

# IMPROVING THE OGP EXPERIENCE

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## INTRODUCTION

Across the world, civil society working towards open government and transparency is witnessing a dichotomous trend. On the one hand, laws enabling greater access to information, increased transparency and greater citizen involvement in policy-making processes are being adopted by governments in response to increasing domestic and international pressure; on the other hand, these very same governments seek on occasion to reduce the scope for media and civil society and by passing laws that curb individual freedom and public access to information they are becoming more secretive.

In Indonesia, for example, the progressive Transparency of Public Information Law of 2010 is promoting transparency and public participation in open policy and budgetary processes, and serves as a tool to fight corruption. Since the fall of the Suharto Regime, a robust civil society sector – student activist groups, traditional governance organisations and independent trade unions – has emerged that is vocal, active and mobilised for positive social and political change. However, more recently in this 'New Indonesia', there has been a rise in conservatism and the freedom of assembly enjoyed by civil society has been diminished by restrictions imposed under the guise of the so-called global 'war on terror' and the need to restrain 'anarchist groups' from using religion, ethnicity or other diversity issues to provoke conflict.

'The government has sought to introduce a spate of new legislation including the Intelligence Law, the National Security Bill, and the Bill on Mass Organisations (or ORMAS bill) that undermines key democratic freedoms,' says Longgena Ginting, the director of Greenpeace Indonesia. The Indonesian House of Representatives passed the controversial ORMAS Bill in early July 2013, despite civil society efforts to introduce amendments. Civil society will now challenge the law in the Constitutional Court.

In Croatia, parliament adopted a new Freedom of Information Act (FoIA) in February 2013. This followed a decade of advocacy and public campaigning to push for a change in the law, including almost 10 months of intensive multi-stakeholder work led by the Ministry of Administration working group. 'Practically all our inputs and amendments were accepted in the adopted draft,' says Vanja Škorić, Senior Legal Advisor with GONG, a Croatian election-monitoring organisation. The adoption of the new FoIA was also one of the steps taken by Croatia to qualify for entry to the European Union on 1 July 2013. For the Croatian government, the successful implementation of the FoIA is vital. Civil society's role is to monitor and evaluate this step, and to ensure that the FoIA has a positive impact on citizens and the rule of law in the years to come.

These two examples demonstrate the delicate line that civil society organisations have to tread in their efforts to defend their role and space in society while, at the same time, working closely with government to bring about positive social and political change. With the development of National Action Plans, the Open Government Partnership (OGP), launched in 2011, has given civil society new opportunities for getting governments to publically commit to improving transparency, citizen participation and accountability through the use of technology and innovative practices. When formulated correctly, through consultation and in collaboration with civil society, a National Action Plan creates a government roadmap of concrete and measurable commitments to 'open government'. The international and public nature of these commitments – independently monitored – offers civil society the mandate to push for real actions on open government that will benefit citizens and raise its profile on the domestic political agenda.

With the support of high-profile promoters such as US President Barack Obama and Brazilian President Dilma Rouseff, the OGP has become the world's most prominent international initiative for improving government transparency. No fewer than 60 states are now participating.

*For the ordinary citizen,  
what do the lofty ideals  
of OGP mean?*

In Tanzania, rural citizens supported by NGOs are using mobile phone technologies to report on the status of water supplies (broken or dry wells, leaking pipes, etc.). The government gets the information and prioritises repairs. In that sense it helps them to monitor and manage public resources more effectively. More importantly it restores public access to clean water and increases citizens' trust in the capacity of the local government. In many world cities, governments are receiving information directly from citizens on everything from the status of roads, the quality of education and health services to local accidents and crime incidents. Citizens and government are increasingly working together to generate and use such information and to set priorities. They are discussing how to raise the quality of services and how better to monitor and track service delivery, in order that the everyday life of citizens may be improved.

## LESSONS LEARNED SO FAR

In the first quarter of 2013, over 40 government and civil society representatives of 15 countries<sup>1</sup> were interviewed and consulted about their experiences and the lessons learned from developing the first OGP National Action Plan. The focus was placed on the initial consultation process and the mechanisms used to develop ongoing dialogue and co-governance between civil society and government. A number of common themes emerged from these interviews. These are presented in this paper, together with charts containing quantitative findings pertaining to the collaboration between government and civil society to develop the Action Plans. By taking these lessons to heart, civil society and government actors working on OGP can make their national processes smoother and more effective, and this will increase the overall impact of change.

