



The Skeptic's Guide

to Open
Government

Open
Government
Partnership



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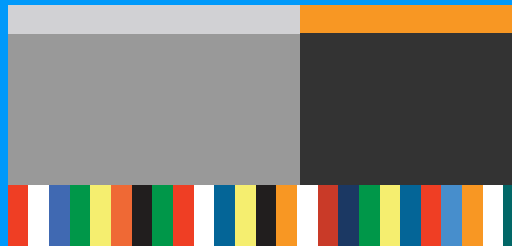
Take Local Action, get Global Recognition

THE SKEPTIC'S GUIDE
TO OPEN GOVERNMENT



An “Open Government” What do we mean?

Section A



Open Governments strive to embrace the following **values** to improve governance and solve public challenges¹:



Access to Information

Public access to government-held information, as opposed to only information on government activities. Examples include but are not limited to:

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- Information disclosures in open data
 - Proactive or reactive releases of information
 - Legal and regulatory mechanisms to strengthen the right to information

Civic Participation

Promote formal public participation or address the operating environment that enable participation in civic space. Examples include but are not limited to:

- Open up decision-making throughout the policy cycle to all interested public
- Reforms increasing freedoms of assembly, expression, petition, press, or association
- Reforms improving the transparency and process of formal democratic processes such as citizen proposals, elections, or petitions

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Public Accountability

Rules, regulations and mechanisms that call upon government actors to publicly justify their actions, act upon criticisms, and accept responsibility for failure to perform with respect to laws or commitments. Examples include but are not limited to:

- Citizen audits of government performance
- Improve or establish appeals processes for denial of access to information
- Create public tracking systems for public complaints processes (such as for police or anti-corruption hotlines).

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Technology and Innovation for Openness and Accountability

Promote new technologies that offer opportunities for information sharing, public participation, and collaboration.

Have you heard of Open Government Partnership (OGP)?

Political commitment: OGP was founded in 2011 by eight government leaders and nine civil society leaders from Brazil, India, Indonesia, Mexico, Norway, the Philippines, South Africa, the United Kingdom, and the United States. As President Obama put it, the overarching goal was to ensure that governments genuinely serve their citizens, rather than serving themselves.

Rapid growth: The partnership has rapidly grown from eight to over 70 national and 20 local governments in seven years, as well as thousands of civil society organizations. Together they have developed over 2500 individual policy reforms to make government more transparent, participatory, and accountable.

Local reformers, global recognition: Reformers use OGP to exchange ideas with their peers from inside and outside of government, harness the collective wisdom of the public, and leverage communications technology to make



OGP's event on "Rebuilding Trust in Government" at the 72nd United Nations General Assembly. Featured from left to right: Winnie Byanyima, CEO, Oxfam and OGP Ambassador | Ana Helena Chacón Echeverría, Vice President of Costa Rica | Zoran Zaev, Prime Minister of the former Yugoslav Republic of Macedonia | Kersti Kaljulaid, President of Estonia | Frans Timmermans, First Vice President of the European Commission | Pablo Soto, Madrid City Council member

government work better for the people. Successful reforms are continuously recognized in an international stage.

Action and accountability: OGP is fundamentally about action. Every participating government—local or national—has to work with their civil society to produce an open government action plan with specific policy reforms. An independent body tracks progress of reforms and provides technical recommendations for improvements, stimulates dialogue, and promotes accountability between governments and citizens.

Are you a Skeptic?

Whether you are inside or outside of OGP, you may not yet be convinced of the benefits of opening government. When you open government, what do you get in return? If you are asking this question, this guide is for you.

The guide summarizes what is known about the impact of opening government in five areas: 1) public service delivery 2) business opportunities 3) government efficiency and cost saving 4) prevention of corruption and 5) trust in government. Each chapter draws from empirical evidence, and highlights reformers who are opening government in innovative ways.



Open government is essential to advancing global development, and we've seen strong evidence that citizen participation can lead to landmark progress in climate action, gender equality, conservation, and beyond.²

— The Right Honorable Helen Clark, the former Prime Minister of New Zealand and former United Nations Development Programme administrator

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How should the CSOs work be successfully supported on OGP?

Commitments (strong) from OGP countries & donors needed on protecting civic space in all its forms.

Swift, decisive actions need to be taken by OGP peer countries when OGP members violate all the 6 fundamental activities.

Governments should partner with civil society who have made great strides in enhancing access to justice for citizens. Support for their work should be increased. They should be encouraged to continue their work.

By making it complex to participate in national events such as the OGP.

Governments should take the initiative in making the rule of law.

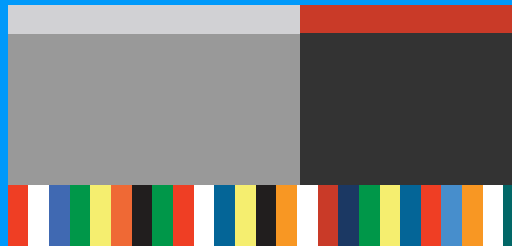
Commitment to transparency and accountability.

ready to sustain
Self
Civil
Movement
Human

Public Engagement

Improves Public Service Delivery

Section B



The Evidence



Public engagement has had significant positive impacts on the education, health, water, and public works sectors.^{3,4,5} It makes public services more accessible, cost-effective, and efficient.⁶



“

Research shows that policies which include citizens in some stage of their inception are likely to be implemented more efficiently and swiftly. A better, more legitimate public policy is generally the outcome.⁷

— **Horacio Rodríguez Larreta, Head of Government of the Autonomous City of Buenos Aires**

Public engagement can take place in several stages of public service delivery:



