



Deposited via The University of Leeds.

White Rose Research Online URL for this paper:

<https://eprints.whiterose.ac.uk/id/eprint/138939/>

Version: Accepted Version

Article:

Fraundorfer, M (2017) The Open Government Partnership: Mere Smokescreen or New Paradigm? *Globalizations*, 14 (4). pp. 611-626. ISSN: 1474-7731

<https://doi.org/10.1080/14747731.2016.1236463>

© 2016 Informa UK Limited, trading as Taylor & Francis Group. This is an author produced version of a paper published in *Globalizations*. Uploaded in accordance with the publisher's self-archiving policy.

Reuse

Items deposited in White Rose Research Online are protected by copyright, with all rights reserved unless indicated otherwise. They may be downloaded and/or printed for private study, or other acts as permitted by national copyright laws. The publisher or other rights holders may allow further reproduction and re-use of the full text version. This is indicated by the licence information on the White Rose Research Online record for the item.

Takedown

If you consider content in White Rose Research Online to be in breach of UK law, please notify us by emailing eprints@whiterose.ac.uk including the URL of the record and the reason for the withdrawal request.

Markus Fraundorfer
Institute of International Relations
University of São Paulo
Cidade Universitária - Av. Prof. Lúcio Martins Rodrigues,
S/N - Butantã, São Paulo - SP, 05508-020, Brazil

Email: fraundorfer@usp.br

Markus Fraundorfer is a postdoctoral research fellow at the Institute of International Relations, University of São Paulo. He received his PhD from the University of Hamburg (in collaboration with the GIGA German Institute of Global and Area Studies). He also holds an MA in International Politics from the University of Manchester. His research interests include Brazilian foreign policy, global governance, global democracy and global justice. His latest book on Brazil's emerging role in global governance was published by Palgrave Macmillan. He has also published, among others, in the journals *Global Constitutionalism* and *Global Policy*. He was a visiting researcher at the University of Brasília and the Catholic University of Rio de Janeiro. The research for this article was funded by grant #2014/18584-1, CAPES / São Paulo Research Foundation (FAPESP).

Abstract

In 2011, on the initiative of US President Barack Obama 8 governments and 9 civil society organizations (CSOs) came together to create the Open Government Partnership (OGP). The OGP was proclaimed as a new paradigm in promoting open government and democratic principles through the creation of participatory mechanisms involving governments and CSOs. This article aims to examine in more detail if the OGP, after 5 years in existence, has lived up to the initial proclamations as a new model of democracy-promotion at the global level. Departing from theoretical considerations on the potential of participatory mechanisms for the promotion of democratic processes, the article analyzes the OGP processes of 3 founding members, Brazil, the US and the UK. Although the structure of the OGP is highly innovative in many respects, the findings suggest that the governments of the 3 countries examined have used the OGP as a smoke screen to distract from on-going corruption, lacking transparency and government secrecy. This article contributes to research on the possibilities and challenges of effectively democratizing global governance mechanisms through the involvement of governments and civil society actors.

Keywords: Brazil; Civil Society; Global Democracy; Open Government Partnership; Transparency; UK;

The Open Government Partnership: Mere Smokescreen or New Paradigm?

The Open Government Partnership (OGP) is a relatively new global governance mechanism with the aim to promote open government and democratic practices. Hailed by its founding members as a paradigm shift in democracy-promotion, this article attempts to find out if the OGP really represents a new paradigm. Or if the OGP resembles no more than a convenient smokescreen for the participating governments, an artificial cloud of smoke, to distract civil society's concerns about widespread secrecy and lack of transparency in government activities.

