

FORMATIVE EXPERIENCES

INTRODUCTION

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By September 2011 some of the Action Plans presented by the eight founding member states had been developed with little or no input from civil society. Consultations had either been rushed or had been approached in a 'classical' way that involved limited stakeholder input. All the venues had been in capital cities and the only forums for publication had been government websites. Time was cited as the major constraint and thus many processes had been hurried, to the detriment of transparency and inclusion. For the most part, the principles designed to underpin the OGP consultations were not applied.

This bumpy start was often indicative of a lack of experience; many governments and civil society organisations had no track record of working together on open and participatory policy-making processes. In Brazil, Mexico and the UK, both the content and the process of developing the Action Plan provided the impetus for civil society to become better organised and to lobby for a more meaningful dialogue with government. Revised or expanded Action Plans have subsequently emerged. Produced with greater collaboration and more meaningful involvement, they are products of which civil society has greater ownership.

For the second wave of countries that joined in September 2011, having had only six months to prepare their Action Plans, their experiences of managing these processes have been mixed. Countries that have engaged civil society in a participatory and inclusive manner from the start and have managed their time effectively have found the process of collaboration to be enriching and beneficial. It has yielded a better quality document that is owned by government and civil society alike. For those who have dragged their feet or elected for a less participatory path, the road remains bumpy.

COUNTRY ARTICLES AND EMERGING LESSONS

Here we present eight country articles from Brazil, Croatia, Indonesia, Moldova, Montenegro, Peru, Ukraine and the UK together with the lessons that have emerged from their experience of establishing the OGP. These address the consultation and action-planning phases and illuminate how countries are learning about and institutionalising the various structures and processes involved. During the months of February and March 2013, a select but diverse group of over 30 civil society and government representatives from 15 countries¹ was interviewed about the various processes undertaken in the development of their Action Plans.

¹Brazil, Costa Rica, Croatia, Ghana, Indonesia, Kenya, Mexico, Moldova, Montenegro, The Netherlands, Peru, the Philippines, the UK, Ukraine and the US.

EMERGING LESSONS

STRUCTURAL ISSUES

1. A sure and solid start to the ogp processes at country level is vital.

Where governments have been proactive and transparent about informing and involving civil society at the outset, this has helped to create the right foundation for a collaborative relationship. A good example of this is provided by Peru. Where such processes have been hurried and have not been participatory, civil society ownership of the initiative has been compromised. Giving civil society the scope to self-select and organise, or equal power in governance mechanisms also contributes to a positive start. Furthermore, it is imperative that the OGP secretariat or focal points be installed within the most appropriate government department. They must be equipped with sufficient staff, knowledge and resources and backed by high-level political support and leadership.

2. For civil society organisations to have meaningful and substantive involvement in the ogp process, they need to be proactive, organised and coordinated.

Where civil society is half-heartedly involved, sceptical about its own powers or fails to assert its position as an equal partner, it will continue to dance to the government's tune. Where civil society is passive, progress remains sluggish. Sustained knowledge and expertise coupled with unified action also provide a solid platform for lobbying. This may involve calling for government to take an alternative path, for the contents of the Action Plan to be changed or demanding more inclusive and fairer processes. This unity is critical to advocating for OGP at both national and international levels.

3. The effectiveness of civil society is substantially enhanced when an organisation is nominated (by civil society) to coordinate its actions.

To assume responsibility for the tasks mentioned under point 2, the coordinating agency must have the necessary skills, time and acceptability. It must look further than its own agenda and must have the interests of the broader civil society community at heart. The coordinating agency, staffed by dedicated people working on OGP processes, functions best when it has financial support independent of government, as is the case in the UK and US. It has staff and travel costs to cover and will need its own communication tools. This may involve, for example, building and maintaining websites.

4. The steering committees that function best are those with multisectoral representation.

The relevant 'sectors' are government, NGOs, think tanks, the private sector and academia. When all these parties sit down together to develop and monitor the implementation of the Action Plan in a participatory way, progress is made. Where governments have been proactive and open in informing and involving CSOs from day one, the most success has been achieved, even though the process has been challenging. Croatia exemplifies this well. Civil society representation should be equal and should be sought in an open and transparent way using such processes as self-selection, application and election. For their part, civil society representatives should provide sufficient capacity to fulfil their role effectively. This includes acting as 'information hubs' and communicating with civil society at large. It has been important, particularly during the formative stage, for the steering committees to meet frequently. This helps to establish the team and build trust, both necessary if people are to work together. Regular contact with government is also required. The process of building trust and cooperation with both government and CSOs is time-consuming.

