

Call for inputs
Report of High Commissioner
"Civil society space in multilateral institutions"



The Open Government Partnership

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1. The Open Government Partnership (OGP): Introduction

[The Open Government Partnership](#) (OGP) is a multilateral initiative that aims to secure concrete commitments from governments to promote transparency, empower citizens, fight corruption, and harness new technologies to strengthen governance.

At the national and sub-national level, the OGP process brings together domestic reformers committed to making their governments more open, accountable and responsive to citizens. Governments signing up to Open Government Declaration [[link](#)] and joining OGP, commit to i) working with civil society to develop and implement concrete policy commitments through the biennial National Action Plans, and ii) have the national OGP process and progress on the implementation of National Action Plans assessed by OGP's Independent reporting Mechanism. In the spirit of multi-stakeholder collaboration, OGP is overseen by a Steering Committee including representatives of governments and civil society organizations.

The Open Government Partnership formally launched on September 20, 2011, when the 8 founding governments (Brazil, Indonesia, Mexico, Norway, the Philippines, South Africa, the United Kingdom and the United States) endorsed the Open Government Declaration and announced their country action plans. To date, OGP has helped deliver close to 3,000 commitments in 74 participating countries and 15 sub-national pilots.

OGP commitments cover an increasingly broad range of issues and themes, from access to information (elections and political finance records management, FOIA legislation) to anti-corruption (asset disclosures, audit and controls, conflicts of interest, lobbying and regulations, whistleblower protection), citizen engagement (e-petition, public participation, social audits, etc.), infrastructure and public procurement (beneficial ownership, transparency, integrity pacts, open contracting), legislative and regulatory openness, open judiciary, public finance (citizen budgets, fiscal openness, participatory budget) and public services (delivery improvement, e-government, open data).

2. How does OGP support civil society?

At the core of OGP's unique model is putting civil society in the heart of the policymaking process. It is the practice of bringing together civil society and governments, to collectively determine and implement concrete policy commitments that promote transparency, accountability, and public participation across sectors. The OGP model in itself is structured to create and safeguard an equal seat at the table for civil society to co-create open government reform with government, but a vibrant civil society base at the country level is key to maximizing the potential of this model.

Through its 2016 [strategic refresh](#), OGP is positioning itself as a collective, positive global movement for openness and deeper democracy, and as a countervailing force against the rise of closed governments.

OGP Mechanisms that create space for civil society in policy conversations

Governance structure: civil society and government have equal seats at the table

The OGP [Articles of Governance](#) specify that OGP Steering Committee is composed of equal government and civil society representation, led jointly by a Co-Chair from each stakeholder group. At the country-level, OGP requires that countries follow [Participation and Co-Creation Standards](#) to model OGP's values of shared leadership, decision making and consultation. The Steering Committee also has a Criteria and Standards subcommittee that is mandated to exercise oversight on any cases of countries acting contrary to OGP values.

OGP Participation and Co-creation Standards

The OGP Articles of Governance specify steps that governments are required to take for consultation with civil society. Initially developed as "consultation guidelines," these determined ways in which government needed to disseminate information and invite civil society. Through their participation in the OGP process, civil society across the different OGP countries recognized that stronger guidelines need to be in place to mandate government to involve civil society not just in the identifying National Action Plan priorities, or drafting the National Action Plan, but also through the implementation and monitoring of commitments in the plan. Following a review by the Steering Committee, the more ambitious [OGP Participation and Co-Creation Standards](#) were launched in early 2017, that push for greater ambition and accountability on the part of governments towards the co-creation process. The new standards also seek to promote the need for dialogue across all phases of the OGP National Action Plan cycle - development, implementation and monitoring.

OGP Multi-stakeholder Forums: enabling sustained dialogue between government and civil society

OGP encourages all countries to establish multi-stakeholder forums, that serve as mechanisms for sustained dialogue between government and civil society, across all stages of the National Action Plan process. The idea behind these forums, created and run differently in different countries, is to have both civil society and government represented in equal number and with well-defined roles to draft and implement the National Action Plan process. This helps ensure that civil society has a mandated place in the OGP process, and is not only informed and involved in the decision-making process at the whim of the government in question. Currently about half of the OGP countries have a multi-stakeholder forum in place to foster permanent dialogue between civil society and government throughout the OGP process.