Identify priorities and/
or allocate resources



Policy making and
service design




Commissioning decisions
and/or delivering services




Monitor performance and
hold providers accountable


Public Engagement Examples Around the World


Kenya | Education⁸

 **Action:** Local school committees were empowered to hire extra teachers and to effectively monitor their performance. These teachers were different from civil service teachers hired by the Ministry of Education


 **Impact:** Reduced classroom overcrowding and improved student learning outcomes


India | Public Works¹⁰

 **Action:** Mandatory social audit, where people work with the government to monitor and evaluate the National Rural Employment Guarantee Program

 **Impact:** Less wage theft; improved performance of the program compared to states where the social audit process was not properly implemented

Brazil | Health⁹


 **Action:** The public negotiated with government officials over the municipality's budgetary allocation and its investment priorities


 **Impact:** Municipalities that adopted participatory budgeting registered a significant drop in infant mortality of between 1 and 2 infants for every 1,000 resident infants during 1990–2004; government investment in sanitation and health services increased by 20-30%




PUBLIC ENGAGEMENT EXAMPLES AROUND THE WORLD


Indonesia | Infrastructure¹¹

 **Action:** The Ministry of National Development and Planning organized a series of experiments, part of which were government audits of infrastructure spending read publicly at village meetings.


 **Impact:** Led to social sanction, reducing expenditures on missing materials and improving infrastructure quality.¹² It also led to a reduction of one-third of the estimated leakage (down eight percentage points from 24%) from infrastructure spending.


South Korea | Water¹³

 **Action:** Seoul's metropolitan government began publishing accurate and up-to-date information about the quality of water being supplied to people's houses through an online water assessment system.

 **Impact:** Increased citizens' trust in public water supply and contributed to an increase of 20% in tap water consumption, as well as in greater conservation of groundwater.

Pakistan | Education¹⁴

 **Action:** In a competitive environment between education providers in Pakistan, parents were provided school performance report cards.

 **Impact:** Parents selected better schools for their children and demanded improvements from their own school with a credible threat to remove their students. Test scores improved, enrollment increased by 4.5%, and private school fees were lowered by 17%.



PUBLIC ENGAGEMENT

Key ingredients for success



Raise Awareness: Disseminate useful and actionable information on available public services, budget allocations and performance data

Share Power: Engage the public to design, prioritise and monitor public services; share power to allocate public service budgets

Find Allies: Form coalitions with reformers inside and outside government to solve problems

Ensure Accountability: Enact strong laws, and encourage the public and local media to hold service providers accountable

Incentivize: Give service providers incentives to improve their performance



“

We hope to improve public services by giving citizens a great say in the decision-making processes...New village feedback mechanisms have helped to spot gaps in the system. For example, we discovered that 7,000 temporary residents in Khuvsgul were not receiving basic healthcare, and once included in the system, enabled us to fight tuberculosis. Satisfaction in healthcare increased by 28% in just three months!¹⁵

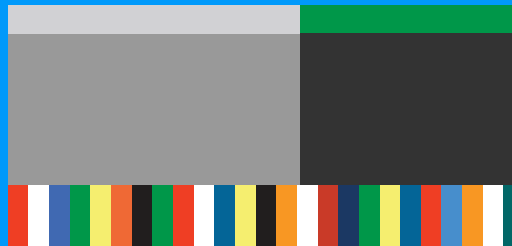
— **Munkh-Erdene Dambajav, Cabinet
Secretariat of the Government of Mongolia**

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Prevent Corruption: The Power of Civic Monitoring

Section C



The Evidence



The negative impact of corruption on economic growth, democracy, rule of law, and public trust is well-documented. But what do we know the impact of open government approaches on preventing corruption?


Transparency has a small, though significant, effect on decreasing corruption. A 100% increase in transparency efforts would, on average, be correlated with reducing government corruption by 2.2%. Legal, fiscal, and e-transparency efforts have a stronger effect than political or natural resource transparency. The effect is stronger at the country level than at the local government level, and is stronger in high-income countries.¹⁶


There is a positive correlation between the strength of civil society and the reduction of corruption. This is particularly true if conditions such as political competition, press freedom, and government transparency exist in the country.^{17 18}

Public financial management (PFM) reforms are effective in reducing corruption. Specifically, transparency and monitoring of public finances and procurement, when used in combination with other reforms, such as strengthening supreme audit institutions, have the strongest potential impact on reducing corruption, even in fragile states.¹⁹ There is strong evidence that overall transparency in tenders decreases high-level corruption risks, shown from investigating more than four million public procurement contracts between 2006–2015 across Europe.²⁰

Top Performers in Anti-Corruption

Chile²¹ is one of the three least corrupt countries in Latin America.

 **Key Enablers:** Strong autonomous state, independent judiciary, and independent Contraloria (Comptroller General) with strong administrative control over government spending, media freedom, and growth of non-government organizations (NGOs) as watchdogs.


 **Key Reforms:** Creation of Fiscalía Nacional (independent prosecutors office), access to information act, anti-money laundering reform and multiple efforts to regulate influence peddling in Chilean politics since 2004.


 **OGP spotlight:** As part of its 2012 action plan, the Chilean Congress approved the Lobby Act, which defined lobbying, stipulated the creation of public registers on meetings, included provisions for sanctions and fines, and made lobbying activities public via the www.infolobby.cl platform.




TOP PERFORMERS IN ANTI-CORRUPTION


Georgia²² is considered by the World Bank as the country that has made the greatest progress, specifically in controlling petty corruption.


