

FROM DISCLOSURE TO IMPACT: DEEPENING AND BROADENING OPEN CONTRACTING IN AFRICA



Voices of Change and
Stories of Impact

Africa Freedom of Information Centre



CONTENTS

Introduction	1
Uganda	3
Case 1: Changing Lives: Citizen Engagement in Mbale District helps School and Community Access Clean Water	3
Case 2: Changing Mindsets: Civil Servants Embrace Open Contracting	6
Case 3: Informed Action: Community Monitor's Tip Helps Minister Address Corruption in Government Projects	9
Case 4: Local Ownership: Citizens Actively Use Data to Monitor Government Projects	11
Case 5: Citizen-driven Agenda: Elgon Baraza Becomes a Platform for Increased Accountability	13
Ghana	15
Case 6: Contracts Monitoring training, a bridge to an empowered citizenry	15
Case 7: From reactive to proactive disclosure; public officials' mindset change leads to increased disclosure and contract monitoring	17
Kenya	19
Case 8: The Procurement Authority in Kenya revives the Public Procurement Information Portal, 3 years after its development	19
Nigeria	21
Case 9: Racing for Transparency: Freedom of Information Rankings Enhancing Public Procurement Transparency in Nigeria	21
Malawi	23
Case 10: Citizen led activism: Trained community monitor influences completion of a stalled classroom block at Lithipe primary school, Salima, Malawi	23

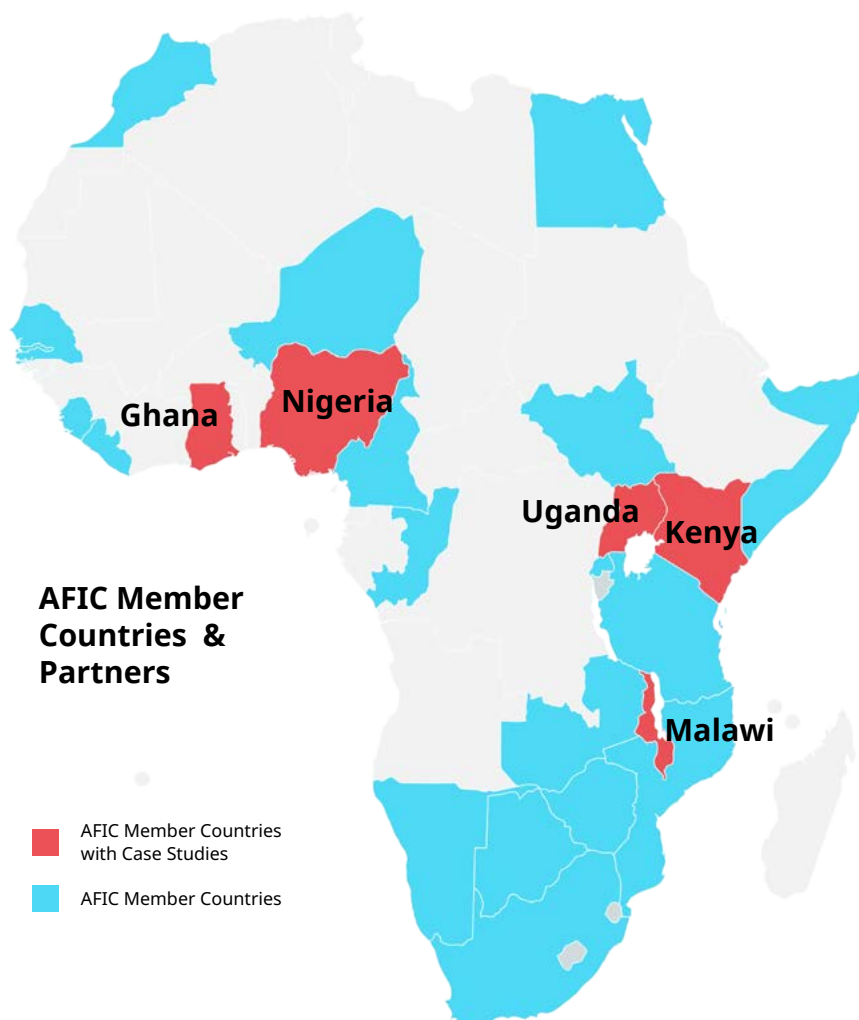
Conclusion

26

Our Lessons

26

1. Informed Citizens, Informed Demand and Participation 26
2. Lack of awareness and capacity of public officials a critical factor for responsiveness 27
3. Evidence and how it is presented matters for Public Officials 27
4. Competition is a strong incentive for transparency 27
5. Improved disclosure and citizen engagement leads to better service delivery 28



Centre for Human Rights
Rehabilitation, Malawi



Nigeria



Abuja, Nigeria

INTRODUCTION

This publication is a demonstration of linkage between access to information and service delivery in health and education through the documented voices and impact stories from beneficiaries under the project “From Disclosure to Impact: Deepening and Broadening Open Contracting in Africa” implemented by Africa Freedom of Information Centre (AFIC) and its members: Ghana Anticorruption Coalition in Ghana), International Commission for Jurists in Kenya, Centre for Human Rights Rehabilitation in Malawi, and Media Rights Agenda and Public and Private Development Centre both in Nigeria.

This publication of success stories on disclosure by government agencies and use of disclosed data by citizens in project countries is supported by the Hewlett Foundation through a three-year project. The project aims to increase disclosure of procurement information by government agencies, use of disclosed data by citizens and providing feedback to government ministries, departments and agencies as well as procurement regulators in order to improve the delivery of public services. The right to information is a fundamental human right. The African Union recognizes this right for every individual in six African Union treaties including the African Charter on Human and Peoples’ Rights, African Charter on Democracy, Elections and Governance, African Union Convention Against Corruption, African Union Youth Charter, African Charter on Values and

Principles of Public Service and Administration and the African Charter on Statistics. Also, international and regional Human Rights Instruments such as the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights have for a long period recognized this right.