During his administration, US President Barack Obama has strongly promoted open government as one of several key initiatives. In January 2009, on his first day in Office, Obama signed the Memorandum on Transparency and Open Government in which he pledged to create a more transparent, participatory and collaborative government (Obama, n.d.). In December 2009, Obama issued an Open Government Directive establishing specific deadlines for action which include the online publication of government information, the improvement of the quality of government information, the creation and institutionalisation of a culture of open government in government agencies and the creation of a policy framework for open government (The White House, 2009). One year later, Obama presented his Open Government Initiative at the UN General Assembly pledging for new commitments in the fight against corruption, promoting transparency and empowering civic engagement (Weinstein, 2013, p. 4).

In 2011, as a result of this international call, 8 governments (Brazil, Indonesia, Philippines, Mexico, Norway, South Africa, the United Kingdom and the United States) and 9 representatives from CSOs¹ in the field of transparency and open government came together in New York at the UN General Assembly to launch the Open Government Partnership (Weinstein, 2013, pp. 4-7; CGU, n.d).

The OGP aims to promote democracy in the participating countries by creating mechanisms which increase the availability of information about government activities, support civic participation, implement codes of conduct for public officials and improve the access to new technologies for openness and accountability (OGP, 2012, pp. 19-21). This approach was hailed by its founders as a new model of cooperation on spreading democratic values. One of the principal architects of the OGP, Stanford Professor of Political Science Jeremy Weinstein, described the novelty of the OGP in the following words:

We felt a need to reclaim the language of democracy-promotion – to put the focus on people's universal aspiration to have a say in how they are governed, and on the common challenges of political leaders in responding to that desire. The emerging concept of "open government" was loose and flexible, not attached to any particular ideology. It allowed anyone to bring his own agenda to a common goal. It was essential to place innovation at the front and center of any new effort, moving away from a

¹ The Brazilian *Institute for Socioeconomic Studies INESC*, the Indian *Association for the Empowerment of Workers and Peasants MKSS*, the Mexican *Institute GESOC (Gestión Social y Cooperación)*, the *Open Government Institute* from Moldavia, *Twaweza* from Tanzania, *Publish What You Pay* from Indonesia, the *British Transparency and Accountability Initiative*, the *Revenue Watch Institute* from the US and the *International Budget Partnership*.

framework in which developing countries were under pressure to adopt the “best” practices of the West, toward one in which domestic reformers and activists were empowered to share their stories, and countries were encouraged to learn from one another and take further actions in a meaningful race to the top. (Weinstein, 2013, p. 5)

After five years in existence, the OGP has enjoyed widespread recognition among governments. The number of participating countries has skyrocketed from the initial eight founding countries to 65 participating countries, with most countries from the American and European continents. In the participating countries, the OGP has also been able to initiate a debate on the necessity of open government and the crucial role of civil society actors in this process, bringing together civil society actors and governments to jointly work on promoting the OGP principles (Vasani, 2013). Given this international expansion and the involvement of CSOs from all around the world, it is time to examine in more detail if the OGP is delivering on its promises and turning into an encouraging partnership to support participatory mechanisms for the promotion of transparency and open government in the participating countries.

The article first elaborates theoretically how civil society participation has the potential to make government activities more transparent and, as a result, more democratic. Thereafter, the article introduces the principal structure and decision-making mechanisms of the OGP. Next, the article examines how 3 founding countries - Brazil and the US as the first two co-chairs, and the UK as the organizer of the OGP summit 2013 in London -, all of them very vocal supporters of the OGP, have implemented the OGP principles. By comparing the activities of these three countries, the article aims to find out if the OGP, after five years in existence, can be taken seriously as a new paradigm in global governance.

Strengthening democracy through participatory mechanisms

At first sight, the OGP constitutes a worthwhile global project. Its founders emphasized the necessity of creating participatory mechanisms between governments and citizens to promote the OGP’s objectives and, as such, democracy. To effectively promote government transparency and accountability it is not enough for a government to make government documents publicly available or share data over the Internet. Although these efforts represent a crucial first step, they do not necessarily lead to a more open government and more democracy. Open government only stands a chance when it is wedded to participatory mechanisms which force government officials to be held accountable to their citizens (Peixoto, 2013, p. 206).

