

Ghana's

Public Interest And Accountability Committee (PIAC)

POLICY BRIEF



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01

Background



1.1 Country Context

The Public Interest and Accountability Committee (PIAC) was established under Section 51 of the PRMA, to among others, monitor and evaluate compliance with the Act. The Committee was inaugurated and commenced work on 15th September 2011 (PIAC, 2017; 2018; 2019; 2020; 2021)

Ghana's continued production of oil and gas after their commercial-scale discovery is a key driver of the country's economic growth (PIAC, 2021). When substantial quantities of oil and gas were discovered off Ghana's west coast in 2007, the majority of Ghanaians reacted with a mix of hope and trepidation. There were valid reasons for optimism for some, as the discovery of oil and gas will free up significant financial resources needed to address the country's massive infrastructure deficit and thwart efforts to improve the quality of life for Ghanaians. On the other hand, there were also valid reasons for concern for others, as the corrosive impact of oil wealth on the democratic development of neighbouring oil-rich African states was sufficient to cause concern. Currently, there are four petroleum basins in Ghana namely the Tano-Cape Three Points Basin, Saltpond Basin (Central Basin), Accra-Keta Basin (Eastern Basin) and the Voltaian Basin (Inland Basin). This is after the consortium of companies comprising Tullow Ghana Limited, Kosmos Energy Ghana, Anadarko Petroleum Corporation, Sabre Oil and Gas Holdings Limited, and the E.O. Group in conjunction with the Ghana National Petroleum Corporation (GNPC), discovered oil and gas resources in the offshore Tano-Cape Three Points Basin in 2007 (PIAC, 2021).

Ghana quickly called for a national dialogue on how revenues generated from the oil and gas sector would be better managed with the assistance of its development

partners, guided by its commitment to avoid making the same mistakes as some of its oil-rich neighbours for whom the discovery of oil and gas has been more of a curse than a blessing. This led to the formulation of the Petroleum Revenue Management Act (PRMA) 2011 (Act 815) which seeks to guide the spending of the petroleum revenues. The bill was passed in March 2011 but due to challenges with implementation, it underwent some amendments in June 2015 to provide a better framework for the management of petroleum revenues. The Public Interest and Accountability Committee (PIAC) was established under Section 51 of the PRMA, to among others, monitor and evaluate compliance with the Act. The Committee was inaugurated and commenced work on 15th September 2011 (PIAC, 2017; 2018; 2019; 2020; 2021).

The petroleum revenue management law provides the framework for the collection, allocation and management of petroleum revenue in a responsible, accountable and sustainable manner for the benefit of citizens. Experience from other established oil and gas jurisdictions calls for good resource management practices, particularly those anchored on long-term national development strategies that aim to invest in the public sector instead of private consumption. This should also aim to ensure future generations also benefit from the finite oil and gas resources (PIAC, 2019; 2021).

The politics of institutional assessment study conducted by Oppong (2016) and Graham, Gyampo, Ackah, and Andrews (2020) discussed the creation of the PIAC as well as some of the major technological, political, and structural barriers that have undermined the PIAC as a transformative tool in the oil and gas

Although Ghana has implemented these measures in an effort to avoid the oil curse, it is indisputable that the political economy of Africa in terms of oil and gas is not entirely a good news story, according to the literature that is currently available and the numerous "living examples" of oil-producing countries in Africa. Among others, nations like Nigeria, Sudan, Angola, Cameroon, Equatorial Guinea, and Chad have failed to use their oil and gas riches to better their nations and peoples materially. Data from the World Bank Development Indicators which is corroborated by data from the National Statistical Bureau of Nigeria, indicates that the average oil rent as percent of GDP in Nigeria, from 1972 to 2016 was 23.3% (Graham, Gyampo, Ackah & Andrews, 2020; World Bank Group 2019)

As the negative effects of the corona virus disease pandemic (COVID-19) started to fade away on a global scale in 2021, the various petroleum exploration companies gradually resumed production and expansion plans as most restrictions placed in place as a result of the COVID-19 outbreak were gradually relaxed, and steps were taken to ensure that activity could continue during the review period. During the period under review, Ghana's economy started to show indications of recovery, and there was some, albeit gradual, activity in the local petroleum sector. Despite this, the nation was still able to generate revenue to add to its resources for managing the economy.

Although the Ghanaian oil and gas industry is undoubtedly in its infancy, there seems to be a sizable body of literature focusing on a variety of pertinent topics, including the politics of oil and gas (Graham, Ackah, and Gyampo 2016), petroleum revenue and managing people's expectations

(Andrews 2013; Asante 2009; Bybee and Johannes 2014; Gyampo 2011), the roles of civil society organizations (Debrah and Graham 2015), and the intersectoral effects of oil production (see Ayelazuno 2014; Gyampo 2014; Gyampo, Kuditchar, and Asare 2011; Kopinski, Polus, and Tycholiz 2013; Obeng-Odoom 2014a, 2014b, 2015; Okpanachi and Andrews 2012; Phillips, Hailwood, and Brooks 2016; Panford 2017).

All of these preceding studies have advanced our understanding of Ghana's oil and gas industry. The politics of institutional assessment study conducted by Oppong (2016) and Graham, Gyampo, Ackah, and Andrews (2020) discussed the creation of the PIAC as well as some of the major technological, political, and structural barriers that have undermined the PIAC as a transformative tool in the oil and gas industry. However, PIAC has not yet received enough attention. This policy brief on PAIC is an important addition to the earlier accounts provided by Oppong (2016) and Graham et Al. (2020) in that it provides additional insight on PIAC as a significant institutional arrangement for the promotion of transparency and accountability in the management of petroleum revenues in Ghana. The need to conduct a particular review of this citizen-led organization during the previous ten years is well known, having been established more than ten (10) years ago. In accordance with the PRMA's standards, the policy brief would also emphasize the budgetary allocations to PIAC. This section sets out the following: Background and introduction to the report; purpose and scope of the work; methodology and policy context, and structure of the report.

