Engagement & Inclusion

This is one of four issue papers, each focused on an aspect of strategic importance arising from OPM's evaluation of OGP, 2019–2021, to contribute to the OGP Support Unit (SU) and Independent Reporting Mechanism's (IRM) strategic thinking. The research conducted as part of the evaluation focused on seven locations – five national members (Colombia, Kenya, Nigeria, Philippines and Ukraine) and two local government members (Elgeyo-Marakwet in Kenya and South Cotabato in the Philippines); and on three themes (Open Contracting (OC), Beneficial Ownership (BO) and Civic Engagement (CE)). A developmental evaluation approach was adopted, and OPM engaged with the SU and IRM on a regular basis concerning findings, insights and their implications.

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Overview / Summary

This issue paper responds to critical issues of civic engagement and inclusion which are at the heart of OGP's model of collaboration between government and non-government actors.

The evaluation showed that:

- Across all study locations civil society is engaging with government, although with different levels of voice and influence in different locations and across the two phases of National and Local Action Plan (NAP/LAP) co-creation and implementation.

- Engagement decreases in the implementation phase, but there is potential for growth as the SU aims to expand its support into the detailed planning, implementation and monitoring of commitments.

- Underlying the spaces and opportunities for engagement is the issue of who is engaging. A common observation is that the more engaged CSOs tend to be relatively better-funded, urban-based organisations focused on policy or advocacy. This has yielded clear benefits for the OGP process to date, particularly in terms of technically challenging reforms such as BOT and OC.

- The challenge facing the OGP is to develop better guidance and messaging to broaden the base of engagement in a meaningful way: clarifying expectations of *who* should engage, in *what* stages of the process and *why*, and *how to* support the engagement of non-government stakeholders in different kinds of reforms.

Introduction

Collaboration between government and non-government actors is at the heart of OGP. Civic engagement and inclusion are both core values and instrumental for shaping meaningful and effective reforms. The vision is to apply open government (OG) principles to all sectors and policy areas, to close gaps in access to information and participation, to advance gender and inclusion and ultimately to contribute to more equitable societies.

This paper distinguishes between non-government engagement in OGP processes (such as in OGP multistakeholder forums and co-creation) and civic engagement commitments (reforms that institutionalise spaces for civic engagement in governance – such as civic tech and open monitoring reforms). The evaluation focused largely on OGP processes, but used civic engagement commitments as an entry point for analysis in some countries. Alongside the process of non-government engagement in OGP, the evaluation explored inclusion: a focus on who engages, including marginalising factors such as gender.

Across all locations there was positive feedback that more collaborative engagement between participating government agencies and civil society is taking place. Findings detailed below give examples about what is working and what is still proving a challenge in terms of engagement across the co-creation and implementation phases as well as in terms of particular OG reforms. There are many successful experiences which can be learned from and further developed.

The evaluation discussions also highlighted some lack of conceptual clarity within the SU: the need to further define *who* should engage, in what stages of what process, and *why*. This engagement will vary depending on the national and local contexts, and at different times, so the approach needs to be calibrated accordingly. A lack of such clarity may mean that civil society voice fails to translate into influence, resulting in poorer design of commitments and reforms; and potentially that CSOs choose to disengage, or that their inclusion becomes a tick-box exercise and creates frustration. The prize is the opposite: that a virtuous circle is created and sustained, with outreach to CSOs, which are themselves responding to the need to be inclusive and accountable, supporting them to engage systematically in co-creation and implementation processes, which create potentially transformative processes for further engagement.

Key Insights

OGP is contributing to creating opportunities for civil society engagement in government decision-making on OG reforms. While OGP country platforms vary, in all the evaluation locations there was a general sense of more collaborative engagement between participating government agencies and civil society, and in some cases nurturing government reformers' belief in the benefits of such collaboration. In the Philippines, some CSOs described OGP as one of the few remaining 'safe spaces' for dialogue with government in the face of wider civic space closure.

In each country there were some CSOs that have withdrawn or disengaged from OGP processes. Some of these felt that OGP is 'too bogged down with process', or that action plans focus largely on existing government programmes. Others – in Colombia, Nigeria, the Philippines and Ukraine – perceive the OGP as presenting a 'technical/innovation space', which has limited traction on the major challenges they face. This raises questions about the overall relevance of OGP to civil society priorities, which are taken up in the Relevance and Resilience issues paper. Box 1 provides an example of enhancing the relevance of the OGP

process to address pressing issues with the support of CSOs outside of the core open governance organisations.