 **Key enablers:** Strong political leadership and organized civil society committed to fighting corruption.


 **Key reforms:** New anti-corruption legislation and strategy focusing on corruption prevention; high-profile prosecution of senior corrupt officials; liberalization of the business environment; public participation in anti-corruption efforts; large scale reforms of the police; and the public sector proved successful.

 **OGP spotlight:** Starting in 2017, Georgia committed to have an independent committee monitor the asset declarations of public officials, and for the process to be regulated by law. By auditing the economic interest and property data disclosed by public officials, Georgia aims to improve accountability of public officials and prevent corruption.

Estonia is considered an anti-corruption top achiever compared to other former Soviet countries.

 **Key enablers:** Strong political leadership and organized civil society committed to fighting corruption.

 **Key reforms:** Simplified and improved rules and regulations, with strong enforcement; managed a transparent and impartial privatisation process; created transparency through e-government and access to information law.

 **OGP spotlight:** In its 2016 action plan, Estonia committed to promote transparency in lobbying. The reform will allow the public and decision-makers to know which lobbying interest groups participate in the law-making process, submit expert opinions, and propose amendments to draft laws.

TOP PERFORMERS IN ANTI-CORRUPTION

Cote D'Ivoire²³ improved significantly on the Corruption Perceptions Index (CPI), increasing its score by nine points from 2013 to 2017.



Key enablers: Political commitment by the Ouattara administration and strong legal and institutional framework on anti-corruption.



Key reforms: Passed a law on the prevention and repression of corruption; set up a national anti-corruption authority; pursued compliance with international initiatives, like the Extractives Industry Transparency Initiative (EITI).




OGP spotlight: The Ministry of Interior and Security established local anti-racketeering committees made up of civil society, government, and policymakers. The goal is to hold information campaigns to educate the public, identify sectors most affected by racketeering, and involve citizens in monitoring extortion and illegal activity.





ANTI-CORRUPTION



Nigeria: The Power of Civic Monitoring²⁴

 **The enablers:** A civil society organization (CSO), a university, and a newspaper collaborated to monitor the procurement cycle in the construction of 40 Primary Healthcare Centres (PHCs).


 **The problem:** They discovered that only 36% of expenditure led to operational facilities. PHCs were built for less than their budgets, which the Nigerian government claims are efficiency savings. But only five of the 17 PHCs with the largest 'savings' (33 to 54 %) were operational, which suggests funds may have been misused. According to Nigerian law, bidders must participate in open and competitive tendering. But 26 of the contracts, won by 26 different companies, were all within one naira of 21,986,893, which suggests that tenders were not in line with procurement law.


 **The impact:** The Health Minister subsequently announced the construction of 10,000 new PHCs and the Nigerian government has pledged to use open contracting in their procurement processes.

ANTI-CORRUPTION

United Kingdom: Fighting Dirty Money²⁵

 **The problem:** According to the National Crime Agency, as much as \$120 billion a year is laundered through the City of London alone. For example, four companies registered in the UK were at the heart of the “Azerbaijani Laundromat.” It involved USD 2.9 billion from sources close to the Azeri and Russian governments being funneled through these companies before allegedly being spent on luxury goods and bribing European politicians.

 **The intervention:** To make it more difficult for criminals to engage in this type of activity, the UK government decided to introduce a public register of beneficial owners of British companies—to bring more transparency around who really owns, controls, and benefits from companies.

 **The impact:**

- Civil society and data scientist volunteers **using the register** identified a number of beneficial owners that matched (based on name and month of birth) senior politicians (19), people on U.S. sanctions lists (76), and disqualified directors (267). They also found that some recipients of government contracts were companies with beneficial owners based in tax havens.
- Private Eye, an investigative news program, **identified 42 overseas politically exposed persons** as beneficiaries of UK companies.
- The UK parliament **passed a bill** requiring 14 overseas territories to introduce public ownership registers by the end of 2020, or face having them imposed by the UK government.
- The UK register had a **‘ripple effect,’** contributing to commitments being made for similar registries in a number of other countries including France, Nigeria and Afghanistan.

ANTI-CORRUPTION

Key ingredients for success



Assess priorities: Which sectors/processes restrict important market or state functions? Analyze whether attacking corruption in these sectors/processes will generate high impact on development.

Build a coalition: Does the anticorruption strategy align with the interests of important stakeholders? Broad and powerful coalitions are essential to successful anti-corruption strategies, as are both incremental (bottom-up) and systemic (top-down) approaches to anti-corruption.

Get citizens involved: Design the right incentives to engage citizens in the fight against corruption. Use quick wins to demonstrate impact, make engagement informative and valuable, offer rewards and limit costs



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No country can change without domestic collective action, which is both representative and sustainable over time. The media, political oppositions and civil society should [...] be permanent actors in the process of anti-corruption...²⁶

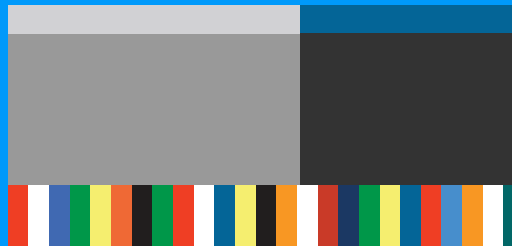
— Alina Mungiu-Pippidi, Professor of Democracy Studies at the Hertie School of Governance in Berlin

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Save Public Money Through Open Procurement

