MOBILISING PEOPLE: CONNECTING AGENTS OF CHANGE

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Short Session Report: Global Solutions

Session Title: Open Government Partnership: Empowering Citizens through Transparency and Civic Participation

Date & Time: November 8th, 2011. 3-5 pm

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Experts:

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Moderated by:
Luiz Navarro, Vice-Minister, Office of the Comptroller General of Brazil, the Government of Brazil

Session coordinated by:
Stuart Crampton, Anti-Corruption Advisor, U.S. Department of State, and Roberta Solis Rebeiro of the Comptroller General's Office (GCU), Government of Brazil.

Main Issues Covered (500 words or more, narrative form)

The session focused on the following issues:

1) There are several ways in which the Open Government Partnership (OGP) combines efforts by - and builds a stronger partnership between – government, civil society, and (in some cases) the wider citizenry in order to A) promote transparency, accountability, and good governance, B) to empower citizens (to involve them in the policymaking process, as well as in the implementation and monitoring of government programs and budget allocation that affect citizens' daily lives), C) to fight corruption, and D) to harness new technologies to improve good governance;

2) The benefits of membership in the Open Government Partnership are tangible and can include A) the strengthening of government-civil society-citizenry partnerships and interactions, all of which can lead to greater citizen input into policy-making decisions and, thus, better governance; B) opportunities for OGP countries to tap into other OGP countries' expertise, and to share best practices and lessons learned regarding the fight against bad governance and corruption; C) the pursuit and emergence of more cost-effective policies and governance (saving tax payers' money), as well as an overall positive economic impact afforded by transparent and open governance, including increased attraction of investment; and D) opportunities for OGP countries to benefit from the OGP Networking Mechanism, which can connect governments and civil society groups to technical expertise from multilateral organizations (such as the OECD, UNDP, UNODC, the World Bank, etc);

3) The importance of the OGP's new peer review mechanism (the Independent Reporting Mechanism) cannot be understated, and its effective application and functioning will determine to a great extent the ability of the OGP to succeed in delivering on its principles and commitments;

4) There is significant complementarity that exists (or at least can exist, depending on the country) between the OGP and other anti-corruption tools and frameworks that many countries (including non-OGP countries) are already involved in, including the UN Convention against Corruption and the OECD Anti-Bribery Convention, and countries (including non-OGP countries) can take advantage of this complementarity to advance the application of OGP principles;

5) There is significant creativity and sense of leadership being applied to the OGP by countries like Brazil, and this includes innovative efforts to establish a two-way street between citizens and governments, which (in the case of Brazil) even entails leveraging information technology (government web sites) to allow citizens to vote for (decide) which priorities should be included in the next generation of OGP action plans;

6) The OGP is not just an anti-corruption initiative, and it includes a focus on government service delivery and creating safer communities;

7) Corruption is a symptom of bad governance and the breakdown of connections between people and their government (and a failure of oversight of government by the people);

8) There was a special focus on the power of the right to information (the right to access government-held information) and its potential to not only fight corruption but also to educate citizens, to advance good governance (including service delivery and democratic processes), and to advance development, including by reducing poverty and inequality;

9) There was discussion about the use in India (and elsewhere) of the right to information in order to compel government representatives not only to share records with the citizens but also to share what is being submitted to - and considered by - legislators, even before it becomes law (or record), allowing citizens to provide input and react before a government decision is taken;

10) Across the world, there are many unchecked dangers that await activists who doggedly pursue the right to information (citizens' right to access government-held information), including retribution killings intended to discourage other activists;

11) There was discussion of the potential of the OGP to facilitate valuable exchanges of information (and lessons learned) across the world, including between civil society and governments in OGP countries and their counterparts in non-OGP countries;

12) There was discussion about the large degree of demand for open governance in Indonesia (including the demand to involve citizens in

decision-making processes, including at regional and local levels) and an increased expectation by citizens for press freedom have strengthened the Indonesian Government's commitment to the OGP (an example is the current co-chairmanship that Indonesia's Government recently assumed within the OGP Steering Committee);

