



Let the Sunshine In

An Assessment of the Open Government Partnership

By Molly Elgin-Cossart, Trevor Sutton, and Kathryn Sachs March 2016

Center for American Progress



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Introduction and summary

“In the 21st century, the United States is convinced that one of the most significant divisions among nations will not be north/south, east/west, religious, or any other category so much as whether they are open or closed societies. We believe that countries with open governments, open economies, and open societies will increasingly flourish. They will become more prosperous, healthier, more secure, and more peaceful.”¹

Former Secretary of State Hillary Clinton, Open Government Partnership opening session, April 2012

“... [W]herever freedom and human rights spread, partners for our nation are born.”²

Sen. Marco Rubio (R-FL), Council on Foreign Relations event, May 2015

It is tempting to think that in a globalized, interconnected world, values such as democracy, human rights, and freedom would naturally converge. Instead, there is divergence, with some countries becoming more open and inclusive and others more closed.³ The past few years, especially, have seen the growing repression of civil society by authoritarian leaders.⁴ Repressive regimes block Internet activities; control online content; and use the Internet and mobile communications to track, target, harass, and prosecute activists.⁵

Shifts in geopolitical power toward governments such as China—those that embrace illiberal models and narrow space for civil society—have challenged the spread of norms such as openness and participation.⁶ Crackdowns in Russia, Hungary, Venezuela, and many other places show an alarming suppression of freedom of expression and a resurgence of authoritarianism.⁷ Yet in the midst of this seeming retrenchment, a promising initiative has shown that the global appetite for transparent, participatory, and accountable governments remains unsatiated.

The Open Government Partnership, or OGP—which “aims to secure concrete commitments from governments to promote transparency, empower citizens, fight corruption, and harness new technologies to strengthen governance”⁸—was established in 2011 by eight countries and has since grown to include 69 countries.⁹ Country participation is not limited to the actions of governments and public officials—it extends to civil society, which is intended to play a central role in the development and implementation of open government reforms under OGP.

Countries participating in OGP

Albania	Croatia	Indonesia	Moldova	Slovakia
Argentina	Czech Republic	Ireland	Mongolia	South Africa
Armenia	Denmark	Israel	Montenegro	South Korea
Australia	Dominican Republic	Italy	Netherlands	Spain
Azerbaijan	El Salvador	Ivory Coast	New Zealand	Sri Lanka
Bosnia and Herzegovina	Estonia	Jordan	Norway	Sweden
Brazil*	Finland	Kenya	Panama	Tanzania
Bulgaria	France	Latvia	Papua New Guinea	Trinidad and Tobago
Cape Verde	Georgia	Liberia	Paraguay	Tunisia
Canada	Ghana	Lithuania	Peru	Turkey
Chile	Greece	Macedonia	Philippines	Ukraine
Colombia	Guatemala	Malawi	Romania	United Kingdom
Costa Rica	Honduras	Malta	Serbia	United States
	Hungary	Mexico	Sierra Leone	Uruguay

* Bolded names denote founding members.¹⁰

Member countries are remarkably diverse in terms of geography, culture, and levels of economic development. A global summit that convened in October 2015 in Mexico City marked the beginning of the partnership's fifth year and an important transition point.¹¹

OGP is an innovative model of global cooperation. As a voluntary initiative, it brings together governments and civil society and harnesses the combined power of domestic and international policy reform mechanisms. The partnership has been able to create a global movement on an incredibly small budget: Total administrative costs, including funding for independent expert reviews of member-country participation, were less than \$3.4 million in 2014 and less than \$2.5 million in 2013.¹² Civil society representatives comprise half of the 22-member Open Government Partnership Steering Committee that governs OGP, fostering an equal alliance between civil society and governments.

OGP creates platforms for both domestic and international policy reforms. Through national action plans, or NAPs—which create participatory processes that draw on both government and civil society stakeholders in every member nation and generate commitments designed to advance open government values—the partnership creates a domestic platform to which governments can be held accountable. This accountability is achieved in significant part through the built-in Independent Reporting Mechanism, or IRM, under which participating OGP governments agree to have their NAPs reviewed by independent third-party experts. The partnership also creates a global platform for reformers from both civil society and government to showcase innovation and progress, share lessons learned, and generate conversations about how to navigate the shared challenges of good governance.¹³

The model is thus dependent upon high-level political commitments, peer pressure, reputational accountability, and the engagement of civil society in achieving its aims. This approach stands out from traditional approaches to spreading values such as transparency and good governance that rely upon international law; naming and shaming; or other leverage, such as development assistance or trade. The partnership is still in its early days, making it difficult to fully assess its impact over the medium to long term. It is possible, however, to conduct an initial analysis that can provide nascent indications of what is working and where improvements are needed. In this report, the Center for American Progress identifies three main pathways for impact and assesses OGP's progress in:

1. Shaping norms and political commitments
2. Stimulating broad and deep participation in good governance
3. Catalyzing domestic policy reform

The report concludes with a review of the role of the United States in the founding and future of the partnership and provides recommendations to help the partnership maximize its potential and for the United States to continue to play a central role in its development.

Findings

In evaluating the Open Government Partnership's progress in advancing the aims of open governments, the Center for American Progress looked to the scope, quality, and durability of member-country participation. Much of the analysis is drawn from OGP data on the measures that individual countries have taken to qualify for and participate in the partnership, in particular the quality of commitments put forward in countries' individual national action plans. CAP compared these data with other relevant data on countries' economic development and geography, as well as their rankings on other open government and transparency indices. CAP also examined the scale and breadth of civil society consultation undertaken by participating governments and reviewed specific cases of backsliding and non-compliance. The findings, summarized below, point not only to OGP's innovative character and the strong—arguably universal—appeal of open government principles but also to the challenges of translating high-level commitment to those principles into concrete reforms with lasting impact.

Wealthier societies are no more ambitious than less wealthy societies

There is no correlation between a country's gross domestic product, or GDP, per capita and its percentage of ambitious commitments in OGP. Poorer OGP member countries are just as likely as wealthier ones to have ambitious, transformative plans for transparency and participation. This analysis defines "ambitious" country commitments as those that are specific, are significant in their potential impact, are relevant to OGP's principles, and show progress in implementation.¹⁴ Some examples of ambitious commitments using this definition include Ireland's commitment to hold three referenda on the Irish Constitutional Convention, including one on marriage equality; Georgia's commitment to proactively publish surveillance data; and Chile's commitment to implement and monitor an act on lobbying.¹⁵ CAP's analysis found that GDP per capita is not a strong driver of performance—as defined by share of commitments that are ambitious—in the part-

nership, which bolsters OGP's founding concept that no group of countries has a monopoly on openness and innovation. It also refutes the contention that open government is a value of Western or rich countries; the reality is that the concept has broader appeal. In fact, the top performers in OGP, as rated by highest share of ambitious commitments, reflect a wide diversity of nations from different regions, income levels, and cultures. (see Table 3)

OGP member country performance indicates a crawl—not a race—to the top

The Open Budget Index, or OBI, is a ranking of world governments according to the transparency and accessibility of their budgeting processes and is also one of the metrics used to establish eligibility for OGP membership. Between 2012 and 2015, the average OBI rating for OGP countries increased from approximately 57 to 59 on a 100-point scale.¹⁶ This increase potentially lends support to the idea that countries continue to make progress after they have joined, as part of the OGP model of creating a race to the top. However, non-OGP member countries showed a greater increase over the same time period, improving from an average of approximately 32 to 36, an improvement of more than 12 percent.¹⁷ Perhaps this is because they started at an overall lower point on the scale, or perhaps the partnership is influencing nonmember countries as well by creating global norms around openness and transparency.

The partnership is still selective

Although OGP is meant to provide a relatively low bar to entry and encourage a race to the top, OGP members are—on average—wealthier, more transparent, and more democratic than their non-OGP peers.¹⁸

There is a lot of work to do to make NAP development processes truly participatory

Civic participation—along with access to information, public accountability, and technological innovation—is one of the four open government principles that OGP member countries are expected to advance through their participation in the partnership. To this end, countries are expected to consult with civil society in

the development of their NAPs. Yet many OGP members struggle to ensure that their NAP processes are sufficiently consultative.¹⁹ Only 39 percent of civil society participants in the NAP development process felt that their inputs were reflected in the final published plans.²⁰

The partnership is still predominantly a European and Latin American and Caribbean enterprise

While OGP is diverse from an economic development perspective, it is less so geographically. Asia and Africa are less represented, given the number of countries within their regions. This pattern reflects the challenges of creating a global partnership based on principles and values.