<sup>1</sup>Brazil, Costa Rica, Croatia, Ghana, Indonesia, Kenya, Mexico, Moldova, Montenegro, The Netherlands, Peru, the Philippines, the UK, Ukraine and the US. Go to [www.ogphub.org](http://www.ogphub.org) to read the 15 Country Articles.

## 1. LAY A SOLID FOUNDATION

'Open Government for all countries is about being transparent and sharing data. Public data does not belong to government,' Francis Maude, Minister for the Cabinet Office, the UK.

The push for open government was already deeply entrenched in the UK prior to the OGP, with Prime Minister David Cameron making bold proclamations about becoming the most transparent government in history. Despite initial hiccups in the National Action Plan consultation process, a solid foundation has since been laid. Dialogue between civil society and government is now better structured and this has resulted in a 'revised' Action Plan, which was developed largely together. 'In its engagement with civil society, the whole team in the Cabinet Office has done an excellent job of putting the model of "Open Policy Making" into practice,' says Alan Hudson of the ONE organisation.

It is more difficult to create a firm foundation for the OGP if the prevailing tradition runs counter to the initiative. In Montenegro, for instance, the OGP process has highlighted the insufficiency within society of knowledge of open government concepts and principles. 'Openness is not a dominant concept; we've been so used to a closed system. Citizens don't demand anything because they don't know these values and they don't recognise them as being important,' says Milica Kovacevic of the Centre for Democratic Transition in Montenegro.

Meanwhile in Moldova, the government had already embarked on its e-Transformation agenda when it joined the OGP in 2011. In this case, the OGP has been used to embed open government in this agenda, bringing about enhanced collaboration between citizens, civil society, the private sector and government. As part of laying this solid foundation, the Moldovan government collaborated with international development partners. This enabled the government to raise awareness of the OGP and to involve as many participants in the consultations as possible. 'The issues related to open government were still emerging in Moldova, and the level of understanding, awareness and capacity of civil society organisations in this field was low. Civil society considers the approach taken by the e-Government Centre to have been appropriate to the context,' says Veronica Cretu, Coordinator of the working group on e-Government/Open Government within the National Participation Council, a group set up soon after Moldova approved its Action Plan in April 2012.

It is essential that a solid start to the partnership

is made. This helps to lay the right foundation for a collaborative relationship and for building trust between government and civil society. For the OGP engine to run smoothly and efficiently, genuine government commitment is critical. Civil society must participate from the start and a well-resourced and smoothly functioning working group located in the most appropriate government department is very necessary. To keep the process moving, knowledge of open government issues and of the OGP must be available to the local parties; in many cases the process is facilitated by external agencies and experts.

It is important that the right entity within government leads on OGP, balancing political influence and relevance for open government priorities. In many countries both the office of the president or prime minister are involved, as well as the ministry of home affairs or information. In some cases the ministry of Foreign Affairs is leading. Pointing to one of the often-heard criticisms of OGP, Katarina Ott, Director of the Institute of Public Finance, says that 'while it's an exciting time for Croatia, the government should avoid treating OGP as a kind of foreign policy PR and ensure it takes full responsibility'. At the same time, the fact that the revision of the access to information law was a concrete commitment in the Croatian OGP plan helped civil society in finally getting it delivered.

## 2. GET ORGANISED!

For UK civil society, crunch-time came when they realised the narrow scope of the first National Action Plan. 'From our perspective there was too much emphasis on Open Data and the development of the Action Plan didn't allow for a participatory consultation process. There were lots of other bits that were missed and should've been included,' says Simon Burrell of Involve. After April 2012 a number of organisations came together and collectively sent a letter to the Minister for the Cabinet Office, Francis Maude, lobbying for a different trajectory. Since then, civil society has been better coordinated, finding the funds to enable Involve to coordinate and drive forward civil society efforts. This has helped to make the whole OGP process better organised and more structured and has led to a jointly developed 'revised' Action Plan.