1.2 Objectives of the Policy Brief

Purpose: This work assesses the performance of the public interest and accountability committee for the period of 2011-2021 in keeping duty bearers transparent and accountable. It highlights the impact of PIAC since its establishment on the management and use of petroleum revenue for the socio-economic development of Ghana. Finally, it assesses the extent of implementation and achievement of the objects of the PRMA and the use of petroleum revenues for the past ten years.

Scope: Undertaking this assignment ultimately encompasses providing an overview of the Public Interest and Accountability Committee. This includes, among others, the history, policies, and regulatory and legal developments. The report also assesses the performance of PIAC in the following thematic areas:

- Laws and Policies Governing PIAC Activities in Ghana
- Budgetary Allocation for the Public Interest and Accountability Committee [PIAC] (2011 - 2020)
- Purpose/Activities of the Public Interest and Accountability Committee (PIAC) (2011 - 2022)
- Institutional Assessment of Public Interest and Accountability Committee [PIAC] (2011 - 2021)
- The Case for Broadening PIAC's Mandate

Finally, we outline policy recommendations on the activities and budgetary allocation to the Public Interest and Accountability Committee.



1.3 Methodology and Policy Context

The methodology used in producing this policy brief encompassed qualitative and quantitative analysis. We conducted an extensive desk review covering relevant documents across Ghana's Public Interest and Accountability Committee (PIAC), Petroleum Revenue Management Act (PRMA), and other relevant related documents. This systematic review aimed to understand the main activities of PIAC, its stakeholders and its mandate concerning petroleum revenue management in Ghana.

The development of this policy brief is informed by the need to create awareness among the media, traditional rulers, civil society and community-based organisations, donors, partners and the public on the legislative processes concerning the PIAC. This policy brief provides comprehensive and

comprehensible information and infographics to equip citizens with knowledge of the PIAC. With enhanced knowledge of the governing framework for the PIAC and management of petroleum revenues, it is our hope that the public will be in a position to better understand the activities of PIAC and thus demand transparency and accountability from the Government on the judicious use of petroleum revenues.

This will advance the development of Ghana's oil and gas sector in an effective and efficient manner for the benefit of all citizens. It is our hope that this document together with other public campaigns and efforts, will contribute to the development of an oil and gas sector that reflects the desires and aspirations of all Ghanaians.



02

Establishment of the Public Interest and Accountability Committee (PIAC)



The Public Interest and Accountability Committee (PIAC) is established under Section 51 of the Petroleum Revenue Management Act (PRMA), 2011 (Act 815) as amended, with three main objectives, which are to monitor and evaluate compliance with the Act by government and relevant institutions in the management and use of petroleum revenues and investments; provide space

and platform for the public to debate on whether spending prospects and management and use of revenues conform to development priorities as provided under Section 21(3); and, provide independent assessment on the management and use of petroleum revenues to assist Parliament and the Executive in the oversight and the performance of related functions.

2.1 Membership of PIAC

Committee is supposed to play a watchdog role and members should be able to do their job without fear of political retribution

The Committee consists of thirteen (13) members nominated by their respective institutions. After the nomination by these respective bodies, they are thereafter sworn into office. It is composed of representatives from the following:

- An independent policy research Think-Tank
- Civil Society Organizations
- Trade Union Congress
- National House of Chiefs
- Association of Queen Mothers
- Association of Ghana Industries and Chamber of Commerce
- Ghana Journalists Association
- Ghana Bar Association
- Institute of Chartered Accountants
- Ghana Extractive Industries Transparency Initiative
- Christian groups namely the National Catholic Secretariat, the Christian Council and the Ghana Pentecostal Council on a rotational basis
- The Federation of Muslim Councils and Ahmadiyya Mission on a rotational basis; and
- The Ghana Academy of Arts and Sciences

Members of PIAC are paid allowances determined by the Minister of Finance

The Chairperson of the Committee is elected by the Committee members from among their membership. The Committee has its own Secretariat that facilitates the performance of its functions/activities (PIAC, 2021).

Tenure of Members: The tenure of office of the committee members is two or three years. Those appointed for a two-year term are eligible to be appointed for another two years whereas a member appointed for a three-year term is not eligible for re-appointment. Members appointed to the Committee have the security of tenure in the sense that they may not be suspended, retired or removed from office unless provided for by law, or for medical reasons. This is because the Committee is supposed to play a watchdog role and members should be able to do their job without fear of political retribution.

Reporting Mandate: PIAC is mandated to publish semi-annual and annual reports on petroleum activities and hold two public meetings each year to report on its mandate to the general public. It also presents copies of its reports to the President and to Parliament.

Funding and Allowances: The Committee's annual budget is included in the annual national budget prepared by the Minister of Finance and is surcharged on the Annual Budget Funding Amount. Members of PIAC are paid allowances determined by the Minister of Finance.

2.2 Activities of the Public Interest and Accountability Committee (PIAC) (2011 - 2022)

The Petroleum Revenue Management Act (PRMA), 2011, (Act 815) came into force on the 11th of April 2011 and the Public Interest and Accountability Committee (PIAC) was inaugurated on the 15th September 2011. The Committee is made up of thirteen members, who are appointed by the Minister of Finance, and is supported by a secretariat

Fifty years after gaining independence, Ghana reported the commercial-scale discovery of oil and gas in 2007. After a protracted period of occasional exploration and drilling activity beginning in the late 1800s, this was a significant turning point. Civil society began promoting the creation of a legal and institutional framework to direct the management, investment, and utilization of the revenue that would accrue to the state in the wake of rosy predictions that Ghana would soon experience rapid development and billions of dollars in revenues. This was motivated by the desire to steer clear of the mistakes made by other sub-regional petroleum-producing nations and the development of Ghana's own mining sector.

