuor. Its positioning as an APRM pioneer represented a natural progression as a reform-minded country after putting years of coups behind it in the early 1990s. Acceding to the APRM, a continent-wide initiative, also fitted well with its foreign policy and self-image as a regional trailblazer. Being the first APRM state to undergo review added to its continental status.

EITI

Joining the EITI was a long, arduous process for Ghana that began in 2003 when it announced its intent to become part of the EITI. In 2007, Ghana was put forward as an EITI candidate country; only in 2010 was it declared EITI compliant. Ghana's membership of the EITI coincided with the start of the country's oil production in 2011,[23] with oil rapidly becoming one of the country's most important sources of income. Resource exploitation and mining have a long history in Ghana and the industry had a reputation of being rife with corruption. Ghana's decision to join the EITI and form the GHEITI (Ghanaian EITI) was seen as an opportunity to reform this sector[24] and restore the confidence of donors and investors in the extractive industries.[25] In joining, Ghana also sought to increase transparency in the extractive sector by empowering civil society organizations to act as watchdogs.

Ghana's EITI institutions are inclusive and diligent. The 23-member GHEITI Board is comprised of government, civil society representatives, and the private sector. The group is co-chaired by government and civil society representatives to promote better oversight.[26] Working together in a tripartite committee, their work has earned them praise from the EITI Secretariat.[27] The country has submitted at least 29 EITI reports (including aggregation, annual, and financial reporting). GHEITI reports have highlighted areas needing further attention, including a lack of access to information for civil society members seeking to engage meaningfully with the initiative.[28] The reports also note that many of the projects GHETI sought to undertake have not been completed because of funding limitations. However, GHEITI pioneered the rollout of action plans to the district level (also implemented in the case of APRM monitoring) promoting broad-based participation outside the capital. Yet, some local stakeholders complained that decentralization has not been accompanied by

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[22] For Code of Conduct for Public Officers please see, The Republic of Ghana Judiciary, The Constitution of the Republic of Ghana 1992, Chapter 024 "Code of Conduct for Public Officers," accessed March 30, 2018, https://www.judicial.gov.gh/index.php/code-of-conduct-for-public-officers; and The Republic of Ghana, "Public Financial Management Act," August 25, 2016, 55, https://www.mofep.gov.gh/sites/default/files/reports/economic/PUBLIC%20FINANCIAL%20MANAGT.%20%20ACT%2C%202016.

[23] Commercially viable oil and gas deposits were discovered in 2007. "Ghana Extractive Industries Transparency Initiative (GHEITI),"*EITI*, accessed August 1, 2017, https://eiti.org/ghana.

[24] Samuel Bekoe and Emmanuel Kuyole,"From Reports to Results: The Story Behind Ghana's EITI Success," *Natural Resource Governance Institute* (blog), April 8, 2016, https://resourcegovernance.org/blog/reports-results-story-behind-ghanas-eiti-success.

[25] Nelson Oppong, "Transparency as Transformation? Ghana and the Extractive Industries Transparency Initiative" *Trade & Industrial Policy Strategies Forum on Industrialization and the Mining Economy*, June 2016, https://www.tips.org.za/research-archive/item/download/1228_f22b2dbe8854e42738325d9d4ed2d7c7.

[26] Ghana Extractive Industry Transparency Imitative. "EITI Implementation Structure in Ghana." *Ghana Extractive Industry Transparency Imitative*. Accessed March 30, 2018. http://www.gheiti.gov.gh/site/index.php?option=com_content&view=article&id=79&Itemid=56.

[27] EITI International Secretariat, "EITI Board Recognizes Ghana's Efforts to Improve Natural Resource Governance," *EITI*, March 8, 2017, https://eiti.org/news/eiti-board-recognises-ghanas-efforts-to-improve-natural-resource-governance.

[28]GHEITI Secretariat, MoF, "2015 Annual Activity Report" (GHEITI, June 2016), https://eiti.org/sites/default/files/documents/2015_annual_activity_report_-_final_1_0.pdf.

accountability. Getting answers at local level is different from having access to justice when wronged by the government or companies.[29]

In 2017, Ghana was deemed compliant with the updated (2016) EITI Standard. The EITI Board commended Ghana but noted concern about license registers, state participation, production and exporting of data, and comprehensiveness. Ghana's EITI process is complemented by the Petroleum Revenue Management Act (2011), which directs petroleum revenues towards investment in growth-promoting sectors and towards developing the oil sector.[30]

Overall, Ghana has made improvements to natural resource governance, which may be attributable to EITI membership. Transparency International's Corruption Perceptions Index sheds some light on the country's progress. In 2003, when Ghana announced its commitment to EITI, its Index score was 3.3 out of 10, in joint 70th place out of 133 countries surveyed.[31] The 2017 Index scores the country at 4.0, joint 81st out of 180 countries surveyed (this is adjusted from 40, as the Index now measures results out of 100).[32] Ghana has also passed its EITI Validation, the mechanism's stamp of quality control assurance.[33] It also received the 2016 EITI Chair's Award in recognition of commitment towards translating policy recommendations into actionable reforms.[34]

OGP

In September 2011, Ghana became an OGP member, joining a handful of founders, including South Africa. Ghana noted that joining was a natural corollary of the country's "zeal for the promotion of democracy."[35] Ghana's OGP management is modelled on the OGP International Steering Committee and has equal representation from government and civil society. The committee's work is overseen by the Public Sector Reform Secretariat under the Office of the President, acting as the national OGP Secretariat.[36] To prepare for its assessment process Ghana carried out workshops for officials and CSOs and introduced certain policy reforms, including a Code of Conduct for Public Officers and a Right to Information Bill.[37]

Its first National Action Plan (2013-2014) had 19 commitments, but the IRM only evaluated it as 38% completed. Its second NAP (2015-2016) was more modest, with only 6 commitments. Ghana's third NAP (2017-2018) has seven commitments: open contracting and contract monitoring, anti-corruption transparency, beneficial ownership, fiscal transparency and accountability, extractives sector transparency, right to information, and technology and innovation.[38]