Section D



The Evidence

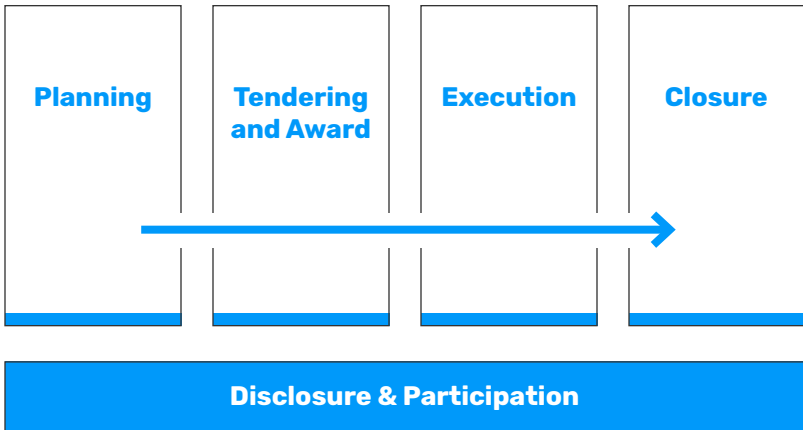


Public procurement is one of the best places to save public money. It is around 50% of a typical government's total expenditure in low- and middle-income countries, and close to 30% in high-income countries.²⁷ On average 10-20% of procurement budgets can be wasted depending on the extent of corruption, waste, and inefficiencies.²⁸ Evidence shows that:

- With better data, public feedback, and oversight, governments detect corruption and improve regulation and public service outcomes.
- Greater competition leads to more savings and more opportunity for businesses.²⁹

A growing innovation: 30 countries and cities³⁰ now have open public procurement systems. An open public procurement system discloses information and engages the public in the procurement cycle.

THE PROCUREMENT CYCLE



OPEN PROCUREMENT

Pro-Zorro, Ukraine

Who: Run by a public-private partnership between the Public Procurement Department (PPD) in the Ministry of Economic Development and Trade of Ukraine and State owned Enterprises (SOE) ProZorro

Date Established: 2014

What it does:

- Public authorities publish their tenders online using the Open Contracting Data Standard.
- The platform includes a business intelligence tool for assessing tender data, a public monitoring platform run by civil society organizations (DoZorro), and an open complaints mechanism for bidders.
- 2,000 healthcare organizations saved an average of 15% on all their procurements. Where three companies or more bid for contracts, savings were an average of 35%.³³

Competitiveness:

- Suppliers per procuring entity³⁴ increased dramatically by 550% (Feb 15–Jul 17).
- Non-Ukrainian bidders grew by 33%, suggesting greater interest from foreign entrepreneurs.

Perception of corruption:

- 80% of entrepreneurs believed that the ProZorro system had reduced or eliminated corruption in procurement. Among these respondents, 67% attributed this impact to openness and accessibility of information about bidders and winners.

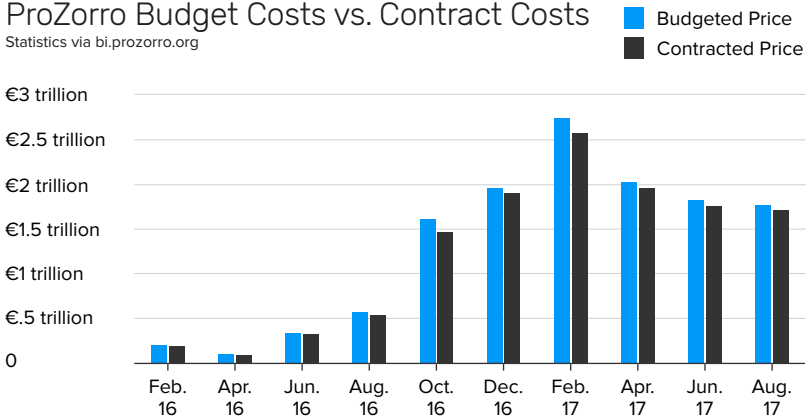
Savings:

- Savings of €350 million starting February 2017 when budget estimates started to drop and contract costs consistently came under budget estimates. (See graph page 37)³¹
- Official estimates report savings of €1.19 billion since its launch against the cost of approximately €4.69 million to establish the system.³²

OPEN PROCUREMENT (PRO-ZORRO)

ProZorro Budget Costs vs. Contract Costs

Statistics via bi.prozorro.org



We pushed transparency to its limit and required absolutely all information to be publicly available once a tender is over. If you don't want to share your data – sorry, you can't bid for public funds! As a result, anyone can watch tenders commencing, questions being asked and responded to, claims being filed and contracts being awarded.³⁵

— **Maksym Nefyodov, Deputy Minister of Economic Development and Trade, Ukraine**

OPEN PROCUREMENT

Contrataciones Públicas, Paraguay

Who: Run by the Dirección Nacional de Contrataciones Públicas (DNCP) (government agency)

Date Established: 2009

What it does: In 2009, the [portal](#) was digitized, centralized, and enhanced information delivered to bidders.

In 2014, the portal allowed public access to detailed information about all tender and contracts awarded by national and municipal government institutions dating back to 2010. Training and education sessions for journalists were introduced.³⁶

Savings: Since the business-focused component began to be complemented by public engagement in 2014–2015, contracting prices consistently came in under the budget estimates, saving PYG 8 billion (see graph page 39). Costs for office supplies, which were examined as a relatively stable spending indicator, have steadily decreased and saved the government at least PYG 400 billion.