Africa Freedom of Information Centre (AFIC) is the largest and leading membership pan-African civil society organization and resource centre promoting the right to information, transparency and accountability. With funding from the William and Flora Hewlett Foundation, AFIC continues to advocate for improved delivery of health and education services through promoting disclosure, public participation, efficiency, and value for money and competition in public contracting. The project is implemented in five countries: Malawi, Kenya, Ghana, Nigeria and Uganda. The project is implemented by six partners, Centre for Human Rights and Rehabilitation (CHRR), International Commission of Jurists (ICJ), Ghana Anti-Corruption Coalition (GACC), Public and Private Development Centre (PPDC), Media Rights Agenda (MRA) and AFIC respectively. The project is a 3-year project with four specific objectives:

- To enhance transparency through disclosure of contract information in targeted sectors
- To increase citizens’ participation in government processes in respective governments
- To enhance fair business practices in target sectors
- To improve responsiveness of government entities

in target sectors towards Civil Society Organizations (CSOs) findings and recommendations from monitoring of contracts

Through the 2-year implementation period, the project has trained public officials, CSOs and Journalists on data use; selected and trained community monitors, conducted media engagements through radio and social media, developed tools, monitored contracts, produced monitoring reports, engaged with stakeholders

providing them with useful feedback and recommendations to inform effective service delivery in the 5 countries. The project results reveal that there has been increased disclosure of contract information by government agencies, increased citizens' use of disclosed information to engage authorities on service delivery, improved responsiveness of governments and better service delivery processes in the health and education sectors in project countries.



UGANDA

UGANDA - Case 1

Changing Lives: Citizen Engagement in Mbale District helps School and Community Access Clean Water

Introduction

The Government of Uganda is committed to the realization of good health and well-being for all (SDG 3), quality education for boys and girls (SDG 4) and access to clean water and sanitation (SDG 6). Accordingly, through national budget and donor support, the government has invested heavily in pursuit of these noble objectives. Through a grant from the William Flora and Hewlett Foundation, AFIC has learnt that good intentions and investments can be affected by lack of informed beneficiary participation and feedback.



Problem and intervention

Under the 2020/2021 Financial year Mbale District Local Government issued a contract to Tsandex Investments (U) Ltd for the construction of a 3-classroom block at Khamoto Primary School with a ten thousand (10,000) litre water harvesting tank, plastic gutters, heavy duty Polyvinyl Chloride (PVC) rainwater pipes as well as black and pin boards in each of the classrooms. The contracts monitoring exercise of the project by the AFIC trained community monitors on October 4, 2021 identified that the project was in its hand over processes although, with notable challenges. Despite the heavy rain downpour the previous night, the water harvesting tank was empty.

This means that the facility could not serve its purpose of increasing access to water following completion. The Head Teacher, Ms. Sarah Nambozo and the chairperson School Management Committee, Mr. Eriab Nkaaga confirmed that the tank had not been used in spite of the project having been declared complete and handed over by the contractor to the district three months before the final monitoring by AFIC. On close examination of the completed installation, it was discovered that the gutters were wrongly installed, thus the water was flowing in the opposite direction. In addition, one of the pin boards was torn and

poorly fixed. Furthermore, the monitoring revealed that neither the head teacher nor other community members had been given a copy of the contract nor detailed information on the project to enable them meaningfully engage.

Following these discoveries, AFIC compiled and submitted a report with findings and recommendations to Mbale District Local Government calling for the contractor to be compelled to return to the site and fix the defects and issues established by the monitoring.



In picture: Empty water tank as observed by Mr. Gilbert Sendugwa and the Headmistress of Khamoto Mary School during the monitoring



A pupil washing his hands after the water tank was fixed at Khamoto Primary School.



RESULTS

Following receipt of AFIC recommendations, Mbale district authorities sent an officer to verify the concerns. Upon confirmation, the problems identified were in tandem with concerns raised in the AFIC report, and the district committed to fix them. A few days later the contractor returned to the site and fixed the gutter. During an AFIC follow-up monitoring visit to the school on December 1, 2021 AFIC confirmed that the gutter was fixed and the water tank was well positioned for water harvesting. Although the school was yet to open due to the Covid-19 lockdown, the water tank was already benefiting over six families of more than seventy people including women and children who live nearby the school. As schools open in January 2022, over one thousand pupils will be using the water from this tank. This is very important for their hygiene but also Covid-19 prevention campaign which emphasizes regular hand washing with soap.

Testimonies from users of the facility illustrate how the water harvesting tank has relieved them of the longstanding challenge of lack of access to clean and safe water. Ms. Caroline Khaita, a mother and bread winner of ten family members (5 boys and 5 girls) explains that they used to walk 3 kilometers to the nearest borehole to fetch water for drinking, washing and cooking. They would experience long lines given that the borehole serves over five hundred people in the whole of Nambale village. This would affect her ability to get enough time to look after the family and children's ability to attend school regularly. She adds that during the hot season the situation was worse. Ms. Khaita explains her experience thus, "We used to walk 3 kilometres to the nearest borehole in search of water. Our borehole serves over 500 people in Nambale Village, most often my children would meander around looking for water in vain. The situation gets worse during the dry season when many people are forced to go to the only borehole, which sometimes dries up. This would affect the time for preparation of meals, take care of my children. With the water harvesting tank at the school, I get water with ease and my home keeps clean, I am grateful to the district for this project Caroline Khaita, Mother.

Other community members like Mr. Tom Musalala, also a beneficiary of this water, shares the same experience as Caroline.