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[29] Scanteam, "Achievements and Strategic Options: Evaluation of the Extractive Industries Transparency Initiative," *EITI*, April 2011, https://eiti.org/document/evaluation-of-eiti-2011.
[30] Petroleum Revenue Management Act 815/2011. https://new-ndpc-static.s3.amazonaws.com/pubication/Act+815Petroleum_Revenue_Management_Act_+2011.PDF , accessed 202 March 2018.
[31] "Corruption Perceptions Index 2003," *Transparency International*, October 7, 2003, https://www.transparency.org/research/cpi/cpi_2003/0.
[32] However, Ghana's position on the Corruption Perceptions Index dropped in 2017 to 81 from a high of 43 in 2016. "Ghana," Transparency International, accessed March 19, 2018, https://www.transparency.org/country/GHA.
[33] EITI International Secretariat, "EITI Board Recognizes Ghana's Efforts to Improve Natural Resource Governance."
[33]Nicholas Adamtey, "Independent Reporting Mechanism (IRM): Ghana Progress Report 2015-2016" (Open Government Partnership, accessed August 1, 2017), 49, https://www.opengovpartnership.org/sites/default/files/Ghana_Progress_2015-2017.pdf.
[34] Bekoe and Kuyole, "From Reports to Results: The Story Behind Ghana's EITI Success," *Natural Resource Governance Institute.*
[35] See "Accra Hosts Sensitisation Workshop on OGP," *Ghana News Agency*, September 26, 2013, http://www.ghananewsagency.org/print/65268.
[36] Adamtey, "Independent Reporting Mechanism (IRM): Ghana Progress Report 2015-2016," 3.
[37] *Ibid*, 51.
[38] Republic of Ghana, "Ghana Action Plan 2017-2019," *Open Government Partnership*, October 2017, https://www.opengovpartnership.org/documents/ghana-action-plan-2017-2019.

Ghana has a track record of learning from its problems and taking note of recommendations made by the IRM. The county incorporated many IRM recommendations about its first NAP into the second NAP. These included: modifying the domestic OGP to create an implementation unit; making national level budgetary allocations within government to fund the OGP NAP implementation; assigning timelines to government agencies to produce reports related to the NAP goals; increasing sensitization efforts among relevant stakeholders (especially public institutions); and ensuring that forthcoming NAPs contain measurable outcomes with milestones clearly relevant to the OGP.[39]

Nevertheless, according to its IRM reports, there are several hurdles to realising OGP goals in Ghana. These deficiencies are related to the level of civil society representation and participation, accessibility to information, and the credibility of report findings. As NAP workshops and consultations were held in three provinces where politicians felt they could reach the highest number of CSOs, some CSOs were excluded. Additionally, CSOs were given short notice of meetings and did not receive a draft of the NAP on which they were to be consulted, limiting their engagement and input. Ghana's self-assessment reports on its progress lacked detail and evidence to support the assertions made, compromising their validity. In addition, the unwillingness to share user-friendly and reliable information on the implementation of its goals undermined Ghana's ability to set realistic commitments in its upcoming NAPs.[40] This assessment contrasts with Ghana's self-critical and frank APRM implementation reports.

In addition, some of the goals Ghana set under its OGP NAPs were not clearly assigned to government agencies, undermining implementation and affecting the rollout of improvements to customer service at district-level public sector institutions. Ghana also delayed passing regulations associated with primary laws, which prevented the necessary laws – including much-needed regulation of oil revenues – from coming into force. Government officials have also not been forthcoming in providing access to information to other government departments, resulting in lessons not being shared across various levels of government. The Ministry of Finance is a relevant example of this lack of intragovernmental cooperation.[41] Finally, the capacity of OGP Ghana is limited, which hinders its ability to tackle these challenges effectively while still seeking to realize its NAP commitments. Resource shortages are a significant hindrance.[42]

Ghana's most recent IRM report[43] recommends that commitments should not be over-ambitious, but rather be more practical and actionable. In addition, institutions whose action is essential to realize commitments should be provided with practical implementation steps. Likewise, citizens and CSOs must be effectively engaged not only to assist in conceptualization and planning of OGP commitments, but also in implementation and, most importantly, feedback, with mechanisms created to enable this.

Ghana has seen tangible reforms from the OGP. Ghanaian commitments to open contracting and revenue management around natural resources have received "stars" from the OGP, as exemplary reforms with a potentially transformative impact on citizens' lives. Successes include the Minerals Development Fund Act passed in 2016, the publishing of petroleum revenue at the district level, and the publishing of all contracts online by the Public Procurement Authority. Additionally, the Companies Act (2013) and Petroleum Act (2016) were passed and Ghana is working to broaden beneficial ownership disclosure.[44]

[39] Adamtey, "Independent Reporting Mechanism (IRM): Ghana Progress Report 2015-2016," 55.
[40] *Ibid*.
[41] *Ibid.*
[42] *Ibid,* 11.
[43] *Ibid,* 55.
[44] *Ibid,* 6-7.

LIBERIA

APRM

Liberia acceded to the APRM in January 2011. In May 2013, the country's president, Ellen Johnson Sirleaf, was chosen as the head of the APRM Forum for a two-year term. While she was initially seen as a democratic reformer who could turn the APRM around, her engagement in the APRM was limited by the Ebola outbreak in Liberia in 2014-2015. Once the Ebola pandemic subsided, Johnson Sirleaf ensured that the Liberian APRM process commenced. Minister of Finance and Development, Boima S. Kamara, was appointed Liberia's APRM Focal Point. Additionally, Liberia formed a nine-member APRM National Governing Council with representation from various sectors of Liberian society.[45] In preparation for its review, the government launched and conducted nationwide awareness campaigns, appointed four TRIs and presented a draft of the CSAR to the continental Secretariat.[46] The CRM visited Liberia in April 2017.

Liberia was slated to present its CRR in January 2018 at the APR Forum. However, incoming President George Weah requested more time to become familiar with its contents, and a re-validation exercise is planned, in order to conduct the peer review at the midyear AU Summit.

At the time of writing, no other research or commentary is publicly available about how the APRM process in Liberia has subsequently unfolded.

EITI

Liberia became the first African EITI-compliant state in 2009. In May 2007, the new democratic government, together with private companies in the extractive sector and civil society, established the Liberian EITI (LEITI). LEITI's aim is to publish, in a widely accessible manner, revenues generated by companies operating in key resource sectors. LEITI seeks to ensure these revenues will be used in an accountable, prudent, and equitable manner. The LEITI process covers four sectors: mining, petroleum, forestry, and agriculture. Forestry and agriculture are not extractive sectors and therefore not covered by the EITI. However, Liberia has included these industries because of past corrupt activities, which underscores the need to ensure that revenues are properly accounted for and used for the benefit of all.[47]

The reporting process has continuously improved through revised templates and efforts to establish an up-to-date database of reporting entities. Summary reports and LEITI newsletters are distributed throughout the country, promoting informed, wider dialogue. LEITI is led by a 15-member governing board, the LEITI Multi-stakeholder Steering Group. The MSG includes key government representatives (seven members), civil society actors (four members), and private sector companies (four members).[48]

Natural resource wealth has long been the cause of most of Liberia's corruption and conflict. Some background on Liberia's economy helps put the importance of the EITI into perspective. Liberia has a long history of mining activity. While resources played a central role in Liberia's 1989-2003 civil war, formal resource sectors contracted sharply during the fighting. Large-scale mining of iron had contributed to roughly 60% of exports and around 25% of GDP before dropping to below 1% of GDP by the end of the war.[49] Iron ore

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[45] "Communique on the APRM Country Support Mission to Liberia," *APRM*, March 8, 2016, https://aprm-au.org/st_car/communique-on-the-aprm-country-support-mission-to-liberia/.