Elections represent the most widely established mechanism of accountability in democracies. But elections alone do not make a democracy. Instead, a well-functioning democratic system depends on ‘multiple avenues for the “people” to express their interests and preferences, to influence policy, and to scrutinize and check the exercise of state power continuously, in between elections as well as during them’ (Diamond, 1999, p. 219). The people, however, need to be organized in a vibrant civil society to exercise influence and contribute to a more strengthened and consolidated democracy.

Abundant literature has examined the crucial role of civil society and participatory mechanisms involving government agencies and CSOs in strengthening democratic processes throughout the world (Diamond, 1999; Edwards, 2014, Elliott, 2003). CSOs contribute to the development and consolidation of democracy by (1) monitoring, checking and restraining state power, (2) stimulating citizen participation in political processes, (3) educating citizens about their rights and duties and (4) creating new channels of access to political processes (beyond

formal elections) for citizens to articulate their interests (Diamond, 1999, pp. 239, 242-243). Thus, the key to more democracy in activities on open government refers to ‘the combination of (publicized) transparency and institutions that promote governmental responsiveness and empower citizens to partake in public decision making that leads to substantive accountability’ (Peixoto, 2013, p. 207).

In the field of open government, these participatory mechanisms are still rare. Participatory budgeting, however, represents a noteworthy exception. Participatory budgeting was championed in the 1980s by the Brazilian city of Porto Alegre where community organizations together with representatives and bodies of the municipal government decide on the municipal budget and jointly manage public resources (De Sousa Santos, 1998). This new paradigm spread to more than 300 other Brazilian cities and municipalities in the following two decades and to more than 1000 outside of Brazil (Fedozzi, 2014, pp. 51-52).

And yet, not every single participatory budget automatically reinforces democracy. Each participatory budget has its own structure and dynamics. Not every municipal government which introduced participatory budgeting actively involves CSOs in budgetary decisions. Instead, more often than not the participatory mechanisms created to foster a meaningful dialogue between the government and civil society are characterized by weak and isolated structures, lacking resources and low levels of engagement of government representatives and thus serve largely to boost the image of the government instead of serving the citizens (Fedozzi, 2014, pp. 54-55). Only when municipal governments are seriously willing to democratize their government activities by involving marginalized groups and community organizations in budgetary decisions, showing the capacity to lead with conflictive opinions and guaranteeing the financial resources for an efficiently working infrastructure, can participatory budgeting become a new paradigm leading to more transparency and accountability (Fedozzi, 2014, p. 56).

Similarly to the importance of civil society in strengthening national democracies, civil society participation also has the potential to strengthen the democratic processes of global governance mechanisms. There is widespread agreement that CSOs are significant actors in contributing to a more just and democratic global order by representing the needs and interests of local communities, monitoring the governments’ activities, holding them accountable to human rights standards and exercising pressure through social campaigns (Florini, 2000; Kaldor, 2003; Scholte, 2011). But ultimately, CSOs remain largely excluded from the principal decision-making processes of global governance mechanisms and international organizations. Hence, an opportunity to strengthen democratic processes in global governance arises when governments cooperate with CSOs and invite them to play an essential role in decision-making processes.