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Box 1 - Relevance and Inclusion

Some Kenyan citizens faced police brutality linked to enforcement of the COVID-19 lockdown. This coincided with the NAP co-creation process and the OGP COVID-19 *Open Response and Open Recovery* (OR+OR) campaign, which opened space for dialogue on police violence. The SU supported the OGP secretariat to seek out and convene open justice CSOs for dialogues on developing an agenda for a NAP commitment. In such situations, targeted work to build CSO capacity for effective advocacy and collaboration with government on public policies is key. Some SU staff suggested expanding their services or partnerships more in this direction.

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Representation and Definitions

OGP messaging on inclusion is open to different interpretations. It could refer to including under-represented and marginalised groups in co-creation, a focus on sectors currently absent from the OGP table of interest to them, or reforms that enable citizen engagement or that respond to concerns of marginalised groups and sectors.

In the evaluation locations, the 'top table' of OGP processes – the Multi-Stakeholder Forum (MSF) – mainly includes well-resourced CSOs in the 'non-government' category, often with expertise in OG themes covered by the action plans. In the Philippines, South Cotabato, and Elgeyo-Marakwet, some of these are CSO networks - providing a channel for information-sharing, eliciting inputs from wider groups, and the possibility for CSOs on

the MSF to represent and be accountable to a wider body of CSOs. In Nigeria and Colombia such representation and accountability structures are weak or absent, leading some Colombian government actors to raise questions about the basis for CSO participation, while in Nigeria the questions centred on CSO technical capacity and legitimacy. The issue of representation arises in an acute form when private sector actors are positioned to represent 'non-government' in OGP dialogues (e.g. as co-chair of the MSF in Nigeria; and in South Cotabato commitment working groups) as their orientation and motivation to engage differs significantly to that of much of civil society.

More broadly, we found quite limited private-sector engagement in OGP in most of the evaluation locations. Many private sector stakeholders feel that OGP lacks a clear value proposition and resonant language for them, despite the importance of their engagement in reforms such as BOT and OC. By contrast, in the South Cotabato OC reform robust private-sector engagement has improved rates of contract completion. This is enabled by their place in South Cotabato's tripartite MSF structure (government, CSO and private sector), and use of terminology familiar to the private sector, which nurtures strong ownership of OGP and the reforms.

Besides the private sector, the non-government category conflates a range of other groups with very different orientations and capacities: international non-government organisations (NGOs), national NGOs, local NGOs, and community-level organisations. This has a bearing on both civic engagement and inclusion, as the type of skills and experience that different groups can contribute is diverse and has value in different ways. While the breadth of definitions opens possibilities and adaptation to local realities, it also falls short of providing clear direction.

Action Plan Co-Creation

OGP guidelines, IRM indicators and SU support to civil society engagement has to date focused largely on the co-creation phase. The evaluation found that such support has been an important influence in opening space for civil society participation. We found strong examples of outreach and intention to increase civic engagement and inclusion, with positive trends and improvements over the previous plan period. However, we also observed practical challenges in broadening the base in a meaningful way, and there is a risk that exercising CSO voice without a satisfactory response from the government or clear feedback loops may create frustration and disengagement.

Examples from early action plan consultation phase include:

- In the Philippines and Elgeyo-Marakwet, the SU supported MSF dialogues on the need to broaden the base, as well as analysis of data generated from consultations, while also promoting political support, and facilitating funding through the MDTF and partners. This was crucial for enabling diverse participation from CSOs in different sectors, women's, youth and indigenous groups, community organisations, academia and the private sector. In Elgeyo-Marakwet, these groups were supported to voice their concerns and to use problem-solution trees to translate these into OG solutions. However, some Elgeyo-Marakwet CSOs noted the difficulties of translating local problems into potential OG solutions, and ultimately the influence of the facilitators, technical CSOs and government in the translation into OGP commitments.

- In the Philippines, SU support to developing a CSO Agenda as the starting point for co-creation was considered a game-changer and did influence some commitments (e.g. Last Mile Schools). But for many

priorities, no government agency was willing to take the lead, so the issues were not included in the action plan.