13) The legacy of corruption is a stubborn one in Indonesia (especially among law enforcement) and continues to present obstacles to Indonesia's ongoing efforts to apply the OGP principles across the board;

14) The lack of political will among some governments can prevent and in some cases is preventing adequate consultation between governments and civil society on OGP action plans, and the question of political will is likely to remain the OGP's number one challenge to overcome;

15) The OGP requires a shift in public willingness ('public will') to engage with the government, and this citizen willingness is still absent or inadequate in too many countries, including in eastern Europe;

16) There was discussion of the failure of many civil society groups (including those involved with the OGP) to extend their reach/impact outside urban areas and to connect with and draw strength from citizens who are losers within the systems of corruption entrenched in their countries;

17) Technology can be a powerful tool for promoting transparency and good governance, but technology in itself (especially without political will and citizen engagement) is not a panacea for bad governance;

18) There are an increasing number of instances where multilateral organizations such as the UN Development Program are undertaking efforts to advance - and partner with - the OGP in regions such as eastern Europe, including by providing OGP countries with technical assistance, encouraging OGP governments to make greater strides in implementing their action plans, serving as a neutral convener to ensure proper consultation between government and civil society representatives on action plans, and promoting the use of technological tools to collect valuable information and advance good government;

19) Despite the announcements and addition of member countries each few months, what makes up the OGP is (in most countries) still largely limited to commitments on paper, and another, related challenge to the OGP over the years to come is that there may be a constant temptation among many countries to only reach for the low-hanging fruit (to pursue only 'easy' or small measures via the OGP), rather than more meaningful or game-changing measures;

20) The OGP has done much better in involving civil society (especially compared to the framework of the UN Convention against Corruption), but we will have to wait and see whether the OGP and its individual members succeed in making good on that commitment;

21) A significant effort is needed within the OGP and other transparency initiatives to avoid the collection of "zombie data" (data that are not user-friendly and/or are not managed well). The provision of data that citizens cannot use does not advance transparency; it only provides the window-dressing of transparency. This need for better managed and user-friendly data is particularly acute in light of the massive amounts of data regarding corporate behaviour in the natural resource sector that could be forthcoming soon, if pending legal challenges in the U.S. fail to cripple the transparency provisions contained in the U.S. Dodd-Frank Financial Reform Act, and if the EU passes measures (as expected) similar to those provision in the Dodd Frank Act;

22) If civil society groups based in OGP countries are concerned that an issue such as beneficial ownership is not adequately addressed in their countries' action plans, they have the power to engage their governments to add elements to their action plans to address such issues, and if their own governments are unresponsive, they can request that other governments and/or NGOs on the OGP Steering Committee relay the concern and raise the need for stronger measures on such issues;

23) The private sector is still lacking a significant role in the OGP;

24) Opaque corporate funding regarding election campaigns and political parties is a major cause of corruption and the breakdown of linkages between citizens and those who govern them throughout the

world, it deserves renewed focus and attention from transparency activists, and there is potential for the OGP to have a valuable impact on this problem;

25) While youth are represented to some extent in the OGP and its processes, the OGP could benefit through greater representation or involvement of youth;

26) Several African countries outside of the OGP are seeking more information and assistance regarding how to persuade their governments to make efforts to qualify for and join the OGP, and some sources of such support include efforts by the OGP Networking Mechanism and the Government of South Africa, an OGP Steering Committee and founding member;

27) Today there are so many multi-stakeholder transparency initiatives and frameworks (UNCAC, Extractive Industries Transparency Initiative, OGP, etc) that it may be time to encourage a bundling or consolidation of such initiatives, since many countries do not have the capacity to join them and pursue meaningfully reforms under them;

and 28) There is concern among some transparency watchdogs about the ability of the G20 to advance the anti-corruption agenda, and this issue deserves more attention.

Main Outcomes/Outputs

First, the session on the OGP mobilized reformers from OGP member countries (in government and civil society) to share best practices, tactics and lessons learned, which can lead to the adoption of more effective and innovative strategies to ensure that governments, civil society groups, and the wider citizenry forge stronger partnerships and advance the OGP principles, including through the pursuit of more responsive OGP Action Plans and more rigorous implementation of those plans.

