



IMPROVING GOVERNMENT- CIVIL SOCIETY INTERACTIONS WITHIN OGP

POLICY BRIEF

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SUMMARY

Civic engagement is at the heart of the Open Government Partnership (OGP). In signing the Open Government Declaration, OGP members commit to engaging citizens in the development, implementation, and monitoring of their National Action Plans. As OGP is nascent, we are still learning about how governments and civil society interact within its framework and how the interaction can be strengthened. The report at the basis of this Policy Brief contributes to this knowledge by examining the critical factors for the success or failure, and providing recommendations to OGP on how to better support government-civil society interaction.

KEY FINDINGS AND RECOMMENDATIONS

Results of our research show that the OGP process represents both challenges and opportunities. A structured approach to government-civil society interaction has proven to be key to engagement. This includes:

1. *the existence of a permanent dialogue mechanism that oversees the development and implementation of a country's National Action Plan (NAP);*
2. *the presence of joint civil society actors to pursue OGP related issues; and*
3. *the support of OGP guidelines to provide a solid framework for discussion between government and civil society.*

Together, these mechanisms foster transparency, help to empower civil society, and facilitate interaction with governments.

At the same time, a significant challenge turns out to be the complex and technical nature of OGP commitments. Only a narrow circle of Civil Society Organizations (CSOs) is usually involved in the OGP process. Citizens and smaller NGOs far from the national capitals often lack the capacity to engage in consultations or simply remain excluded. On the government side, there is a clear need to build capacity among civil servants to carry out effective and responsive consultations.

On the basis of our findings, we recommend that OGP:

1. *Require its members to establish regular and institutionalized structures for civic engagement and dialogue;*
2. *Strengthen OGP monitoring mechanisms for the engagement of civil society;*
3. *Develop guidelines to ensure that suggestions from CSOs are considered in the OGP processes;*
4. *Develop basic guidelines for OGP-related record keeping for governments;*
5. *Encourage the translation of OGP guidelines into the official national languages in its member countries;*
6. *Grow OGP's network of international partners as a means of enhancing awareness about OGP, and to continue to help building capacity in its member countries;*
7. *Strengthen connections between the OGP Working Groups and civil society;*
8. *Develop additional awareness raising material that can be used by governments and civil society actors to enhance participation in OGP within member countries;*
9. *Maintain, or increase, OGP regional and international forums for government and CSOs;*
10. *Expand OGP website, particularly in the areas of 'Resources' and 'How to Get Involved'.*

HOW ARE OGP MEMBER COUNTRIES PERFORMING WHEN IT COMES TO THE ENGAGEMENT OF CIVIL SOCIETY?