The Global Structure of the Open Government Partnership

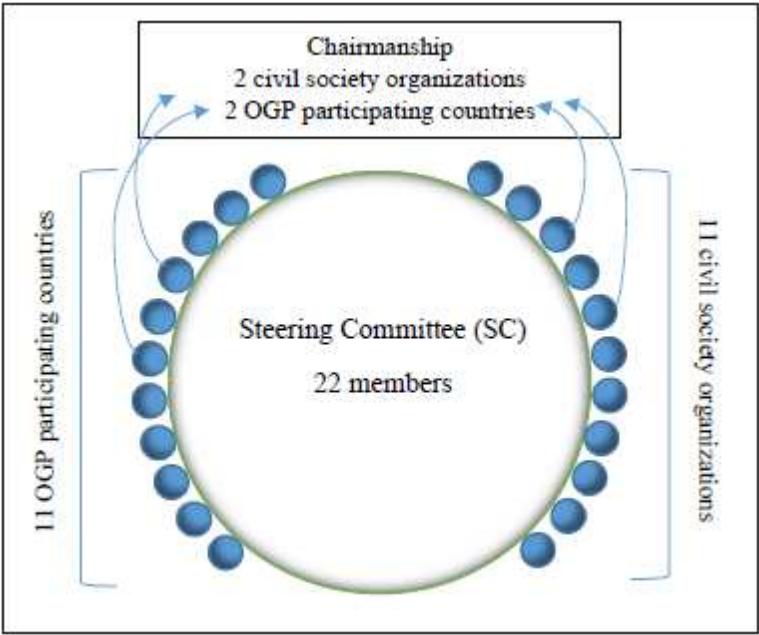
The OGP’s Steering Committee (SC) serves as its main decision-making body consisting of 22 members with 11 representatives each from OGP participating countries and civil society. One of the fundamental principles of the SC refers to maintaining parity between civil society and the governments. The representatives of both constituencies were elected in 2011 by each constituency for a three-year term with the possibility to be re-elected. The chairmanship of the SC comprises two government chairs and two civil society chairs, which are all selected by the SC members.

Through an annual rotation process launched in 2014, two governments and three civil society organisations are annually substituted to bring new voices and perspectives to the SC (OGP, 2015a). In the case of the governments, the new SC members are elected by all participating countries. In the case of the CSOs, a selection committee reviews nominations. The members of both constituencies must adhere to the OGP principles and participate in the SC meetings on a regular basis. In the same vein, in both constituencies, a regional balance must be respected. For the governments, this means that all world regions must be represented and not more than four governments should be from one region. For the CSOs, every region must be represented by at least one representative with no more than two representatives from North America and nor more than three from each of the other regions (Latin America and the Caribbean, Africa, Asia/Oceania and Europe). In addition, international organisations, networks, and coalitions are to be represented each by at least one person and a maximum of two (OGP, 2015a). Any government and CSO can apply for membership in the SC (and be re-elected) if they adhere to the principles, mission and agenda of the OGP. The key principles of the OGP are summarized in the Open Government Declaration, which any new participating member must endorse, and refer to the increase of the availability of information about governmental activities, the support of civic participation, the implementation of the highest standards of professional integrity through the administration and the increase of access to new technologies for openness and accountability (OGP, 2011).

Decisions in the SC are consensus-based. In the election or re-election of its government members, the Steering Committee takes into account the performance of present member governments,² regional diversity, and adherence to OGP principles. Governments are elected or re-elected by all OGP participating countries on the basis of “one country, one vote”. CSOs are elected by the civil society members of the SC on the basis of the recommendations of a civil society selection committee consisting of two current SC civil society members and three other organizations from the civil society community (OGP, 2012, pp. 5-9).

² Achievements, publication of all required OGP documents like assessment reports, etc., adherence to the Open Government Declaration, providing financial support for OGP and attending SC meetings.

Figure 1: Steering Committee



In an annual plenary meeting, the OGP Annual Conference, all OGP stakeholders come together do debate key issues concerning open government and the OGP (OGP, 2012, p. 4). So far, three annual conferences took place, the first one in Brasília (2012), the second one in London (2013) and the third one in Mexico City (2015). In 2014, the OGP Steering Committee organized a High-Level Side Event during the UN General Assembly Session (OGP, 2014). In addition, the OGP organized in 2014 several regional conferences in different world regions to concentrate on the key challenges open government poses for countries and communities within those particular regions, such as the Asia-Pacific Regional Meeting, the Europe Meeting and the Americas Meeting (OGP, 2015b).