Second, by showcasing some of the OGP's successes to date in fighting corruption and promoting accountable systems of government, the session mobilized reformers in non-OGP countries to ask and consider how OGP membership could improve their daily lives, and how they could build cross-sector coalitions within their countries and with other international communities to advocate that their countries (governments) make efforts to qualify for and join the OGP.

Third, the session fostered connections (and hopefully stronger relationships) between government officials and civil society activists from both OGP and non-OGP countries, investigative journalists, academics, representatives from other multilateral bodies (such as the UNDP), and corporations, all while raising awareness of and interest in the OGP.

Lastly, the session candidly highlighted some of the shortcomings of the OGP, areas for improvement, and common challenges that could minimize the impact of the OGP, as well as provided warning signs and recommendations for action to strengthen the OGP and keep it vibrant and relevant in the future.

Recommendations, follow-up Actions (200 words narrative form)

The OGP should consider contributing to the creation of stronger mechanisms to protect right-to-information and anticorruption activists who face retribution due to their work.

Governments and civil society groups (in both OGP and non-OGP countries) should identify complementarity between the OGP and other anti-corruption tools and frameworks (UNCAC, etc) that many countries are already involved in, and these countries should seek to take advantage of this complementarity to advance transparency.

OGP countries should seek ways to expand right to information laws to enable citizens to access what is being submitted to - and considered by - legislators, allowing for more citizen influence over key decisions.

A significant effort is needed within the OGP and other transparency initiatives to avoid the collection of "zombie data" (data that are not user-friendly and/or are not managed well).

If an OGP government is unresponsive on an issue of concern, civil society groups should consider engaging OGP Steering Committee members who can relay the concern and raise the need for stronger measures on such issues.

More OGP countries should consider including provisions on beneficial ownership and campaign finance transparency in their OGP Action Plans.

The OGP should increase efforts to bolster the involvement of youth.

Highlights (200 words please include interesting quotes)

"Corruption is a symptom of bad governance and the breakdown of connections between people and their government." – Aruna Roy (MKSS)

"Developed countries do not have a monopoly on innovative solutions for promoting transparent and accountable governance; today an increasing number of developing countries are engaging in innovative country-led solutions to advance good governance and the fight against corruption, including through innovative initiatives like the Open Government Partnership." – Roberta Solis Ribeiro (Government of Brazil)

Key Insights Recommended to be included in the IACC Declaration

Effectively fostering transparency and accountability in countries where such things have been absent often requires a shift or increase in citizens engagement ('public will') with the government, and unfortunately this public will is still absent or inadequate in too many countries. Transparency initiatives should focus as much on changing citizen norms and encouraging this public will as on spotlighting lack of political will among government leaders.

Corruption is a symptom of bad governance and the breakdown of connections between people and their government (and a failure of oversight of government by the people).

Respect for citizens' right to information offers not just a tool to fight corruption but also to educate citizens, to advance good governance

(including service delivery and democratic processes), and to promote development, including by reducing poverty and inequality.

Today there are so many multi-stakeholder transparency initiatives and frameworks (UNCAC, Extractive Industries Transparency Initiative, OGP, etc) that it may be time to encourage a bundling or consolidation of such initiatives, since many countries do not have the capacity to join them and pursue meaningfully reforms under them.

Across the world, opaque corporate funding for election campaigns and political parties is a major cause of corruption and the breakdown (or absence) of linkages between citizens and those who govern them. This problem deserves renewed focus and attention from transparency activists.

A significant effort is needed to avoid the collection of "zombie data" (data that are not user-friendly and/or are not managed well). The provision of data that citizens cannot use does not advance transparency; it only provides the window-dressing of transparency.

The benefits of membership in multi-stakeholder transparency initiatives such as the Open Government Partnership are tangible and include the pursuit and emergence of more cost-effective policies and governance, as well as an overall positive economic impact afforded by transparent and open governance, including increased attraction of investment.

Rapporteur's name and date submitted:
Stuart Crampton, November 8, 2012

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