5. Representation on the national steering committee (CEOs of NGOs, permanent secretaries, directors of government departments) provides the necessary high-level endorsement.

The OGP path is much smoother when it is backed by political will and commitment. Where countries struggle to ensure the regular participation and attendance of those involved in the process, a strategy of nominating two persons per institution can be helpful. When it comes to 'doing the work', it is important that thematic technical working groups are established. Moreover, they can evaluate progress on the commitments and take commitments to the next level. Often these meetings between civil society and government officials have developed into important alliances and over a sustained period have influenced decision-making and led to positive changes. They have also helped to highlight that civil servants are equally interested in the well-being of society. These individuals have the potential to become allies and it is

CONSULTATIONS AND ACTION PLANS

important not to consider them as the opposition. Likewise, rotating the meeting venue and chairing responsibilities of the steering committee between government and civil society are a strategy that fosters further ownership and responsibility, as has been seen in Indonesia, for instance.

6. The purpose and objective of consultation must be clear and should be clearly articulated at the outset.

Round tables, open spaces, focus group discussions, workshops, hackathons and ICT summits are examples of the events organised to raise awareness of the OGP and for gaining inputs for the Action Plan from government, broad civil society and citizens. It has been fruitful for steering committee members to participate together in a 'roadshow', holding face-to-face meetings and events, within and outside the capital city and major urban centres. Face-to-face events and meetings, although time-consuming and often costly, are imperative. Online strategies, while complementary, are not a valid substitute.

7. Technology alone cannot serve as a 'magic bullet'.

A comprehensive consultation strategy embraces and integrates technology as a tool that supports and fosters an inclusive process. It is important that structured online virtual dialogues are combined with requests for ideas, submissions and proposals as well as face-to-face meetings and conferences at which ideas are further discussed, refined and put to the vote. Social media – posting comments and other information on Twitter or Facebook – has the power to reach large national and international audiences (including the diaspora) and can provide citizens with information about OGP processes. However, it does not automatically mean more openness. Strategies to expand participation beyond a select group of activists and techies are important and necessary. In short, the various online opportunities have the potential to reach a different and much broader audience if applied correctly.

8. Time is cited as a constraint but it can also serve as an incentive to move things along.

It is a resource that needs to be managed efficiently and effectively. Delaying the processes leads to the Action Plan being drafted hurriedly, with sub-optimal and restricted consultations. Often only a handful of established or known civil society actors are then involved, usually those based in the capital city. Consultations should ideally not coincide with political transitions, be they elections, regime change or even a presidential death. Such events tend to delay or stall the processes as new or different priorities come to the fore. This has been the case in Ghana, for example.

9. For government, engaging with civil society actors who are part of the 'elite' and/or among the 'usual suspects' is often easier and enables a 'less painful' process.

It is important to bear in mind that sometimes for these 'favourite' civil society organisations, access and information equate to power and influence, and some may not be keen to give up or share this position of privilege. Involving a broader set of actors, from within both government and civil society, not only makes the process more inclusive but also more robust. The broad involvement of CSOs and the collaborative process of developing the Action Plan have undoubtedly raised the quality of Action Plan commitments and activities.

10. When broader, more inclusive consultations are the aim, a 'one size fits all' strategy is inadequate.

This is particularly true where multicultural, multi-ethnic and multilingual populations are involved. Where inclusivity and broad representation have been adopted as the core principles of engagement, participation is being extended to include a broader cross-section of civil society – unions, NGOs, social movements (e.g. LGBT, women, afro-descendants, the indigenous, the homeless), faith-based organisations, young people, students, older people and so forth. Quotas or a requirement for minimum numbers of representatives from different regions and states can further help to ensure balanced and inclusive participation, as was achieved recently in Brazil.

11. International development partners (such as Open Society Foundations, the World Bank, the United Nations, embassies, the European Union Delegation) can provide valuable support in promoting the OGP.

This can take the form of helping to organise and provide funding for consultation meetings, conferences and awareness-raising sessions; building local capacities through training workshops; conducting research; and providing technical assistance and guidance to both government and CSOs. In cases where government and civil society have been at loggerheads or where civil society has lacked trust in the government, international partners have been pivotal in playing a neutral and objective role, facilitating dialogue and cooperation 'behind the scenes', as has happened in Ukraine.