The Public Interest and Accountability Committee (PIAC), an independent organization to guarantee openness, accountability, and citizen engagement in the upstream petroleum value chain, was integrated into the Petroleum Revenue Management Bill, which was created as a result of the advocacy. This lesson emerged from Ghana's experience of managing mineral revenues after more than a century as a major gold exporter, with little to show for development impact. It is therefore accurate for one to say that the creation of this unique entity was largely civil

society driven. Although it was intended to complement and support Parliament in carrying out its constitutional mission to oversee Ghana's oil earnings, PIAC was viewed with alarm by Parliament since it was thought to be a duplicate of legislative monitoring. The compromise that has to be struck is reflected in the mandate for PIAC as set forth in the Petroleum Revenue Management Act, 2011 (Act 815).

The Petroleum Revenue Management Act (PRMA), 2011, (Act 815) came into force on the 11th of April 2011 and the Public Interest and Accountability Committee (PIAC) was inaugurated on the 15th September 2011. The Committee is made up of thirteen members, who are appointed by the Minister of Finance, and is supported by a secretariat. As the Act made no provision for funding, the Committee started off without office space, secretarial staff and funds to procure basic meeting logistics, pay allowances for Committee members and fulfil its obligations of publishing statutory reports on time and engaging the public. PIAC was effectively immobilized at birth.

PIAC is the only institution of its kind not only in the upstream petroleum sector but also in the entire country and this uniqueness created identity crises for PIAC as some saw it as an NGO and others as a potential nuisance for whom providing financial support implied 'arming one's enemy'. It is interesting to note that the Committee faced a lawsuit

The Committee struggled to get stakeholders to honour requests for information for the statutory reports, which contributed to missed timelines. In the midst of these difficulties, PIAC has successfully produced its mandatory semi-annual and annual reports since 2011

from Lushann Eternit Energy Limited (LIEC), operators of Saltpond Offshore Producing Co. Ltd challenging its mandate when PIAC called for the company to be audited. While conceding that the Ministry of Finance made efforts at meeting the financial needs of the Committee from its allocated funds, the efforts were inadequate. PIAC operated from the conference room of the Natural Resource Governance Institute (NRGI) until it moved into a rented office only to be ejected in 2014 for non-payment of rent.

It recruited its first full-time secretariat staff in December 2012 and the second two years later. To augment the staff strength of the secretariat, NRGI seconded an employee to provide administrative support, organized capacity-building programmes for the Committee and made efforts at raising funds for it. GIZ, on its part, initially supported the Committee in the production of the statutory reports and regional public engagements and later added support with engagements between PIAC and Parliament, and the Media. Oxfam America and the World Bank also provided resources.

The Committee struggled to get stakeholders to honour requests for information for the statutory reports, which contributed to missed timelines. In the midst of these difficulties, PIAC has successfully produced its mandatory semi-annual and annual reports since 2011. The technical nature of the reports was said to have made it difficult for the general public to understand and appreciate its content. Over time, improved working relations between PIAC and its stakeholders have led to significant improvement in responses to PIAC requests for data. The coming into force of the PRMA Regulations has given a further boost to data requisition with the

provision that data requests from PIAC for the production of its statutory reports shall be honoured in not more than fifteen days upon receipt of the request. PIAC has now produced ten (10) semi-annual and ten (10) annual reports and the almost 2-year gap in meeting the statutory timeline has been reduced to about 2 weeks, with about 50% of its recommendations implemented.

Though PIAC's work was in essence to assist Parliament exercise stronger oversight of the resource and its revenue, procedures to realise this took time to be established as PIAC annual reports for 2012 and 2013 were neither laid before the house nor referred to a designated parliamentary committee for consideration. The Committee's first report was laid before the house in 2014 and this has continued till today when the Finance Committee of Parliament meets PIAC on its annual reports with relevant stakeholders in attendance. PIAC also gets to be present when the Public Accounts Committee receives the report of the Auditor-General on the audit of the Ghana Petroleum Funds.

PIAC held its first regional public engagement in Takoradi in the Western Region and the second in Kumasi in the Ashanti Region with good attendance indicating the level of interest of citizens in oil and gas issues. The Committee has now undertaken 16 regional public engagements and 130 district engagements to provide updates to citizens and receive their feedback in accordance with the PRMA. It also engages its stakeholders on a regular basis not only to improve its operations but also to collaborate on

implementing its recommendations. PIAC now regularly engages the media, reporting entities, and its member institutions and maintains strong relations with its past members.

The Committee kept on with its mandate with the support of a thin secretariat staff until 2015 when additional staff were recruited through funding from DFID/GOGIG, which was made possible by the efforts of NRG. The funding enabled the Committee to conduct an organizational assessment, develop a strategic plan, put in place administrative and financial systems, and carry out capacity-building programmes for both Secretariat staff and Members. GIZ funded the development of a communications strategy and continues to support activities to date. The Government donated a vehicle to the Committee to help it in its public outreach activities and also supported renting a place for an office. In 2019, PIAC moved into its permanent office premises acquired in 2018 in East Legon in Accra. These important interventions repositioned the Committee to execute its mandate and improve efficiency.