- In Ukraine and Colombia challenges arose from large-scale online citizen consultations. After the consultations, engagement in commitment design was largely shaped by government invitations and limited to a small number of urban CSOs and academics with technical skills relevant to OG and experience in governance advocacy. Even so, to have any CSOs engaged at this stage of 'decision-making' was often an improvement over previous action plan processes.

Examples from commitment design phase include:

- An SU pilot of commitment design workshops in the Philippines enabled CSOs to engage. Some CSOs successfully used the space to shift the focus of government's commitment from a technical focus on OCDS (Open Contracting Data Standards), to decisions on what data is made public. Some CSOs felt that the details of the OC commitment were too influenced by partners and fell short of tackling more politically contentious issues in contracting processes. This affected the relevance of the commitment to some CSOs and led to less interest in its implementation.

- The Elgeyo-Marakwet process was more effective in promoting continuity in CSO engagement beyond co-creation and into implementation. This was enabled by their membership of thematic working groups, which both designed the commitments and oversaw their implementation as well as promoting CSO ownership and influence.

Box 2 - Gender and Social Inclusion across Action Plan Phases

In the Philippines, GESI issues were included across all NAP-5 commitments, although this varied from 'counting women' attending commitment events to more substantive intentions to enable women's empowerment. In the Philippines, GESI was promoted by structured approaches, such as a section in the NAP forms which required GESI monitoring indicators for all commitments. Workshops were also facilitated on integrating GESI into the design of some commitments, supported by a Feminist Open Government (FOGO) / SU funded partner which engaged local women's rights groups in this dialogue.

In both the Philippines and South Cotabato, some agencies lacked the skills to implement GESI components and needed tailored support to apply the OGP FOGO Guidance. Such support should be available locally, given the expanse of GESI knowledge among CSOs in many countries, yet these reformers looked to the SU instead.

In Elgeyo-Marakwet, ongoing oversight in the implementation phase was provided by a government gender and inclusion focal point in the MSF - a potentially valuable role in accessing necessary support as well as promoting and tracking implementation of FOGO components of commitments.

Engagement in the Implementation Phase

A key finding was that non-government engagement decreases in the implementation phase. In some cases, engagement with implementing agencies was limited to one CSO – the commitment co-holder –and their role focused on mobilising other CSOs for consultations. Across locations, strategic partners often supported government agencies to operationalise the reform vision outlined in the OGP action plan – in doing so, influencing its direction and design. In some cases, CSO co-holders were unaware of these developments, particularly where there were no commitment working groups (e.g. the Philippines).

Commitment working groups were established in Kenya, South Cotabato and Ukraine, and provided an entry-point for their CSO members to have some influence in the implementation phase. Identifying **CSO commitment co-holders** promoted ownership, although some CSOs were concerned that it might imply co-responsibility for implementation, for which CSOs have limited resources (technical, financial, network and organisational).

Some high-capacity national CSOs expressed frustration that international partners displace them from strategic influencing roles during the implementation phase, which they could potentially play if they had funding. Others felt ill-equipped to take up such roles due to the required technical capacity in Beneficial Ownership or Open Contracting.

A similar type of 'displacement' was also seen in civic engagement reforms in the Philippines, in part because some government reformers find it more convenient to work with partners which can offer funding and technical support, thus reducing the reformers' workload. This is logical. Yet for the SU, the convenience of brokering partnerships to progress reforms might be weighed up against its potential effect in displacing CSO engagement.

Engagement in the Spaces Opened by OG Commitments

Most of the commitments included in the evaluation had CSO or civic engagement components that were, or would be, introduced as part of the reform. These included civic tech platforms to enable citizen feedback on the implementation of infrastructure projects in the Philippines, building CSO and student capacity to use OC data in South Cotabato, and access to and use of public financial data in Colombia.

The OGP platform has contributed to government willingness and capacity to develop and improve inclusiveness. In several cases, this willingness was constrained by technical capacity in regard to how to move from the vision and broad intent into practical steps of operationalisation and implementation. There was a widely experienced problem in the

accessibility of IT-based platforms intended to improve transparency, and citizen or CSO engagement and influence - affected by low access to devices and internet, and capacity or interest in using such systems and the data they contain.

Conversely, in both Elgeyo-Marakwet and South Cotabato, the OC commitments included low-tech initiatives and community forums to better enable women and marginalised groups to contribute data to open monitoring systems and to overcome the tech-related challenges.