OGP National Action Plans: at the core of OGP's reform model

The National Action Plan is a key lever of the OGP theory of change. The OGP National Action Plans lay the imperative for countries to commit to timely, concrete policy reform proposals identified as being among the top domestic priorities. Given that the OGP process mandates a seat at the table for civil society to determine these priorities, there is room to advocate for policy commitments on protecting

and safeguarding civic rights, on strengthening operating structures for the independent functioning and viability of civil society organizations, etc. To cite two examples. This is also a valuable entrypoint way for international networks to work with local partners to scale similar reforms across different countries, and to implement international norms at the domestic level.

Civic space as an integral part of open government efforts

Eligibility: robust criteria for civil liberties

OGP's [Eligibility Criteria](#) function as the entry barrier for countries to join OGP. In place since the Partnership was established in 2011, these are based on a country's performance across globally recognized indices in four areas: fiscal transparency, access to information, asset declaration by public officials, and citizen engagement. The founders of OGP recognized that for any government to take open government reform seriously, basic levels of engagement with civil society and public dialogue are essential, and this includes basic protection of civil liberties. The most debated among the four criteria, the civil liberties score is currently based on the EIU Democracy Index's Civil Liberties sub-indicator.

Recognizing that the political context has changed since OGP first adopted these eligibility criteria, they were recently reviewed by its Steering Committee. There has been a long-standing [demand](#) from civil society to strengthen the eligibility criteria, especially as they relate to issues of civic space and civil liberties. In July 2017, the co-chairs of the Criteria and Standards subcommittee put out a public [call](#) inviting submission of ideas on ways to strengthen these criteria, following which a recommendation was made to the full Steering Committee and in September 2017, additional "values check" was [instituted](#). This Values Check would be measured by country scores on two Varieties of Democracy (V-Dem) indicators, namely "12.2: CSO entry and exit - To what extent does the government achieve control over entry and exit by civil society organizations (CSOs) into public life?" and "12.3: CSO repression - Does the government attempt to repress civil society organizations (CSOs)?" Countries who wish to join the Partnership in the future will need to be eligible according to the current four OGP eligibility criteria as well as pass the Values Check.

The OGP Response Policy

Anticipating that the crackdown on civil society may hamper their participation within OGP, the OGP Steering Committee instituted the [OGP Response Policy](#). The policy acknowledged that "there may be issues outside the scope of National Action Plans that have a major impact on successful participation in OGP, and creates an opportunity to address them. This may include restrictions on basic freedoms, access to information and the overall enabling environment for civil society." In May 2016, Azerbaijan became the first OGP country to be made inactive under the OGP Response Policy. This policy was specifically instituted to hold countries accountable to the Open Government Declaration they signed when joining OGP, including key human rights and civic space and working closely with civil society.

The Independent Review Mechanism (IRM)

While the potential of realizing impactful reforms through OGP Action Plans is significant in and of itself, what gives it teeth is OGP's accountability framework, operationalized through the Independent

Reporting Mechanism (IRM). The IRM is the independent entity that evaluates the extent to which the commitments reflect the values of OGP (as set out in the Articles of Governance), the degree to which governments have followed OGP guidance on co-creation of the Action Plan with civil society, the potential results of the commitments, and the extent to which the commitments have been implemented (at the end of the two-year cycle). The IRM publishes country reports, highlighting mid-cycle and end of term progress reports that go beyond looking at the Action Plan in isolation. The reports take into account country context and current political dynamics, highlighting among other things, concerns on civic space issues as may be prevalent.

The IRM country reports also serve as advocacy tools for civil society, since they provide value data and qualitative analysis on the country's commitment to, and progress on issues key to opening government.

3. How civil society fares in OGP

Since OGP was launched, we have helped pass a law to regulate influence peddling in government in Chile, create a public registry of beneficial owners of companies in the UK, enable citizens to access the national budget through mobile phones in Liberia, conduct a referendum on equal marriage in Ireland, and Implemented citizen participatory audits for public works projects in the Philippines. OGP has enabled landmark reforms in many countries, and is successfully moving the needle on an increasingly wide range of open government reforms in others. The passage of these key commitments has been to a great extent due to strategic advocacy and engagement by civil society on the OGP platform. Take a look at our 2015 video on what OGP has done for civil society [here](#) and see the infographic [here](#).