Through the advocacy of some media houses and civil society organisations, the PRMA was amended in 2015 to provide funding for PIAC from the Annual Budget Funding Amount (ABFA). With the ending of DFID/GOGIG funding in 2020, PIAC is currently fully funded by the Government of Ghana. These developments impacted positively on the capacity and operations of the Committee leading to the production of its statutory reports internally. In 2016, the Committee started with the inspection of petroleum revenue-funded projects and has as of 2021, inspected 150 projects, including monitoring the implementation of the free senior high school programme.

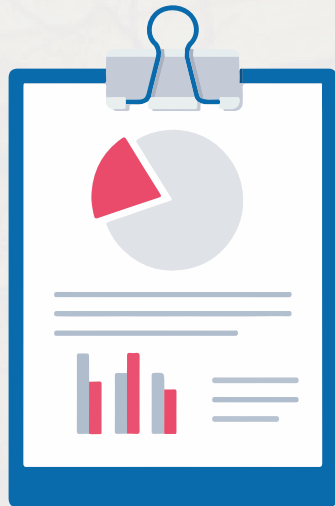
The Committee is currently in the process of developing its second strategic plan for building on past gains in the execution of its mandate. There have been calls for the extension of the Committee's mandate to include mineral revenues. Others have called for the amendment of the PRMA to give PIAC more powers to enforce its recommendations and extend the frontiers of transparency and accountability in the management and use of petroleum revenues in Ghana. Processes for a second amendment to the PRMA are underway and it is yet to be seen how PIAC's mandate would be affected by the proposed amendments.

The Public Interest and Accountability Committee (PIAC), as an accountability body, could also use the findings to engage citizens on the way forward on oil governance. PIAC reports issued semi-annually and annually capture critical governance issues in the oil and gas sector — encompassing processes and mechanisms for production, transportation, sales, revenue generation, revenue sharing and management, and accountability issues, among others. Despite these very positive and informative semi-annual and annual reports, it is necessary to holistically document the Public Interest and Accountability Committee happenings in Ghana's oil and gas industry over the past ten years (2011-2020) and distil the practical policy lessons for the phase of the industry in Ghana. The PIAC, which reports to parliament and the citizens, aspires to be a credible institution for ensuring the efficient

management of petroleum revenues for sustainable development. Following its inauguration on 15th September 2011, PIAC began its operations in October 2011. After several meetings, its first annual report for 2011 was published in 2012.

So far eighteen (18) reports (Nine Annual and Nine Semi-annual Reports) have been published by the committee. Sixteen (16) regional public fora have

also been held in all the old regional capitals including two capitals of the new regions and two other regional fora in Tarkwa and Hohoe in fulfilment of the mandate of the Committee. District engagements have also been held in 123 districts across the country with over 120 ABFA-funded projects inspected in all regions of the country between 2016 and 2019 (PIAC, 2021; 2022).



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**Reports
Published
by the
Committee**



2.3 Budgetary Allocation to the Annual Budget Funding Amount (ABFA)

In ensuring efficient and equitable petroleum revenue expenditure, five main institutions perform key governance and managerial roles according to sections 27, 28, 29, 40 and 45 of the petroleum revenue management law

The Petroleum Revenue Management Act, 2011 (Act 815) as amended by the Petroleum Revenue Management (Amendment) Act, 2015 (Act 893) was enacted to “provide for the framework for the collection, allocation and management of petroleum revenue in a responsible, transparent, accountable and sustainable manner for the benefit of citizens in Ghana”. Funds from the industry are paid into a transitory fund known as the Petroleum Holding Fund.

The Fund is then distributed to several areas:

- Allocation to the National Oil Company, GNPC
- ABFA that supports the government budget annually
- Ghana Petroleum Funds (Stabilization fund to cushion government expenditure when there is revenue shortfall)
- Heritage fund for future generation
- Exceptional Purposes account

GNPC's share is for equity financing for carried and participating interest. The amount allocated to the ABFA is split into capital investments (70%) and goods and services expenditure (30%). The PIAC's mandate is to monitor all these allocations and expenditures including investment and returns of the Ghana Petroleum Funds. To ensure they meet the legal requirements.

In ensuring efficient and equitable petroleum revenue expenditure, five main institutions perform key governance and managerial roles according to sections 27, 28, 29, 40 and 45 of the petroleum revenue management law. First, the Ministry of Finance develops an Investment Policy and overall management of the fund. Second, the Bank of Ghana on the other hand deals with the day-to-day operations/management of the Ghana Petroleum Funds, and Internal Audit. Third, the Investment Advisory Committee advises and proposes investment guidelines and qualifying Instruments for the investment of petroleum funds. Fourth, the Ghana Audit Service serves as the External Auditor to review the investments of the petroleum revenue. Finally, the PIAC has the responsibility of monitoring and reporting the outcome of all these functions to parliament and the general public. Figure 2 shows the institutional framework for the governance of petroleum revenues in Ghana.

One issue raised had to do with the selection of the priority areas. PIAC's assessment of the management and utilisation of the ABFA mechanism over the years has revealed that even though four priority areas are selected, actual spending normally covers all the 12 listed priority areas within the PRMA.

As part of efforts to enhance citizens' participation in the selection of priorities for the medium term, PIAC held regional workshops to discuss and received input. Table 1, shows the suggested priority areas. The government selected agriculture, education, health and critical infrastructure. These were broadly in line with the priority areas recommended by the citizens.

The four priority areas selected for spending of the ABFA between 2011 and 2013 and repeated for the period 2014-2016 were Expenditure and Amortisation of Loans for Oil and Gas Infrastructure, Agriculture Modernisation, Roads and Other Infrastructure and Capacity Building

(including Oil and Gas). Over the period 2011 to 2016, Roads and Other Infrastructure received the highest allocation of 52.35% of ABFA whereas Capacity Building got the lowest of 10.83% of ABFA. Indeed in 2014, Capacity Building did not receive any allocation from the ABFA. An amount of Ghc 3.305 billion has been distributed to the priority areas between 2011 and 2016. The priority areas selected to benefit from ABFA funding for the period 2017-2019 are Agriculture, Physical Infrastructure and Service Delivery in Education, Physical Infrastructure and Service Delivery in Health and Road, Rail and other critical Infrastructure Development.