One of the cornerstones of the OGP refers to the promotion of civic engagement and the cooperation between governments and the national and/or local civil society communities in the promotion of the OGP principles. In the OGP Steering Committee, the civil society community is on an equal footing with the governments sharing with them the same decision-making powers. To further increase its voice and support its own coordination efforts the civil society community has established its own mechanism, the so-called Civil Society Engagement Team (CSE).³ The CSE works to strengthen the international civil society network around OGP and the national networks in the OGP participating countries to better represent civil society in the OGP and in the participating countries. The CSE created an OGP civil society hub which serves as a worldwide platform for civil society actors on all issues concerning the OGP, including technical issues about open government, the functioning of OGP’s structure and how to pressure participating countries into meeting their targets.

With this structure in place, how does the OGP actually go about promoting the OGP principles of open government in the participating countries? Every government of a participating country is required to develop a two-year Action Plan in which the country is required to identify at least one of the five OGP grand challenges (Improving Public Services, Increasing Public Integrity, More Effectively Managing Public Resources, Creating Safer

³ See <http://www.ogphub.org/> Retrieved 01 April, 2016.

Communities, and Increasing Corporate Accountability) and specific commitments to tackle the challenge(s). Governments need to create annual reports on the progress of their commitments, the so-called self-assessment reports. After two years, independent researchers assess the progress made in the respective country through the so-called independent progress reports, which serve as the OGP's principal accountability mechanism. Since the OGP understands itself as a voluntary partnership, every government is free to formulate its own commitments and create its own national infrastructure to pursue the pledges outlined in the Action Plan, as long as they respect the OGP principles.

On its official website, the OGP publishes all documents concerning the functioning of the partnership including financial contributions from member states, the Action Plans, independent progress reports, SC minutes of meetings and application letters of governments and CSOs for membership or re-election in the SC. Similarly, when the independent progress reports are put online they can be commented on by the public including representatives of CSOs and the governments. These comments are then also published on the website.

Considering its structure, the OGP is highly innovative in several respects. The Steering Committee is not only equally controlled by state and non-state actors but aims to represent CSOs and governments from the developed and developing world alike. From the very beginning, the OGP was conceived as a forum to exchange different experiences on open government and learn from the other instead of imposing particular agendas or ideas from the 'West' (Weinstein, 2013, pp. 4-5). This approach is reflected in the voluntary nature of OGP membership, the composition of the SC⁴ and the free choice of governments on how to design their own national institutions to coordinate the national OGP process.

The Performance of the Governments of Brazil, the US and the UK

The case of Brazil: A new global leader on open government?

Brazil and the US were the first two governmental co-chairs of the OGP and have been its most vocal advocates. Brazil has a long history of political corruption and government secrecy and has only very recently begun to promote open government initiatives to increase transparency and access to information. But very similar to US President Obama's renewed focus on open government initiatives, then Brazilian President Dilma Rousseff (2011-2016) has principally emphasized the introduction of measures to scale up the fight against political corruption, increasing transparency and access to information through the adoption of the Law of Access to Information in 2012 (Waisbich, January 22, 2015).

The high attention Brazil has paid to the OGP is reflected in the government's pro-active stance within the OGP by acting as its first co-chair and hosting the first annual OGP High-Level Conference in Brasília in 2012 (Hage, 2013, p. 9). Jorge Hage, who as the Head of the Comptroller General's Office between 2006 and 2014 served as the founding co-chair of the OGP, highlighted some of the reasons why the OGP has so much appeal for the Brazilian government:

⁴ Current composition of the Steering Committee as of April 2016: Governments: Brazil, Chile, Croatia, France, Georgia, Indonesia, Mexico, Romania, South Africa, the United Kingdom and the United States. Civil society: World Resources Institute, Open Government Institute, Open Democracy Advice Centre, GESOC (Gestión Social y Cooperación), Results for Development, IFID (International NGO Forum on Indonesian Development), Natural Resource Governance Institute, International Budget Partnership, Transparency & Accountability Initiative. The two remaining civil society seats are currently vacant (OGP, 2016).