[46] "APRM High-Powered Mission Visits Liberia," *Liberian Daily Observer*, April 5, 2017, https://www.liberianobserver.com/business/aprm-high-powered-mission-visits-liberia/.

[47] An Act Establishing the Liberia Extractive Industries Transparency Initiative, Ministry of Foreign Affairs (2009) http://www.leiti.org.lr/uploads/2/1/5/6/21569928/act.pdf.

[48] Carey Kluttz et al., "Converting Natural Resources into Development: From Transparency to More Efficient Natural Resources Management" (Open Society Initiative for West Africa, 2014), 35, http://www.osiwa.org/wp-content/uploads/2015/03/Assessing-EITI-process-in-West-Africa-Moving-Forward_edited_022015_EN.pdf.

[49] "Artisanal and small-scale mining in and around protected areas and critical ecosystems project (ASM-PACE): Liberia case study report," *World Wildlife Fund* (2012) accessed August 1, 2017, http://www.estellelevin.com/wp-content/uploads/2013/12/ASM-Liberia-Final.pdf (site unavailable).

production eventually ended, and the UN banned timber and diamond exports from Liberia because of their role in fuelling conflict. As a result of civil war, corruption, and mismanagement of the country's natural resources, Liberia was at the bottom of the UN's Human Development Index in 2004 with an annual per capita GDP of $135, unemployment estimated at 86% and two-thirds of its people below the poverty line.[50] Good governance and transparency were recognised as priorities after the civil war.[51]

Following elections in 2005 and subsequent governance reforms, the UN timber sanctions were lifted and large-scale logging resumed in 2009. UN diamond sanctions ended in 2007 and diamond exports recommenced through the Kimberley Process Certification Scheme. The resumption of iron ore production at the Nimba Hills project by ArcelorMittal in 2011 was a watershed for Liberia's mining sector.[52] In addition, there was an increasing interest in commercially exploitable offshore crude oil deposits along Liberia's coast. Liberia has yet to produce any oil or gas but has drawn up 30 oil concessions, including 17 deep-water blocks and 13 "ultra-deep-water" blocks, of which it has allocated six.[53] The extractive industries, including mining and agriculture, remain the main drivers of growth in Liberia, with rubber surpassing iron ore as the top export earner in 2014.[54]

Given the country's turbulent past and current attempts to improve its governance in a democratic manner, the EITI has become important to principles of transparency and accountability in Liberia. Apart from gold and diamonds, Liberia remains largely unexplored and may well have other mineral resources. The Ministry of Lands, Mines, and Energy is the government agency responsible for the administration of the mineral sector, including granting mining licenses. It also has statutory oversight of the energy, land, minerals, and water sectors. The minerals sector is regulated by the Mining and Minerals Law of 2000,[55] as well as the Minerals Policy of Liberia of 2010. This policy outlines the Government's expectations with regard to the contributions of all stakeholders in the sustainable development of Liberia's mineral resources.

Liberia is piloting the EITI's Beneficial Ownership[56] program, which the EITI aims to have in all member countries by 2020. The beneficial ownership program aims to make company ownership transparent and create an avenue through which local law enforcement and civil society can hold accountable those who perpetuate industry corruption through the misuse of anonymous companies.

OGP

Liberia began its formal participation in the OGP in September 2011, when President Ellen Johnson Sirleaf declared her country's intention to join. Prospective member governments must exhibit a demonstrated commitment to open governance by meeting a set of minimum performance criteria in increasing government responsiveness, strengthening citizen engagement, and fighting corruption. Liberia exceeded the minimum

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[50] "A National Biodiversity Offset Scheme: A Road Map for Liberia's Mining Sector," *World Bank* (2015) accessed August 14, 2017, http://documents.worldbank.org/curated/en/183611467991015452/pdf/95959-WP-PUBLIC-Box391432B-Liberia-1512662- FinalWeb-PUBLIC.pdf(site unavailable).

[51] Page Dykstra and Alexandra Gillies, "International Campaigns for Extractive Industry Transparency in Post-Conflict Settings," in *Corruption and Post-Conflict Peacebuilding: Selling the Peace?*, ed. Dominik Zaum and Christine Cheng (London: Routledge, 2011).

[52] World Wildlife Fund.

[53] "Liberian Oil Block Operators," *National Oil Company of Liberia*, accessed March 5, 2017, http://www.nocal.com.lr/operations/operators.

[54] US Department of State, Liberia: Investment Climate Statement 2015, "Executive Summary," 2015, 3, http://www.state.gov/documents/organization/241845.pdf.

[55] Omayra Bermudez-Lugo, "The Mineral Industry of Liberia" *2013 Minerals Yearbook: Liberia* (US Department of the Interior, 2013) 26.1, https://minerals.usgs.gov/minerals/pubs/country/2013/myb3-2013-li.pdf.

[56] EITI International Secretariat, "Beneficial Ownership: revealing who stands behind the companies," *EITI*, accessed 20 March 2018, https://eiti.org/beneficial-ownership.

requirements; at the time of joining, it had a Freedom of Information Act[57] and achieved the highest possible ratings for budget openness and asset disclosure (both 4 out of 4).[58]

Liberia developed its first two-year NAP in 2013. The Ministry of Information, Cultural Affairs, and Tourism (MICAT) is the lead agency responsible for implementing the NAP. Its mandate is to manage the government communications with citizens on governance and development issues, lead the process of developing the NAP, and ensure coordination in its implementation.[59] However, MICAT has little legal power to enforce policy changes, particularly in other branches of government. It lacks clout to compel other agencies to enter into commitments. MICAT nonetheless has attempted to secure stakeholder buy-in to ensure that accountability and transparency commitments from diverse government agencies and institutions are reflected in the NAP. Its Deputy Minister plays a leadership and coordinating role and the Ministry has designated two additional full-time staff to NAP implementation,[60] although there is no dedicated budget line for OGP-related activities.