Table 1 Distribution of ABFA to Priority Areas (2011 - 2016)

Priority Areas	2011 (GHC)	2012 (GHC)	2013 (GHC)	2014 (GHC)	2015 (GHC)	2016 (GHC)	Total (GHC)	Percent (%)
Roads and Other Infrastructure	227,641,768	232,403,269	372,074,147	215,691,357	483,347,384.00	199,447,492.13	1,730,605,417	52.35
Expenditure and Amortisation of Loans for Oil and Gas Infrastructure	20,000,000	100,000,000	137,920,847	163,084,572	439,234,363.92	-	860,239,783	26.02
Capacity Building (including Oil and Gas)	750,000	111,959,738	20,183,359	-	142,074,292.19	83,037,283.9	358,004,673	10.83
Agriculture Modernisation	13,147,652	72,471,824	13,604,329	170,624,180	59,544,174.03	27,671,280.88	357,063,440	10.80
Public Interest and Accountability Committee (PIAC)t	-	-	-	-	-	967,000.00	967,000.00	0.31
Total	261,539,420	516,834,831	543,782,682	549,400,109	1,124,200,214.14	310,156,056.92	3,305,913,313	100.00

Source: Author's constructs (2022) based on MoF Figures

Between 2014 and 2015, the allocation for Expenditure and Amortization of Loans for Oil and Gas Infrastructure increased by 10%. Water, transportation, and health infrastructure received financing for only 2015, whereas roads and highways, energy, and education infrastructure received funds for both 2014 and 2015. The ABFA made its first commitment to the Ghana Infrastructure Investment Fund (GIIF), which was created by Act 877 of 2014. The majority of the 2015 disbursements totalling GH 94.74 million (66.68 percent) went to support a variety of social interventions (capitation grant, feeding grant, examination subsidy, progressively free SHS, etc.) in the educational sector. Virtually all (98.43

percent) of the allocations made to the Capacity Building Priority Area in 2015 supported various interventions in the educational sector. The Amortization of Loans on Oil and Gas Infrastructure received no funding in 2016.

With the exception of Roads and Other Infrastructure, where spending in 2016 was divided up among several subsectors, the entire budget for Capacity Building was transferred to the Scholarship Secretariat for the purpose of paying scholarship claims. The National Fertilizer Subsidy Program and irrigation infrastructure were funded with the 2016 Agriculture Modernization budget.

Table 2. Distribution of ABFA to Priority Areas (2017 - 2019)

Priority Areas	2017 (GHC)	2018 (GHC)	2019 (GHC)	Total (GHC)	Percent (%)
Physical Infrastructure and Service Delivery in Education	202,379,893.20	419,871,012.44	679,629,869	1,301,880,774.64	39.01
Road, Rail and Other Critical Infrastructure Development	41,617,767.7	255,365,118.69	1,059,021,129	1,356,004,015.39	40.63
Agriculture	49,070,181.2	126,185,356.21	388,042,691	1,356,004,015.39	40.63
Physical Infrastructure and Service Delivery in Health	8,660,362.73	22,702,127.91	47,500,000	78,862,490.64	2.36
Transfer to The Ghana Infrastructure Investment Fund	29,220,365.22	-	-	29,220,365.22	0.88
Transfer To The Public Interest and Accountability Committee (PIAC)	1,345,078.00	3,529,951.00	2,978,028	7,853,057.00	0.24
Total	332,293,648.05	827,653,566.25	2,177,171,717	3,337,118,904.30	100

Infrastructure and Service Delivery in Education received the largest part of the ABFA (54%) among the priority areas, followed by Roads, Rail, and Other Critical Infrastructure (26%). In 2017, GHc403 million of ABFA went unreported, while GHc252 million went unreported in 2018.

The allocation of ABFA among the priority areas reveals that the education sector has been displacing

the other priority areas during the past few years. The education sector saw the highest ABFA spending realized (49.27 percent). This underlines the government's flagship Free SHS initiative's emphasis on spending money in the education sector. Additionally, it shows how dependent the Free SHS program is on money from oil.

2.3.1 Education and Health

Of the meagre GHS 50 million allocated for the sector, GHS 11 million was spent as of September 2018. This constituted 22% of the allocated ABFA for health and a paltry 1.33% of the realised ABFA

ABFA funds under education have been committed to goods and services under the Free SHS programme. Bearing in mind that the double track system was introduced as a stopgap measure for infrastructure deficit in second cycle education, expending the entire allocation of oil revenues for the sector on goods and services while the government's commitment to CAPEX as a share of total budgetary allocation to the sector is 0.07% is very alarming.

Again, the Free SHS program to be funded solely with receipts from the ABFA raises questions of sustainability. In the event of deficits in petroleum revenue receipts, the Free SHS program could suffer. It is prudent to identify more stable revenue sources for the program to cushion it against shocks occasioned by revenue shortfalls from petroleum resources.

Additionally, the health sector received the least financial disbursement in the 2018 ABFA expenditure among the priority areas. Of the meagre GHS 50 million allocated for the sector, GHS 11 million was spent as of September 2018. This constituted 22% of the allocated ABFA for health and a paltry 1.33% of the realised ABFA. This is quite surprising and disappointing in light of the current issue of insufficient healthcare facilities and abandoned projects in the sector across the country. One would expect that there would be an increase in expenditure on the health sector to enable the sector to function more effectively. HEALTH

The health sector has consistently been the least financed under the priority areas for ABFA. The allocation has declined from GHS 50 million in 2018 to GHS47 million in 2019. This low level of allocation and abysmal disbursement questions why the government prioritises the sector.