The experience of Ukrainian civil society of establishing constructive dialogue with government also highlights the need to ensure civil society organisations are well organised and coordinated in good time in terms of their strategy and advocacy. With only six months to prepare the plan, the Ukrainian government chose to hold consultations, soliciting inputs through its extensive and established network

of civic councils. These comprise organisations that have traditionally advised government at the local level. The Civic Partnership, a coalition of 50 CSOs that had been excluded from the consultations, vehemently rejected the '400 or so submissions' the government claimed to have received.

'We realised this was a rushed pseudo-consultation and the government was avoiding a meaningful dialogue and critique. We couldn't support the plan because it didn't reflect the real needs of the Ukrainian state,' says Oleksii Khmara, President of the TORO Creative Union. The Civic Partnership subsequently sent open letters to the President and Prime Minister and sought support from the World Bank and United Nations to facilitate a dialogue with the government. Following a four month-long advocacy campaign, which involved preparing a shadow action plan and organising fresh consultations, the final document produced jointly by the Coalition and government took on board 80% of civil society's demands. 'We finally managed to shape the conditions for a dialogue, which has been beneficial to both sides,' says Oleksii.

The emphasis in Mexico – the next co-chair of the OGP – has been on improving the overall quality of the second Action Plan: getting organised to ensure commitments are more strategic and greatly transform public management. 'We are focusing our time and energy on developing a relationship with the new federal administration in order to continue our work on the OGP and to integrate our priorities in the new Action Plan,' says Gabriela Segovia of IFAI.

In the United States, the Open the Government (OTG) Coalition already had a solid working relationship with both the Bush and Obama administrations focused on making government more open and transparent. The OGP presented a good opportunity for the domestic community to start building upon this foundation

and engaging on another level. 'We seized the role of coordinating and engaging broader civil society and some international organisations to help influence the creation of the National Action Plan,' says Patrice McDermott of the OTG. While civil society in the US acknowledges much has been achieved in terms of how it mobilised and organised itself around the various commitments, the emphasis next time will be on ensuring the plan has fewer commitments that go deeper and have more meaningful impacts. It has also learned that if the process is not pushed from the outside, very little happens. 'We cannot just sit back and expect things to happen,' says Tom Blanton of the National Security Archives.

For civil society to be effective, it needs to be knowledgeable, proactive and organised. Furthermore, civil society involvement has been most meaningful and substantive when coordinated by a nominated agency or 'driver' that has the necessary skills, time and acceptability, and is looking beyond its own agenda. Having a dedicated person(s) who is financed in equal parts by the CSO community builds ownership and professionalises the role.

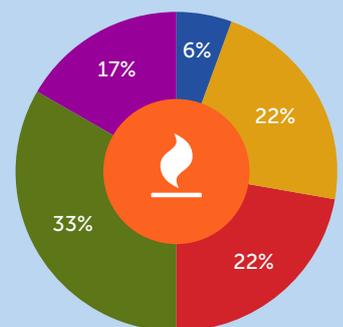
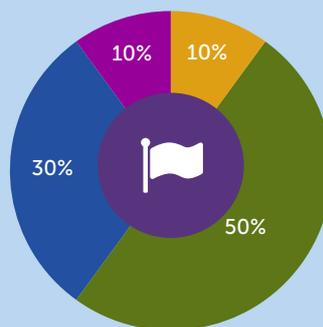
### 3. ESTABLISH A PLATFORM FOR DIALOGUE

The draft Action Plans of both Mexico and Indonesia (two of the eight founding members) were highly criticised by civil society for being too general, too broad and not very strategic, and for reflecting very few civil society proposals or perspectives.

In Mexico, a process of intense discussion started between a coalition of civil society organisations, IFAI (Federal Access to Information and Data Protection Institute) and the Ministry of Public

How much of civil society (🔥) input is reflected in governmental (🚩) national action plan?