Liberia's current NAP involved consultations between different stakeholders including government ministries and institutions, CSOs, and international partners. Like Ghana, Liberia's latest progress report states that government should give greater notice of consultation events and make public the notes and outcomes of meetings[61] to allow sufficient time for public comment on the draft NAP and gather more diverse voices and views. The report states that implementation of commitments made in the second NAP are either incomplete or have not yet started. Once again, financial and capacity constraints inhibit implementation. Moving forward, the next NAP would benefit from a feasibility assessment that would involve relevant ministries, CSOs and other stakeholder partners to ensure that the commitments are realistic and achievable.[62] Another issue is the lack of proper stewardship in the use of public resources, which is a challenge to open government. Liberia's 2015-16 OGP progress report states that the government's anti-graft institutions and strong public statements on fighting corruption have so far failed to yield high profile prosecutions for corruption.

In terms of governance advancements, Liberia received stars for three OGP commitments. The first was on commercial land use rights through the publishing of information showing community land boundaries, protected forest areas, and where commercial contracts have been granted. A Concession Information Management System allows users to view commercial land use rights via an interactive online map.[63] Liberia also created an aid management platform to capture international payments and how they are being spent. It displays information on project locations, disbursed amounts, donor agencies, and sectors where aid is being provided. It is yet to go live, however.[64] A third star was awarded to Liberia for the implementation of the new Jury Law (2013), which will increase citizen participation in the justice system through a transparent system for selecting and educating citizen juries.[65]

Although Liberia has been praised for committing to the OGP process, stakeholders are uncertain whether this will remain a focus of the new presidency. The OGP in Liberia was closely associated with the Johnson

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[57] Republic of Liberia, 'Freedom of Information Act of 2010,' http://bit.ly/1DEIxm5, accessed 15 August 2017.
[58] Oscar Bloh, "Independent Reporting Mechanism: Liberia Progress Report 2013-2014," (Open Government Partnership, accessed August 20, 2017), 20, https://www.opengovpartnership.org/sites/default/files/IRMReport-Liberia_final.pdf.
[59] Bloh, "Independent Reporting Mechanism: Liberia Progress Report 2013-2014," 2.
[60] IRM Staff, Second Progress Report, "Independent Reporting Mechanism: Liberia Progress Report 2015-2016," (Open Government Partnership, accessed July 2017), 14, https://www.opengovpartnership.org/sites/default/files/Liberia_Progress-Report_2015-2017.pdf.
[61] IRM Staff, Independent Reporting Mechanism: Liberia Progress Report 2015-2016," 18.
[62] *Ibid*, 29.
[63] IRM Staff, "Independent Reporting Mechanism: Liberia Progress Report 2015-2016," 5.
[64] *Ibid*, 9.
[65] *Ibid.*

Sirleaf government. It remains to be seen whether the new Weah administration will regard the OGP and other MSIs as a priority.

SIERRA LEONE

APRM

Sierra Leone acceded to the APRM in 2004, but the process only commenced when President Ernest Bai Koroma took office in 2007. It moved slowly – it took another five years for the country to complete its first review, which was presented to the APRM Forum in January 2012. In October 2016, President Koroma officially launched the first and second APRM implementation reports. The combined third and fourth progress reports were presented in January 2018. The country is now beginning preparations for a second APRM review.[66]

While Sierra Leone's motivation to accede to the APRM is not fully clear, by acceding to the APRM, the government potentially saw benefit in a multi-stakeholder approach on governance, given the country's long history of endemic poverty. This perspective is evident in the awareness campaigns about the APRM that were launched and training on the APRM was held for civil society to increase participation.[67]

Although the civil war ended in 2002, the APRM CRR produced a decade later highlighted numerous carry-overs that threatened peace and security in Sierra Leone. While acknowledging intensive peace-building efforts, the report also stated that, like in Liberia, root causes of the civil war had not been fully addressed. The report also mentioned the country's propensity for election-related conflict, coupled with the unemployed youth who can be mobilized for violence during election campaigns. The report highlights concerns over the country's fragility in areas of political governance and rule of law. [68]

No independent information exists to corroborate the official overview of the Sierra Leonean APRM process. Sierra Leone was highly commended at the Forum for opening its governance to scrutiny during an election year (2012). The Forum recognized the progress for improving governance, particularly in the areas of fighting corruption, empowerment of women, decentralization, improvement of the business climate, and fostering post-conflict national reconciliation and cohesion.[69] The praise for reform without corroborating evidence illustrates the way that APRM peer reviews can lack legitimacy by offering praise rather than providing a balanced view or constructive criticism.

Since joining the APRM in 2004, Sierra Leone has made slow progress. Its NPoA implementation was impacted by the Ebola epidemic, low iron ore prices, preparations for the 2018 elections, and an inadequate budget. However, the country underwent a constitutional review as the APRM recommended.[70] In 2016, the National Civil Registration Act was passed, requiring compulsory registration of citizens and non-citizens and affording access to government services.

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[66] "Sierra Leone recommits to the APRM process," *APRM*, accessed August 10, 2017 http://aprm-au.org/viewNews?newsId=128 (site unavailable).

[67] For example, SAIIA conducted a training workshop on the APRM for Sierra Leonean CSOs in May 2009. SAIIA seeks to bring resource persons from similar countries to share their experiences, in this case the executive director of Ghana's APRM Secretariat.

[68] "APRM Country Review Report No. 15: Republic of Sierra Leone" (APRM, January 2012), 9, https://aprm-au.org/wp-content/uploads/2014/11/admin_pdfFiles_CRR-Sierra_Leone_EN.pdf.

[69] *Ibid.*

[70] Sierra Leone, African Peer Review Mechanism National Governing Council, "Progress Reports of Sierra Leone's Implementation of APRM National Program of Action," (APRM: 2015/2016), 11.

Additionally, Sierra Leone has established an Integrated Financial Management System to strengthen expenditure control, but implementation has been slow.[71] It has also established a Collateral Registry to enable bank loans, and developed a draft Corporate Governance Code, as per APRM recommendations.[72]

EITI

Sierra Leone declared its interest to join the EITI in 2006 and became a candidate country in 2008. The country established its MSG to act as the governing body of the Sierra Leone Extractive Industries Transparency Initiative (SLEITI). The primary objectives of SLEITI are to ensure due process, transparency and accountability in the payments made by all extractive industry companies to the government; monitor accountability in revenue receipts; eliminate all forms of corruption in the extractive sector; promote public disclosure of contracts and concessions related to the industry; to work in collaboration with all relevant District Councils; and facilitate public dialogue on governance of the sector and adoption of appropriate policies.[73] With representatives from government, industry (mining, oil, and gas companies) and civil society, the MSG is headed by the Chief of Staff in the Office of the President. A SLEITI Secretariat implements the MSG's decisions.