Implications

This section illustrates the current scope of practices and approaches across OGP with a view to clarifying options and potential trade-offs, reflecting the diversity of SU and stakeholder perspectives on engagement and inclusion. A range of voices in OGP processes helps to bring in diverse perspectives, closing gaps in access to information and participation, and promoting government awareness and responsiveness to citizens' needs and priorities.

There are many potential routes for opening government and increasing its responsiveness. Some are more strongly oriented to citizens and CSOs articulating their needs and priorities; while some are oriented to processes for non-state actors to engage with government in the design and implementation of reforms which respond to those priorities. Others are designed to open government, and hence benefit citizens, even though they might be highly technical and beyond the interest and capacity of many CSOs.
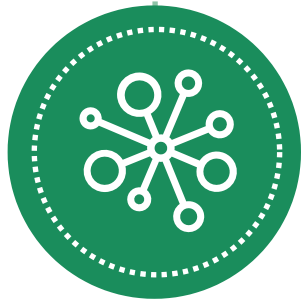
Diagram 1 illustrates the diversity of approaches and arguments observed during the evaluation. The challenge for OGP is to clarify how to make the strongest contribution, alongside other actors, including understanding potential trade-offs and avoiding unintended consequences. Opportunities might include, for example, supporting CSOs to take full advantage of the different spaces for engagement which the platform opens up, or keeping open the lines of communication with CSOs that do not currently want to work with, or appear to endorse, a particular government administration. Unintended consequences might be that a national CSO disengages, feeling displaced by international actors, or that a commitment is never fully implemented, or a reform not sustained, as it lacked wider social support in the first place.

The diagram is formed of two axes:

- **Horizontally, the focus is on the purpose of engagement and inclusion** along a spectrum between prioritising it as a normative good, or more instrumentally because reforms designed with input from those who are meant to benefit will be more relevant and strongly owned.

- **Vertically, the focus is on opening government**, distinguishing between reforms and processes.

The four quadrants in the diagram are designed as prompts to further thinking and learning. The two axes are potentially complementary and boundaries between the quadrants are porous. There can be no 'one size fits all' strategy for citizen engagement and inclusion; rather, it is a case of analysing which approach is the best fit for a particular situation and how to maximise the advantages and mitigate potential risks, often by looking at the opportunities highlighted by the focus of a different quadrant.