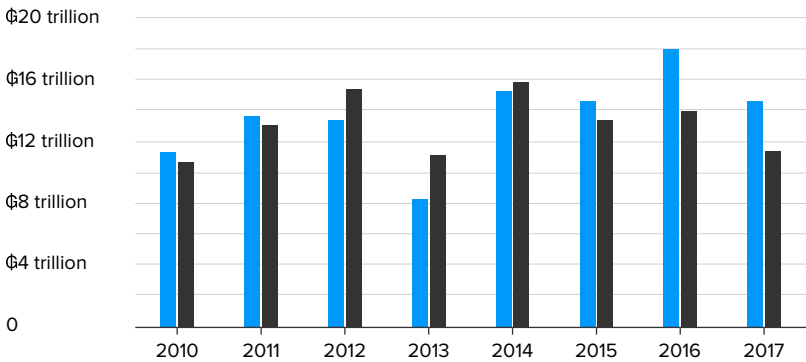
Detecting abuse of public funds: Journalists using the data uncovered a PYG 197 million catering contract from the Ministry of Education that included enormous fees for basic catering items. Another case involved a contract by the federal police to buy chairs for 10 times their market value, using funds which had been earmarked for improving infrastructure of police stations.

OPEN PROCUREMENT (CONTRATACIONES PÚBLICAS)

Paraguay Budget Costs vs. Contract Costs

Statistics via the DNCP

■ Budgeted Price
■ Contracted Price



Our effort to spread this large quantity of information has substantially improved the channels to access publicly relevant information on public contracting, creating and strengthening mechanisms for independent monitoring by civil society.³⁷

— Santiago Jure, Director of the DNCP

OPEN PROCUREMENT

eVA, Virginia, USA

Who: Run by the Department of General Services

Date Established: 2001

What it does: Publishes information about contracts awarded, detailed bid tabulations, proposed pricing structures for all bids submitted, unit prices, and daily/hourly rates in open formats.

Savings: USD 450 million between 2001–2015, and USD 30 million in 2015 alone.

Competitiveness: There were significant increases in the number of suppliers submitting bids. This is despite the state's decision to publish information about unsuccessful bids, countering fears the transparency could have a deterrent effect on bidders' willingness to participate in the procurement process.

Textbook Count, The Philippines

Who: Reform initiated by the Department of Education

Date Established: 2002

What did it do: Civil society monitoring of the full textbook procurement cycle to detect and prevent corruption. This included observing the pre-bidding, bidding, and post-qualification process; inspecting the quality of textbooks in warehouses and printing presses; and monitoring their delivery to schools.

Savings: Shortened the bidding process from 24 to 12 months, and cut the price of textbooks by 40%, resulting in savings of approximately US \$1.4 million.

Efficiency: Identified and replaced more than 60,000 defective textbooks, and ensured the delivery of more than 750,000 textbooks.³⁸

OPEN PROCUREMENT

Colombia Compra Eficiente, Bogota, Colombia

Who: Reform initiated by the Education Secretary for Bogota & the Mayor of Bogota

Date Established: 2017

What it does: Transparency across the full procurement cycle³⁹ of Bogota's school feeding program using a [portal](#), and established minimum and maximum prices for meals.

Efficiency: Budget of USD 136 million previously shared between 12 companies now being spent among 54 specialized producers.

Detecting corruption: Helped break up a suspected USD 22 million price-fixing scheme and reliably provide more than 900,000 high-quality meals for school children each day in Bogota, Colombia.⁴⁰



We faced fierce resistance trying to fix the problem, but we fought to achieve transparency.⁴¹

— **María Victoria Angulo, Education Secretary for Bogotá, Colombia**

OPEN PROCUREMENT

Key ingredients for success



Start Strong: Laws on the right to access procurement information can be a crucial channel for the public to engage in open contracting

Standardize: Collect, manage and disclose information in a way that conforms to the Open Contracting Data Standard. Quality data means machine-readable, timely, and spanning the entire procurement cycle.

Be strategic: Move beyond transparency for transparency's sake. Prioritize disclosing information that will deliver real value and adapt to user needs and capacities

Invest in civil servants: Raise awareness, build capacity and ensure multi-agency coordination among government officials responsible for implementing policy

Unlock the golden triangle: Build partnerships between government, private sector and civil society / media. More partners to access, analyze and translate complex contracting data into actionable information will mean more market efficiency and government accountability.

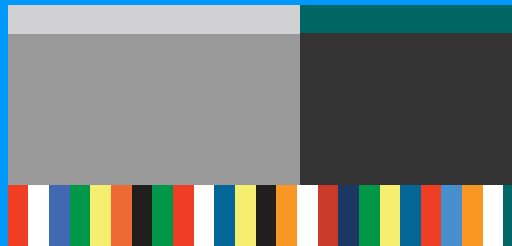


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An Open Government is Good for Business

Section E



The Evidence



Transparent governments improve business efficiency and spur economic opportunities . Evidence shows that transparency helps to:⁴²

Generate economic value and create jobs: Openly accessible government-held data (open data) drives many commercial information services—generating economic value, creating jobs, and spurring innovation.

Improve investment climate: Fiscal and administrative transparency has proven impacts on attracting investments and capital. Businesses can make informed decisions, reduce transaction costs, and avoid potential liabilities if they have information on the specific properties of markets, products and actors. Helping businesses understand a country's regulations in turn helps governments hedge its reputational and asset risks to improve investor-customer confidence.

Level the playing field: Open procurement increases the number of bidders and has a positive effect on market access for companies of all sizes. It can be particularly favorable for small and medium enterprises (SMEs) entering new markets.⁴³

EVIDENCE

Global Level

Higher foreign direct investment (FDI) inflows: Greater policy transparency and frequent and accurate disclosure of macro-economic data is positively correlated with FDI inflows and credit ratings.⁴⁴ Transparency in macro-economic data enables countries to borrow at lower costs, reducing credit spreads by 11% on average.