Our civil society partners confirm this. OGP's 2016 Mid-Term Review survey saw 77% of respondents confirm that **reform-minded groups in civil society had become somewhat or significantly more influential** as a result of OGP's presence and the action plan process. A further 60% stated that **citizen-government relations have become more cooperative** in recent years. OGP's latest civil society survey (results to be published soon) has again returned encouraged results: 60% of respondents say action plans cover a majority to almost all civil society priorities, which means **OGP is a tool that gets CSO priorities delivered to a high extent**.

4. A closer look at OGP commitments

The below are examples of the civil society 'wins' OGP has helped enable. For a comprehensive overview, please check our [website](#) or the [OGP explorer](#).

- **Costa Rica's** indigenous communities were historically overlooked by governments who consistently denied them legal right to be consulted. Costa Rica had signed the Indigenous and

Tribal Peoples Convention that mandates a “free, informed and timely” consultation mechanism. It took 23 years - and less than year after making the OGP commitment - for a consultation mechanism for indigenous groups to finally get off the ground. To rectify the long-running issue, a dialogue between the government and an association of indigenous territories was included as one of several commitments in Costa Rica’s OGP National Action Plan. Less than year after making the commitment, a consultation mechanism for indigenous groups got off the ground. The domestic dialogue resulted not only in the creation of this mechanism, but in a stark improvement in public service delivery in the region in the wake of community consultation - in areas of health, housing, and water, among others.

- **Côte d’Ivoire** is training five subnational governments in participatory budgeting practices, to empower women’s groups in determining budget priorities based on the local community’s needs. Local civil society representatives have helped surface a wide range of proposals - from new wells and the purchase of a shredder for on-site processing of cassava to the establishment of a job training centre for youth - that were adopted and are on their way to being implemented.
- The **UK** hosted the London Anti-Corruption Summit in May last year. Over 40 countries made commitments to tackle grand and petty corruption. While several remained only on paper, currently, **across the 22 national action plans published by OGP countries who were at the Summit, over 45 commitments have been taken from the Summit and embedded in the action plans.** This gives civil society partners another tool in the toolbox to push their governments to act, and to hold them accountable when they fail to do so.
- **Ukraine**, over the span of two action plans has incorporated six different commitments that range from drafting a law on peaceful assemblies, introducing legislation to facilitate procedures to establish community associations and safeguards for their operations to amend Cabinet resolutions on public consultations and civil society engagement.
- **Macedonia**, with eight commitments over the span of all its three action plans has focused primarily on building a strategy and regulations on civil society-state cooperation. Including one of its most recent commitment, acknowledging the key role of non-governmental actors to support government service delivery. Committing to develop a legal favorable environment for organizations and government to establish contracts on social service delivery.
- **Indonesia’s** Linida, launched in 2013, serves as a platform to gather information on village assets and opportunities to improve socio-economic lives of villagers. Linidia was created in response to low levels of public participation in development planning and monitoring of local budgets and calls by citizens to improve transparency in budget allocation and public service provision. Groups were formed by villagers and facilitators were recruited and trained in participatory planning, budget literacy, access to information and social auditing. In most villages, Linida facilitators act as village spokespersons to ensure community proposals are included to sub-district and district meetings for approval in the local parliament. In 2016, the Government

of Batang allocated 250 million to support the implementation of Linida in 10 villages. Linida has helped improve the capacity of local government and civil society and increased their awareness of open government principles.

5. OGP & Civic Space

Shrinking space for civil society is a worldwide trend. Recent data from CIVICUS shows that 108 countries are now in the [CIVICUS Monitor's](#) 'obstructed', 'repressed' and 'closed' categories, which indicate serious restrictions of civic space. Only 23 countries are now counted in the 'open' category. OGP countries - who've signed up to values of openness and collaboration with civil society - are not immune to this. While several OGP countries are making important strides in the field of tackling corruption, we are unfortunately also seeing a step backwards, with examples such as introduction of new laws that target NGOs.

That being said, the **statistics for OGP countries are marginally better than those of non-OGP countries. 12 of the 23 'open' countries are OGP countries, and none of the 21 closed countries are OGP countries.** This mirrors what other studies have found as well: EIU analysis, for example, found that while civic space declined in OGP countries, it did not decline as much as it did globally, or in non-OGP countries.

OGP's results to date illustrate that OGP can and should position itself as a countervailing force, fighting populism and defending civic space and civil liberties. It has a proven approach for doing so, and it can draw on committed government and civil society reformers to help build open, responsive and accountable governments whose relationship with their citizens is anchored not in fear, conflict and competing interests, but in trust, mutual understanding a collaboration.