The OGP is a multi-stakeholder approach to governance challenges countries have been facing for decades by themselves. However, every participating country agrees that there is no “one solution fits all” for these challenges. We can help each other by sharing experiences, sharing successes and lessons learned [...], but we cannot tell each what the best way to go is. Our goal in OGP is to foster change by our examples, by our strong commitment to engaging society in the crafting of solutions for the governance problems we face every day. (IACC, 2011)

In September 2011, the Brazilian government created the Inter-ministerial Committee on Open Government⁵ as the principal body to elaborate and develop the Action Plans and lead the process of implementing the OGP principles in Brazil. The Committee is composed of 18 ministries and directly coordinated by the Cabinet Office of the Presidency. Within the Committee, an Executive Group is responsible for the elaboration of the Action Plans. The Executive Group is coordinated by the Office of the Comptroller General, an anti-corruption body which was created in 2003 to assist the Presidency in defending public property and increasing transparency of government activities (CGU, 2014).

In its first Action Plan (2011-2013), Brazil presented 32 commitments to be implemented in the first two-year period. In early 2012, the Inter-ministerial Committee established a Civil Society Working Group, an online discussion group and an online process called Virtual Dialogue to support the dialogue between the government and civil society (Coelho and Waisbich, 2013, p. 3; Waisbich, January 22, 2015; Machado, February 06, 2015). The 32 commitments referred to the capacitation of government officials in activities revolving around access to information, the implementation of the law of access to information, citizen participation (i.e. the organization of a National Conference on Transparency and Social Control, a National Meeting on Open Data, a National Seminar on Social Participation, etc.), Open Data, the increase of transparency and public integrity, corporate responsibility and the improvement of public services (Coelho and Waisbich, 2013, pp. 35-71). Although these commitments appear impressive at first sight, most of these actions had already been in planning and preparation well before the creation of the OGP due to Brazil’s adoption of the Law of Access to Information, which was elaborated in 2009 and entered into force in 2012 (Coelho and Waisbich, 2013, p. 75; Waisbich, January 22, 2015; Machado, February 06, 2015).

In addition, the Action Plan and the government’s activities complied very loosely with the OGP principles, as several civil society activists involved in the process emphasized (Coelho and Waisbich, 2013, pp. 27-28; Waisbich, January 22, 2015; Marchezini, January 29, 2015; Machado, February 06, 2015): (1) The elaboration of the Action Plan was largely carried out by the government, led by the Office of the Comptroller General, and restricted to the ministries, without significant involvement of Brazil’s civil society. (2) The Office of the Comptroller General invited selected CSOs, such as Article 19, Transparency Brazil, The Institute for Socioeconomic Studies (INESC) (one of the founding CSOs of the OGP), the Ethos Institute, the Public Policy For Access to Information Research Group at the University of São Paulo and other well-known Brazilian organizations in the field which had already worked together with the Office of the Comptroller General for several years. (3) Instead of being given the opportunity to provide any input to the Action Plan, CSOs were largely used in the public consultation process to legitimize the Action Plan. (4) The Civil Society Working Group

⁵ See the website at <http://www.governoaberto.cgu.gov.br/>. Retrieved August 31, 2015.

established by the Inter-ministerial Committee turned out to be a paper tiger with no real influence, quickly sidelined by the Office of the Comptroller General.