Changing Mindsets: Civil Servants Embrace Open Contracting

Introduction

Colonial administrations introduced secrecy in the running of public administrations through enactment and implementation of the secrecy laws across countries where they colonized. The laws were mainly intended to keep people uninformed for them not to question and challenge colonial administrations. Many years since the departure of colonialists, these laws still remain and have become the basis to keep citizens uninformed and unable to question the way are generated or public services are delivered. In spite of the African Charter on the Values and Principles of Public Service and Administration in Article 61 obliges states parties to transform public services from being secretive to being open through implementing policies and procedures to ensure public access to information. This practice has continued in Africa's post-colonial era in which a civil servant who joins government service is required to swear an oath of secrecy. It is no surprise however, that for many civil servants, secrecy is taken as the rule and openness as an exception.

Since joining civil service as a Procurement Officer of Mbale Municipal Council Mr. Ali Modelu had always believed that contracts were protected records, only accessible by the Accounting Officer and user departments. He thought that other people, whether civil servants or citizens, were not supposed to know.

"For all my work life as a Procurement Officer, I thought that accessing contracts was a preserve of the Town Clerk, user departments and contract manager....with the training from AFIC, I got know that contract information is public information with the exception of protected information by law. I have also learnt that, when you do the right thing, you don't hold back."

Modelu Ali – Procurement officer Mbale City

The Turning Point

In November 2020, Mr. Modelu Ali attended a training on access to information and open contracting organized by the Africa Freedom of Information Centre (AFIC). Before this training, Ali, like many other civil servants, was not disclosing information because in his orientation, he was privy to the understanding that these were government documents only accessible by specific designated officials. Whenever people

¹ https://au.int/sites/default/files/treaties/36386-treaty-charter_on_the_principles_of_public_service_and_administration.pdf

would come asking for information Ali and his colleagues would send them to the Town Clerk, who in most cases would bounce them back to him, only for him to turn them away eventually. This was done as a means to tactfully deny them access to information.

After the training by AFIC, Ali appreciated that every Ugandan citizen had a right to access public information and officers had a legal obligation to disclose such information under the *Access to Information Act*, 2005. He also learnt that beyond the obligation to disclose requested information, public agencies gained public trust as a result of being transparent. The training also helped him to learn about the available platforms where contract information is disclosed and how to do it. The Government Procurement Portal (GPP) being the most relevant for him as a Procurement Officer.



RESULTS

As part of his training, Mr. Moledu learnt that under section 12 of the *Access to Information Act*, public officials have a duty to assist requesters. He carried with him copies of the *Access to Information* request forms which he kept in his office and often gives copies to people who come to his office requesting for information and helping them to complete the form.

By December 2021, Ali observed that there had been increased demand for information from his office by the public, especially CSOs. This followed AFIC's training of civil society organizations in their district and that CSOs were more vigilant in following up government projects and contracts which wasn't the case before.

"Before the training, a month would pass without anyone asking for information but now the City gets at least five information requests every month from different people. This means that they are watching us." Ali Moledu, City Procurement Officer

According to Ali, previously the quality of complaints were general. Citizens would complain about government services without evidence, but following AFIC's training and mentorship sessions, citizens and CSOs make clear arguments and question the processes of service delivery. Because of this level of civic competence, city authorities make decisions keeping in mind that people would be watching and would come to question all their decisions at some point.

Ali explains that disclosing information helps government officials especially where there is public misconception. He cites an example of an incident on Friday 26th November 2021, when various people were complaining about the upgrading and tarmacking of Mabua road in Mable Municipality. They had mistaken culverts installed for sewerage for the water run-off and were suspicious that money for water culverts had been stolen by officials in collusion with the contractor. One of the local councilors requested information and upon examination, it was found that the execution of works was being done according to

an approved design and proper sized culverts for water run-off would be installed which helped to clear the rumors. This left all stakeholders satisfied.

In another case, a contractor had won a contract with Mbale City Council with expired powers of attorney. An information request for documents submitted by the bidder indeed revealed that the bidder had submitted expired documents. Upon discovery the process was halted. Following this incident, the City now strictly verifies powers of attorney of bidders, which was never the case before.

The experience shared by Ali, illustrates, presents the value of capacity building for government officials on the application of the legal and policy framework for better service delivery. Had Ali not attended the AFIC training sessions, the Mbale City authorities would never have opened up their offices, and contract information, and thus, the issues we see being addressed would never have been addressed. This project has been an eye opener to both leaders, CSOs and the citizens. The quest for better service delivery is a joint effort in today's era and no longer a duty of the supply side alone. Building both side demand and supply -leaders and citizens should be strengthened across all service delivery sectors. We also learn from this intervention that increased access to information and knowledge enhances action and responsiveness by government officials. More so, following the training of Mr. Modelu, Mbale City has increased disclosure of information on the GPP as illustrated below.

Mbale City: Increasing transparency in public procurement

We have seen improvement in the level of disclosure across all stages for procurement cycles over three years.



Source: Government Procurement Portal • Created with Datawrapper

The analysis of information disclosed on the GPP, Mbale City demonstrates a significant increase of data disclosed at the different stages of the procurement process between the financial years 2019/2020 and 2020/2021. From the data disclosed, there was a 60% (18.8b to 28.2b) increase of procurement plans disclosed by value, 111.5% (3.0b to 26.0b) increase in tenders disclosed by value, data disclosed of planned procurements with corresponding tender information increased by 85.3% and contracts disclosed by value increased by 95% in the same financial year that followed the training of Ali.

This case study demonstrates that government has the willingness to respond to public demands when they have the capacity and skills to provide the solutions. It further reveals that limited capacity is one of the hindrances to governments' service delivery.

UGANDA - Case 3:

Informed Action: Community Monitor's Tip Helps Minister Address Corruption in Government Projects

Introduction

The Government of Uganda has for the past decade been implementing decentralization in a bid to bring services closer to the people. To realise this objective, new local administrative units were created by dividing districts that were considered large and with large populations. Accordingly, Mbale district was subdivided to create the districts of Manafwa, Bududa, and Sironko and, following a presidential pledge in 2011 and Namisindwa was split from Manafwa in the year 2016.