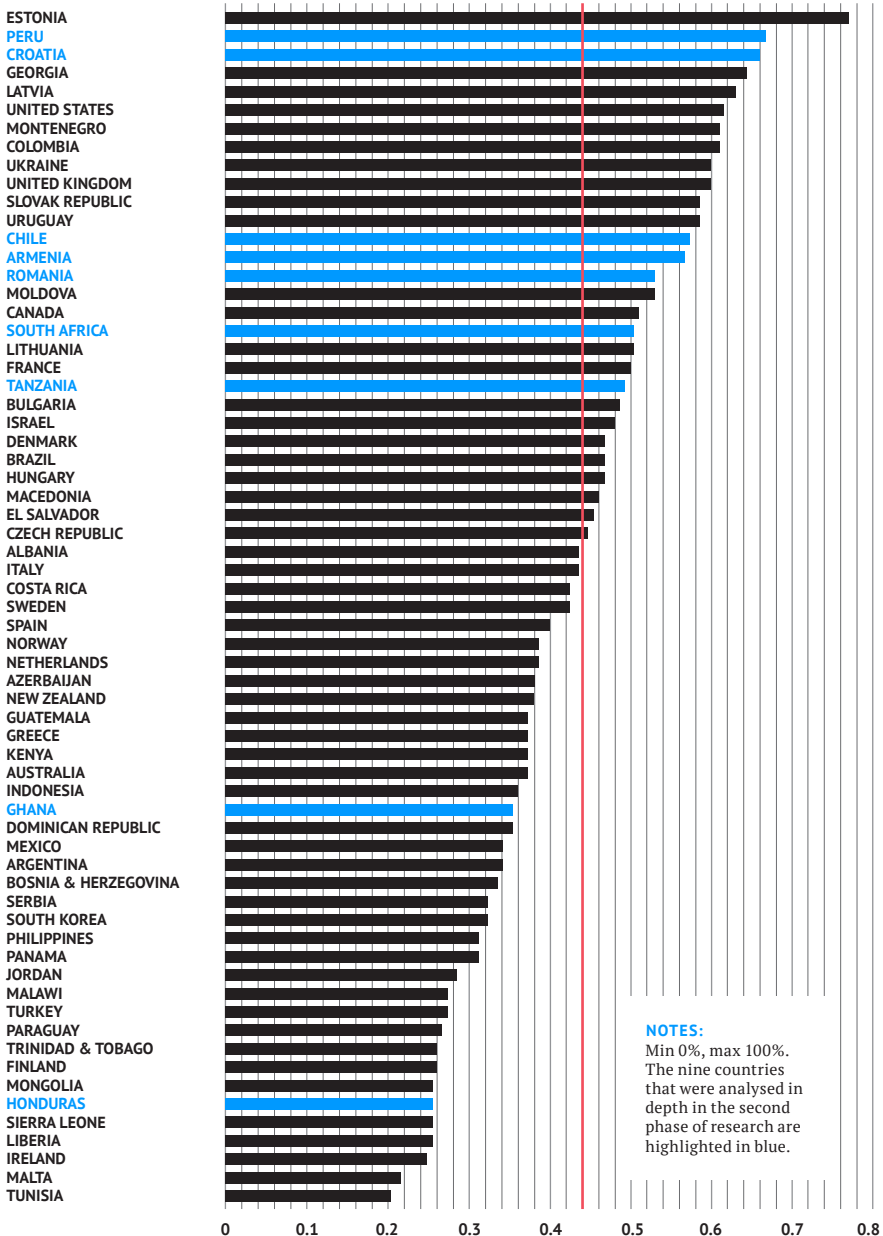
The first phase of the study at the basis of this Policy Brief drew on existing indices and data¹ to provide a quantitative overview of the state of government-civil society interactions across all 65 OGP member countries. Indicators on OGP-related participation processes, commitments and CSO engagement were given a particular emphasis in the study.²

The quantitative analysis showed that civic engagement is happening to varying degrees and in varying forms across the member countries. There is a solid foundation for engagement in most countries but there is certainly room for improvement. As illustrated by Graph 1, the average weighted success score for engagement across the 65 OGP countries is 43%.

¹The database was populated using existing datasets including: OGP Independent Reporting Mechanism datasets, OGP Eligibility Criteria dataset, data from the OGP Civil Society Hub, the CIVICUS Civil Society Enabling Environment Index, and the United Nations e-Participation Index.

²Data was recoded from its original values and weighted according to importance. Half of the weight was allotted to indicators related to OGP related participation processes, commitments and CSO engagement given the focus of the study. Within this category relatively more weight was given to the percentage of NAP commitments that involved participation and OGP eligibility engagement scores. These two particular indicators were highly valued as they were among the most complete data with values for many of the OGP countries. In addition, the indicators were seen as quality indicators that got at the heart of the issue of CSO engagement.

GRAPH 1: PERCENTAGE OF CIVIC ENGAGEMENT SUCCESS WITHIN OGP



NOTES:
 Min 0%, max 100%.
 The nine countries that were analysed in depth in the second phase of research are highlighted in blue.

LOOKING BEYOND THE NUMBERS: NINE CASE STUDIES OF OGP COUNTRIES

In the second phase of the project, nine OGP member countries in Eurasia, the Americas and Africa were examined in greater depth. This included Peru, Honduras, Chile, South Africa, Tanzania, Ghana, Croatia, Romania and Armenia, which have different success rates in civic engagement (as shown in Graph 1). The second phase looked beyond the numbers in Graph 1 by carrying out desk research and interviews in each of the nine countries. This allowed for more nuanced context, looking, in particular, at the foundation for civic engagement in each national context, at the actual engagement practice, and specifically at civic engagement in the OGP Process.⁵ A number of government, civil society, and OGP actors within each country were interviewed to identify challenges and opportunities for government-CSO interaction.