Figure 1 - Strengthening Engagement and Inclusion
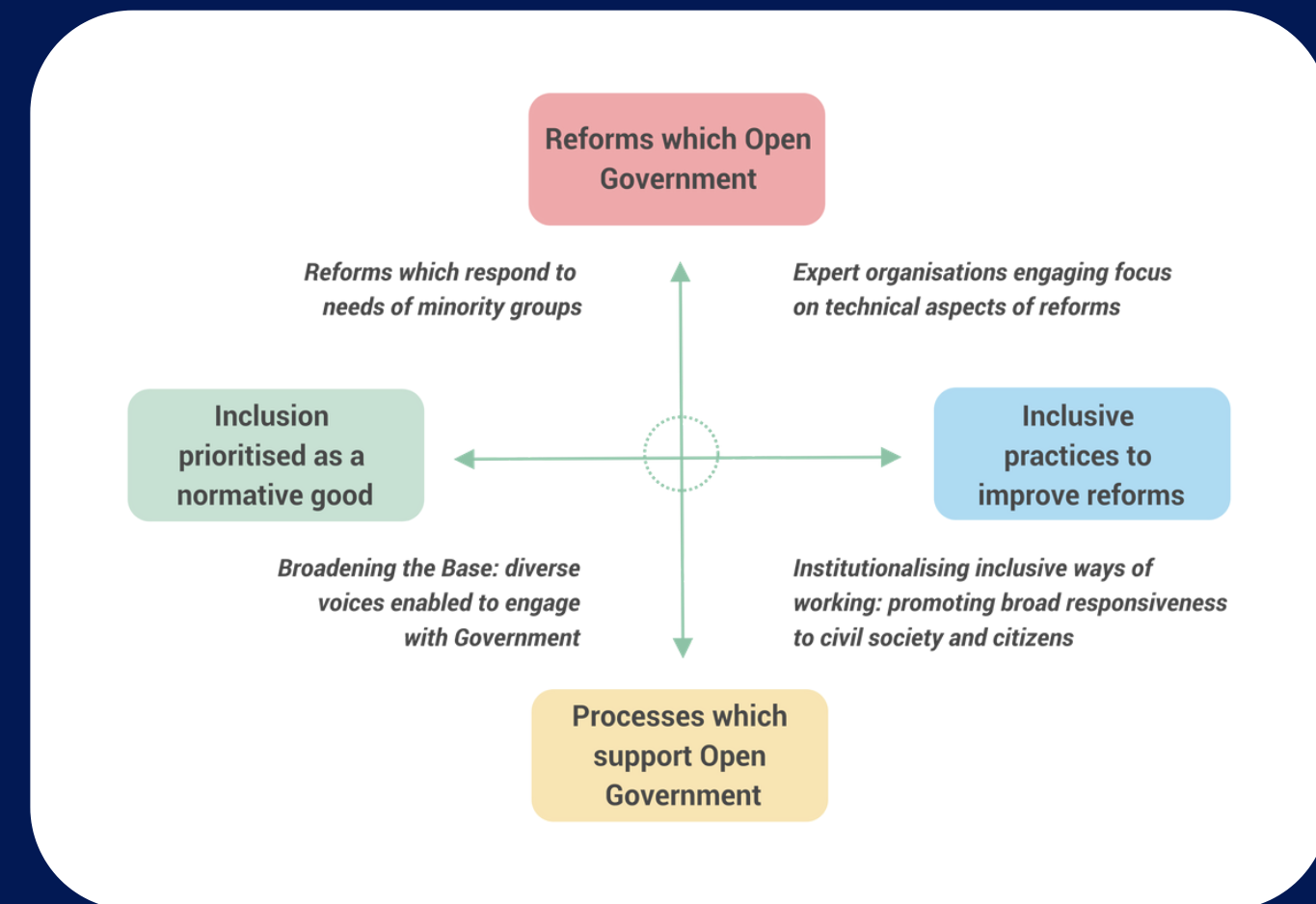
Broadening the base - more diverse voices in OGP processes (bottom-left quadrant): At present, the focus of broadening the base is in the co-creation phase. OGP processes are not always well-placed to engage citizens directly, and risk tokenistic participation, frustration and disengagement, or inefficient use of resources. Nevertheless, there are valuable opportunities for facilitating citizen engagement depending on the issue and location – with sub-national members often better placed than national members. Consideration needs to be given to the extent to which engagement should be about inviting groups into the OGP co-creation space, versus going out to groups and connecting in their spaces and on their issues. Broader engagement with national or local CSOs should build on their networks and accountability structures, to avoid tokenism or assumptions about a CSO's own representation of citizens or other CSOs.
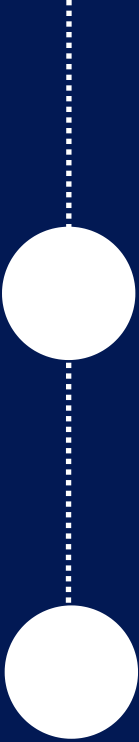
There may also be potential to widen the diversity of CSOs and private-sector organisations engaging in the implementation phase, addressing the decrease in engagement after co-creation that is currently observed. In order that voice leads to influence, and reinforces a sense of the value of participation, MSFs and their stakeholders would need to consider the intended outcome of engagement and thus which kinds of organisations need to be involved. Alongside OGP guidance, to provide clearer messages on the purpose of inclusion, the way forward could include frameworks to help MSF stakeholders identify whose participation is needed and why, within a particular context. Further work to link OGP country processes to existing public participation platforms would also be beneficial.

Institutionalising inclusive ways of working (bottom-right quadrant): A complementary approach is to focus on inclusion in the reforms themselves – i.e., citizen engagement in governance processes across key policy areas. This approach entails an expanded and more intentional SU focus on promoting civic engagement mechanisms in a wider set of OG reforms, and design dimensions that enable inclusive participation. This promotes a focus on more sustained openings for CSO /citizen/ private-sector engagement, and at a level which facilitates participation.

Such work requires inclusive practices and diverse engagement in defining and designing reforms, so that they are appropriate and reflect varied needs. In terms of scaling support, this focus of work has potential because a broad range of different CSOs bring relevant knowledge and experience in contributing to civic engagement reforms. Further support to institutionalising inclusion could include CSO engagement in monitoring reforms and pressure for their implementation. The SU might also further promote commitment working groups with CSO representation, as an entry-point for tracking implementation and engaging in decision-making dialogues.