12. Private sector engagement is still embryonic.

While the private sector is considered an important partner by most countries, strategies for its meaningful involvement in the action-planning process remain patchy. Chambers of commerce, for example, have been involved in some consultations, but to date

their representation on steering committees is limited to one or two countries, such as the Philippines. Most countries have yet to find suitable private sector partners who have substantive experience of fighting for governance reform and who could be an ally rather than an adversary. This issue resonates with the relatively low number of commitments dealing with the fifth Grand Challenge on corporate accountability.

13. The media has a role to play in realising the changes envisioned by the OGP.

If it is to be effective, the media must expand its involvement and act in a more structured way. This applies to all three aspects of the OGP process: transparency, accountability and participation. More meaningful media involvement in steering committees and throughout the consultation process is critical. However, as the media regards the OGP as neither 'bloody or sexy', it remains a challenge to secure any type of media involvement. Engaging journalists in skills-building activities and awareness-raising events related to open data have been important strategies while other countries have chosen to co-opt independent journalists or media organisations onto the steering committee, as has been the case in Peru. It has been shown repeatedly that the media has a valuable part to play in making the connection between national policies and their impact on the lives of ordinary people.

14. Inputs, comments and feedback are central to the entire action- planning process and must be actively solicited.

Firstly, to enable amendments to be made to the document, draft Action Plans should not be posted on websites in PDF format. Secondly, as experience in Moldova shows, the use of track changes between rounds of consultations helps to generate new inputs and provide contributions to the final Action Plan. Lastly, it is essential that feedback be provided about which inputs from the consultation process have been included and which ones have not (with reasons). This can take the form of a summary document. It is necessary that more time and human resources be invested in this area as it ensures that the process draws more meaningful submissions and it sustains the motivation of those who have contributed.

SHARING, LEARNING, AND INSTITUTIONALISATION

15. The mainstreaming of open government principles into other development sectors (e.g. education, tourism, environment), levels, plans and strategies presents a variety of opportunities.

It can increase the participation and ownership of government departments and CSOs and this, in turn, makes the practice of open government more robust and stable. By involving more local actors (municipalities, community-based organisations), the links between national policies and practices can be strengthened. Many OGP Action

Plans have a strong e-Government agenda and focus on open data. Connecting the OGP to a much broader national agenda can increase its impact and strengthen and broaden the base of reformers.

16. Learning and sharing across borders, regionally and more globally, is increasingly happening both formally and informally, online and offline through international network meetings, webinars, regional exchanges, research, evaluations and the sharing of documents and experience.

To date, this mostly involves understanding how OGP works and learning how best to 'do' OGP, as well as learning from the CSO-government cooperation. Over time, opportunities will arise for other types of learning, and for tackling the substantive issues involved in making open government work more effectively. Both government and civil society appreciate being part of a global network/movement and value their participation in the exchange of experiences and knowledge.

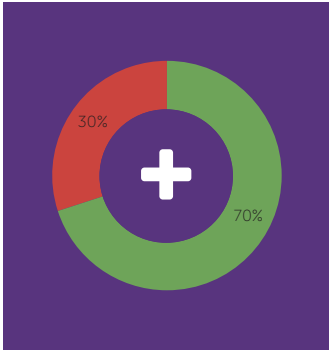
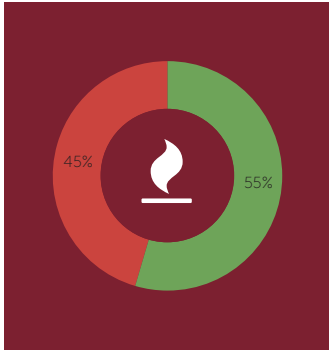
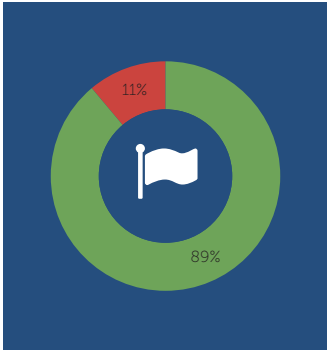
17. Deadlines that force action, such as the hosting of major international events (such as US September 2011, Brazil 2012, Dubrovnic 2012), and the assumption of the role of co-chair have served to facilitate, fast-track and even accelerate policy-making processes and OGP processes themselves.