Problem

Upon the creation of Namisindwa district, the Government of Uganda allocated funds for the construction of the new district's administration blocks at the district headquarters, Luwa Town Council, Buhaweka Town Council and Mubutu Town Council. Accordingly, African Construction Technician and Contractors Limited was contracted to undertake the job. However, work stalled for some time with no construction taking place at project sites. The public did not have information or explanation on the stalled works.

Intervention

Using skills he had acquired from an AFIC training under the Hewlett funded project, Emmanuel, a local contracts community monitor, requested for documents regarding the construction of the district administration block at Namisindwa district headquarters, Luwa Town Council, Buhaweka Town Council and Mubutu Town Council. Access to requested documents was granted but he could not interpret them easily. He then sought help from a colleague who was more knowledgeable with the construction sector terminologies to interpret for him the Bills of Quantities (BoQs).

A detailed examination of the records by the monitoring team revealed that items in the BOQs were overpriced, whereas other items were quoted more than once. In addition, there was a provision for the district engineer in the BOQs. Records also revealed that there was provision for planting trees at all the project sites in the contract yet by community monitors site verification, revealed that there were no trees that had been planted, although funds were spent. Further assessment of the Bills of quantities for the construction of the district administration block revealed an additional UGX 20 million for the demolition of a pit latrine at the site, yet there was no latrine to demolish.

Following the discovery, Emmanuel informed district authorities, however, no action was taken on the report for more than six months. He then reported the matter to the Minister of State for Economic Monitoring in the Office of the President. The Minister requested for documents on the project from the district authorities but was denied access on allegations that files with the requested records were under audit by the Office of the Auditor General (OAG) in Kampala.



RESULTS

The Minister requested Uganda Police to investigate the contract for the construction of the District Administrative Block and the circumstances following the stalled works and ghost trees on the site. The monitors received informal communications that following exposure of the matter, officials who had misappropriated the funds borrowed and returned funds to facilitate resumption of the stalled work to avoid being arrested. As of December 2, 2021 following an AFIC monitoring visit, work for the construction of the administrative block in the town councils of Luwa, Buhaweka and Mubutu had resumed.

This story reveals the power and influence that results from an informed and empowered citizen. When citizens are provided with skills, information and resources to question service delivery they pursue matters with authority and resolve. For this project, if it were not for the monitor, the Minister would never have received information to act. It is critical that leaders at all levels build a good relationship with communities and other stakeholders, for development is steadfast with partnerships that matter.

Local Ownership: Citizens Actively Use Data to Monitor Government Projects

Introduction

In Uganda, an informed citizen participation in government laws, policies and programmes is guaranteed constitutionally under Articles 41 (Right to Information) and Article 38 (Right to Participation) of the Constitution of Uganda². Indeed, the government has put in place an enabling legal and policy framework, and instituted programmes to promote public participation. These include the Baraza Initiative³ and launch of public projects in communities. In spite of these policies and laws, the majority of citizens especially in rural communities were neither informed nor actively involved in government projects.

Intervention

To address this challenge, AFIC using a criteria developed by community members selected and trained twenty-three (13 male and 10 female) community resource community monitors to track the execution of government contracts undertaken by Mbale District Local Government, Mbale City Council, Mbale Regional Referral Hospital, Gulu City Council, Gulu District Local Government, Gulu Regional Referral Hospital and Gulu University.

The training for CSOs and community monitors held in March 2020 would later unearth interesting discoveries. None of the monitors had prior experience in requesting public information and tracking the execution of public contracts- many thought that public records, especially contracts were confidential. They were not aware of their right to information and how to exercise it. The training covered the legal right to access public records, agencies that fall within the scope of disclosure under the Access to Information Act, Information Officers under the law, turning community issues into information requests, making information requests and appeals, among others. Participants were also trained on how to interpret and track the execution of public contracts. This included details of procurement plans and how they could be accessed, tendering, award and execution. Each of the participants was provided with copies of the Access to Information Act, information request forms and contract monitoring tools.

² Constitution of Uganda <https://www.ilo.org/dyn/natlex/docs/ELECTRONIC/44038/90491/F206329993/UGA44038.pdf>

³ Baraza Initiative file:///Users/gilbertsendugwa/Downloads/p15738coll2_133447.pdf



RESULTS

The results of AFIC's intervention at community level were multidimensional ranging from increased knowledge of people's right to information and how they can apply it in their daily lives through tracking contracts and services. Results are summed up in the following expressions by community monitors:

"My community activities on monitoring contracts made me known and I was elected to the District Council and later Chairperson of the District Public Accounts Committee of the district. With my knowledge on access to information, I have been making information requests and using accessed information to inform by decisions and interrogations of service delivery in my role".

Hamza, Community Monitor

"I was taught how to access information and the importance of accessing information. I have trained my colleagues about the right to know records held by government agencies. I requested for information about the construction of a 2-block classroom at Busamaga Primary School whose works had stalled prior to my information request. Although I wasn't given a response to my information request, construction resumed and work has progressed, but this never discouraged me from monitoring contracts. I also monitored Naiku HCIII. The completion date had elapsed, so I needed to find out why the project was not complete. The engineer explained to me that the delay was as a result of the fact that some materials were scarce and not available in Mbale and thus, it took more time for the district to get them from Kampala. Following my keen eye on the project, the construction was completed with the right gauge of iron sheets." George Manano, Community Monitor.