- ALL
- MOST
- HALF
- SOME
- DON'T KNOW



## WHY ARE POLITICIANS INTERESTED IN BECOMING OGP MEMBERS?

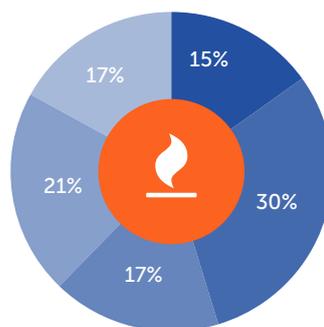
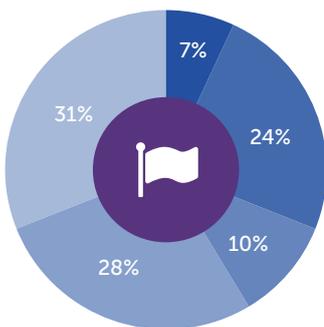
For some, it's about sharing the vision of deepening democracy and bringing good governance to the people. This includes, among other things, improving the delivery of state institution services and getting citizens to have a greater say in the provision of these services. But it's also about restoring the trust of citizens in their government and their politicians. The OGP is seen to providing support, as well as pressure, for reform from within.

Membership enables politicians to join a global network in which they can swap knowledge and experience. It offers learning opportunities and the material to support advocacy.

Some are looking for innovation. OGP offers new ways to break rigid and bureaucratic mechanisms and to improve collaboration between government and society. The technological innovation related to open data enables politicians to further their domestic e-agendas. Innovation around open data can also spur substantial new business opportunities.

Undeniably, enhancing one's image internationally and 'grasping a photo opportunity with President Obama' has been part of the mix.

Substantively, while many countries have had strong and vibrant civil society actors working on issues of right to information, transparency and accountability, the OGP has in many instances provided a platform for government to formalise a coherent agenda for change.



Motivation for governmentals (🚩) to get civil society (🔥) involved in the action plan process?

- PR/PUBLICITY
- OGP REQUIREMENT
- GOOD TO DO
- TO LISTEN TO VARIOUS VIEWS OF STAKEHOLDERS
- TO MAKE BETTER & MORE INFORMED DECISIONS

Administration – in the shape of the OGP Tripartite Technical Secretariat (TTS) – to develop a ‘Reinforced or Extended Action Plan’. The TTS was set up to act as a permanent and institutionalised decision-making, monitoring and compliance body for the OGP and has proved to be an effective platform for ongoing dialogue and a good mechanism for steering and monitoring the OGP process in Mexico.

The Indonesian experience has been trickier, with some civil society organisations feeling excluded from the government-selected Core Team working on the Action Plan. Despite continuing debate over the current role of civil society within and outside the Indonesian OGP process, ‘the voice of civil society, within both Indonesia and ASEAN, is critical and we shouldn’t be sidelined if participation is to have real meaning,’ advocates Maryati Abduallah of Publish What You Pay.

The OGP experience in Ghana has been marked by a number of ‘stops’ and ‘starts’; the presidential election has dominated the national agenda and been the focus of government officials and civil society. However, soon after the OGP Brazil conference, the ball started rolling and the process of setting up the Ghanaian OGP steering committee gathered momentum. The government adopted a dual strategy for dialogue and gaining CSO representation – the Coalition of Civil Society was consulted and certain organisations were directly approached to nominate ten representatives to sit on the OGP National Steering Committee, which had a total of 20 members. In addition to meeting six or seven times at the outset to prepare the draft Action Plan, the entire committee went on a two-

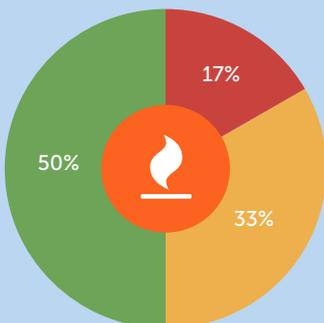
day retreat outside Accra. ‘This really helped us to establish ourselves as a team before we hit the road,’ says Vitus Azeem of Ghana Integrity Initiative.

The willingness to work together is clearly evident and both civil society and government acknowledge that proper dialogue requires a lot of effort if maximum benefit is to be derived. ‘We have learned that for the OGP to run smoothly and efficiently, government commitment is critical, CSO participation is essential and a well-resourced and functioning secretariat is vital,’ says Effie Simpson Ekuban of the OGP Secretariat. Perhaps the stage is now set for Ghana to finally pass the Right to Information bill that has been languishing in the halls of parliament for the past ten years.