The time from candidacy to compliance was six years, with compliance achieved in April 2014. In this time, Sierra Leone produced four reports. The first SLEITI report was produced in March 2010 covering the minerals sector, but only for the 2006-07 financial year.[74] Production and dissemination of subsequent SLEITI Reports was slow partly due to the Ebola outbreak, for which the EITI Board granted Sierra Leone an unlimited extension. SLEITI published both its 2013 and 2014 reports covering the mining, oil, and gas sectors in 2016. To bring SLEITI communications up-to-date, widespread dissemination then took place. Town hall meetings were held at the regional level, with additional radio and TV discussions to reach a broader audience. A three-year work plan (2016-2018) was developed in consultation with MSG and non-MSG members.[75]

Currently there are efforts by government and participating CSOs to revive mining companies' participation on the MSG. Even though representation of constituencies need not be equal in number, there is a general sense that having just two companies on the MSG is unlikely to lead to a diversity of views and sufficient representation of all stakeholders. Sierra Leone's parliament also participates in the initiative. Members of parliament (MPs) regularly receive a fixed share of surface rent payments from large-scale mining companies operating in their constituencies. Although there is huge disparity in the amounts paid to the MPs, they were all required to report on 2014 revenues received. So far, 26 parliamentarians have received training in the EITI Standard and reporting, enabling them to have a better understanding of their oversight role in the extractive sector.[76] There is still room for improvement, however, as not all MPs have submitted supporting documents to enable certification. SLEITI ensured that stakeholders were updated on the new 2016 EITI Standard through training at workshops for the MSG, civil society and government officials.

The EITI process in Sierra Leone process opened political space for criticism of the government and official processes. Civil society is also involved in resource matters going beyond EITI, publishing various reports and analyses.[77] However, public participation has been limited. The 2013 SLEITI Validation Report attempted to

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[71] *Ibid,* 12.
[72] *Ibid.*
[73] Boas & Associates, "SLEITI 2014 Report" (Accra: Boas & Associates, December 2016), vii, https://eiti.org/sites/default/files/documents/sl_2014_report-final.pdf.
[74] Boas & Associates, "SLEITI 2014 Report," 2. .
[75] SLEITI Secretariat, "Annual Progress Report 2016" (Sierra Leone Extractive Industries Transparency Initiative (SLEITI), 2016), 3, https://eiti.org/sites/default/files/documents/sierra_leone_eiti_annual_progress_report_2016.pdf.
[76] SLEITI Secretariat, "Annual Progress Report 2016," 4.
[77] These include: "Cost-benefit Review of London Mining Company Agreement" and "Cost-benefit Review of African Minerals Limited Mining Lease Agreement", both published in 2011, and by "Focus on mining companies: diamonds, blood and tears, the relationship between Koidu Holdings Ltd. and the affected property owners of Kono – Network Movement for Justice and Development" and "The citizens and the Mines and Mineral Act – Network Movement for Justice and Development," both published in 2010.

assess the impact and sustainability of the instrument in Sierra Leone. According to a 2012 perceptions survey, 80% of respondents had never heard of the EITI and nearly 99% had never seen an EITI report.[78] Much more work needs to be done in Sierra Leone on communication regarding EITI.

Overall, the SLEITI has responded to challenges. Funding shortfalls pushed SLEITI's 2016 activities into 2017. Yet, the country has adopted a more formal and solid institutional structure and is committed to developing an institutional framework to enable more transparent and accountable governance of natural resources. One example is the creation of an online repository of mining revenues in 2012.[79] In continuing institutional reform, Sierra Leone has attempted to align its National Agenda for Prosperity (2013-2018) with the EITI process.[80] Finally, SLEITI is focusing on strengthening the legal and policy framework of its extractive industry, developing an open data policy and a Roadmap for Beneficial Ownership Disclosure by 2020.[81] The next step is the adoption of the SLEITI Bill to enshrine the EITI in law and complement the current Mines and Minerals Act.

OGP

The precursor for Sierra Leone's accession to the OGP was the adoption of a Right to Access of Information Act in 2013 to meet OGP qualifying criteria. Joining in 2013, the government created a National Steering Committee with 17 representatives of civil society and 17 members of government to spearhead the development of a NAP and serve as a forum for public dialogue. The Office of the President coordinates the process. A campaign across 14 districts and among the country's diaspora in Belgium, Guinea, the United Kingdom, and the United States—a first for OGP—gave Sierra Leoneans a voice in defining their priorities for reform.[82] The political space created by the OGP enabled the country's government to step up its reforms to increase transparency, reduce corruption, and empower citizens. Its OGP commitments also aim at strengthening corporate accountability, by making mining and agricultural lease agreements public and launching citizen charters to improve the quality of public services.[83]

Sierra Leone's first NAP ran from 2014 to 2016. The country used two methods to collect citizen feedback.[84] First, the Steering Committee centralized consultations by holding (closed) monthly meetings at the OGP Secretariat, and the media was regularly invited to witness and report on the deliberations. However, attendance by government representatives was infrequent, and government agencies saw the Steering Committee as a civil society affair. Second, Sierra Leone collected citizen feedback through town hall meetings. Steering Committee members travelled to communities and discussed implementation progress with citizens. Although these meetings were public, they were irregular and followed no strict schedule. All civil society members of the Steering Committee interviewed confirmed that the town hall meetings took place, but none could say the exact number there have been.

NAP implementation suffered from waning government interest and insufficient coordination among agencies responsible for implementing the commitments. The Ebola outbreak halted MSI efforts in 2013-2014.[85] The

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78 Multi-stakeholder Group of the SLEITI, "Republic of Sierra Leone Validation Report" (CAC 75, December 2012), 79, https://eiti.org/sites/default/files/documents/2012_sierra_leone_validation_report.pdf.
79 Boas & Associates, "SLEITI 2015 EITI Report" (Accra: Boas & Associates, February 2018), 21, https://eiti.org/sites/default/files/documents/final_2015_sleiti_report._1_1.pdf.
80 EITI International Secretariat, "Sierra Leone | SLEITI," *EITI*, accessed March 20, 2018, https://eiti.org/sierra-leone.https://eiti.org/sierra-leone.
81 SLEITI Secretariat, "Annual Progress Report 2016," 5.
82 Republic of Sierra Leone, "OGI - Sierra Leone," *Open Government Partnership - Sierra Leone*, accessed August 14, 2017, http://www.ogi.gov.sl/ogp..
83 Ernest Bal Koroma, "Embracing Open and Participatory 21st Century Government," *The Huffington Post* (blog), accessed 14, 2017, http://www.huffingtonpost.com/president-ernest-bai-koroma-/embracing-open-and-participatory_b_8374406.html.
84 Charlie Hughes, "Independent Reporting Mechanism (IRM): OGP End of Term Report 2014-2016" (Open Government Partnership, accessed August 14, 2017), 2 https://www.opengovpartnership.org/sites/default/files/Sierra-Leone_EOTR_2014-2016.pdf.
85 *Ibid*.

second NAP was presented in June 2016. It contains ten commitments, eight of which are new. Its mid-term completion percentage, however, was low at 9%.[86]

Sierra Leone's 2017 End of Term IRM Report noted that the country's OGP commitments focused on improving public integrity, transparent management of public resources, and corporate accountability, but only marginally opened government. Only one commitment–local content policy linkages with ministries, departments and agencies–was deemed "completed."[87] Regulations were developed to implement the Right to Access Information Act, including the training of 250 public information officers in 13 Districts, an awareness campaigns, and the establishment of a Public Information Commission. This is the country's only "starred" OGP commitment.