Clear lines of responsibility and connections to domestic policy reform are crucial elements of success

An initial analysis of the effect of OGP's institutional home within member countries on country performance indicates that countries that fail to engage domestic policy reformers may compromise their performance. The top 10 performers, in terms of ambitious commitments, have a diversity of institutional arrangements for OGP within their governments. However, among bottom performers—those with the lowest share of ambitious commitments—two trends emerge: First, it is often unclear in which specific institutional home within governments the OGP resides. Second, the plurality of lowest-performing countries house their OGP points of contact within foreign affairs offices. Given that foreign affairs ministries are not generally well-connected to the processes of domestic political reform and implementation, it is perhaps not surprising that these nations performed worse than their peers, since OGP connects global and domestic policy reform.²¹

Reviews are not clearly connected to policy changes

The IRM provides solid analyses of each country's NAP, but there is no clear mechanism that holds countries accountable for addressing the deficiencies and imbalances identified by the reviewer. More broadly, the intended purpose of the IRM is ambiguous. It is unclear who is supposed to use the IRM to drive further reform and whether poor performance in an IRM review could result in adverse conse-

quences for a participating government, such as suspension from OGP. Thus far, the clearest value offered by the IRM process from an accountability perspective has been in giving civil society a basis for raising concerns directly with the OGP Steering Committee in situations where member governments are acting inconsistently with open government values, as seen recently in Hungary and Azerbaijan.

The United States was instrumental in the creation of OGP, but its own progress has been uneven

President Barack Obama’s administration made advancing open government a priority during the president’s first term in office and played a central role in establishing OGP. Despite the administration’s international prominence as an advocate of open government principles, its domestic participation in OGP has fallen short of its potential in some areas. While the Obama administration has made significant strides in improving access to information and technological innovation, it has been less successful in translating other OGP values—specifically public accountability and civic participation—into meaningful, concrete commitments. In addition, the high-level commitments contained in the plans are often supported by individual policy milestones that are less ambitious than the commitments themselves.

Furthermore, the voluntary nature of agency participation in OGP has meant that important actors within the U.S. government—most notably the intelligence community and the U.S. Department of Defense—have made limited contributions to the U.S. plans.

OGP membership and governance structure

Eligibility for participation in the Open Government Partnership is determined by a country’s performance in four areas: fiscal transparency; access to information; public officials’ asset disclosure; and citizen engagement. OGP assesses these criteria to produce a composite eligibility score.²² The criteria are relatively inclusive; there are 100 countries eligible to become members of OGP, 31 of which have chosen not to join.²³ The criteria also are also not intended to be overly restrictive; as of this writing, only two countries—Tunisia and Papua New Guinea—have moved from eligible to ineligible, and as OGP members, they have one year to address this reversal.²⁴ To join, eligible countries commit to uphold the principles of the Open Government Declaration.²⁵

Although the model of OGP is meant to provide a relatively low bar for entry and then encourage a race to the top, the partnership is still selective. A few summary statistics make it clear that OGP members rank highly on several key international indices: Not surprisingly, perhaps, OGP members are, on average, wealthier and more democratic than their non-OGP peers. The GDP per capita of OGP member countries is, on average, 52 percent higher than that of non-OGP countries. In addition, OGP countries scored an average of 11 points higher on Transparency International’s Corruption Perceptions Index. Finally, OGP countries had a higher Polity IV score—the Center for Systemic Peace’s data series that measures the level of democracy in independent states—than nonmembers.²⁶

TABLE 1
Average profile of Open Government Partnership countries vs. Non-Open Government Partnership countries
Based on GDP per capita, corruption perceptions, and political characteristics

	GDP per capita in U.S. dollars, 2014	Transparency International index	Polity IV
OGP	\$17,569.73	49.9	8.1
Non-OGP	\$12,026.60	38.1	2

Source: Based on authors’ calculations. Data available in Appendix I.

Member countries must draft individual national action plans that contain discrete objectives to be completed over a two-year period and issue periodic reports that measure their progress under the plans. Member countries have wide flexibility in designing their plans, which is appropriate for such a diverse group, but the commitments contained in the plans must pertain to the principles of transparency, accountability, participation, and technology and innovation. Each commitment must be assigned to a lead implementing agency and should correspond to one or more specific OGP “grand challenges”: improving public services; increasing public integrity; effectively managing public resources; creating safer communities; and increasing corporate accountability.²⁷ The process of developing these plans is meant to be highly inclusive and to include input from a broad base of civil society. Countries then report on their progress at the end of each year of implementation.

In addition to self-reporting, member governments submit to an Independent Reporting Mechanism review, which evaluates the quality of the country’s commitments in relation to OGP’s values, the completion of those commitments, and other aspects of the NAPs’ success or failure. This independent review is unique among multilateral organizations, which generally rely only upon self-reporting or peer review. IRM progress reports are carried out by independent researchers under the guidance of its International Expert Panel. Researchers undertake consultative processes in each country to review each government’s progress, including consultations with civil society. The IRM is intended to provide independent, credible evidence and constructive suggestions for member countries’ next NAP cycles.²⁸

During its September 2014 meeting, the OGP Steering Committee established a new response policy in an effort to address the clearest violations of Open Government Declaration principles. Civil society organizations, or CSOs, helped prompt this change by raising concerns about practices occurring in their countries. The new policy has two aims: 1) to “assist the country in question to overcome difficulties and to help re-establish an environment for government and civil society collaboration” and 2) to “safeguard the Open Government Declaration and mitigate reputational risks to OGP.”²⁹ Several groups—Steering Committee members, OGP multilateral partners, working group leaders, and civil society organizations—can trigger an OGP investigation by presenting a letter detailing their concerns to the Steering Committee as a whole.

Overseeing the eligibility review, the adequacy of country action plans, and the quality of IRM reports is a governing administrative structure that seeks to balance regional and stakeholder diversity. At the top of this structure is the OGP Steering Committee, which is composed of equal numbers of rotating representatives from

member governments and civil society. Governments that seek to appoint a representative to the Steering Committee should provide “leadership by example for OGP in terms of domestic commitments, action plan progress, participation in the annual conference, and other international opportunities to promote open government.”³⁰ All OGP member countries vote for new Steering Committee members in elections that are organized and run by an independent elections firm.³¹ A special committee composed of CSOs elects the civil society representatives.³² At least one and no more than four government members must come from each of the four geographic regions: Asia; Africa; the Americas; and Europe.

Under the Steering Committee are three standing subcommittees that deal with governance and leadership, criteria and standards, and peer learning and support, respectively. These subcommittees are in turn supported by the OGP Support Unit, which functions as a kind of lean secretariat offering both expertise and administrative assistance and liaises frequently with individual governments. In contrast to the large bureaucracies that support many multilateral initiatives, the OGP Support Unit is relatively small, with just more than 20 staff members and a budget of \$3.4 million in 2014 to support 66 countries worldwide.³³ Funding comes both from member-country contributions and philanthropies. The Support Unit’s most significant responsibilities include managing OGP’s external branding and communication; mediating between governments and CSOs; and providing OGP participants with tools, resources, and relationships on which they can draw to fulfill their responsibilities under the partnership, including an extensive database of electronic resources. Together, the subcommittees and the Support Unit provide a permanent infrastructure to enhance Steering Committee oversight and to improve the contributions of individual governments.³⁴

A final, innovative feature of OGP is its facilitation of a system of peer-to-peer support and advice. With assistance from the Support Unit, participating governments and CSOs have formed working groups that are organized around common themes in NAPs. These working groups create informal contacts between civil servants who are working on the same issues in different jurisdictions, providing a channel for knowledge transfer between governments and nongovernmental organizations, or NGOs, that have well-developed open government infrastructure and those that are starting from a more rudimentary baseline. These interactions have included advice on drafting asset disclosure laws, free exchange of computer code for open data purposes, and tutorials on engaging civil society.

Assessing progress

How has this innovative attempt “to promote transparency, empower citizens, fight corruption, and harness new technologies to strengthen governance”³⁵ fared in four years? The partnership faces an important transition period over the next few years, with new co-chairs, a new strategic plan, a new executive director, and leadership transitions in several of its founding countries, including the United States.³⁶ In this period of transition, an assessment of where the partnership stands can shed light on how to successfully consolidate progress and manage the changes ahead.

To assess Open Government Partnership success, this report draws upon a basic theory of what a multistakeholder initiative can accomplish, OGP’s own statements, and its 2015–2018 strategic plan to identify and analyze three main ways in which the partnership can have an impact:

1. Shaping norms and political commitment
2. Stimulating broad and deep participation in good governance
3. Catalyzing domestic policy reform

Shaping norms and political commitment

The partnership has the power to shape global norms. Begun at the highest political level with the involvement of heads of state, OGP has demonstrated its appeal by attracting a wide range of countries that represent a large share of the global population. Member countries can bolster each other’s reform efforts and help galvanize political support for broader openness and transparency reforms in other processes and forums, as seen in the formulation of the global Sustainable Development Goals.³⁷

To continue to do so, however, the partnership will need to maintain high-level political attention. Although it is difficult to quantify, here are some initial indications of how OGP is faring on this front.

OGP has received very high-level attention in member governments' official statements. A limited survey reveals several references from heads of state and governments: A joint statement from the United States and the Czech Republic mentioned OGP as a platform for transparency in 2011; U.K. Prime Minister David Cameron mentioned OGP as a platform for transparency at the U.K.-hosted G-8 summit in 2013; President Obama, joining Kenyan President Uhuru Kenyatta at the Global Entrepreneurship Summit in 2015, spoke of OGP as a way to "promote the rule of law"; and North American leaders expressed support at a 2014 meeting where the prime minister of Canada and the presidents of Mexico and the United States called OGP an example of "collective solutions to global challenges."³⁸ Although these comments are anecdotal, support from the highest levels is key to making OGP the focal point for openness and transparency and continuing to shape global norms.