- In the Eastern European countries analysed, governments have made clear progress in involving CSOs in the framework of the OGP process, especially in Romania and Croatia.** In Romania, the government and civil society established a solid working relationship. They are jointly identifying open government solutions and the government incorporates CSOs' suggestions into decisions. In Croatia, the government has carried out broad and open OGP consultations, praised by CSOs. Yet, even if the Croatian government makes a clear effort to listen to the concerns of civil society, it would also need to take on board the more ambitious civil society proposals. Armenia has also made some progress in involving CSOs. The government has developed the majority of country's present NAP commitments with the involvement from the civil society, and CSOs are assigned responsibility for almost half of the present commitments. However, CSOs report that they had only a very limited influence on decisions regarding the final version of the NAP.
- Mixed results were seen in the Latin American countries (Peru, Honduras and Chile).** These countries all have a permanent forum for civil society participation, but some have been more successful than others. All

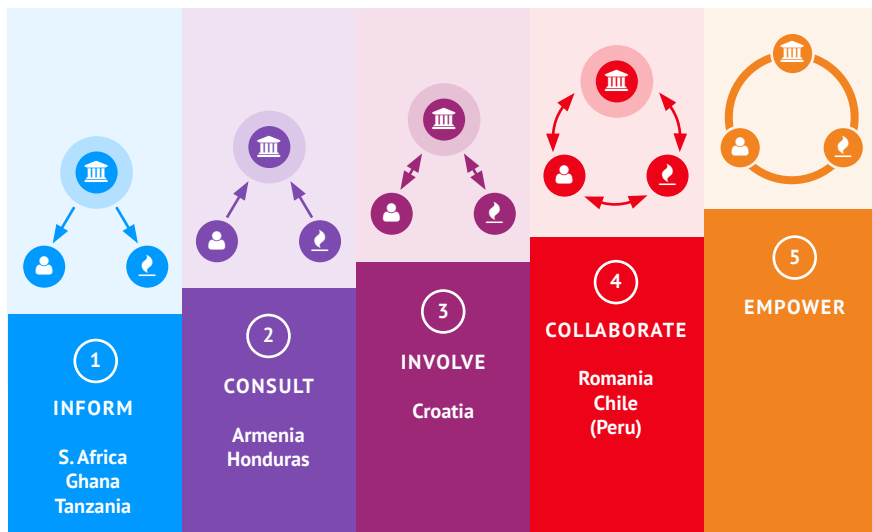
⁵Phase two sources used varied from country to country, they included documents such as NAPs, IRM reports, Civil Society Monitoring Reports, Government Self-Assessment reports, OGP Eligibility Criteria, Access Info Europe's Right to Information Index (RTI rating), CIVICUS EEI Index and country reports, Freedom House studies, the IDEA Direct Democracy Database, and ITU data related to the state of information communication technology adoption.

the three countries likely rely on the political will of the executive branch to support OGP activities (e.g. in Peru, the mechanism of participation for civil society is on hold).

- **The African countries examined (South Africa, Ghana and Tanzania) show limited civil society-government interaction.** The foundations for civic participation and access to information are not as strong as they are in other regions, and the governments of these countries have mainly focused on the provision of information.

Overall, although we notice several instances of genuine collaboration between government and civil society, the most common approach is limited to provision of information. Most of the nine countries involve civil society rather superficially. None of them places final decision-making power in the hands of the public, which we defined as a criterion for ultimate empowerment according to the prominent IAP2 spectrum used in our study (see Graph 2, where the countries are placed on the relevant IAP2 level).⁴

GRAPH 2. THE NINE COUNTRIES ON THE IAP2 PARTICIPATION SPECTRUM⁴ (FROM LOW TO HIGH LEVELS OF PARTICIPATION)⁴



⁴IAP2 spectrum of Public Participation (2007). http://www.iap2.org/resource/resmgr/imported/IAP2%20Spectrum_vertical.pdf

OPPORTUNITIES AND CHALLENGES

There are several opportunities for improved citizen engagement within OGP countries. **One of the mechanisms that works well and helps to empower civil society is the existence of a regular structure for OGP dialogue within a country.** Croatia, which has an OGP Council that oversees the development and monitoring of its NAP serves as a good example. The OGP Council oversees the development and monitoring of its NAP. The key for success seems to have been the transparent selection of members; as well as the involvement of enthusiastic and proactive public servants, and expert CSO representatives working toward the same goals.