TANZANIA

APRM

Tanzania acceded to the APRM in May 2004, and parliament ratified this decision in February 2005. Bernard Camillus Membe, Minister of Foreign Affairs and International Cooperation, was made Tanzania's APRM Focal Point.[88] Following the trend in other APRM states, an NGC was established, made up primarily of CSO representatives. A National Secretariat was also created to support day-to-day NGC operations, and four TRIs were identified to carry out the self-assessment exercise.[89] To facilitate implementation, awareness-raising activities were initiated among key stakeholders, including MPs and CSOs. These developments illustrated Tanzania's commitment to the process, at the time. However, the APRM review took much longer than expected. Tanzania was only formally reviewed by its peers in January 2013 and the report took four more years to be publicly launched in 2017.[90] It is therefore difficult to comment on implementation as no progress reports have yet been published. Many of Tanzania's claimed APRM achievements pre-date its accession.

Members of civil society spoke of the APRM struggling to gain prominence among a number of other development initiatives in the country. The APRM in Tanzania was also unsuccessful in entering national policy and governance debates and achieving a strong media profile.

EITI

Tanzania joined the EITI in 2009 as a candidate country and became compliant in 2012. At the time of accession, Tanzania's extractive sector comprised 3.4% of the country's GDP. According to the 2011 EITI validation report, Tanzania was Africa's third largest gold producer. The 50+ multinational companies operating in the country had been reluctant to reveal their payments to the government.[91] Political will at the highest level was also evident. Former President Jakaya Kikwete (2005-2015) was an enthusiastic supporter. Upon accession, he indicated that Tanzania's mining sector was growing quickly, hence it was important to join the EITI.

Although the Tanzanian EITI (TEITI) has attempted to create public awareness through workshops, its work plan was not widely distributed and not available in Kiswahili. It was made available online, but without much active dissemination. Additionally, the status of set tasks was not specified in the work plan. As in the case of

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[86] , "Sierra Leone," *Open Government Partnership*, accessed August 15, 2017, https://www.opengovpartnership.org/countries/sierra-leone.

[87] Charlie Hughes, "IRM: OGP End of Term Report 2014-2016,"

[88] "APRM Country Review Report No. 17: The United Republic of Tanzania" (APRM, January 2013), 1, https://aprm-au.org/st_car/9312/.

[89] "APRM Country Review Report No. 17: The United Republic of Tanzania," 1-2.

[90] "Tanzania CRR Launch," *APRM*, accessed January 10, 2018 http://aprm-au.org/viewNews?newsId=167 (site unavailable).

[91] Adam Smith International et al., "Tanzania Extractive Industries Transparency Imitative: Validation Report Final" (Adam Smith International/Resource Consulting Services, May 2011), https://eiti.org/sites/default/files/migrated_files/Tanzania_Final_validation.pdf..

Sierra Leone, attendance of government was poor at MSG meetings. Additionally, there has been a lack of communication between the Secretariat and MSG members to schedule meetings.[92]

While government participation has stagnated, the MSG was broadened to increase civil society and industry representatives, including more oil and gas companies, small and medium size businesses, artisanal miners, and exploration firms.[93] The validator of the report warned that civil society's independence in the TEITI can be jeopardized if the individuals are captured by vested interests or seem to unduly favor the government. It is therefore imperative to ensure that the MSG remains diverse and truly representative, not easy in a contested political space. [94]

Despite the passage of The Government Mining Act of 2010, it did not include any EITI-specific clauses the MSG initially hoped. Contrary to the mission of the EITI, Section 25 of the act contains a secrecy clause which prohibits the disclosure of information on accounts and related business data submitted to government by companies. This act also disregards the MoU of the TEITI drafted by the MSG that aims to ensure public disclosure of disaggregated payments made by companies to government and revenues received by government.[95] Unfortunately, contract transparency currently lies somewhat outside the scope of the current EITI ambit (the EITI "encourages" but does not mandate contract transparency), but this transparency would be very helpful for CSOs working to equip local communities and corruption activists with information. This is an important area where training could be targeted.

Concerns have also been raised regarding the opaqueness of the operation and reporting of state owned enterprises for mining, oil, and gas, as they received payments on behalf of government and made payments to government without a reconciliation process in between. The MoU and work plan failed to provide clarity over what kind of material payments should be disclosed and both the companies and official figures were questioned over the years.[96]

No institutional review was undertaken at the outset of EITI accession in Tanzania to determine which government institutions would need to report to EITI structures. Local government was partially included in the reporting process but excluded from the reconciliation. The reporting process itself was also mismanaged, with insufficient time allocated for proper reconciliation and follow-up, low capacity, and questions about whether accounts were audited according to international standards.[97]

Additionally, external pressure was placed upon TEITI by the World Bank to meet the validation deadline set by the International Secretariat, leading to large discrepancies in reporting, amounting to 76% in the first EITI reconciliation report.[98] However, remarkably, Tanzania has now lowered this discrepancy to less than 1%, a noteworthy achievement.[99]

Although not without its challenges, implementation of the EITI in Tanzania has made a significant contribution to improving the governance of the extractive industries, reducing unilateral decision-making in the oil and gas sector.[100] The Tanzania Extractive Industries Act (2015) raises the bar for disclosure. In addition to company payments, government receipts, and production and export data, it requires extractive companies to provide

[92] Adam Smith International et al., "Tanzania Extractive Industries Transparency Imitative: Validation Report Final", 11.
[93] *Ibid*.
[94] *Ibid*, 14.
[95] Adam Smith International et al., "Tanzania Extractive Industries Transparency Imitative: Validation Report Final", 10.
[96] The reconciler is a company or an individual consultant meant to conduct a reconciliation exercise (to reconcile whether what companies stated that they paid to the government were the figures reported as having been received by that government).
[97] Adam Smith International et al., 20.
[98] *Ibid*, 26.
[99] *Ibid*.
[100] Melyoki L, "The Governance of the Petroleum Sector in Tanzania: Institutional Arrangements and the Role of the National Oil Company," *The Extractive Industries and Society* 4, no. 1 (2017): 180–90.