2.3.2 Agriculture

Allocation to the Planting for Food and Jobs program from the ABFA has seen an increase of approximately GHS 130.5 million representing 52.3% of 2018 allocations. With regards to fisheries and aquaculture development, ABFA allocation has quadrupled from GHS 2 million in 2018 to a little over GHS 8 million in 2019

The goods and services component of the agriculture priority areas is GHS300 million. This entire allocation will go into planting for food and jobs without details of specific expenditure items. ACEP is yet to sight a detailed annual plan for the implementation of that programme.

Allocation to the Planting for Food and Jobs program from the ABFA has seen an increase of approximately GHS 130.5 million representing 52.3% of 2018 allocations. With regards to fisheries and aquaculture development, ABFA allocation has quadrupled from GHS 2 million in 2018 to a little over GHS 8 million in 2019. All the allocated funds for the sub-sector will go into capital expenditure. Although inadequate, this move by the government is commendable in the sense that investment in the agriculture sector impacts a significant proportion of the poor. Thus, ABFA expenditure in this area

would hopefully meet ABFA's objective of promoting equality of economic opportunity with a view to ensuring the well-being of citizens.

The agriculture sector also witnessed a similar story. Of the projected GHS250 million allocated to the sector, GHS 34.7 million was utilized. Against the background of significant imports of food and feed for human and animal consumption, the sector requires investment to promote a cutback on the import bill of the country. Also, the promotion of the one district one factory concept requires active production of the inputs or raw materials needed to attract investment into the programme. It is therefore intriguing that only 4.09% of the realised ABFA was spent on agriculture in the first three quarters of the fiscal year. (ACEP, 2019).



2.3.3 Rail, Road And Other Critical Infrastructure Development

Infrastructure development in these sectors are heavily reliant on allocations from the Annual Budget Funding Amount. Some of the projects have been listed in the budget to allow for tracking of performance as promised by the Ministry of Finance during its engagement with civil society organisations and think tanks. The downside, though, is that the projects are not segregated into oil-funded and GoG-funded to allow for effective tracking.



2.4 PIAC Allocation

For some context, about GHC 2,768,030,000 was utilised for four ABFA priority areas in 2020. Out of this amount, 25% was reported in the 2021 national budget as spent on Education and Health Service Delivery, about 70% on Roads, Rail, and other Critical Infrastructure (sic), 3% on agriculture and 1% on Industrial Development (ARHR, 2021)

Allocation to PIAC in 2019 is GHS 2,978,028, down from the 2018 allocation of GHS 5,000,000. This represents a 40.4% reduction in 2019. Given that only 1,000,000 of the 2018 allocation was disbursed by the end of the third quarter, better particulars of the PIAC allocation should be made available to enhance the transparency of allocation and disbursement to PIAC.

Besides the inadequate allocation from GoG to health sector capital expenditure, allocation from the ABFA is also not adequate compared to allocations from the ABFA to similar priorities like education. For some context, about GHC2,768,030,000 was utilised for four ABFA priority areas in 2020. Out of this amount, 25% was reported in the 2021 national budget as spent on Education and Health Service Delivery, about 70% on Roads, Rail, and other Critical Infrastructure (sic), 3% on agriculture and 1% on Industrial Development (ARHR, 2021).

The merger of health and education makes it difficult to unravel at a first look how much specifically went to the two sectors separately; however, it is well known that the Free SHS programme government utilises a chunk of the funds. For instance,

GHS 763,180,024 of ABFA funds was allocated to goods and services for education and GHS 13,000,000 for capital expenditure in 2021 making a total of GHS 776,180,024 from ABFA to education. Meanwhile, the total allocation from ABFA to health in the same year was GHS 32,425,000. This is unfair to the health sector and needs to be corrected as soon as possible given the limited health infrastructure available in districts and communities and current and emerging public health risks (Alliance for Reproductive Health Rights [ARHR], 2021).

PIAC noted ABFA priorities in an earlier public statement "Once recognised and selected, priority areas should receive fairly equal amounts of funding. This, however, does not happen to be the case," They raised issues with the unfair treatment of the health sector in relation to allocations from the ABFA – "For instance, from 2017 to date, Physical Infrastructure and Service Delivery in Health has been the most poorly-resourced priority area as compared to the others. Only 2.61 percent was disbursed to the health priority area in 2017, 2.7 percent in 2018, and 3.65 percent in 2019."

Table 3. Distribution of ABFA to Priority Areas (2020-2021)

Priority Areas	2020 (GHC)	2021 (GHC)	Total (GHC)	Percent (%)
Roads, Rail, and other Critical Infrastructure	1,937,621,000	1,381,877,935.47	3,319,498,935	71.74
Education and Health Service Delivery	692,007,500	449,282,703.19	1,141,290,203.19	24.67
Agriculture	83,040,900	9,352,861.65	92,393,761.65	2.00
Industrial Development	31,800,000.00	16,262,699.33	48,062,699.33	1.04
Transfer To The Public Interest and Accountability Committee (PIAC)	3,091,200.00	2,350,375.00	5,443,575.00	0.18
Total	2,768,030,000	1,859,126,574.64	4,627,156,574.64	100

According to PIAC (2021), the 2021 Budget Statement and Economic Policy of the Government projected US\$421.89 million ABFA allocation for the fiscal year, which constitutes 70 percent of the benchmark revenue of US\$602.70 million, as required by the PRMA. The actual distribution to the ABFA for 2021 was US\$352,789,222.03 (70 percent of the actual total revenue).