The power to shape norms not only affects member countries but also lends strength to the global movement for transparency and anti-corruption. Therefore, the partnership may indirectly influence nonmembers as well. Indeed, while OGP member countries start out with a higher overall average on the International Budget Partnership's Open Budget Index—one of the eligibility criteria for joining OGP—and showed improvement between 2012 and 2015 in their scores, non-OGP countries actually showed a far greater improvement in their rankings on the OBI during the same time frame. This could reflect a lower starting point, an increasingly global movement toward transparency and open budgets that OGP helps stimulate, or both. This cannot be directly attributed to OGP, but it is worth exploring this trend further and examining potential hypotheses to better understand the mechanisms by which the movement for openness works.

TABLE 2

Have Open Government Partnership members shown improved performance since joining?

Change in Open Budget Index between 2012 and 2015

OGP countries by GDP per capita	OBI 2012	OBI 2015	Change	Percentage change
Dominican Republic	29	51	22	75.86%
Romania	47	75	28	59.57%
Philippines	48	64	16	33.33%
Sierra Leone	39	52	13	33.33%
Peru	58	75	17	29.31%
El Salvador	43	53	10	23.26%
Italy	60	73	13	21.67%
Azerbaijan	42	51	9	21.43%
Serbia	39	47	8	20.51%
Georgia	55	66	11	20.00%
Argentina	50	59	9	18.00%
Mexico	61	66	5	8.20%
Costa Rica	50	54	4	8.00%
Brazil	73	77	4	5.48%
Sweden	84	87	3	3.57%
United States	79	81	2	2.53%
Ghana	50	51	1	2.00%
Norway	83	84	1	1.20%
Bulgaria	65	65	0	0.00%
Macedonia	35	35	0	0.00%
Mongolia	51	51	0	0.00%
Colombia	58	57	-1	-1.72%
Kenya	49	48	-1	-2.04%
Tanzania	47	46	-1	-2.13%
Jordan	57	55	-2	-3.51%
South Africa	90	86	-4	-4.44%
Indonesia	62	59	-3	-4.84%
New Zealand	93	88	-5	-5.38%
Spain	63	58	-5	-7.94%
Czech Republic	75	69	-6	-8.00%
Guatemala	51	46	-5	-9.80%

OGP countries by GDP per capita	OBI 2012	OBI 2015	Change	Percentage change
Trinidad and Tobago	38	34	-4	-10.53%
Liberia	43	38	-5	-11.63%
Turkey	50	44	-6	-12.00%
Chile	66	58	-8	-12.12%
Croatia	61	53	-8	-13.11%
South Korea	75	65	-10	-13.33%
United Kingdom	88	75	-13	-14.77%
Ukraine	54	46	-8	-14.81%
Slovakia	67	57	-10	-14.93%
Honduras	53	43	-10	-18.87%
Albania	47	38	-9	-19.15%
Non-OGP countries by GDP per capita	OBI 2012	OBI 2015	Change	Percentage change
Benin	1	45	44	4400.0%
Zambia	4	39	35	875.0%
Rwanda	8	36	28	350.0%
Cameroon	10	44	34	340.0%
Senegal	10	43	33	330.0%
Niger	4	17	13	325.0%
Yemen	11	34	23	209.1%
Kyrgyz Republic	20	54	34	170.0%
Fiji	6	15	9	150.0%
Democratic Republic of the Congo	18	39	21	116.7%
Burkina Faso	23	43	20	87.0%
Zimbabwe	20	35	15	75.0%
Ecuador	31	50	19	61.3%
Nigeria	16	24	8	50.0%
Tajikistan	17	25	8	47.1%
Algeria	13	19	6	46.2%
Bolivia	12	17	5	41.7%
Chad	3	4	1	33.3%
China	11	14	3	27.3%
Egypt	13	16	3	23.1%
Malaysia	39	46	7	17.9%
Thailand	36	42	6	16.7%
Timor-Leste	36	41	5	13.9%

Non-OGP countries by GDP per capita	OBI 2012	OBI 2015	Change	Percentage change
Nicaragua	42	46	4	9.5%
Poland	59	64	5	8.5%
Mali	43	46	3	7.0%
Kazakhstan	48	51	3	6.3%
Portugal	62	64	2	3.2%
Germany	71	71	0	0.0%
Morocco	51	51	0	0.0%
Russia	74	74	0	0.0%
Sao Tome and Principe	29	29	0	0.0%
Papua New Guinea	56	55	-1	-1.8%
Bangladesh	58	56	-2	-3.4%
Uganda	65	62	-3	-4.6%
Vietnam	19	18	-1	-5.3%
Angola	28	26	-2	-7.1%
Slovenia	74	68	-6	-8.1%
France	83	76	-7	-8.4%
Bosnia and Herzegovina	50	43	-7	-14.0%
Sri Lanka	46	39	-7	-15.2%
Namibia	55	46	-9	-16.4%
Mozambique	47	38	-9	-19.1%
Iraq	4	3	-1	-25.0%
Pakistan	58	43	-15	-25.9%
Afghanistan	59	42	-17	-28.8%
India	68	46	-22	-32.4%
Nepal	44	24	-20	-45.5%
Cambodia	15	8	-7	-46.7%
Venezuela	37	8	-29	-78.4%
Lebanon	33	2	-31	-93.9%
Saudi Arabia	1	0	-1	-100.0%

Sources: Author's calculations based on Open Government Partnership, "OGP Explorer," available at <http://www.opengovpartnership.org/explorer/all-data.html> (last accessed February 2016); International Budget Partnership, "Open Budget Index Rankings," available at <http://internationalbudget.org/opening-budgets/open-budget-initiative/open-budget-survey/publications-2/rankings-key-findings/rankings/> (last accessed February 2016).

Note: OGP member countries without available OBI data were omitted.

OGP is not intended to serve as an endorsement of success but rather a motivator, using incentives and peer pressure from the OGP network to encourage a race to the top. The assumption is not that each country has achieved perfect openness but that it has shown sufficient interest in attaining it, as indicated by the eligibility requirements. The framework of OGP helps member countries take actions to further that interest by creating a platform for reformers both inside and outside government to bring about change.³⁹

The number of applications to the Open Government Awards, which seek to showcase how open government initiatives have resulted in concrete improvements in particular areas, declined slightly in 2015 relative to its inaugural year in 2014—not significantly, but the decline may point to less enthusiasm among members.⁴⁰ This could potentially indicate that the race-to-the-top element of the partnership is not attracting enough high-level attention, or it could merely indicate less attention at lower levels of government. Recognizing significant achievements through these awards, however, is an important element of the positive reinforcement mechanisms of the partnership and deserves more attention. As currently constructed, the awards are not based upon performance or policy reform within OGP but instead on related areas in order to spotlight innovation. Broadening the awards criteria to also include performance on OGP principles is one way to boost countries' interest in making progress on open government commitments.

Where countries choose to institutionalize OGP within their governments may be another indication of what kind of attention the initiative is receiving. Each nation is required to designate a point of contact to liaise between the OGP members, the Support Unit, and their domestic OGP efforts. Among the top 10 performers, there is a diversity of institutional homes within their respective member governments, though OGP resides mostly in executive, civic engagement, or planning and budgeting offices, all of which are closely tied to a country's leadership and resources.⁴¹

Among the lowest performers, two trends emerge. First, it is often unclear where the specific institutional home resides within a government. This lack of clarity may be either a symptom or a cause of nations performing poorly, or both. It could be that countries that are less committed to OGP and its principles pay less attention to which entity becomes the point of contact; it could also be that countries that appoint an agency that is not properly structured for or engaged directly with transparency, civic engagement, and anti-corruption do not deliver as effectively. A second pattern is that among the lowest performers, the plurality of countries house their OGP points of contact within foreign affairs offices.

Given that foreign affairs ministries are not generally well-connected to the processes of domestic political reform, it is hardly surprising that these nations have not performed as well, because OGP is intended to connect global and domestic policy reform. While foreign ministries are excellent at connecting with the international aspect of the partnership, they may be unable to connect as well with domestic reform efforts.

Another indicator of high-level attention specified by the OGP Support Unit is the attendance of high-level government officials at OGP events. By that score, the partnership is doing fairly well, with solid numbers of heads of state attending the global summits and with ministerial-level attendance at regional summits.⁴² The key question is how to maintain this high level of attention, especially as the founding members shift out of leadership positions.

Recent high-level engagement on OGP

The following is a partial summary of recent OGP events attended by heads of state and senior officials.

At recent OGP biannual summits:

- **London 2013:** 4 heads of state and ministers, deputy ministers, under secretaries and secretaries from 31 OGP countries⁴³
- **U.N. General Assembly 2014:** 10 heads of state and 30 ministers⁴⁴

At recent OGP annual meetings:

- **Bali 2014:** 1 head of state and 11 ministers from 10 OGP countries⁴⁵
- **Dublin 2014:** 7 ministers⁴⁶
- **Costa Rica 2014:** an estimated 15 ministers⁴⁷
- **Tanzania 2015:** 1 head of state and 7 ministers, mainly from Tanzania⁴⁸

Overall, OGP looks to be doing well on high-level political engagement, though notably some of the statements of support and attendance from high-level figures may begin to wane as the initial founding member countries shift out of leadership positions on the OGP Steering Committee and as elections in member countries bring leadership changes that may affect governments' enthusiasm for engagement.