Improved trade: An analysis of more than 100 trade agreements show that each additional transparency clause enhances public visibility and predictability of applicable terms for all trading partners, and is associated with a 1% higher flow in bilateral trade.⁴⁵

Reduced red tape: A study on 185 countries found that better disclosure of regulatory fee structures in four key areas (starting a business, obtaining construction permits, getting electricity, and registering property) is associated with higher quality of regulations and reduced corruption.⁴⁶

Georgia ranks highest in the Europe and Central Asia Region on the Doing Business indicators. Georgia implemented substantive changes in its local regulatory framework, including giving businesses greater access to information and increasing their participation in decision-making.

EVIDENCE

Regional Level

European Union (EU): The total direct economic value of open data is expected to increase from a baseline of €52 billion in 2018 for the EU28, to €194 billion in 2030. Up to 75,000 jobs are estimated to have been created as a result of re-use of open data by 2016. This number is projected to grow to up to 100,000 by 2020.⁴⁷

G20: The average economic value-add of open data is USD 2.6 trillion. A committed move towards open data could help G20 countries realize half of their envisioned economic growth targets.⁴⁸



“

Openness has multiple benefits at little cost and is well proven. For citizens, it means better infrastructure and services, and more accountability. For governments, it means better delivery with greater efficiency and cost savings. For business, it creates more competitive markets that are easier to enter – especially for small and medium enterprises that drive so much of the world’s economic engine.⁴⁹

— Ratan Tata, Chairman Emeritus, Tata Group

EVIDENCE

Country Level⁵⁰

United States: The annual revenue of firms that rely on using government data is USD 221 billion. Open weather data in the United States for example, is valued at USD 31 billion, six times more than its production costs.

United Kingdom: The direct and indirect annual economic benefits from open data, both on the business and consumer side, was estimated to be GBP 1.8 billion in 2013. Opening up the UK's geospatial reference data is estimated to turn a GBP 100 million investment into a 1000-fold economic value return of GBP 100 billion.

Spain: More than 630 companies in the infomediary sector posted an aggregate turnover of EUR 1.7 billion in 2015 using open data.

Finland: Finnish companies that use open data have been found to be significantly more likely to produce new-to-market innovations than their peers that do not (yet) use open data.

Denmark: The open address register in Denmark has been assessed to produce economic benefits that are 70 times greater than the costs of maintaining the data.

Ukraine: In 2017 alone, open data enriched the Ukrainian economy by more than USD 700 million. If open data in Ukraine continues to gain momentum, by 2025 this figure could reach USD 1.4 billion.⁵¹



“

Through the work of the Federal Ministry of Industry, Trade and Investment and the Presidential Enabling Business Environment Council (PEBEC), who are also members of the OGP Steering Committee, Nigeria moved 24 places up on the World Bank's 2017 Doing Business Index.⁵²

— Yemi Osinbajo, Vice President of
the Federal Republic of Nigeria

CASE STUDY

How the private sector can be a partner in opening government⁵³

Philippines: The Makati Business Club as part of the OGP national-level Steering Committee promoted anti-corruption and competition reform.

Pakistan: The private sector, interested in open data on customs, taxation and other business issues, served as the catalyst alongside civil society in advocating that Pakistan become an OGP member.

United Kingdom: For its first OGP action plan, the United Kingdom formally consulted the private sector in selecting which data sets to open.

Nigeria and Kenya: The private sectors in Nigeria and Kenya have seized on the OGP action planning process as a means of advocating that their governments adopt and implement concrete anti-corruption and climate change legislation to hold them accountable for translating high-level commitments into concrete action.

Level the playing field

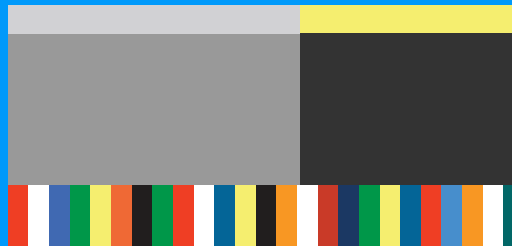
Evidence shows that more transparency in procurement in **South Korea, Paraguay, Slovakia and Ukraine** was empirically found to increase the average number of bidding companies.⁵⁴ In Slovakia, government contracts only come into effect when publicly disclosed. Since the introduction of this law, more than 700,000 contracts were published, and the average number of bidders per contract has sharply risen from 1.6 to 3.7 firms between 2010 and 2014.

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Win Public Trust: Go Beyond Transparency

Section F



The Evidence



Public trust in political leaders and the government are at historic lows.⁵⁵ Low trust creates a political environment in which it is more difficult for leaders to succeed, as the public is unlikely to give their consent to key policies or comply with laws and regulations such as tax collection.⁵⁶ How have open government approaches helped in building trust?

Transparency can improve public trust. Political leaders can increase public trust in government by leading by example, and advocating for measures like asset disclosure and transparency in campaign financing. Lobbyists and legislators in two OECD surveys strongly agreed that transparent lobbying would increase citizens' trust in the decision-making process.⁵⁷

But more transparency does not always mean more trust. The impact of transparency on citizens' trust in government can depend on a country's cultural and political context. For example, in countries where the public perceives their well-being as contingent on the actions of their government, transparency on government wrongdoings can actually decrease public trust in the short term.^{58 59}

THE EVIDENCE

Public participation in policymaking greatly influences public trust.