information on local content acquisition, corporate social responsibility, and capital expenditures. Most importantly, contract disclosure and beneficial ownership disclosure are required, boosting transparency. Furthermore, the Act brings legal force and penalties against government or companies withholding information. Total discrepancies in the latest EITI report between amounts reported as paid and amounts reported as received were 0.2%, well below the 1% discrepancy considered material and no further investigation was necessary.[101]

In 2017, the EITI Validation Board ruled that, despite areas of concern, Tanzania complied with the 2016 EITI Standard.[102] Tanzania was commended for adopting the Tanzania Extractive Industries Transparency Act (2015), which mandates revenue and contract disclosures.[103] The Report also commended Tanzania for its high quality and disaggregated data, and its respect for EITI timelines.[104]

OGP

Tanzania joined the OGP in September 2011 and submitted its first NAP in April 2012, which focused on enhancing transparency, citizen participation, and technological innovations in the health, water, and education sectors. Tanzania's second NAP in 2014 focused on improving public access to information in key sectors including land and extractives. A vital commitment, the Access to Information Act, was realized as the law was enacted shortly after the NAP period ended. By August 2016, 100 datasets had been uploaded to an open-access portal. However, low internet penetration and poor electricity delivery inhibit citizens using this information to hold officials to account.[105]

The government of Tanzania decided to withdraw from the OGP in 2017, claiming that key objectives like the Access to Information Act of 2015 and establishment of an Open Data Portal had been achieved. It said dual membership in both the APRM and the OGP was too onerous and that it had chosen to focus on the former.[106] Politics were in play as the John Magufuli government chose an African initiative over one seen as Western-led, and acceded to by his predecessor, Jakaya Kikwete.[107] Kikwete, on the other hand, championed the OGP on the continent, even holding an OGP Africa Regional Meeting in 2015. The issues with the APRM in Tanzania, including low public awareness, poor harmonization with other governmental processes, and its slow pace raise questions about the government's commitment to the APRM and the withdrawal decision.

Before its withdrawal, Tanzania showed mixed progress in implementing its first two OGP NAPs. The last IRM Report[108] notes that the Access to Information Act was a major step to increase transparency with a potentially transformative impact. However, the four remaining commitments were not completed and had a moderate potential impact. They were carried over to the draft third NAP which was not finalized due to

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[101] Adam Smith International et al., 27.

[102] EITI International Secretariat, "Board Decision on the Validation of Tanzania" (EITI, October 25, 2017), 2, https://eiti.org/sites/default/files/documents/validation-board-decision-validation_of_tanzania.pdf.

[103] EITI International Secretariat, "Validation of Tanzania: Report on Initial Data Collection and Stakeholder Consultation" (EITI, July 5, 2017), 5, https://eiti.org/sites/default/files/documents/eiti_validation_of_tanzania_-_report_on_initial_data_collection_and_stak.pdf.

[104] EITI International Secretariat, Validation of Tanzania: Report on Initial Data Collection and Stakeholder Consultation", 9-69.

[105] "Tanzania," *Open Government Partnership*, accessed August 30, 2017, https://www.opengovpartnership.org/tag/tanzania.

[106] Dr. Augustine P. Mahiga, "Letter from Dr. Augustine P. Mahiga the Minister for Foreign Affairs and East African Cooperation of the United Republic of Tanzania," (Open Government Partnership, June 29, 2017), https://www.opengovpartnership.org/sites/default/files/Tanzania_Withdrawal-Letter_Sept2017.pdf.

[107] Syriacus Buguzi, "Tanzania: Govt Abandons Jk-Championed Plan," *The Citizen (Dar Es Salaam)*, September 20, 2017, http://allafrica.com/stories/201709200372.html.

[108] Ngunga Greyson Tepani, "Tanzania: 2014-2016 End-of-Term Report (Version for Public Comment)" (Open Government Partnership, n.d.), 1, http://www.opengovpartnership.org/sites/default/files/Tanzania_EOTR_2014-2016_for-public-comment_ENG.pdf.

Tanzania's withdrawal from the OGP. It notably contained new commitments on medical services and performance management.[109]

CONCLUSION

On paper, these three MSIs are complementary in their approach. All three challenge governments and societies to improve governance, spread good practices, and closely monitor implementation and impact. All rely on regular, informative, and accurate reporting. However, all three are vulnerable to the same weaknesses: lack of government capacity to improve service delivery and implement MSI's commitments; inadequate capacity of civil society organizations to monitor and evaluate government's performance and advocate for greater accountability; shortage of funding; and insufficient political will. They are costly and have a significant administrative and reporting burden. In this respect, trying to sustain three similar initiatives separately forces them to compete for scarce resources in African states.

Each MSI, as it has operated in Africa and elsewhere, has its strengths and weaknesses. The APRM requires a comprehensive examination of a wide range of issues. It also has the advantage of being an African-owned and African-driven initiative. The report-development process is rigorous, and published reports have been candid in their discussion of governance challenges. However, the reports are so long and complex that issues can get lost in the detail, and there has been no follow up on the non-implementation of NPoAs. The vague sanctions for non-compliance available have never been invoked, and there are no minimum qualification requirements.

The more narrowly focused EITI has more rigorous acceptance requirements, with African countries taking several years to become compliant. Resource-rich African states have embraced the mechanism and take it seriously. It is showing tangible results, but these have been slow in coming. The OGP allows countries more flexibility in choosing their commitments than either the APRM or OGP, and its IRM provides important information on country processes and their deficiencies, in contrast to the APRM where there is no independent verification of government's implementation reports. Like the EITI, it sets the qualification bar fairly high, inducing law or policy changes before states accede.

Where it is clearly in the interest of countries to sign up to a particular MSI, such as the EITI in the case of Liberia, given the importance of the sector to the country's future and its fractured and contested history, there is strong political will by government to support the MSI. Liberia became not only the first EITI-compliant state in Africa, it is also piloting the EITI's beneficial ownership program. The same can be said of Ghana, which wanted to reassert its credentials as a democratic state that prioritized good governance after years of coups and economic mismanagement and the fact that it was Africa's first Sub-Saharan African state to gain independence in 1957. Against this backdrop, the fact that it was a first mover on the APRM helped to reassert its credibility as a pioneering state in Africa. Therefore, local context matters for the level of support that a particular MSI garners in the broader set of international governance initiatives.