Stimulating broad and deep participation

The most recent four-year strategy document issued by the OGP Support Unit observed that the partnership's performance "has surpassed most expectations for what OGP could achieve in such a short time frame and with such a modest investment of resources."⁴⁹ There is considerable truth to this statement. In fewer than four years, OGP has developed into a truly global movement. Sixty-six countries that span six continents and comprise more than one-third of the global population have joined OGP. This number represents an impressive 70 percent of eligible countries.

Through OGP, one-third of the world's governments, including many governments with mixed track records on transparency, have publicly endorsed the principles of openness, accountability, participation, and access to information and committed to actions that will further those principles in front of their own citizens. Such promises strengthen the position of civic groups advocating for greater transparency.

One of the most interesting innovations of OGP is that, in the words of Jorge Hage—a founder and then-minister of state and head of the Office of the Comptroller General of Brazil—in 2013, "No distinction is made between developed or emerging countries and underdeveloped or economically modest nations."⁵⁰ As the social, cultural, and economic diversity of OGP participants continues to increase, it is becoming clearer that transparency and open government principles are universal values that can be adapted to a wide range of political environments. In fact, Jeremy Weinstein, who was part of the U.S. government team in OGP's early days, noted that much of the innovation in promoting open government occurs in developing countries and that developed countries have much to learn from them.⁵¹

A simple analysis of the commitments under the action plans demonstrates that poorer countries are no less likely than richer countries to make potentially transformative commitments and see them through. (see Figure 1) In fact, it is often developing countries that are leading the way: Of the countries with the highest

percentage of ambitious commitments—those commitments with the highest potential for transformation that are actually being met—two emerging economies, Croatia and Uruguay, come out on top.⁵² This shift away from a developed-developing country dynamic is one of the more intriguing aspects of OGP. To the extent that there is a common thread among the top performers, it is that they are in neither the top nor the bottom quartile of global rankings of per capita GDP, suggesting that OGP’s greatest value may be in providing a framework and impetus for change in states at an intermediate stage of economic development.⁵³

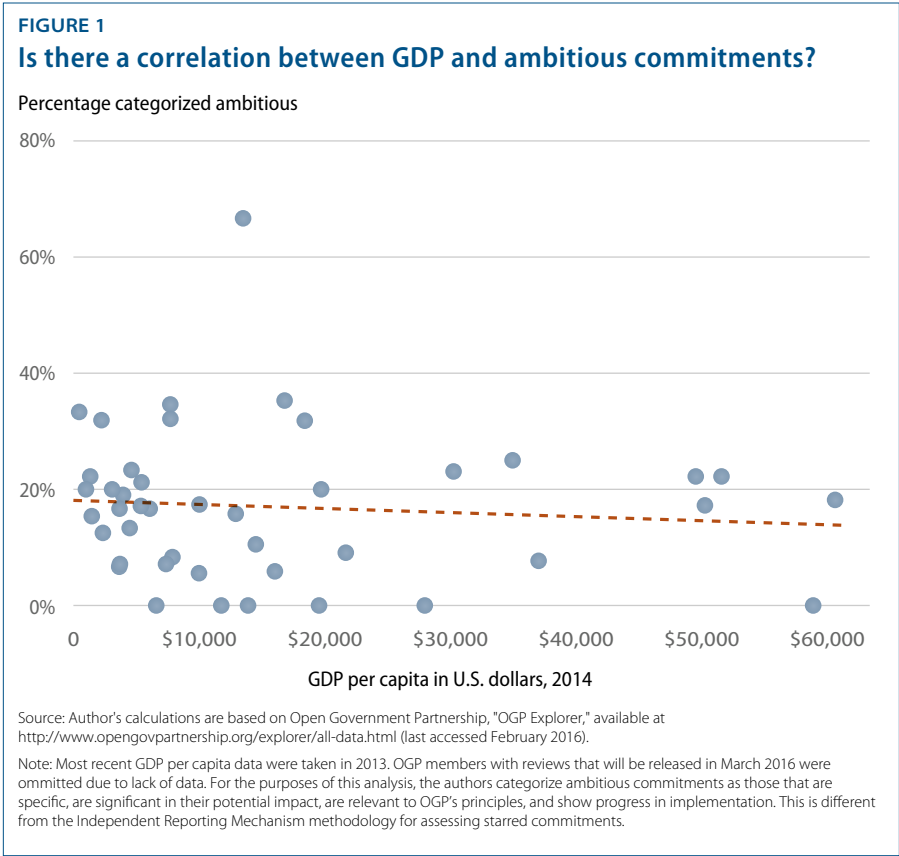


TABLE 3

Who are the top and bottom performers?

Top 10 performing countries by percentage of ambitious commitments			
	Ambitious commitments	Total commitments	Percentage categorized ambitious
Croatia	22	33	66.7%
Uruguay	6	17	35.3%
Bulgaria	9	26	34.6%
Liberia	2	6	33.3%
Colombia	9	28	32.1%
Moldova	15	47	31.9%
Slovakia	7	22	31.8%
Italy	4	16	25.0%
Albania	7	30	23.3%
Spain	3	13	23.1%
Bottom 10 performers by percentage of ambitious commitments			
	Ambitious commitments	Total commitments	Percentage categorized ambitious
Czech Republic	0	6	0.0%
Hungary	0	5	0.0%
Panama	0	5	0.0%
Peru	0	48	0.0%
South Korea	0	16	0.0%
Sweden	0	7	0.0%
Romania	1	18	5.6%
Latvia	1	17	5.9%
Armenia	1	15	6.7%
Guatemala*	1	14	7.1%
Montenegro*	4	56	7.1%

* Note: Montenegro and Guatemala tied for 10th worst performer in terms of percentage of ambitious commitments. For the purposes of this analysis, the authors categorize ambitious commitments as those that are specific, are significant in their potential impact, are relevant to OGP's principles, and show progress in implementation.

Source: Author's calculations based on Open Government Partnership, "OGP Explorer," available at <http://www.opengovpartnership.org/explorer/all-data.html> (last accessed February 2016).

Engagement is a key goal of OGP, and thus the process of developing and fulfilling commitments matters as much as their content. OGP’s articles of governance require that countries develop their action plans “with the active engagement of citizens and civil society.”⁵⁴

Each participating government must give its domestic interlocutor sufficient time and opportunity to review the NAP, ensure that the details of the plan are communicated through multiple channels—including online portals and in-person meetings—and ensure that a broad spectrum of civil society and private-sector actors is consulted. In addition, governments must document and make publicly available their consultations with nongovernment actors, including any written comments that come out of that engagement.

Countries showed varying levels of compliance with mandatory OGP consultation processes during the period from 2012 to 2014, especially during NAP development, as the chart below shows.⁵⁵ In particular, the lack of compliance when it came to setting timelines, providing advance notice, and raising awareness within civil society points to the concern that engagement may be more of a check-the-box exercise. The majority of governments have in-person or online consultations—74 percent and 54 percent of OGP members engage in these ways, respectively—but put little time into ensuring the quality, breadth, and depth of these consultations.⁵⁶

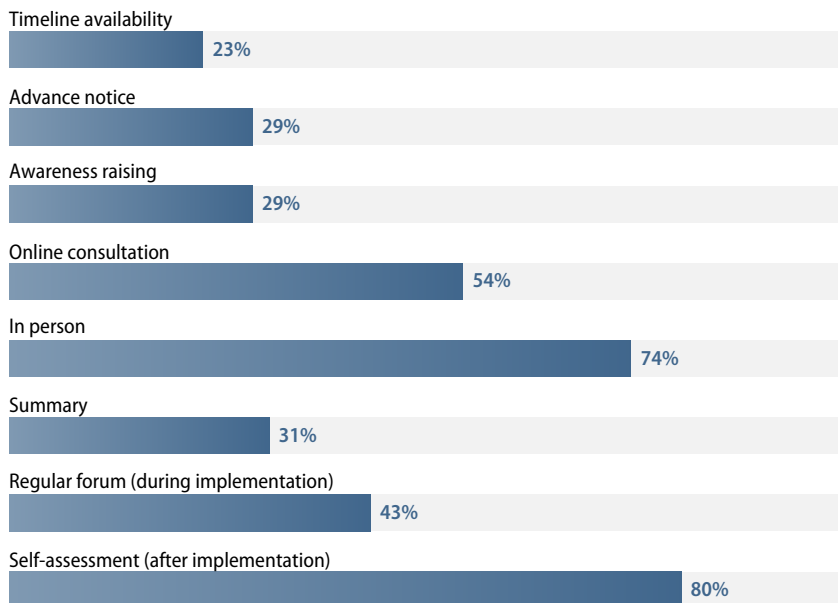
Although participation is difficult to assess in a rigorous, quantitative way, it is a core principle of OGP and a key component of its success. The partnership’s continued success will depend upon its ability to deepen the participation of existing members, including governments and civil society.