"I have made several information requests to Mbale City. Five of the information requests have been granted while seven are yet to be granted. I have observed that progressively, Procurement Officers have become more responsive than before. They never used to disclose information. This has changed with the pressure monitors are exerting on them. During the Covid-19 pandemic neither Mbale District Local Government nor City authorities would disclose information. Following our engagement they admitted that there was laxity and committed to start publishing respective procurement data on the Government Procurement Portal (GPP). Today morning (November 30th 2021), when I went to Mbale Regional Referral Hospital, I saw a bid notice for a procurement displayed on the agency's notice board. There is a significant shift in their behavior on disclosure and the monitors are committed to use the disclosed information to monitor contracts. We didn't know about our right to access information. We had no knowledge about contracts monitoring neither did we have interest in monitoring contracts." Sonia Naggudi, Community Monitor

The examples of actions made by the trained monitors in influencing service delivery, present an understanding of the value of civic competence, and use of local citizens to build a local community of practice. The training given to the citizens in these communities are a local resource that would last for long periods of time, and thus, would benefit their communities. The framework of AFIC using local citizens to identify local problems and suggest solutions for their issues, clearly comes to play with these experiences, although provision of technical expertise, knowledge sharing and learning are critical in these situations, and this is what AFIC and partners blend with these groups.

UGANDA - Case 5

Citizen-driven Agenda: Elgon Baraza Becomes a Platform for Increased Accountability

Introduction

On a regular basis ordinary people especially the youth and young women have issues that affect them and would want to engage with authorities for solutions, however, many lack the space and opportunity to voice their concerns. With no engagement, challenges remain while public concerns grow quite often resulting in open confrontation between citizens and authorities.

Intervention

Following AFIC's training on access to information, Mr. Emmanuel Bwayo, a community monitor and local journalist in Mbale district saw an opportunity to bridge this gap by establishing a platform called Elgon Baraza on Facebook live. This platform is used to share information about government projects and discuss transparency and accountability issues on current affairs in the district and Mbale City.

One of the issues covered during one of the discussions was related to the stalled works on the UGX 14 billion Mugisu Hill and Nabuyongo roads. The construction of the road had stalled for about 6 months and was causing traffic, was impassable, which made transport to the referral hospital more complex. Emmanuel profiled the two projects and invited Mbale City authorities including His Lordship the Mayor, Chairperson District Public Accounts Committee, area Member of Parliament (MP) and the Opposition Chief Whip in Parliament, Hon. John Baptist Nambishe, The engagement also attracted Hon. John Magogo MP for Bungkho County to discuss why the road had been closed without public notice. Noteworthy from Emmanuel's findings, the road works had abruptly closed, with no information about why and when construction would resume or be completed.



RESULTS

During the discussions, the Mayor was requested to explain to the public reasons as to why the road had defects despite it being newly constructed, why it was closed and when it would be opened. Providing accountability, the Lord Mayor extended apologies to citizens and explained reasons for the road closure. He also communicated that renovations were to resume and would be completed within two weeks. Following the discussions, construction machinery was assembled along the site within a period of two days and works commenced. With this development Emmanuel got convinced that public officials are responsive when citizens demand for transparency and accountability. Due to its popularity, Elgon Baraza by December 2020, had transformed from Facebook Live to a talk show hosted on FM Elgon Radio every Saturday.

GHANA

GHANA - Case 6

Contracts Monitoring training, a bridge to an empowered citizenry

Introduction

An informed citizen contributes to the shaping of a country's development. Section 1 (1) of Ghana's Right to Information (RTI) Act, 2019 (Act 989) gives every citizen the right to ask for any information that is held by public institutions, including private institutions performing a public function in Ghana, whereas section 1 (2) requires that all public institutions must make it easy for the public to obtain information. The RTI law is one of the anti-corruption tools that will increase the transparency of the day-to-day public administrations. The Local Governance Act also gives citizens the right to participate in the affairs of local government to ensure accountability, transparency, and ability to build community support for a project.

Intervention

Since our engagement through this intervention, it is noted that a section of the Ghanaian citizens is not aware or even enlightened on what constitutes the procurement process that affect performance of public contracting in Ghana. As a result, they are not empowered to advocate or discuss issues to promote openness in government contracting. Meanwhile, a lot of the corruption cases in Ghana are procurement related and these end up affecting service delivery which deprives some communities of having access to basic social amenities such as hospitals, schools, clean water, roads etc. which widens the inequality gap in Ghana.

The Hewlett funded intervention through the AFIC supported the Ghana Anti-Corruption Coalition (GACC) to select and train forty-one (41) GACC citizen groups in two districts in Ghana known as the Local Accountability Network (LANet) on public procurement data analysis and tracking execution of contracts. The training enlightened them on the set of data to look out for in public procurement. The training also empowered them with skills and tools on how to request for contract data on projects implemented within their communities. The training shared extensive knowledge on all the stages of contracting chain,

issues, or problems in public contracting, for example the citizen groups were given tactics on how to identify red flags while analyzing procurement data.



RESULTS

Prior to this intervention, the citizen groups had very low or no knowledge on what the procurement cycle entailed or analyzing procurement data. Due to the lack of knowledge, the citizen groups did not feel empowered to request or collect salient data from their district Assemblies for analyses as per thematic indicators and reporting, data collection from the assembly was also stressful and cumbersome. As a result of the Hewlett/AFIC funded intervention, and the training provided by GACC, the citizen groups have expressed having an increase in knowledge on information disclosure in the procurement cycle and can, identify possible red flags while analyzing procurement data. In addition, the citizen groups are more empowered by the knowledge gained as well as enlightened on the fact that there is a Right to Information law that backs their demand. This makes their participation, particularly request for information from the Assembly less stressful, unlike before.

The GACC citizen groups forms up what the Hewlett/AFIC intervention describes as community monitors. In Asante-Akim Central Municipal Assembly and the Techiman Municipal Assembly, community monitors' 39 information requests have clearly demonstrated their increase in demand for disclosure. Following the 39 information request the community monitors have gained access to 20 contract documents. The community monitors have been able to analyze data on the 20 contract documents accessed from the two (2) project district Assemblies and produced 2 contract monitoring reports. The Assemblies have assured the community monitors on providing information of the remaining 19 project contracts. Following the recommendations from the monitoring exercise, the Asante-Akim Central Assembly took steps to publish tender information on two projects on the Public Procurement Authority's website⁴.