Fair and inclusive policy-making: Studies show that when the public can give feedback to government agencies, are respectfully treated and are provided explanations to inform their understanding of policy processes and outcomes - trust in government and acceptance of the government's legitimacy increases.^{60 61}

Grievance redress and participation: Evidence from eight conflict-affected countries shows that government legitimacy is linked to both performance of public service delivery (what is being delivered) and process (how it is being done). The strongest effect on government legitimacy is found less with access to or quality of public services, and more when people can voice grievances or participate in the service delivery process.⁶²



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Transparency and participation are no longer an option but two indispensable pillars in the trust relationships between citizens and institutions.⁶³

— **Marianna Madia, former Minister for Simplification and Public Administration. Italy**

NEW APPROACHES TO PUBLIC PARTICIPATION

Estonia, Canada and the Netherlands are experimenting with new ways of engaging the public to rebuild trust, using deliberation tactics, evidence-based decision making and transparency.

Estonia: The People's Assembly *Rahvakogu* Platform⁶⁴

A scandal in Estonian politics: In 2012, a former MP of the ruling Reform Party confessed that the party's officials had given him money of unknown origin, that he had then donated to the party under his own name. He claimed that this was standard practise for the party. Civil society organizations and the public held street demonstrations against the Reform Party, demanding transparency in political party financing and a more open political system.

Government response: Former Estonian President Toomas Hendrik Ilves assembled a meeting of government and non-government actors to find a solution, resulting in an online crowd-sourcing platform to collect policy proposals from citizens and a deliberation day to discuss these ideas.

The innovation: The *Rahvakogu* platform was established by a coalition of civil society organizations, members of parliament and the Office of the President. It gave the public a chance to change electoral laws, political party financing and politicization of public offices.

NEW APPROACHES TO PUBLIC PARTICIPATION

- **Crowdsourcing:** The platform was open to everybody to submit or comment on proposals. 3000 people participated in the process of the People's Assembly that lasted 14 weeks.
- **Impact assessment:** 30 experts assessed the impact of implementing citizens' policy proposals.
- **Prioritization:** Political representatives, experts and citizens chose 18 proposals to submit to "deliberation day".
- **Deliberation:** 300+ citizens selected through a random, representative sample chose 15 out of 18 proposals to be sent to the *Riigikogu* (Estonian Parliament) for legislative amendments.
- **Outcome:** Close to half of the proposals have either become laws or have been partly implemented, resulting in reforms on political party financing and a public petition system. Citizens who participated acquired new political competencies, and were more willing to consider opposing views.



“

People's Assembly is not an alternative decision-making organ to the Riigikogu. It is an additional opportunity in our developing democratic state that seeks new solutions in order to give real meaning to popular concepts such as "participation" and "involvement".⁶⁵

— Toomas Hendrik Ilves, Former Estonian President

NEW APPROACHES TO PUBLIC PARTICIPATION

Canada: Open Dialogue⁶⁶

An Aquaculture Crisis: Between 2010-12 aquaculture was linked to a disappearance of wild Atlantic salmon. When the government approved a handful of new marine salmon sites, tensions grew further and people feared the fishery and their livelihoods were in danger.

Deep mistrust: 40 organizations came together to demand a moratorium on fish farming. Public trust in the regulatory regime collapsed, and there was deep mistrust between the aquaculture industry and coastal communities.

Government response: In 2013, the government established the Doelle-Lahey panel - an open dialogue process to resolve the crisis and invite all stakeholders to design a new regulatory framework.

The innovation: The government instituted a process that emphasized building trust among stakeholders, and involve the public more directly in policy making while ensuring sound policy.

- **Evidence-based decision-making:** The dialogue included impartial and independent expert opinions to guide decisions taken by stakeholders.
- **Meaningful engagement:** The government promised that the new regulation would be based on the panel's report. The panel's meetings were tailored to different audiences, ranging from public awareness raising sessions to expert debates over issues with the science.
- **Transparency:** Public sessions were held, relevant documents were released and regular updates on the process were given.

NEW APPROACHES TO PUBLIC PARTICIPATION

- **Outcome:** The panel proposed a detailed plan for a new regulatory regime, and the government has acted on the recommendations. New mechanisms for ongoing stakeholder engagement, a user-friendly website, measures for the proactive release of information, public notifications on licensing, and written decisions on key issues were built into the new regulatory regime.

Traditional Consultation	Informed Participation
<p>Aggregation of voice: people present views to decision-makers, provide evidence and arguments in support of them, and reply to opposing views (e.g. online, town hall meetings)</p> <p>Assessment: Decision-makers are required to assess proposals on their merits, but not obliged to accept or act on them</p> <p>Explanation: Decision-makers are required to provide explanations for their decisions</p> <p>Adapted from Lenihan, 2017</p>	<p>Engagement plan: sets rules for how the public can participate in decision-making</p> <p>Aggregation of voice: the public present views to decision-makers, provide evidence and arguments in support of them, and reply to opposing views (e.g. online, town hall meetings)</p> <p>Deliberation: participants consider facts and evidence, but also values and priorities of those whose interests are at stake to arrive at recommendations (e.g. working groups)</p> <p>Fair outcomes: participants listen to opposing views, discuss trade-offs and agree on best solutions according to the rules of engagement</p>

NEW APPROACHES TO PUBLIC PARTICIPATION

The Netherlands: Fair Tracks Program⁶⁷

The problem: Citizen satisfaction with the formal, legal, and usually written execution of procedures for the handling of complaints or objections is very low. Given that only around 20% of the total number of administrative review and appeal procedures against government decisions are granted, the government's scope to improve this situation is limited.

An experiment: The Fair Tracks program is a new approach to making decisions and handling conflicts run by the Ministry of the Interior. It focuses on how citizens come to trust their government and accept decisions, using a procedural justice approach. The program was piloted with over 20 government agencies concerning 16 administrative domains.