FIGURE 2

Engaging civil society: How do Open Government Partnership members fare?

Percentage of countries meeting requirements

Consultation compliance process



Source: Joseph Foti, "Technical Paper 1" (Washington: Open Government Partnership, 2015), available at http://www.opengovpartnership.org/sites/default/files/attachments/Technical%20paper%201_final.pdf.

Government participation in OGP

The OGP Support Unit tracks a few metrics that are indicative of how governments are faring on participation:

- **Number of government officials who participate in OGP working groups:** 262 individuals across 5 working groups as of July 2015⁵⁷
- **Number of instances where working groups have provided assistance in developing a National Action Plan:** 20 instances as of July 2015⁵⁸
- **Number of multilateral partners providing financial and/or technical assistance in developing or implementing an OGP commitment:** 4 cases as of August 2015⁵⁹
- **Share of OGP countries that have established a forum for regular multistakeholder consultation on OGP implementation:** 43 percent⁶⁰

On the civil society side, there is clearly tension between government and civil society perspectives, as reflected in the civil society engagement surveys that are run by the Support Unit's civil society team. When asked how much civil society input is reflected in governments' NAPs, for example, 80 percent of government respondents believe that "all" or "most" of civil society input is reflected. In contrast, only 39 percent of civil society respondents think that their input is reflected. On the bright side, 59 percent of civil society respondents believe that the quality of government receptiveness to input from civil society organizations about NAPs is "good," and only 6 percent think receptivity to CSO input is "poor."⁶¹

Civil society engagement is a learning process, and governments will learn through the repeated process of engagement on NAPs, as well as from each other. Some interesting lessons have already come out of this process. Mexico's and Indonesia's draft NAPs were widely criticized by civil society in those countries for being too vague. In Mexico, an intense discussion occurred between a set of stakeholders that included CSOs; the Federal Access to Information and Data Protection Institute, or IFAI; and the Ministry of Public Administration, which resulted in the formation of the OGP Tripartite Technical Secretariat, or TTS. TTS eventually created a Reinforced or Extended Action Plan and has remained a permanent fixture of Mexico's OGP process, as it has proven to be a good platform for discussion.⁶² In Indonesia, however, CSOs continue to feel excluded if they are not part of the government-selected core team that creates the NAPs.⁶³

Catalyzing domestic policy reform

OGP is intended to be a vehicle to stimulate policy reform, and the partnership aspires to become the central node for transparent and accountable government. Therefore, a key indication of success is what kinds of reforms member countries are able to bring about. The partnership encourages reform in several ways. One is that it requires member governments to craft action plans and recognizes governments that aim for specific and potentially transformative reforms by designating them as "starred" commitments and then makes the share of starred commitments in each country's action plan publicly available.⁶⁴ The criteria that OGP uses to identify starred commitments are not identical to those used in this report to identify ambitious commitments, although there is substantial overlap.

As Rakesh Rajani, previously the lead civil society chair for OGP, has said, “The mark of success for OGP is not how many countries sign on, but how many commitments they deliver.”⁶⁵ Given the race-to-the-top model, the quality of commitments matters. Beyond shaping global norms, does the partnership drive change on the ground in countries?

An Independent Reporting Mechanism synthesis report presented data that revealed that many NAPs had “filler commitments” that were either vague, irrelevant, or had no positive potential impact. Despite such critiques, many member governments included exceedingly low percentages of new commitments in their second NAPs. And only two evaluated NAPs showed between 80 percent and 100 percent completion of commitments.⁶⁶

The IRM process found that overall, only 29 percent of commitments that were made during the first year of OGP have been completed. While this percentage may seem low, it represents more than 270 commitments that were completed by 43 countries.⁶⁷ In some cases, these commitments included pre-existing initiatives that may have been implemented outside an OGP framework; for example, the United States’ NAP incorporated prior commitments from previous efforts.⁶⁸ Even so, there is little doubt that OGP has moved the needle forward on open government in a wide range of jurisdictions.

The most common commitments, categorized by OGP values, are related to access to information, while civic participation-related commitments are by far the least common. By issue, the greatest number of commitments were made with respect to e-government, capacity building, and open data. Commitments related to media, social audits, and defense were given less attention and suffer from potential neglect.⁶⁹ These patterns may point to a weakness in OGP’s structure in addressing very difficult, entrenched cultural and political issues.

In total, 198 of the 777 currently evaluated commitments, or about 25 percent, are ambitious. Croatia and Uruguay have the highest rates of ambitious commitments, followed by Bulgaria and Liberia. Conversely, the Czech Republic, Hungary, Panama, Peru, South Korea, and Sweden had zero ambitious commitments, following closely behind Romania, Latvia, and Armenia with one each, or less than 7 percent of their total commitments. (see Table 3)

The partnership also provides a platform for engagement, learning, and combined advocacy for reformers both in government and civil society so that advocates can draw strength and learn lessons from colleagues around the world.

Even in nonparticipating countries, the existence of OGP makes it more difficult for government officials who are hostile or indifferent to an open government agenda to ignore or soft-pedal demands for greater transparency and access to information. The existence of the partnership has the potential to spur a race to the top among nonmember governments as well, either by shaping global norms on transparency or by encouraging nonmember countries to become members and make the necessary reforms to meet the eligibility criteria.

Some of the most compelling evidence of OGP's transformative impact is the reforms that governments institute merely to qualify for the partnership. For example, Tunisia, Sierra Leone, and Malawi have all passed substantial legislation in an effort to meet the eligibility requirements, which they have done successfully. These efforts speak both to the broad appeal of open governance norms and the virtuous circle that OGP has set in motion: The more countries that join OGP, the weaker the arguments are against joining.

Challenges

Despite the Open Government Partnership’s success in bridging the developed-developing country divide, it has been less successful in balancing regional representation, with Latin America and Europe proportionally dominant while Asia and Africa are less well-represented. This disparity is partly a function of the number of eligible countries in each region—of which Africa has the lowest as a share of its total countries—and may also reflect cultural differences, but if OGP seeks to be a truly global movement for open government, it will need to engage countries more broadly and expand its engagement through regional bodies.

TABLE 4
Participation and eligibility by region

Region	Number of participants	Number of eligible countries that are not participating	Total eligible countries	Percentage of eligible countries that are not participating
Africa	9	9	18	50.0%
Americas	17	3	20	15.0%
Middle East and North Africa	4	0	4	0.0%
Asia	5	9	14	64.3%
Europe	31	10	41	24.4%
Oceania	3	0	3	0.0%
All regions	69	31	100	31.00%

Source: Open Government Partnership, “Home,” available at <http://www.opengovpartnership.org/> (last accessed February 2016).

Once countries have joined OGP, there are very few accountability mechanisms that encourage openness or progress.⁷⁰ In certain—even many—cases, governments’ actions may give pause to observers and cause skepticism. The Independent Reporting Mechanism reports provide solid analyses of each country’s national action plan, but there is no formal structure that holds each country accountable for addressing the problems revealed by the IRM reviews. More

broadly, the intended purpose of the IRM is ambiguous: Is it intended to inform and prompt follow-up actions by governments or by civil society, or possibly both? Is the IRM limited solely to assessing the role of government, or might it extend to offer assessments of civil society's role? Although the IRM is potentially an important component of accountability, it is unclear whether connections can and should exist between the IRM and follow-up through NAPs or other means.

Clearly, performance in making reforms varies across countries. But are mechanisms for accountability built into the partnership structure? The Steering Committee has the authority to review the participation of a government in OGP if the government's eligibility criteria slip beneath the minimum threshold after the country is admitted, if it is otherwise deficient in the preparation or implementation of its action plans, or if it has acted inconsistently with the Open Government Declaration. It is unclear from OGP's articles of governance whether this power to review also implies the power to suspend OGP participation.

A summary of recent activity relating to OGP compliance and accountability

Ten countries received letters from the OGP Support Unit for being more than four months behind on their NAPs.

- Azerbaijan and Israel, which had requested extensions on either the submission or implementation deadline of their NAPs, received letters granting these extensions but informing them that they would be expected to adhere to a two-year implementation cycle for future action plans.
- Malta and Turkey, which received letters from the OGP Support Unit two years in a row, have been referred to the Criteria and Standards Subcommittee.⁷¹

As with any high-profile international initiative that pertains to good governance or human rights, there is a risk that some of the participating governments may wish to use OGP as a means of deflecting domestic and international criticism have little interest in meeting their obligations under the partnership. OGP's emphasis on helping—rather than sanctioning—noncompliant governments,

while understandable in an initiative that is predicated on voluntary participation, creates a weakness in oversight that could result in a government maintaining its participant status over a prolonged period—even indefinitely—while holding little real commitment to OGP’s values.