The two projects included;

- Construction of one. 3 unit classroom block with office, store, staff common room, 6 seater squat W/C toilet with mechanized borehole and furniture ⁵
- and construction of one. Ambulance service unit⁶

Through this intervention, Mr. Frederick Asiamah a journalist who is a content producer for Corruption Watch program aired every other week on Joy FM who is a beneficiary of this intervention has since the training taken a keen interest in raising public awareness on procurement related issues/breaches on one of the flagship radio programmes on Joy FM⁷ in the morning.

⁴ <https://ppa.gov.gh/#>

⁵ <http://tenders.ppa.gov.gh/tenders/25796>

⁶ <http://tenders.ppa.gov.gh/tenders/25795>

⁷ <https://corruptionwatchghana.org/2021/11/02/ppa-busts-road-contractor-using-fake-certificate/>

From reactive to proactive disclosure; public officials' mindset change leads to increased disclosure and contract monitoring

Introduction

The local governance system is faced with issues of limited participation, more so, the depth of engagement is gradually shrinking. The situation would be better, if citizens were invited to the planning and budgeting meetings that set the agenda and expenditure for their local government's Annual Action Plans and the Medium-Term Development Plans. Citizens would feel a sense of ownership and appreciate investments made on activities and projects resulting from the wish lists from their engagements and not, projects that are foisted upon them.

Section 35 (6) of 1992 Constitution posits Ghana's democracy as hinging on the popular participation of citizens "... in decision-making at every level in national life and in government". Article 240 (2) of the Constitution also mandates local government authorities to provide avenues for citizen participation (or engagement) as a means of fostering accountability. The detailed expression of these constitutional provisions is captured in the Local Government Act 2016 (Act 936).

Intervention

Oftentimes, civil society groups, which is a structured section of the citizens in Ghana, face challenges of getting the full buy-in of public officials to effectively implement intended projects. The most common challenge has been securing public officials' responsiveness, commitment as well as willingness to share information. In the past, the Ghana Anti-Corruption Coalition (GACC) faced an unbearable challenge of obtaining basic public information from the Techiman Municipal District Assembly, with the District Chief Executive for Techiman Assembly attributing denials to; them being under the secrecy of oath and therefore, are restrained from sharing information requested.

Following this experience, the GACC educated the local authorities on the citizens right to basic public information legal and policy requirements and their obligations as local authorities as indicated in Ghana's Right to Information (RTI) Act, 2019 (Act 989) section 1 (2) requires that all public institutions must make it easy for the public to obtain information.

Following the public officials training with support from the Hewlett/AFIC funded intervention, the GACC engaged local authorities in the two project districts on the need to collaborate to enhance transparency and accountability in public contracting. The local authorities, just like any other public servant at the

national level do not realize the need to disclose information, whether reactive or proactive and this is a set-back to development which also affects civil society advocacy work.

The local authorities further agreed and signed a Memorandum of Understanding which was an indication of commitment and willingness to share public contracting information with the community monitors to ensure smooth implementation and contract scrutiny.



RESULTS

The local authorities now understand their role in ensuring effective implementation of the contracts and to the end achieving collective results. This intervention has re-oriented the mindset and enhanced responsiveness of the local authorities in the Asante-Akim Central Municipal Assembly and the Techiman Municipal Assembly on disclosure of information. The success in enriched mindset on disclosure has helped in increased access to contract data.

There is improved reception in providing information to the community monitors. So far, the Assembly officials have shared 15 copies of contract data with the community monitors. Further, the health and education public officials engaged have, willingly shared information on 10 incomplete projects in the Techiman district and volunteered on embarking on the field visits with the community monitors. Reactions of the local authorities upon receipt of the contract monitoring report were gratifying. Following this exercise, public officials have expressed an increased awareness and appreciation of citizens and other stakeholders' engagement in public procurement and contract implementation. They indicate that they are open to sharing information and receiving feedback, for it helps them effectively deliver services to the citizens.

"I am hopeful that, the report and recommendations will help the assembly to improve its projects and programs, especially considering the needs of its constituents"

- Ms. Angela Kusi Municipal Engineer, Asante-Akim Central Municipal Assembly

"I commend the LANet for championing accountability issues and ensuring popular participation in the Assembly's programs and projects over the years"

- Mr. Owusu Ansah (The Municipal Coordinating Director, Asante-Akim Central Municipal Assembly)

The office of the Public Procurement Authority (PPA) has been collaborative and supportive in realizing this project results. In August 2021, the PPA published on their website information on a contractor they blacklisted. For the past three (3) or more years, information on blacklisted contractors have not been published. However, through this project advocacy for disclosure of data on blacklisting of contractors who fail to deliver on contract terms to deter other poor performing contractors, the PPA has been proactive by disclosing the contractor with fake supplier registration certificate.

KENYA

KENYA - Case 8

The Procurement Authority in Kenya revives the Public Procurement Information Portal, 3 years after its development

Introduction

The Constitution of Kenya guarantees the freedom of access to information under Article 35. The right is essential in enhancing transparency and accountability in government processes and allowing citizens to participate effectively in the decision-making of public projects. Transparency in public procurement remains a crucial challenge within the Kenyan public sector. Further, public institutions mostly only disclose information on advertised tenders and not awarded tenders. This indicates the gaps in access to procurement and contract information from public agencies, with most agencies still not proactively disclosing information as required under the Access to Information Act.

Intervention

Since 2019, ICJ Kenya has been actively advocating for disclosure of public information from the government through the Public Procurement Information Portal (PPIP) to promote transparency. The Kenyan government's commitment to implement the Open Contracting Data Standards (OCDS) further buttressed our advocacy efforts to hold them accountable to the OCDS they signed up to.

The Hewlett Foundation fund through AFIC enabled ICJ Kenya to have bilateral engagements with The Public Procurement Regulatory Authority (PPRA) to have an open discussion about the PPIP as the Authority responsible for updating and providing oversight of the portal. They had not updated the portal for three years since its official launch. ICJ Kenya and PPRA also deliberated on making the portal more accessible to the citizens to promote transparency of public information while adhering to Open Data Contracting Standards.