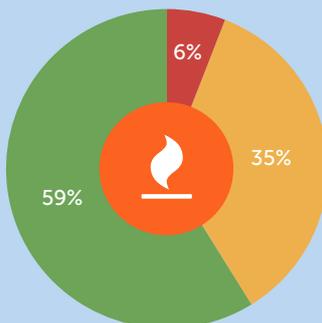
A key success of the Peruvian civil society experience has been the chance to be involved in the setting of public policy from the very beginning of the process. This has happened through participation in the working group, which has served as a solid platform for dialogue. In addition, civil society achieved an important victory with the formalising of OGP processes. A Supreme Decree, signed by the President, Prime Minister and Chancellor, set up a permanent Multi-Sectoral Commission responsible for handling these processes. ‘This has validated civil society participation and with this comes a higher level of security and commitment,’ says Samuel Rotta of Proetica.

Civil society engagement should start from the very first day and the membership of the working groups or steering committee should be broadly representative.

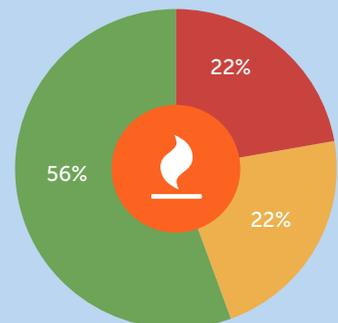
THE CSO PERSPECTIVE:  
Overall quality of civil society participation during action plan development.



THE CSO PERSPECTIVE:  
Quality of government receptiveness to action plan input from civil society organizations



THE CSO PERSPECTIVE:  
Possibility for civil society organizations to have continued positive input into national action plans.



LEGEND: ● GOOD ● FAIR ● POOR

Members should be sought in an open and transparent way, using processes such as self-selection, invitation, application and election. If such platforms are institutionalised, this further validates the contributions and enhances their security, making them more robust to political and regime changes. The emphasis should be on creating an ongoing open dialogue rather than bringing in civil society for a one-off consultation.

## 4. CONSULT WIDELY

For the Latin American countries, the challenge has involved broadening participation to all levels of government and civil society, while paying attention to multicultural, multi-lingual and multi-ethnic populations. These countries also acknowledge that next time around their consultation processes should be much more inclusive, extending beyond the 'elite' and the 'usual suspects'. To date, the emphasis has been on investing in strengthening and formalising the relationship between civil society and government, building on what has been accomplished thus far.

In Mexico, the decision not to go 'fully public' with the consultations was motivated by two important constraints: the timing and the time frame. With little time to prepare the document and with the Action Plan spanning only 12 months, the Tripartite Technical Secretariat focused on ensuring that the commitments and actions were realistic, measurable and achievable. For subsequent Action Plans a broader, more inclusive process is envisioned.

In Brazil, technology has been used to engage many more citizens in the dialogue. Using the e-Democracia website, online discussions moved on from assessing the implementation of the first National Action Plan to providing the opportunity to submit new commitments, to finally asking participants to vote and choose key proposals that government should prioritise. To broaden civil society engagement, participation has been actively sought among unions, NGOs, social movements (e.g. LGBT community and afro-descendants), faith-based organisations, students, academia, media and open data groups. Furthermore, quotas for representatives of different regions and states have ensured geographic inclusion. However, civil society has been critical of the extent to which suggestions made are ultimately included in the Action Plan and of the limited feedback it has received from government.

In Kenya, the new administration of President Uhuru Kenyatta has put technology and being 'digital' at the heart of its strategies, thus offering many new windows of opportunity. To promote the open government

agenda, civil society has been pushing these principles into priority sectors such as education, health and the environment. 'We really want transparency and accountability to be mainstreamed throughout government and in all structures using technology as a tool to increase opportunities for citizen participation,' says Gladwell Otieno of AfriCOG.