Recent events have challenged the existing model of OGP and indicate a promising institutional flexibility and the prioritization of the partnership’s credibility and values. As previously mentioned, the OGP Steering Committee established a new response policy in 2014 to confront the most blatant violations of Open Government Declaration principles. By raising concerns about unacceptable practices that were occurring in their countries, civil society organizations helped bring about this change. The policy has two aims: 1) to assist countries in restoring a more trusting and productive relationship between government and civil society and 2) to ensure that OGP member governments respect the Open Government Declaration and do not damage the reputation of OGP. Several groups—Steering Committee members, OGP multilateral partners, working group leaders, and CSOs—can trigger an OGP investigation by presenting a letter detailing their concerns to the Steering Group as a whole.⁷²

Testing the model: Azerbaijan and Hungary

In March 2015, civil society organizations from two countries, Azerbaijan and Hungary, submitted letters of concern using the response policy. The letter from Azerbaijani CSOs claimed that the Azerbaijani government's behavior toward civil society "raises important concerns about [its] commitment to the values and principles expressed in the Open Government Declaration."⁷³ According to Tor Hodenfield, policy and advocacy officer at CIVICUS World Alliance for Citizen Participation, "The Azerbaijani government has orchestrated a crackdown on independent NGOs and freedom of expression more broadly." This has included legislative restrictions on nongovernmental organizations and arrests of their leaders and investigative journalists.⁷⁴

The letter to OGP details actions that were taken by the government—including smear campaigns, restrictive legislative amendments, and control and harassment of NGOs—that have led to the intimidation of CSOs and individuals and the silencing of any discourse. The authors drew on the Independent Reporting Mechanism review of Azerbaijan's national action plan in advancing their claims, in particular the "country context" portion of the report which described some of the abuses enumerated in the letter. Finally, the members asked the OGP Steering Committee to "help establish a positive environment for government and civil society collaboration," including recommendations.⁷⁵

OGP's review found that the Azerbaijani CSOs' concerns are valid. OGP has begun stage 1 responses, which include working with the Azerbaijani government to create a work plan with the Criteria and Standards Subcommittee to fix these problems.⁷⁶ Subsequently, the Extractive Industries Transparency Initiative, or EITI, which promotes accountability in natural resource management, has downgraded Azerbaijan from compliant to candidate status.⁷⁷ Failure to act in this situation could harm OGP's reputation.

Hungary's letter, which pointed out direct action against and harassment of critical CSOs and which also drew on a recent IRM review, was submitted more recently, and the country is currently under review by the Criteria and Standards Subcommittee.⁷⁸

These cases reveal the weaknesses and strengths of OGP's membership framework. Within the membership structure, countries' NAP commitments are not necessarily connected to actual progress on transparency, and there is no direct link between the IRM and accountability. Although both Azerbaijan's and Hungary's IRM reports indicated potential problems—and although these findings were referenced in both of the letters to the Steering Committee—the IRM report itself was not sufficient to trigger action from the partnership. Direct civil society intervention was required for the OGP Steering Committee to act. While civil society endorsement of OGP actions is important, civil society actors may face limitations on what they can openly express due to fear of retribution from their governments. The Steering Committee or the Support Unit should consider reaching out proactively to civil society rather than waiting for CSOs to voice their concerns. In particular, the Steering Committee should closely follow the “country context” component of IRM reports, which can provide important information on domestic conditions.

Azerbaijan and Hungary have shown that member countries can actively fail to achieve any of the goals of OGP. The current OGP structure may not be sufficient to address compliance issues, though it can provide critical support when civil society chooses to act. These cases show the limitations of the IRM process but also point to the rigor of the IRM reports, the strength of civil society engagement, and the important role played by nongovernmental actors within the partnership. They also show that where domestic space for civil society is limited, OGP can create an effective platform for civil society participation at the international level. How OGP resolves these two cases and their individual outcomes will have a significant impact on OGP's reputation and its model of stimulating a race to the top. Delays in addressing the issues at hand will only impede OGP's efforts to raise the level of ambition among its members more generally.

The role of the United States in OGP

For more than 50 years, the United States has been an important incubator of ideas about open government. From the Administrative Procedure Act and the Freedom of Information Act, or FOIA, to the open data principles, the United States has been an early adopter of open government policies and has played an influential role in shaping and giving content to the open government and open data movements. That role has continued under the Obama administration, which to a greater extent than any previous U.S. administration has endorsed the concept of open government and encouraged other nations to do the same. The United States played a pivotal role in the creation of the Open Government Partnership and remains a robust advocate of the initiative.

Notwithstanding these important contributions, the U.S. government has not consistently achieved a level of domestic openness that is commensurate with its prominence in open government issues. Although the Obama administration has performed well in meeting many of the objectives set out in its national action plans, those objectives have tended to favor innovation and procedural reforms over changes to legal standards and substantive outcomes. In addition, the administration, like other OGP participants, has made limited progress on enhancing civic participation in government decision-making.

The Obama administration and open government

Transparency and openness in government were early priorities of the Obama administration. During his first presidential campaign, the president promised an unprecedented level of openness and transparency in his administration.⁷⁹ One of the president's first executive actions following his inauguration in January 2009 was to issue the "Memorandum on Transparency and Open Government" that promised "an unprecedented level of openness in Government" anchored on three principles: transparency; collaboration; and participation.⁸⁰ This memorandum

was followed in December 2009 by an Open Government Directive from then-Director of the Office of Management and Budget Peter Orszag, which in turn gave rise to what the White House now refers to as the Open Government Initiative, an umbrella designation that encompasses the policies and programs that were implemented in connection with U.S. agencies' open government plans.⁸¹

Under the banner of open government, the administration pursued a number of initiatives during the president's first two years in office, such as an executive order that instructed agencies to release more information under FOIA and the creation of Data.gov, a centralized online platform for accessing government data.⁸² Many of these efforts subsequently would be incorporated into the United States' first NAP under OGP.⁸³

Although OGP is a truly multilateral exercise, the Obama administration was a pivotal actor on the international stage in its advocacy for the establishment of OGP, and the partnership is, in significant respects, an internationalization of the three principles of open government that President Obama enumerated in his January 2009 memorandum. By the administration's own telling, a major impetus for OGP was the president's speech at the 2010 U.N. General Assembly, during which he exhorted world governments to "bring specific commitments to promote transparency; to fight corruption; to energize civic engagement; to leverage new technologies so that we strengthen the foundations of freedom in our own countries."⁸⁴ The following summer, then-Secretary of State Hillary Clinton hosted more than 60 governments in Washington, D.C., to lay the groundwork for the partnership, which launched in November of 2011 with eight founding member states: the United States; Brazil; Indonesia; the Philippines; Mexico; Norway; South Africa; and the United Kingdom.⁸⁵

Since the creation of OGP, the United States has continued to play an influential role in the initiative. The United States was a founding co-chair of the OGP Steering Committee, a position it held until a new committee was elected in 2014.⁸⁶ It now holds a seat on the Criteria and Standards Subcommittee.⁸⁷ In addition, U.S.-based experts and nongovernmental organizations are active on the civil society side of OGP. The current OGP Steering Committee and two of its subcommittees all include at least one U.S.-based organization.⁸⁸

U.S. participation in OGP

The United States is a participant in OGP, as well as an advocate of the initiative. Overall responsibility for the initiative is formally assigned to the U.S. Department of State's Bureau of Democracy, Human Rights, and Labor. However, the Executive Office of the President—specifically the Office of Science and Technology Policy—is the official U.S. point of contact with OGP and the entity responsible for the coordination and development of NAPs.

The United States has participated in three cycles of OGP NAP formulation and implementation—in 2011, 2013, and 2015—the first two of which have now been subject to IRM review. In its most recent NAP, which was released in October 2015 and is currently undergoing implementation, the United States proposed 44 commitments, which included new initiatives as well as expanded initiatives from the previous plan released in 2013.⁸⁹

All three of the U.S. action plans cover a wide range of government programs and policies. Yet the most recent IRM review suggests that the administration has not always been successful in translating these high-level commitments into concrete policies that can substantially advance the four open government principles of access to information, public accountability, civic participation, and technological innovation. Of the 26 commitments in the 2013 action plan, only two were found to be “transformative” by the IRM reviewer. Of the remaining 24 commitments, 13 were deemed likely to have “moderate” impact and 11 “minor” impact.⁹⁰ At the level of individual milestones, not one was found to be transformative, and 45 of 54 milestones were evaluated to be of minor impact.

It is important to qualify discussion of these figures with the observation that even a thorough and impartial review, such as the kind that was offered by the 2013 IRM reviewer, cannot avoid an element of subjectivity, particularly with respect to assessing the likely impact of individual commitments and milestones. Taking this caveat into account, the 2013 IRM reviewer's findings, along with broad patterns in the content of the action plans, still point to challenges in the domestic implementation of OGP that are likely to recur in future U.S. NAPs and that reflect challenges that other countries are likely to experience as well.

First, the 2013 IRM review reflects a misalignment between the likely impact of commitments that were contained in the action plan and the underlying milestones that were intended to fulfill those commitments. For example, neither of the commitments rated as transformative by the 2013 IRM reviewer is supported by

milestones of an equally transformative character. The first of these transformative commitments, a pledge to improve transparency in federal spending, encompasses nine milestones, seven of which the IRM reviewer deemed to be of minor impact and two of which she found to be of moderate impact. The second commitment—U.S. participation in a global movement to increase transparency in government revenues relating to the sale or exploitation of natural resources—included four milestones, all of which the reviewer found to be of moderate impact. In the same vein, the 13 commitments that were deemed to be of moderate impact encompassed 34 milestones, 22 of which were found to be of minor impact and 12 of which were found to be of moderate impact. This divergence may reflect the process-focused nature of milestones relative to commitments, which tend to be more general and synthetic in character. But meaningful action on milestones is necessary to achieve the policy reforms that are enshrined in commitments.