Further, ICJ Kenya hosted a two-and-a-half-day workshop with public officials from the education and health agencies. The workshop was convened in partnership with the Commission on Administrative Justice (CAJ), the institution responsible for oversight on access to information under the Access to Information Act. The workshop was geared towards building the capacity of the public officers on their obligations on proactive disclosure of information. Particularly, the training was on procurement information, building the capacity of officers who are not familiar with Open Contracting and OCDS, and identifying the challenges that public institutions face in embracing open contracting.

The workshop encompassed discussions on access to information, which anchors open contracting. We trained the officers on access to information laws and the obligations and procedures under the law. Another session focused on mapping online portals to identify the data and information required at each step of the procurement process from a user perspective. The participants discussed the practical value of Open Contracting Data Standards (OCDS) and identified the specific needs for various stakeholders in the procurement process.



RESULTS

In March 2021, the Public Procurement Regulatory Authority (PPRA) launched an upgraded Public Procurement Information Portal (PPIP). The portal is expected to address the challenges of historical data, lack of information on the portal, and machine-readable, accessible, and reusable data formats. It will also allow citizens to easily interact with the data.

Following increased advocacy and capacity building on open contracting, PPRA committed to enhance the PPIP portals to ensure compliance with open data formats. Capacity building for public officials also enhanced their understanding of open contracting and their ability to comply with the requirements. These engagements are relevant towards improving transparency and accountability in public procurement and furthering accountability in public finance expenditure.

NIGERIA

NIGERIA - Case 9

Racing for Transparency: Freedom of Information Rankings Enhancing Public Procurement Transparency in Nigeria

Introduction

Present day democracies are solely dependent on the idea that the government, its institutions and officials in power can be held to account for their decisions, particularly on their use of public funds and service delivery to its citizens. Collaborative governance ultimately breeds good governance when there exists an enabling environment such as good laws and policies that allows stakeholders to critique, participate and report on how governance programs affect their lives. These functions can be futile when there is restricted access to information. Access to information is critical for enabling citizens to exercise their voice, to effectively monitor and hold the government accountable, and to enter into an informed dialogue about decisions that affect their lives.

On the 28th of May 2011, Nigeria became the 9th nation in Africa to enact the Freedom of Information Act (FOIA). The introduction section defines the act as thus: "An Act to make public records and information more freely available, provide for public access to public records and information, protect public records and information to the extent consistent with the public interest and the protection of personal privacy, protect serving public officers from adverse consequences of disclosing certain kinds of official information without authorization and establish procedures for the achievement of those purposes and; for related matters". This meant that, for the first time in Nigerian history, citizens could demand for information from the government that was not ordinarily categorized as sensitive, and the government had no option but to oblige.



Problem

Two years after the enactment of the FOIA, Ministries Departments and Authorities (MDAs) were still not complying with the provisions of the Act as FOI requests by citizens were ignored

and no MDA was proactively disclosing public information. This posed a big challenge as citizens had no information about government activities especially in health and education and therefore could not hold the government to account.

Intervention

To ensure compliance with the provisions of the Act, in 2013 the Public and Private Development Centre (PPDC) launched the first Freedom of Information Compliance and Transparency Rankings. The ranking assessed the level of compliance of public institutions to the provisions of the FOIA, and PPDC has been undertaking these rankings annually. In 2019, the rankings included more CSOs and formed the FOI Ranking Cohort and unveiled the maiden National Freedom of Information Compliance and Transparency Rankings. The ultimate aim of the ranking is to improve compliance to the provisions of the FOIA, transparency and accountability in governance processes and ultimately ensure improved citizen participation in governance. With the support from AFIC under the Hewlett fund, PPDC conducted FOI rankings in 2021 covering 213 and additional 5 MDAs.



RESULTS

The rankings have contributed to improved disclosure and compliance with the FOIA in Nigeria whereby from the analysis of data from health and education sectors, the targeted institutions in Nigeria disclosed 47% of the data. There has been an increase in response to FOI requests by public officials, including requests made by investigative journalists. This information has informed their investigations using data and they have uncovered numerous infractions and provided evidence for addressing concerns identified on public contracts and projects being implemented within the communities. FOI rankings have also let to public officials responsible for disclosure work harder to ensure that they are ranked well, this competition has created an opportunity to avail more information to the public which has been used to demand for accountability, the case in point was the Ekiti State citizens who held government accountable for the construction of St Benedict's Nursery and Primary School Ayede Ekiti' perimeter wall.

MALAWI

MALAWI- Case 10

Citizen led activism: Trained community monitor influences completion of a stalled classroom block at Lithipe primary school, Salima, Malawi

Introduction

Linthipe Primary School, located in the GVH Gwirize Traditional Authority Pemba in Salima, is a full public primary school covering standards one through eight. It is a home to over seven (7) thousand students. The school serves a large population of students from surrounding communities in three (3) group villages namely: Gwirize, Chindugwa, Ntenda. The school has only three double classroom blocks and one newly constructed single block classroom. This is quite insignificant comparing to the student population. There are also more students in each classroom in comparison with the teacher ratio due to lack of adequate teaching personnel.



CHRR Community monitors at the completed classroom block at Linthipe Primary School.



Issue/Problem

The COVID-19 pandemic has had a major impact on schools across Malawi, from school closures to remote learning. In Malawi, schools closed for five months in March 2020 as a precaution against the pandemic until September 2020, with fears on how to keep students and teachers safe in schools. The government of Malawi, just as many governments around the world, put in place measures to help prevent the prevalence of Covid-19 virus while continuing education in schools. This included financing different initiatives at school and community levels as a response package. From these initiatives, Linthe Primary School was awarded Four million Malawi Kwacha through Salima District Council to construct an additional classroom block to help reduce student congestion in classrooms, allow for social distancing, and prevent Covid-19 at the school.