It is difficult to measure which MSI has promoted the most reforms. The APRM comes out as the least effective of these MSIs, followed by the OGP. The EITI is the most effective due to its strict thresholds, sanctions and focus on key economic sectors rather than the whole gamut of governance ambitiously examined by the APRM. The OGP has the most comprehensive rules for civil society engagement, although there is always contestation that more and deeper consultation could have occurred. On the other hand, both the OGP and EITI have been questioned in Africa as too Western.

[109] Tepani, "Tanzania: 2014-2016 End-of-Term Report (Version for Public Comment)," 1.

MSIs have brought some positive changes, especially in creating inclusive spaces for policy dialogue between governments and citizens around transparency, accountability, and governance. Civil society has an official platform to monitor government commitments, even where the executive is dominant. In such contexts, the civil society engagement that MSIs promote cannot be underestimated, provided their input is meaningful and not manipulated for "open-washing." A key issue is who represents civil society, with governments often preferring to interact with politically-aligned CSOs. In general, failure to implement programs in these four countries has not been due to "open-washing," but more because of resource and capacity constraints.

The case studies also demonstrate that politics matters and must be negotiated between different interest groups, champions are vital, and endemic problems cannot be solved in a year or two, by one tool or the other.

It is also clear that it is difficult to measure the impact of the APRM, EITI, and OGP in Africa, especially in the short term. Implementation and reporting is often weak, and in the case of APRM, not independently verified. Laws have been passed – especially to promote access to information and in the extractives sectors – but the principle of sovereignty demands flexibility and much depends on the political will of national governments. The voluntary nature of these MSIs means they lack real teeth and have difficulty holding errant members to account. Peer pressure and "naming and shaming" needs to be used more often and more effectively. The APRM, OGP, and EITI in Africa will keep evolving during their life-spans, but already have important lessons for themselves and similar initiatives.

LESSONS LEARNED

Sustained High-level political commitment matters

Sustained political will is crucial for the success of an MSI, especially in Africa. In Sierra Leone, former President Ernest Koroma lent legitimacy to the three processes by championing them during his ten years in office. In countries with a change of leader (if not of ruling party), support often wanes with the new administration. This is starkest in Tanzania's withdrawal from the OGP in 2017. APRM NGCs tend to disband or atrophy over time and with new political leadership. Leadership communities created by these MSIs could apply more peer pressure to recalcitrant members.

Lack of funding and capacity hamper progress

Sufficient, regular, and sustainable funding is needed for the effective functioning of the relevant secretariats, committees, and program implementation. In poorer countries, governments will likely look to the donor community for support. Capacity limitation was an obstacle to delivery in all these MSIs. In the case of the OGP, limited human and financial resources were highlighted repeatedly. Ghana placed the OGP under the Ministry of Public Sector Reform, which has a small budget, and APRM and EITI implementation was held back due to lack of funds,[110] even though GHEITI is housed in the comparatively well-resourced Ministry of Finance.[111] MSIs in Liberia have struggled with funding. They experienced budget cuts, especially after the Ebola outbreak, delayed national budget approval and emergency appropriations. Limited financial support remains a major challenge for the implementation of MSI commitments. Managing multiple MSIs has proved burdensome.

Training can support reforms

The African MSI case studies demonstrate the value of providing focused training on the MSIs, their rules and procedures, and the opportunities for supporting policy reform that they offer, both to governments and to

[110] GHEITI Secretariat, MoF, "2015 Annual Activity Report," 10.
[111] Adamtey, "Independent Reporting Mechanism (IRM): Ghana Progress Report 2015-2016," 50.

CSOs. These MSIs are complex and daunting, and training helps to give local stakeholders confidence and insight as well as to build their capacity for meaningful participation. It also helps processes move more quickly.

Reports lack quality

If the country takes its participation in an MSI seriously, it needs to report on progress and challenges in accordance with established deadlines. MSI reports often contain broad, sweeping statements not supported by evidence or background information or rely on old and questionable data. They are often submitted late and fail to delve into *why* goals were missed and often do not correspond with work plans. Though the information may be available, it is unclear where it is in the myriad of accompanying documents. Challenges in accessing the necessary data lead to significant delays in drafting. African states are often overwhelmed by the reporting burden imposed by numerous standards, frameworks, and mechanisms. These reports also fail to show the added value of the MSI and results, outcomes, and impacts produced.

Solid legislation, weak implementation

African MSI reports repeatedly stress that solid legislation is poorly implemented. For example, Liberia was one of the first countries in West Africa to pass a Freedom of Information Act in 2010 but has struggled to implement it due to weak institutions, poorly trained officials, low public awareness, and limited resources.[112] Public agencies have not been proactive in information disclosure and records management.[113] Both the OGP and LEITI reports highlighted these shortcomings. Further research is needed on whether a country should enshrine MSIs in binding national legislation to give them more traction.

Poor policy harmonization

The APRM, OGP, and EITI are compartmentalized in Africa and often driven by different government agencies. This tends to reduce their effectiveness and leads to duplication, competition, or neglect. If used strategically, these MSIs can be mutually reinforcing and support the ultimate goal of making lives better for citizens through better governance. The OGP and EITI provide for natural synergies while the APRM process establishes an excellent baseline for further concerted action.

RECOMMENDATIONS

Based on lessons learned from these case studies, we recommend the following:

1. Given the critical importance of high-level, sustained political support for MSIs over consecutive administrations is critical to their success, countries should consider binding ratification and legislation once a country signs up to a MSI.
2. MSIs require champions in both government and civil society to maintain momentum and achieve their objectives.
3. Funding for MSIs should be adequate, regular, and sustainable. They struggle to fulfill their mandates in conditions of funding uncertainty, budget cuts, and lack of dedicated budget line items. In Africa, it may be necessary to mobilize assistance from development partners.
4. Capacity must be built in government and civil society to implement MSIs effectively. More effort and funding should be put into training by both national and international secretariats and support units. MSIs should focus on weaknesses in implementing legislation.

[112] Blair Glencorse and Anne Sophie Lambert, "Putting Local Justice First in Liberia," *World Justice Project*, November 18, 2013, https://worldjusticeproject.org/news/putting-local-justice-first-liberia.
[113] *Ibid*.

5. The standard of reporting must improve through training as well as stricter demands for quality by the central MSI institutions. Sub-standard reports should be rejected and resubmitted.
6. Complex reports should be summarized and simplified for easier dissemination to the general public and translated into local languages where possible.
7. MSIs must focus more attention on articulating their added value and their concrete results.
8. More effort must be made to coordinate and harmonize MSIs to avoid duplication, competition, and squandered resources.

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