Second, the NAP appears to favor the goals of technological innovation and access to information over public accountability and civic participation. Of the 26 commitments that are contained in the 2013 plan, the reviewer found that only two were relevant to public accountability and that 10 were relevant to public participation, as opposed to 17 that were relevant to technological innovation and 18 that were relevant to access to information. At the level of individual milestones, the discrepancy is even starker: Of 54 milestones, only 6 were related to accountability and 15 to participation, compared with 26 relating to innovation and 42 relating to access to information. Nor does it appear that quantity is offset by quality: Only 2 of the 15 milestones that related to participation and none of the milestones that related to accountability were deemed to be of moderate impact; none were transformative. In contrast, 10 of the 27 milestones relating to innovation and 19 of the 42 milestones relating to access to information were deemed to be of moderate impact, but again, none were transformative.

These figures point toward two qualitative patterns in the NAPs that the United States may wish to consider when drafting future action plans. First, the individual milestones in the plan favor innovation and procedural reforms over changes to legal standards and substantive outcomes. For example, all five milestones under the “Modernize the Freedom of Information Act” commitment relate to making the FOIA process more efficient and standardized across agencies,⁹¹ such as creating an online portal for FOIA requests or developing a FOIA e-learning training resource.⁹² But none of the milestones explicitly address the standard of FOIA review, which the president has addressed independently of OGP with ambiguous

results,⁹³ or examine whether current levels of disclosure under FOIA are acceptable. This pattern is repeated in the 2015 NAP, which—like the 2013 NAP—focuses on the user experience of FOIA portals and enhancing access to materials that have already been released or that are subject to mandatory disclosure, such as nonprofit tax filings.⁹⁴

The second qualitative pattern shows that most of the commitments and milestones under the action plan that relate to access to information are focused on disclosure of economic and budgetary data or digitization of information that was already public in an analog format. By contrast, measures that call for the disclosure of information that relates to current defense and intelligence activities are mostly absent from the NAPs. One notable exception is a commitment in the 2013 NAP to disclose information relating to the use of foreign-intelligence surveillance authorities, which was broadened in the 2015 NAP to a general commitment to transparency in the intelligence community, including the publication of an Open Government Plan for the Intelligence Community.⁹⁵ However, this is clearly a challenging area for the United States: The IRM reviewer found that the disclosure called for under the 2013 NAP lacked “standards and specifics,” and the 2015 commitments seem similarly vague, though it is too early to weigh in definitively on their nature and impact.⁹⁶

These patterns in the action plan likely derive in part from structural factors. Responsibility for OGP within the U.S. government is divided between the U.S. State Department and the White House Office of Science and Technology Policy, neither of which have comprehensive expertise on the full range of issues that OGP aims to address. OSTP coordinates the action plan development process, which may account for the preponderance of technology-focused, process-minded milestones found in the 2011 and 2013 plans. Technology and data are important aspects of participation in the OGP, but they are not the only aspects, and the selection of an office that is staffed with technology policy experts may have led to an emphasis on access to information and innovation at the expense of civic participation and public accountability.

Another significant structural factor is the absence of an executive order or presidential directive that requires agencies to participate in the action plan development process or in the implementation of the action plans. Instead, participation by agencies is voluntary. These permissive conditions, in conjunction with OSTP’s relatively low profile and limited budget, have meant that important entities

within the U.S. government that account for a large portion of the federal budget and engage in large-scale classification and data collection—such as the the U.S. Department of Defense, the National Security Agency, and the CIA—have had at best a minor role in the realization of the United States’ obligations under OGP.

Nor have agencies that did participate in OGP implementation been required to propose milestones that are separate from reforms that were already planned or underway for reasons unrelated to OGP, meaning that the number of reforms that are currently credited to U.S. participation in OGP are likely overstated. This points to a broader challenge for OGP: The lack of clear causality makes impact difficult to demonstrate. Are countries making reforms because of their OGP commitments, or is it simply that those nations who wish to be members are already onboard with the open government movement and would have instituted reforms regardless?

One of the theories at the founding of OGP was that there were reformers within governments who wanted to pursue these reforms, but that an international platform would provide both normative pressure and practical learning opportunities through peer experience that would facilitate more, better, and faster reforms in open government.⁹⁷ More research is needed to identify whether experience has borne out this hypothesis has been borne out through experience.

In fact, aligning NAPs with broader social and economic trends is important if OGP wants to catalyze transformational change. The United States has made promising steps in this regard. For example, its most recent NAP includes commitments to open police data and increased transparency in trade negotiations—a response to the high degree of public scrutiny that these topics have recently received.⁹⁸ Civil society organizations, for their part, acknowledged that the Obama administration has met “continually” with them regarding many aspects of NAP development and formulation and lauded many of the administration’s commitments, notably its commitment to the Extractive Industries Transparency Initiative.⁹⁹ At the same time, CSOs also expressed frustration that it is not always clear how the administration incorporates civil society recommendations into NAPs and are pressing for a more “collaborative and responsive consultation process.”¹⁰⁰

Recommendations

To encourage continued engagement at the highest political levels, the Open Government Partnership will need to stay connected to the cutting edge of international issues so that it remains relevant in areas that demand attention from high-level political officials. The cross-cutting nature of transparency, participation, and accountability issues is a potential strength of the partnership. OGP could play a role in the implementation of the Sustainable Development Goals; partake in the discussion on more transparency in climate finance; or work to improve innovation and accountability in delivering humanitarian assistance in light of the current migrant crisis.

Within the partnership, empowering the Steering Committee to act as a champion and an ambassador of OGP and to engage directly with high-level counterparts is also important for maintaining high-level attention, as is ensuring that OGP has a clearly defined and well-connected home within its member governments. It is also important to make the value of the partnership clear by showing its impact and results while providing a source for peer learning and recognition. The more OGP becomes integrated with other global processes and issues, the more it can remain relevant, but in doing so, it must maintain focus on its core capabilities. OGP has the potential to provide a platform to multiply the impact of issues that are being discussed in other forums, such as the G-8, the G-20, the Asia-Pacific Economic Cooperation forum, and the United Nations.

Participation is an area where the partnership needs more work, especially when it comes to civil society. Recommendations to improve engagement with civil society include strengthening relationships with advocates on the ground in member countries and improving the tool kits that are available to civil society reformers. The products that OGP currently produces, such as the Independent Reporting Mechanism progress reports, are of high quality but tend to be lengthy and research oriented. They should be translated into tools that are

easier to utilize for civil society engagement, with key messages, talking points, various kinds of media outreach options, and other context-specific needs. This will require strong civil society and communications teams, which OGP already has and is in the process of strengthening even more.

To deepen engagement with existing members, the partnership should boost its peer-learning and support mechanisms. Although there is significant participation by the working groups in helping to develop national action plans, this participation should be strengthened and made more proactive. Another recommendation that would provide value to members is to expand and deepen strategic partnerships. OGP has formed alliances with four groups that have pledged support to OGP countries: the World Bank Group, from which 15 countries received financial and technical support on their NAPs; the Inter-American Development Bank, which assisted with NAP implementation in Caribbean and Latin American countries; the Organisation for Economic Co-operation and Development, which provided targeted technical support to help interested countries meet eligibility criteria; and the U.N. Development Programme, which supported the implementation and consultation processes.¹⁰¹ Deepening these partnerships and creating more formal structures for partners to assist OGP members—either by region or by function—could help OGP leverage its strengths and bolster engagement from members.

One of the most obvious ways in which the partnership can seek to have real impact is through meaningful policy reform, and it will need to demonstrate continued results on this front to maintain its relevance as it emerges from its start-up period. The cycle of NAP development, implementation, and independent review should be less condensed because the rapid timeline in the current setup—where the three are often overlapping—discourages countries from taking the time to identify more difficult, long-term issues. Equally, the partnership should encourage the identification of short-, medium-, and long-term commitments among members and create a rating system that differentiates them as such; that way, countries can be rewarded for addressing the longer-term, more difficult challenges.

The IRM is unique for multilateral initiatives, but its purpose is not clear. It could be better utilized to connect reviews to change by requiring member governments and civil society groups to respond to the IRM reviews, by either identifying what changes they plan to make in response or explaining areas where they may disagree with the findings. In addition, the country context

component of IRM reviews should feature more prominently in Steering Committee meetings. This would discourage governments from using participation in OGP as a means of deflecting broader criticisms about their commitment to open government values and would empower civil society to intervene with the Steering Committee in countries where governments are engaging in harassment and intimidation of the kind alleged in Azerbaijan and Hungary.