In Ghana, with general elections looming ever closer, the Action Plan consultations, taking place in three regional zones, were squeezed into a two-month period. The Ghanaian OGP action plan steering committee was encouraged to go into the field. This is where the groundwork was done spreading the OGP message and gathering inputs on the proposed commitments. Each event attracted 40 to 60 participants from political parties, the public service, CSOs and the media, as well as traditional and religious leaders. In many instances, journalists were present in overly large numbers. 'Traditional media is still very strong and influential in Ghana and we wanted the launch event and the zonal meetings to be covered by the newspapers, radio and TV,' says Emmanuel Kuyole of Revenue Watch Ghana. While the steering committee was generally satisfied with the inputs received, the number of participants was considered low. Limited financial resources as well as a lack of sufficient time were cited as major concerns. 'Ideally, we should have covered all ten regions and not have held the consultations so close to the elections,' reflects Vitus Azeem of the Ghana Integrity Initiative. Even though the consultation was not as deep as desired, Ghana is one of the few countries that made a real effort to include citizen voices.

In the Netherlands, with its strong track record of making information proactively available to its citizens, and where many 'checks and balances' are already in place, government has been challenged by the lack of (a network of) organisations working on governance issues at the national level. 'Unlike in many other countries, in the Netherlands not a lot of people are worrying about making government more open, and they are exerting very little pressure in our direction,' says Mirjam Kalverda of the Ministry of Internal Affairs. The various consultations for the OGP have revealed that citizens want to communicate more openly with government and that they want information to be more forthcoming and easily accessible, especially with regard to things in their immediate surroundings. 'The energy and interest lies with citizens [more than with professional organisations] and what is important is to start pilot or experimental projects at local level, working with municipalities and neighbourhood committees,' says Marjan Delzenne of the Centre for Budget Monitoring and Citizen Engagement.

A 'one size fits all' strategy of consultations is inadequate. In general, the broader involvement of actors, drawn from both civil society and government, will make the process more inclusive, more robust and can ultimately raise the final quality of the commitments and activities. Such involvement builds a broader community of reformers that foster a shared 'open government' agenda. The whole process relies heavily on the development of strategies – and the sincere willingness – for gathering inputs and comments, discussing, providing feedback and including suggestions.

## 5. BUILD PARTNERSHIPS

In the two Asian tigers – Indonesia and the Philippines – the OGP has been embraced. In Indonesia it has become part of the government's Good Governance and Anti-Corruption Plan, and in the Philippines it has been adopted within strategic initiatives. However, in both countries, civil society efforts to build constructive partnerships with government concerning the OGP Action Plan process are ongoing. This hinges very much on agreeing priorities and finding common ground.

In the Philippines, the long overdue Freedom of Information (FoI) bill has become the primary focus of civil society advocacy. 'Access to information is a fundamental tenet of the OGP, a value that underpins all the participant countries' commitments,' says Annie Geron of the Right to Know, Right Now! campaign. While government acknowledges the importance of the bill, it considers the existing Good Governance and Anti-Corruption Plan sufficient to enable meaningful freedom of information.

Whilst debate continues in Indonesia over whether civil society should maintain its watchdog role

rather than get involved in the government-selected Core Team, it remains important that government and civil society find a balance that leads to a constructive working partnership concerning OGP.

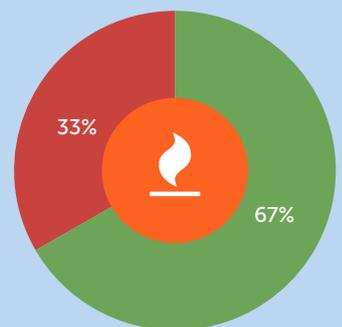
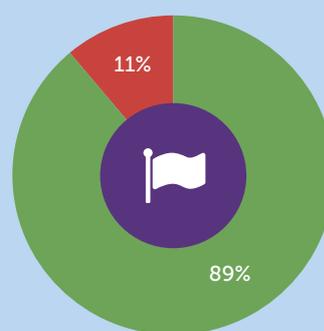
Usefully, experience in the UK and US shows how a positive partnership between civil society and government can be fostered, and can lead to a jointly developed, relevant and ambitious National Action Plan. In the UK, the road to developing the revised National Action Plan, as explained above, has facilitated an improvement, over the course of 2012, in the relationship between government and civil society; it has become a more substantive partnership. 'I am really proud of how we're working together – being open, honest, consistent and coherent about identifying shared areas of interest and objectives,' says Ilaria Miller of the UK Cabinet Office Transparency Team.