2.5 Management and Utilisation of ABFA and PIAC's Role

The challenge with the management of the ABFA is not only limited to the amounts allotted to the priority areas but also the thin- spread of projects and the paltry allocations made to these projects

The Petroleum Revenue Management Act (PRMA) provide the framework for which the Annual Budget Funding Amount (ABFA) should be managed and utilised, guided by a long-term national development plan as the default position. However, in the absence of this Plan, Section 21 of the PRMA allows the Minister for Finance to select four (4) out of 12 priority areas for spending in the budget over a three-year period.

An additional area of concern in the management and utilisation of the ABFA has been the allocations to the selected priority areas. Though governments over the years have duly selected up to four priority areas, the sectors are not weighted equally, thus resulting in a situation where some priority areas receive a larger percentage of the ABFA than others.

The challenge with the management of the ABFA is not only limited to the amounts allotted to the priority areas but also the thin- spread of projects and the paltry allocations made to these projects. These in addition to delays in the execution of some projects particularly roads have resulted in substantial cost overruns, running into millions of Ghana Cedis with associated negative effects on value for money and its impact on the socio-economic development of Ghana.

Another worrying trend is the non-utilisation and accounting for the full ABFA allocation even though the entire budgetary amount is disbursed to the ABFA account.

PIAC Institutional Collaboration

In Table 3, the PIAC monitors and evaluates compliance with the Act by the government and other relevant institutions in the management and use of petroleum revenues and investments. The committee also provides space and a platform for the public to debate whether spending prospects and management and use of petroleum revenues conform to development priorities and independent assessments on the management and use of revenues to assist Parliament and the public. According to section 57(3) of the Petroleum Revenue Management Law (Amended), the budget of PIAC will be charged to the ABFA every financial year (PRMA-Amendment 2015). This contextual understanding of the history of the PIAC's establishment and its functions illuminate why it can be perceived as a clear mechanism to address the institutional lapses that have led such countries as Nigeria to be seen as a 'poster child' in resource curse discussions (see Okpanachi and Andrews 2012).

Table 4

Stakeholder organizations in petroleum revenue management in Ghana, namely:

- Ministry of Finance
- Ghana National Petroleum Corporation (GNPC)
- Bank of Ghana, Petroleum Commission
- Public Interest and Accountability Committee (PIAC)
- Ghana Revenue Authority
- Mines and Energy Committee of Parliament
- Finance Committee of Parliament, and
- Relevant civil society organizations;

Table 4. Stakeholder Organizations in Petroleum Revenue Management in Ghana

No.	Stakeholder Organizations
01	Ministry of Finance
02	Ghana National Petroleum Corporation (GNPC)
03	Bank of Ghana
04	Petroleum Commission
05	Public Interest and Accountability Committee (PIAC)
06	Ghana Revenue Authority
07	Mines and Energy Committee of Parliament
08	Finance Committee of Parliament
09	Relevant Civil Society Organizations

100



2.6 Institutional Assessment of Public Interest and Accountability Committee (PIAC) (2011 - 2021)

Committee also partnered with the Ghana National Gas Company (GNGC) for its flagship quiz, 'The Gas Challenge' to help deepen public understanding of the Petroleum Revenue Management Act (PRMA) and PIAC

Since its establishment in September 2011, PIAC have effectively exercised its oversight responsibility of monitoring and evaluating the management of Ghana's petroleum revenues by the government and stakeholder institutions. The Committee with a 3- fold mandate - Compliance Monitoring, Platform for Public Debate, and Independent Assessment. These, it has carried out effectively in the last decade.

Project inspections, public fora, and discussions on key petroleum revenue management issues have characterized the work of the Committee over the last decade. The consistent publication of PIAC's Semi-Annual and Annual Reports has heightened awareness among academia, industry players and the

For the past 10 years, PIAC has played its unique role as a citizens' oversight body, serving as an interface between the Ghanaian public and the managers of petroleum revenues. The social media pages and website have become a great resource for people looking forward to deepening their understanding of issues related to the sector.

To further improve the transparency and accountability of revenues in the petroleum sector, the Committee launched and shared its maiden newsletter. This is to keep you informed on revenue management issues, as well as on PIAC's activities. The maiden edition covers

significant events and activities by the Committee in 2021. The Committee also partnered with the Ghana National Gas Company (GNGC) for its flagship quiz, 'The Gas Challenge' to help deepen public understanding of the Petroleum Revenue Management Act (PRMA) and PIAC.

The Public Interest and Accountability Committee (PIAC) has shown that the Ministry of Finance has failed to account for the unutilized Annual Budget Funding Amount (ABFA) of oil earnings for the third consecutive year. According to the committee's 2019 annual report on the management and use of petroleum earnings, the total was GH1.5 billion at the end of 2019. Additionally, the ministry was found in violation of sections of the Ghana Investment Infrastructure Fund (GIIF) Act 877 and the Petroleum Revenue Management Act (PRMA) 893.

PIAC 2021 report reiterated its call on Parliament to restrict portions of the Ghana National Petroleum Corporation's (GNPC) corporate social responsibility (CSR) and guarantees to state institutions, especially since the corporation was unable to respond to some of its cash calls. It disclosed that the corporation provided guarantees amounting to US\$645.5 million to state-owned enterprises (SOEs) last year and was almost double, compared with the previous year's guarantees while it

outweighed its total equity financing expenditure of US\$164.79 million for the period. "GNPC's expenditure on Corporate Social Initiatives (CSI) remains high, increasing from GH¢41.49 million in 2018 to GH¢49.98 million in 2019", (Petrocom, 2020).