Conclusion

The Open Government Partnership is a unique innovation in global governance that has proved that values of transparency, participation, and accountability hold wide appeal. It also has shown that countries from various income levels, geographic regions, and cultural contexts can work together toward common aims. The partnership is reaching a transition point as it enters its fifth year, and it will need to solidify its success by identifying lessons learned from its first few years. OGP has done well in attracting high-level political attention and stimulating reforms among members, as well as in spreading global norms. However, it will need to stay on the cutting edge of international issues to remain relevant and not become a bureaucratic exercise, as well as improve structures for accountability to deepen the reforms that member states undertake. Participation is an area where the partnership needs to devote dedicated attention to ensure true collaboration and input from citizens and governments alike. While the partnership shows great promise, this report highlights ways for OGP to continue to grow and flourish as a model of cross-regional, multilateral cooperation that encourages more open and accountable governments worldwide.

About the authors

Molly Elgin-Cossart is a Senior Fellow at the Center for American Progress, where she works on issues involving foreign policy, international development, and global conflict.

Trevor Sutton is a Nonresident Fellow with the National Security and International Policy team at the Center, where he focuses on governance, transparency, and development issues.

Kathryn Sachs is a former National Security and International Policy intern at the Center.

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Appendix

TABLE A
Profiles of Open Government Partnership countries vs. Non-Open Government Partnership countries

OGP Countries			
Country	GDP per capita in USD (2014)	TI Corruption Perceptions Index	Polity IV score
Albania	\$4,619.20	36	9
Argentina	\$12,922.40	32	8
Armenia	\$3,646.70	35	5
Azerbaijan	\$7,884.20	29	-7
Brazil	\$11,612.50	38	8
Bulgaria	\$7,712.80	41	9
Canada	\$50,271.10	83	10
Cape Verde	\$3,641.1	55	10
Chile	\$14,520.00	70	10
Colombia	\$7,720.00	37	7
Costa Rica	\$10,035.40	55	10
Croatia	\$13,507.40	51	9
Czech Republic	\$19,553.90	56	9
Denmark	\$60,634.40	91	10
Dominican Republic	\$6,075.50	33	8
El Salvador	\$3,950.70	39	8
Estonia	\$19,719.80	70	9
Finland	\$49,541.30	90	10
Georgia	\$3,670.00	52	7
Ghana	\$1,461.60	47	8
Greece	\$21,682.60	46	10
Guatemala	\$3,703.00	28	8
Honduras	\$2,346.70	31	7
Hungary	\$13,902.70	51	10
Indonesia	\$3,514.60	36	9

Polity IV Key

Full democracy	10
Democracy	8 to 9
Open anocracy	1 to 5
Closed anocracy	-5 to 0
Autocracy	-10 to -6

Country	GDP per capita in USD (2014)	TI Corruption Perceptions Index	Polity IV score
Ireland	\$53,313.60	75	10
Israel	\$37,031.70	61	10
Italy	\$34,960.30	44	10
Ivory Coast	\$1,545.9	32	4
Jordan	\$5,422.60	53	-3
Kenya	\$1,337.90	25	9
Latvia	\$16,037.80	55	8
Liberia	\$461.00	37	6
Lithuania	\$16,444.80	61	10
Macedonia	\$5,370.77	42	9
Malta	\$22,776.20	56	n/a
Mexico	\$10,361.30	35	8
Mongolia	\$4,170.20	39	10
Moldova	\$2,233.80	33	9
Montenegro	\$7,370.90	44	9
Netherlands	\$51,590.00	87	10
New Zealand	\$42,409.00	88	10
Norway	\$97,363.10	87	10
Panama	\$11,770.90	39	9
Paraguay	\$4,479.10	27	9
Peru	\$6,594.40	36	9
Philippines	\$2,843.10	35	8
Romania	\$9,996.70	46	9
Serbia	\$6,152.90	40	8
Sierra Leone	\$788.40	29	7
Slovakia	\$18,416.50	51	10
South Africa	\$6,477.90	44	9
South Korea	\$27,970.50	56	8
Spain	\$30,262.20	58	10
Sweden	\$58,887.30	89	10
Tanzania	\$998.10	30	-1
Trinidad and Tobago	\$18,218.50	39	10
Tunisia	\$4,316.80	38	7
Turkey	\$10,542.80	42	9
Ukraine	\$3,082.50	27	4

Country	GDP per capita in USD (2014)	TI Corruption Perceptions Index	Polity IV score
United Kingdom	\$45,603.30	81	10
United States	\$54,629.50	76	10
Uruguay	\$16,810.90	74	10
Average	\$17,569.73	49.9	8.1
Non-OGP			
Afghanistan	\$659.0	11	-1
Algeria	\$5,948.1	36	2
Angola	\$5,423.6	15	-2
Australia	\$61,887.0	79	10
Austria	\$51,127.1	76	10
Bahrain	\$24,868.4	51	-10
Bangladesh	\$1,092.7	25	1
Belarus	\$8,040.0	32	-7
Belgium	\$47,516.5	77	8
Benin	\$825.3	37	7
Bhutan	\$2,380.9	65	5
Bolivia	\$3,235.8	34	7
Bosnia	\$4,805.2	38	n/a
Botswana	\$7,123.3	63	8
Burkina Faso	\$713.1	38	0
Burundi	\$286.0	21	6
Cambodia	\$1,090.1	21	2
Cameroon	\$1,429.3	27	-4
Central African Republic	\$371.1	24	0
Chad	\$1,024.7	22	-2
China	\$1,593.9	37	-7
Comoros	\$841.2	26	9
Republic of the Congo	\$3,137.8	23	-4
Cuba	\$6,789.8	47	-7
Cyprus	\$27,194.4	61	10
Djibouti	\$1,805.0	34	4
Democratic Republic of the Congo	\$440.2	22	5
Ecuador	\$6,322.3	32	5

Country	GDP per capita in USD (2014)	TI Corruption Perceptions Index	Polity IV score
Egypt	\$3,189.7	36	-4
Equatorial Guinea	\$17,430.1	n/a	-5
Eritrea	\$754.9	18	-7
Ethiopia	\$565.2	33	-3
Fiji	\$4,546.2	n/a	2
France	\$42,732.6	70	9
The Gambia	\$418.6	28	-5
Germany	\$47,627.4	81	10
Guinea	\$539.6	25	-5
Guinea-Bissau	\$567.8	17	6
Guyana	\$4,226.2	29	6
Haiti	\$824.2	17	0
Iceland	\$52,111.0	79	n/a
India	\$1,595.7	38	9
Iran	\$5,315.1	27	-7
Iraq	\$6,334.1	16	3
Jamaica	\$5,290.5	41	9
Japan	\$36,194.4	75	10
Kazakhstan	\$12,276.4	28	-6
Kosovo	n/a	33	8
Kuwait	\$48,926.5	49	-7
Kyrgyzstan	\$1,269.1	28	7
Lao People's Democratic Republic	\$1,759.8	25	-7
Lebanon	\$10,057.9	28	6
Lesotho	\$990.0	44	8
Libya	\$6,569.6	16	0
Luxembourg	\$110,664.8	81	10
Madagascar	\$449.4	28	6
Malawi	\$225.0	31	6
Malaysia	\$10,933.5	50	5
Mali	\$706.7	35	5
Mauritania	\$1,275.0	31	-2
Mauritius	\$10,005.6	53	10
Morocco	\$3,103.2	36	-4
Mozambique	\$602.1	31	6

Country	GDP per capita in USD (2014)	TI Corruption Perceptions Index	Polity IV score
Myanmar	\$1,203.8	22	-3
Namibia	\$5,589.0	53	6
Nepal	\$696.9	27	6
Nicaragua	\$1,963.1	27	9
Niger	\$427.4	34	6
Nigeria	\$3,203.3	26	4
Oman	\$19,309.6	45	-8
Pakistan	\$1,334.1	30	7
Papua New Guinea	\$2,108.8	25	5
Poland	\$14,422.8	62	10
Portugal	\$22,080.9	63	10
Qatar	\$97,518.6	71	-10
Russia	\$12,735.9	29	4
Rwanda	\$695.7	54	-3
Samoa	\$4,173.1	n/a	n/a
Sao Tome and Principe	\$1,797.2	42	n/a
Saudi Arabia	\$24,161.0	52	-10
Senegal	\$1,061.8	44	7
Singapore	\$56,286.8	85	-2
Slovenia	\$23,962.6	60	10
Solomon Islands	\$2,024.2	n/a	8
Somalia	n/a	8	5
South Sudan	\$1,097.3	15	0
Sri Lanka	\$3,631.0	37	3
Sudan	\$1,875.9	12	-4
Suriname	\$9,933.1	36	5
Swaziland	\$2,679.4	n/a	-9
Switzerland	\$84,733.0	86	10
Syria	n/a	18	-9
Taiwan	n/a	62	10
Tajikistan	\$1,114.0	26	-3
Thailand	\$5,519.4	38	-3
Togo	\$635.0	32	-2
Turkmenistan	\$9,031.5	18	-8
United Arab Emirates	\$44,204.3	70	-8

Country	GDP per capita in USD (2014)	TI Corruption Perceptions Index	Polity IV score
Uganda	\$696.4	25	-1
Uzbekistan	\$2,037.7	19	-9
Venezuela	\$16,614.5	17	4
Vietnam	\$2,052.3	31	-7
Yemen	\$1,408.1	18	0
Zambia	\$1,721.6	38	7
Zimbabwe	\$896.2	21	4
Average	\$12,026.6	38.1	2

Authors' note: Numbers in italic indicate data from 2013.

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