Expert organisations engaging reforms (top-right quadrant) is a pragmatic approach to achieving reforms which contribute to open government. It is already successfully applied and is valued, not least by government stakeholders. With a strong results orientation, it prioritises the engagement of experts with the capacity to support the design and implementation of ambitious reforms. Ideally, expert organisations would be well-informed of the experiences and priorities of citizens and CSOs that are not part of the decision-making process, but in practice this is not always the case. There can be unintended consequences, with the main engagement tending to come from well-funded, urban-based organisations and the risk of these or other international partners displacing local CSOs from roles they could potentially play. With the SU's intention to look more deeply at its role, particularly in implementation support, this point needs exploring. A key question here is who are the 'experts' and whether there are more regional, national or local CSOs with appropriate skills that might be supported to play roles currently performed by strategic partners. Alternatively, with SU encouragement and peer learning, could partners develop close collaboration with local CSOs in the implementation phase, building their capacity through mentoring and funding their work? How might international donors shift their funding practices to support more regional/national or local actors beyond the familiar international ones?

Reforms that respond to the needs of marginalised groups (top-left quadrant): Here the focus is on promoting OG reforms that address inequalities, either as commitments in their own right or as components of wider reforms. This is where the OGP gender and inclusion campaign is located. Box 2 highlighted successes and challenges – stressing the value of a structured approach, supported by guidance and working with locally available expertise. Such expertise could also support work to 'broaden the base' in the bottom-left quadrant, and contribute to capacity development in engaging with government structures and processes, hence securing meaningful CSO engagement in institutionalising inclusive ways of working and contributing to expert technical design processes (top-right quadrant).

In terms of entry points for engagement and inclusion, some policy areas are more amenable to broader and deeper CSO participation than others. For example, public service delivery reforms where 'results' and outcomes are about the experience of citizens, compared to policy reforms such as BOT, where the outcomes of implementation may not affect citizens immediately, and which may require SU advocacy in the lower quadrants as the entry point.

An underlying theme of work to strengthen citizen and CSO engagement is adequate funding. This poses significant challenges for OGP in its relationship with strategic partners, governments and current and potential CSO partners. It is well understood that sustained CSO engagement requires resourcing, and yet even were it possible, there are significant risks for OGP in being perceived as a conventional donor. Holding more meetings online has significantly reduced costs, but virtual participation still entails costs and technical challenges. Funding issues are taken up in the Ambition and Implementation paper.

Next Steps

The points below are based on the research observations and evaluation dialogues with the SU and are intended to contribute to OGP planning and strategy review.

Short term and practical

- Consider building on the mechanisms that worked (e.g. commitment design workshops, GESI prompts in commitment template and workshops, targeted CSO mobilisation).

- Support MSFs and CSO secretariats to be more intentional about inclusion and their structures for CSO accountability: At the start of co-creation, there should be a mapping of the civil society landscape, to understand whose engagement is needed and how to make it meaningful.

- Provide clearer messaging to MSFs about the benefits of CSO engagement in the implementation phase.

- The SU should consider working with partners to ensure they understand their roles in relation to local civil society and CSO engagement - with a view to building local capacity and sustainability, and to avoid the risk of unintentional displacement of civil society by partners.

Medium term and strategic

- OGP's vision and messages on 'inclusion' encompass varied approaches but lack clarity on 'who' is envisaged as participating in what processes, and why. Greater SU clarity on the purpose and scope of inclusion in different processes and kinds of reforms would be helpful, supported by messaging and guidance.

  - Develop clearer messaging on the 'why' behind inclusion.

  - Improve guidance and clarity on the 'who' behind inclusion. Mapping potential groups could be a starting point, linked to being specific about different OGP/OG phases, such as problem identification, prioritising issues, developing and drafting commitments, implementation and monitoring. Some country actors or MSFs would be well placed to do this.

  - Consider how to communicate without it being too overwhelming and burdensome: navigating the tension between broad frameworks and specific standards.

- Develop a framework to improve measurement of who engages and influences at what stages of OGP processes, underpinned by an understanding of the value of inclusion in different policy themes and country contexts.

- Enhance the SU's role in supporting civil society engagement. Strengthening inclusive engagement may require more SU support at country level, such as through facilitating MSF dialogues and promoting the inclusion of GESI prompts in commitment design forms.

- Define the OGP's role in creating or facilitating mechanisms for CSO funding, particularly for emerging priority policy areas.

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