They have pushed governments to develop their Action Plans in a timely manner. These landmark events provide learning opportunities for key actors, exposing them to international best practice. They also help to raise the bar and expectations among government and civil society with regard to their own Action Plan.

GOVERNMENT RESPONSE **CIVIL SOCIETY RESPONSE** **COMBINED RESPONSE**

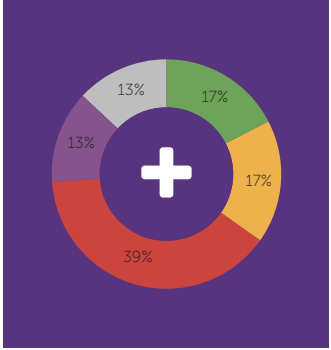
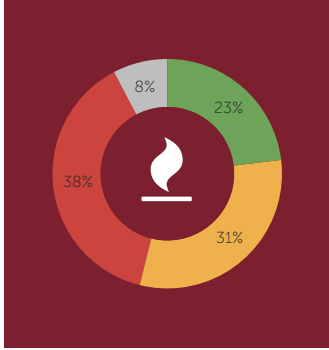
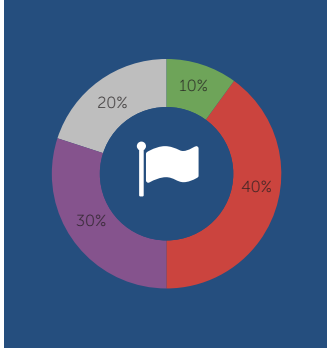
Did the process of developing the first action plan help to increase the trust and cooperation between civil society and government?

● YES
● NO



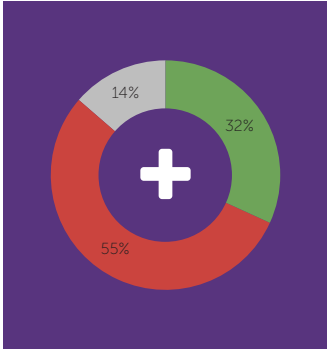
What percentage of civil society inputs are reflected in the national action plan?

● 100%
● 75%
● 50%
● 25%
● 0%
● DON'T KNOW



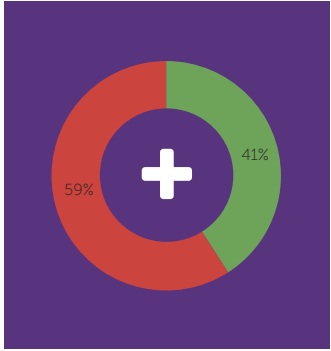
Has civil society undertaken a self-assessment of the consultation process?

● YES
● NO
● DON'T KNOW

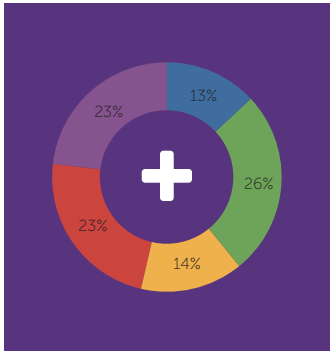
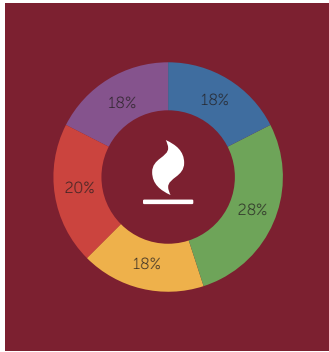
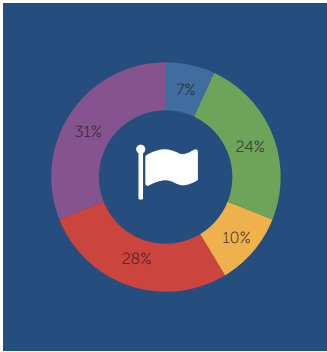


Did you refer to OGP processes in other countries?

● YES
● NO



Motivation for governments to get civil society involved in the action plan process?



LEGEND: ● PR/Publicity ● Requirement of OGP ● Good to do ● To listen to various views of stakeholders ● To make better and more informed decisions

LEVELS OF CIVIL SOCIETY INPUT INTO ACTION PLAN