The innovation:

- **Informal interaction:** Unlike more traditional, formal, and mostly written ways of making administrative decisions and handling complaints or objections, in the Fair Tracks program the government official engages in an informal and interpersonal conversation with the citizen who is about to receive a negative decision or who has filed a complaint or an objection.
- **Openness and honesty:** The government official typically reaches out by phone, preferably within 2-10 days after receiving an objection or when a negative decision is about to be made. The open conversation allows room to discuss facts, emotions and interests involved, and different options for how the citizen's problem can best be resolved.

NEW APPROACHES TO PUBLIC PARTICIPATION

- **Outcome:** Over 90% of the citizens experienced the interaction with the public official as fair and honest. Higher levels of perceived procedural justice were associated with higher levels of trust in government, greater compliance with administrative decisions that were not in the citizens' favor, and faster resolution of problems. The research showed that while outcomes (in terms of the administrative decisions) mattered, procedural justice mattered almost twice as more in increasing citizen satisfaction.



Expanding public participation and deliberative decision-making may seem chaotic and inefficient in the short term. However, it is a necessary growing pain for reaching a consensus based on rational, fact-based discussion rather than appealing to partisan prejudice and antagonism...With enough practice, a trust-based partnership between government and citizens will be achieved in the long term.⁶⁸

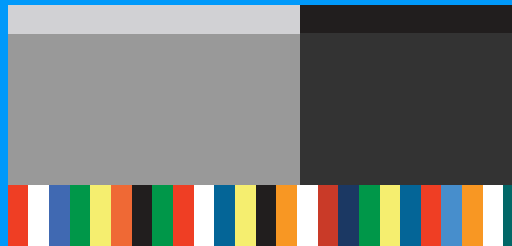
— Kim Boo-Kyum, Minister of the Interior and Safety, Republic of Korea

THE SKEPTIC'S GUIDE
TO OPEN GOVERNMENT



What can OGP do for you?

Section G



What can OGP do for you?

Angry public backlash against globalization, rising inequality, and elite capture is fueling populist and reactionary politics. Trust in government is at an all-time low. Governments are facing a crisis of legitimacy, and they need to deliver credibly to address the concerns of the public. How can OGP help?

WHAT CAN OGP DO FOR YOU?

Co-create policy: Over 60% of OGP national and local governments have a regular forum to co-create open government priorities. The forums give civil society and the public greater access to decision-makers and a voice to influence policy decisions. This also helps those outside government develop a greater appreciation of the difficult work of reform-minded politicians and civil servants.

Go subnational: 20 local governments are now part of OGP, and the number is expected to grow significantly in the years ahead. Studies show that trust in local governments tend to be higher than at the national level.⁶⁹ They are the closest governing authority to the public, and have some of the best open government commitments in OGP.

Engage civil society: Civil society organizations working constructively with governments can be “trust brokers”. They pluralize networks and bring in more actors to engage with the government. They also perform a pedagogical role for government policies with the public.

Broaden your reach: The Political Affairs and Citizen Dialogue Vice Ministry and CSO Yo Soy Gobierno Abierto (YSGA) used OGP to formally consult with indigenous communities in Costa Rica anytime policies were determined to affect them. Today, more than 20 government institutions are engaging with indigenous communities, who have seen improvements to public service delivery.⁷⁰

WHAT CAN OGP DO FOR YOU?

Leverage a global network of ideas and expertise: Exchange ideas and learn from your peers in OGP countries. Nearly 80% of government officials involved in OGP take advantage of peer exchanges to improve the development and implementation of their country's action plan.

Decide Madrid, a civic tech platform in the city of Madrid, Spain enables citizens to create and directly support ideas for new legislation and have a say in how their taxes are being spent.⁷¹ It has inspired similar platforms in Buenos Aires and South Korea.

Mongolia pledged to experiment with LAPOR!—a grievance redress mechanism from Indonesia—in their own country.

UK Beneficial Ownership Register inspired registers in Kenya, Nigeria, Ghana, and Liberia within OGP.

Take local action, get global recognition: OGP is a powerful platform to link global commitments to domestic action on reform. Use your country's action plan to deliver results for the public. Share your successes in a global stage.

Tackle sector/issue specific problems: Interested in anti-corruption reforms? 30+ OGP countries are implementing Open Contracting reforms and 15 OGP countries are implementing Beneficial Ownership reforms. Interested in public service delivery? 59 OGP countries are implementing public service delivery reforms. Interested in fiscal openness? 40+ OGP countries are implementing fiscal openness reforms. There are many more sectors and issues being addressed through the OGP platform.



“

We open up government, provide the citizens a seat in the policy table, and give them a legitimate say and vote in what the government does and plans to do in moving forward.⁷²

— Secretary Benjamin Diokno, Department of Budget and Management, Philippines

WHAT CAN OGP DO FOR YOU?

Advance the Sustainable Development Goals (SDGs) through OGP:

Over 40 OGP countries and 90 civil society organizations committed to do so at the margins of the United Nations General Assembly in New York City in September 2015.

Liberia is increasing the transparency of the judiciary by proactively publishing court documents in order to facilitate citizen monitoring and build trust in the justice system.

Serbia is improving the ability of its anti-corruption agency to prevent conflicts of interest through increased transparency on the rights and obligations of public officials and more accurate monitoring of asset declarations.

Sri Lanka is implementing the Right to Information (RTI) act with an emphasis on building the capacity of the bureaucracy to provision RTI requests and pursue proactive disclosure policies.



Diah Saminarsih - Special Advisor, Indonesian Minister of Health, receiving an award from President Enrique Pena Nieto of Mexico, at the 2015 OGP Global Summit. The initiative "Pencerah Nusantara" - a public-private partnership model that recruits young health professionals to strengthen the overall health system - received second prize in the OGP Awards.

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Credits

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