The award of funds for additional classroom blocks was exciting news and welcomed development to the community considering their already existing challenges with a large student population and limited classrooms. However, things did not go according to plan. The contractor who was recommended by an official and not through formal procurement at Salima District Council to construct the additional classroom block from the Covid-19 Response Funds did not live up to his commitment. After collecting about 37.5% as upfront payment for the construction project, the contractor abandoned the works, and instead used the money for other personal things.

Intervention

Edrina Kenamu, a resident of traditional authority Pemba and one of the community monitors who were trained by CHRR on access to information and contract monitoring upon learning about this sad development in her community, did not just fold her arms or hesitate, but instead got to work. Although this particular school was not initially among the targeted institutions for monitoring under the Hewlett fund, the monitor used her skills to influence effective delivery of the project.



RESULTS

Edrina mobilized other community members to follow up on the construction project. The community collectively approached and engaged Salima District Council who were the custodians of the Covid-19 response funds requesting for information which led to the arrest of the contractor and subsequent refund of all the money that was used by the contractor. Following these developments, the community agreed to allow local artisans to complete the project. This was another benefit for the community for taking action. Physical inspection of the project around November 2021 revealed that construction works stood at about 95% to completion. Construction of additional classroom block with Covid-19 response Funds at Linthipe Primary School almost complete. With these improvements, the school community is appreciative of the monitor's activism and determined to support their work, noting that, "there is no good action that is small to have an impact"

This action has also motivated the traditional leaders (chiefs), School Management Committee (SMC), and community members to commit to using the experience gained from this exercise to follow up on other development projects at the school such as construction of teachers houses which has been stalled for over two years. These projects stalled waiting for CDF funding as was promised by the Member of Parliament for the area but the community believes that some funds were misappropriated, and the leaders were following up this matter.

CONCLUSION

The experiences, results and lessons included in this report are an example of the results of the intervention undertaken by AFIC and its partners with financial support from the Hewlett foundation. These experiences speak to the value of access to information as the bridge to citizen empowerment, service delivery monitoring and influencing sector reforms. We have noted across the partners how access to information has facilitated access to contract sites, partnerships with government bodies and influenced decisions. In Uganda and Kenya for example, access to information enabled registration of new entities on the procurement portal and revival of a procurement portal designed two years later respectively. While in Malawi and Uganda we see how training of citizens as monitors has influenced completion of stalled projects attracting action by key public officials such as a Minister in Uganda. These examples continue to present to us the fact that disclosure alone can result in less without the human aspect such as monitors and the media to use the data to influence reforms.

OUR LESSONS

Throughout project implementation across the five countries, we have learnt several lessons which include the following:

1. Informed Citizens, Informed Demand and Participation

When citizens are trained and equipped with knowledge on how to access and use government information, they actively demand for this information and use it to track the delivery of government contracts and services from an informed point of view. We note from the project that across the countries, there was increase in filing of information requests and use of proactively disclosed data by trained CSOs and community monitors. Requested information included contracts, bills of quantities, payment information and reports on projects.

Using accessed information, community monitors and CSOs were able to track and engage authorities

on specific issues rather than generalised and untargeted comments. This in turn assisted authorities to address specific issues that community members raised.

2. Lack of awareness and capacity of public officials a critical factor for responsiveness

Across project countries, officials were not complying with their disclosure obligations in spite of existing laws and government policies. The original assumption of our project teams were that there was absence of political will to disclose public information. However, following training by the project on disclosure obligations, why, how and where to disclose, significant improvement in their proactively disclosing information as well as responding to information requests. This is despite the fact that information requests by citizen groups had increased following their training. In a number of countries, public officials indicated that having learnt from the project that disclosure improves public trust this became a key incentive.

3. Evidence and how it is presented matters for Public Officials

In Malawi, Uganda and across all the project countries the project learnt that civil servants and public officials act on compelling information that is presented to them in a constructive manner. Citizen monitoring revealed major issues which upon being brought to the attention of authorities were verified and contractors compelled to fix them. In a number of cases officials appreciated community monitors for bringing issues directly their attention rather than simply publishing them on social media and other platforms without providing context. For example, when community monitors provided feedback about the abandoned construction of Linthipe Primary School, located in the GVH Gwirize Traditional Authority Pemba in Salima in Malawi, the public officials took up the matter and were able to act. Drawing from this lesson, the project has strengthened its efforts and resources to engage authorities on key findings and recommendations to help them appreciate and address issues of concern.

4. Competition is a strong incentive for transparency

Across the five project countries, transparency is a principle that is embedded in all their respective procurement laws, indeed in Uganda and Nigeria, governments have established portals on which

procurement data on planning, tender, evaluation, award and contract execution should be published. These portals are aligned to the Open Contracting data Standard which allows for better access and use of disclosed data. In practice however, most agencies were not disclosing as required and expected. The project implemented freedom of information rankings by assessing levels of disclosure of each agency, published findings at a public event where assessed institutions were present alongside media organisations which provided strong coverage of the results. This ranking and media coverage generated strong debate and government agencies responded by promising to beat each other in being the best next time. In practice, the project has observed very positive trend in disclosing procurement information. This lesson is critical for other countries as well where a similar situation pertains.

5. Improved disclosure and citizen engagement leads to better service delivery

We have learnt that a combination of government disclosure of information, use of that information by citizens to track service delivery, providing feedback to responsible government actors and timely action on the feedback by government results in better service delivery to citizens. Across the project countries, it was found that when government projects face one challenge or another when communities know nothing about them. We also observed that when disclosure takes place, but citizens have the capacity to track projects, still issues remain. For example, in Uganda when monitors accessed a contract for the construction of a classroom block in Khamoto primary school, they monitored and found a defect with the water gutter provided feedback, the government corrected the defects, and the tank was able to harvest water which serves the school community and the teachers.