Tanzania is another example of a country with a more firmly established forum with its National Task Force. However, it has not been as successful as dialogical mechanisms in other countries. Evidence suggests that its meetings have not been well attended and the lack of documentation about meetings has rendered it opaque. This draws attention to the importance of not simply establishing a permanent dialogue mechanism, but for the concurrent establishment of transparent operating procedures and record keeping.

In some instances, civil society actors have united, or joined forces to pursue OGP related issues. Such collaboration within civil society has the potential to enhance their voice and foster empowerment. Some government representatives interviewed for this study noted that it is easier for them to communicate with a block of actors rather than with many individual organizations. The Coalition for open data in Romania, for example, has about 30 members and includes universities, businesses IT associations, and NGOs with different profiles and expertise in the field of open government. It has established a working relationship by gathering face-to-face in monthly “OGP club-meetings” on different topics, where also government representatives take part, and by communicating frequently through an email list. The Coalition organizes joint events and puts pressure on the government through open letters. It also works as an intermediate by disseminating information to their networks and by consulting them.

Our research shows that the NAP process also constitutes an effective mechanism for consultation, involvement, and empowerment. OGP helps to provide a framework for discussion between government and civil society, and standards are particularly clear around the development of NAPs. Standards are less clear, however, during the implementation of NAPs and

some countries have struggled to determine how to continue the momentum of engagement established during NAP development.

While there are certainly opportunities for the empowerment of civil society, some significant challenges remain. **The NAPs are a valuable tool; however, it is not uncommon for citizens generally, outside of formally constituted civil society organizations, to remain excluded from the NAP development and implementation.** They are less likely to be recognized as equal partners in decision-making compared to CSOs. Moreover, open government commitments are often not readily accessible for laypersons; they tend to be too complex and technical.

Organized groups can also be left out of OGP related discussions at times, or are perhaps only engaged selectively. The case studies in Eurasia show that one of the main challenges is to broaden the participation beyond the narrow circle of CSO that are currently involved in the OGP process, particularly to include locally based and smaller CSOs. Some of the problems related to the engagement of CSOs, and individual citizens more generally, point to a need to build capacity among civil servants to carry out effective and responsive consultations, both in face-to-face and in online settings. The types of capacities needed are communication, discussion, and analytical skills. It is especially important to build institutional memory in this area given the rather high staff turnover in government.

In addition, capacity building remains a challenge within civil society when it comes to specific OGP areas or processes. For example, in Croatia the government lacks discussion partners on commitments related to fiscal transparency and public procurement given that only a few organizations are working in these fields. The situation is similar in Tanzania where government has noted that only one CSO, Twaweza, has participated regularly when it comes to OGP.

Overall, our research shows that OGP has been important for improving the dialogue between governments and civil society, both within and across the OGP countries. The OGP consultation requirements have brought civic engagement to the attention of the highest levels of government. At the same time, **the number of CSOs involved in OGP is growing. Moreover, the dialogue between governments and civil society seems to be reinforced over time.** A number of civil society actors interviewed believe that their governments have become more open and more willing to cooperate with civil society (specially because in all countries investigated the previous status quo

of mechanism of participation for civil society and government interaction were very limited).

OGP has helped civil society to promote public policies in the field of transparency and access to information, and has proven especially useful as an advocacy instrument. **The fact that OGP is an international instrument with many member countries puts pressure on governments to respect their commitments.** That said, there are a number of steps that could be taken to maintain and enhance the momentum of improved citizen engagement within OGP countries. The recommendations at the beginning of this Policy Brief outline some important steps in the move towards, not only a more open but also, a more collaborative government.

PUBLICATION DETAILS

The work in this publication was commissioned by Hivos and was carried out with the aid of a wider OGP research grant from the International Development Research Centre, Ottawa, Canada.

The purpose of the commissioned study was to

- provide an in-depth analysis for the broader OGP community on how OGP participating countries are shaping and performing on civil society engagement;
- inform the OGP Support Unit and Steering Committee members on possible areas for improvement of guidelines and support.

The selected researchers developed a methodology and conducted the research independently of OGP. All findings in this report emanate from the researchers' efforts and should be understood as third party recommendations to the OGP governance institutions.

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