In the US, the pre-existing relationship between civil society and government concerning open government greatly helped to build a solid partnership. The OGP presented a good opportunity for the domestic community to take this relationship further and engage on another level. Whilst more can be done to improve the next National Action Plan, civil society is aware of the challenges that lie ahead and is planning for them. 'The administration has many shifting priorities and sometimes things fall off the radar. Civil society needs to be well informed,' says Tom Blanton of the National Security Archives. Taking up the lessons learnt so far from the OGP process in these countries increases the likelihood that civil society and governments will collaborate in open government partnerships that are productive and energetic.

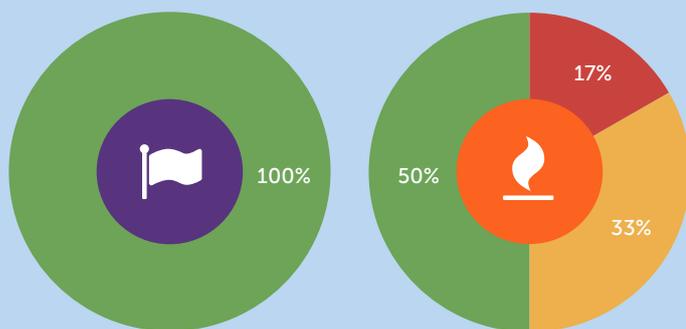
In many cases, countries are engaged in growing the body of reformers at national and international level to create a vibrant and healthy society. It takes time and effort to build trust and a working relationship

Did the process of developing the first action plan help to increase the trust and cooperation between civil society (🔥) and government (🚩)?

- YES
- NO



between government and civil society. Understanding of one another is required. The actors must listen to and appreciate various viewpoints, keep an open mind whilst thinking critically, and must work towards constructive engagement. Civil society is often pulled in two directions for it also has a role as watchdog. As a partner, it sometimes struggles to find the common ground, to meet the needs and interests of both parties. Building a partnership, in short, is a difficult and time-consuming process.



Government (🇬🇧) vs civil society (🇺🇸) perceptions of the enthusiasm and engagement of CSOs participating in action plan development

- GOOD ●
- FAIR ●
- POOR ●

## CONCLUDING REMARKS

'When a government invites its people to participate; when it is open as to how it makes decisions and allocates resources, administers justice and takes a firm stand against corruption, that government is more likely to succeed in implementing effective policies and services to its people.'  
(Hillary Clinton, Open Government Partnership meeting, July 2011)

The OGP has, in many instances, facilitated the creation of a platform between government and its citizens. Here, these parties can come together and develop a National Action Plan with a common agenda of commitments and actions that will further transparency and accountability. The level of collaboration that the OGP aspires towards can only be seen as an attempt to counter the dichotomous trend of increasing openness on the one hand and increasing secrecy on the other. This process of 'sitting down together' has in itself been valuable and for many is something new. For government, it has been about improving and adopting new, modern standards of participatory democracy and bringing the voice and demands of the citizen to the table, often overlooked by the state, with the objective of improving the quality of service delivery.

For civil society, it has been important to learn that within the state there are civil servants who are just as interested as non-government actors in promoting openness and accountability, even if much work remains to be done. There is much civil society can learn from the last 18 months about the diverse OGP experiences and the improvements necessary to maximise the outcomes of the consultation process. These lessons should enable civil society to promote the added value of open government principles.

Ultimately, civil society needs to be much more knowledgeable about the issues. It must be proactive and well organised and must become much more professional when communicating with government. 'We cannot be weak and passive. If we sleep, the country will sleep,' concludes Oleksii Khmara of the Ukraine.

# ANNEX

## FULL LIST OF INTERVIEW PARTICIPANTS

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Ukrainian Institute for Public Policy

**UNITED KINGDOM**

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Simon Burall  
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\*No interview taken, based on public sources