Additionally, the Public Interest and Accountability Committee (PIAC) has discovered that around half of the projects that were intended to be funded and carried out using petroleum revenue do not exist. The PIAC, a multi-stakeholder group that tracks and monitors how the nation's oil and gas funds are used, is particularly concerned about the lack of community and beneficiary institution involvement in project selection and/or implementation, which makes accountability tracking and demand challenging (Duho, 2018).

Evidence of the government's unwillingness to support the PIAC meaningfully (between 2011 and 2015) aroused concerns about donor influence and the impartiality and objectivity of the organization. One major worry is that it seemed like the government was starving the PIAC on purpose so that it would be considered useless. However, it is crucial to remember that in 2012, the government only delivered US\$88,314 of the US\$332,779 allocated to the committee during the previous two years (2011 and 2012) for its work (PIAC 2012). A portion of the money was used to pay the committee's administrative staff's salaries and rent office space. The committee was unable to move into its newly rented office because it lacked the funds to furnish it after renting the space as part of its planning to establish its own secretariat. Government funding totalling US\$916,398 was given to the PIAC between 2012 and 2017. However, allocation to the PIAC improved when the PRMA was amended in 2015. PIAC received \$1,126,126 in 2018 funding. The President has ordered that

they use a portion of the 2018 budgetary allotment to find a permanent workspace (PIAC 2018).

Although the PIAC's finances have largely improved after the PRMA's revision, the timely release of funding continues to be a problem that impacts how the committee's activities are carried out. Furthermore, as the PIAC is in charge of overseeing the account to ensure income transparency and accountability, the funding of the committee as provided by Section 57 of the PRMA 815 amendment, where the committee's budget is drawn directly from the ABFA, creates a number of concerns. The committee's ability to fulfil its mission impartially is put in a contradictory situation as a result of this. The prompt release of funding by the government represents a similar challenge.



2.6.1 The Case for Broadening PIAC's Mandate

Many industry experts and civil society organizations have claimed that the establishment of a "policing" entity like PIAC will considerably increase accountability and improve its utilisation because of how the mining sector's revenue has been managed over the years. For instance, the mining sector contributes between 5 and 10 percent of the GDP and 45 percent of all exports, with gold alone accounting for 90 percent of all mineral exports.

Ghana is ranked among the 10 largest gold producers in the world and currently, the largest in Africa, between 1983 and 2016, US\$17 billion in value was spent in the mining industry, making Ghana the country with the highest gross foreign exchange earnings. Ghana alone produced roughly 249 metric tonnes of gold between 2014 and 2016, which is equivalent to about 8.1 million ounces.

In addition, the Ghana Chamber of Mines reports that the mines industry is one of the major contributors to the Ghana Revenue Authority (GRA), accounting for 16 percent of domestic tax receipts in 2016 and GH1.46 billion of total direct tax receipts in 2012. Others believe that creating a new organization to look into income management of the mining sector will be a duplication of function, despite the lack of accountability in using these earnings for the country's growth.

Alternately, other experts posit that PIAC should be empowered by reviewing the Act that established it, and other relevant laws, to make it responsible for the entire natural resources revenue. Thus, broadening its mandate to having the responsibility of accountability and interest in the natural resource sector.



03

Conclusion and Policy Recommendations



The Public Interest and Accountability Committee (PIAC), established by the Petroleum Revenue Management Act, 2011 (Act 815), is tasked with the oversight responsibility of monitoring and evaluating the management of Ghana's petroleum resources by the government

The Public Interest and Accountability Committee (PIAC), established by the Petroleum Revenue Management Act, 2011 (Act 815), is tasked with the oversight responsibility of monitoring and evaluating the management of Ghana's petroleum resources by the government and relevant stakeholder institutions. The role of the Public Interest and Accountability Committee (PIAC) in ensuring transparency in the utilization of petroleum revenues cannot be overemphasized.

The PIAC plays a pivotal role in tracking government spending on petroleum revenues and communicating that spending to the citizens of Ghana. Given that petroleum is a limited resource, PIAC should keep collaborating with the government and other relevant actors to guarantee effective management and use of the resource and revenue. It is recommended that:

- The mandate of the Public Interest and Accountability Committee (PIAC) should be reviewed to include the other natural resource revenues if the creation of a similar institution would be seen as a duplication of function.
- The government must focus on building PIAC's capacity to deliver on its mandate to the people of Ghana by providing the much-needed financial support to enable the committee to function smoothly. In addition to providing financial support, the government could also collaborate with PIAC to create more awareness of what plans exist for spending petroleum revenues and how these revenues are expected to impact the lives of Ghanaian citizens, especially those living in remote parts of the country.
- In checking the deliberate use of oil revenue for debt servicing at the expense of public investments, the regulations to the PRMA should be

passed to define rules for capping the Ghana Stabilization Fund (GSF). This will bring clarity to the basis for capping and removing perceived discretionary powers of the Minister in the treatment of oil revenues and the GSF.

- In preventing the encumbrances of unutilized ABFA, the Ministry of Finance must ensure that existing infrastructure projects yet to be completed are adequately funded by the ABFA. Fully utilizing ABFA will prevent time and cost overruns of existing uncompleted projects.
- Linked to the proposed solution to prevent encumbrances on the ABFA is the need for detailed annual expenditure planning with clear timelines for projects under the priority areas. This must be published together with the budget to enable CSOs to track ABFA investments (ACEP, 2019). Parliament and PIAC should demand a robust plan and timelines of the ABFA activities and expenditures.
- There should be a joint Purpose-Oriented Special audit undertaken by the Auditor General and supported by PIAC to audit ABFA-funded projects (Cudjoe, 2018). It is imperative that Audit General and PIAC collaborate to develop appropriate guidelines on the utilisation and reporting of ABFA disbursements.





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