This negative experience of several civil society representatives in the elaboration of the Action Plan provoked huge disappointment and frustration (Waisbich, January 22, 2015; Marchezini, January 29, 2015; Machado, February 06, 2015). The OGP process developed without the serious and effective involvement of civil society, even though many civil society organizations were highly organized and enthusiastic about becoming involved in the process (Waisbich, January 22, 2015, Marchezini, January 29, 2015; Machado, February 06, 2015). The Forum of Transparency, Participation, and Social Control, created in 2012, represents the civil society's most important vehicle in demanding more transparency, open government and social participation from the government (CONSOCIAL n.d). In its efforts to demand more active participation in the OGP process, the Forum sent several letters to the cabinet office of the Brazilian president, the general secretariat of the Brazilian president and the then director of the Comptroller General Jorge Hage, demanding a restructuring of the Inter-ministerial Committee along the lines of the International Steering Committee of the OGP to include representatives from civil society and guarantee a more effective participatory process (CONSOCIAL 2014). Although the Inter-ministerial Committee has not been restructured, the Comptroller General established a new Civil Society Working Group in November 2014 to assist the government in developing the second Action Plan (Comptroller General 2014). Since the Working Group's main function is limited to consulting and accompanying the work of the Inter-ministerial Committee (Comptroller General 2014, pp. 1-2), it is questionable how this mechanism can increase effective civil society participation in the Committee's decision-making process.

The elaboration of the second Action Plan (2013-2015) largely resembled an unimaginative repetition of the mistakes made during the first Action Plan (2011-2013), even though the initial consultation process seemed rather promising to CSOs (Steibel 2015, pp. 68–70, Marchezini, January 29, 2015). However, when civil society representatives realized that the dynamic consultation process at the beginning did not turn into meaningful collaboration, with civil society shut out from the ultimate decision-making process, many civil society organizations abandoned the process in disillusionment (Steibel 2015, pp. 68–70; Waisbich, January 22, 2015, Marchezini, January 29, 2015; Machado, February 06, 2015).

In addition to the first signs of disintegration of the OGP process in Brazil, the government change after Rousseff's successful impeachment process in August 2016 has not inspired huge confidence into the new government headed by Michel Temer. As paralyzed as the Rousseff government was by the on-going revelations of a gigantic corruption scandal, the new government in place is not less tainted by allegations of corruption (The Economist 2015). In addition, one of the first acts of Rousseff's successor was to dissolve the Office of the Comptroller General and integrate its functions into the new Ministry of Transparency, Supervision, and Control. In this context, it is hard to believe that Brazil's government is energetic and dynamic enough to revive the disintegrating OGP process, let alone to contribute to a new paradigm on open government.

The case of the US: Yes We Can?

At the launch of the OGP in New York in 2011, US President Obama used the following words to describe how the Open Government Partnership can create a new paradigm in the fight against corruption, government secrecy, and lacking transparency:

I challenged our countries [...] with specific commitments to promote transparency, to fight corruption, to energize civic engagement, and to leverage new technologies so we can strengthen the foundations of freedom in our own countries. [...] We're joined by nearly 40 other nations who've also embraced this challenge, with the goal of joining this partnership next year. And we're joined by civil society organizations from around the world -- groups that not only help hold governments accountable, but who partnered with us and who offer new ideas and help us to make better decisions. Put simply, our countries are stronger when we engage citizens beyond the halls of government. So I welcome our civil society representatives -- not as spectators, but as equal partners in this initiative. (The White House, 2011)

Obama explicitly highlighted the fact that governments and civil society actors meet as equal partners as a prerequisite to the success of the OGP. Obama clearly stressed the principal innovation the OGP represents: the promising potential to create a new paradigm in international cooperation and the efforts of governments and societies all around the world to strengthen and consolidate democracy.

The US government created 26 commitments in its first Action Plan (2011-2013), coordinated by a working group within the Executive Office of the President comprising representatives from 35 government agencies (OGP, 2013, pp. 3, 13). Most of the commitments in the Action Plan were inspired by work already under way in the context of the implementation of Obama's 2009 Open Government Directive (OGP, 2013, p. 15). In the elaboration of the first Action Plan consultations with civil society took place and were promoted by the government, but it was not clear how the Action Plan benefited from this consultation process (OGP, 2013, p. 15). The quality of the public consultation process only improved significantly when the civil society coalition OpenTheGovernment.Org, a large coalition of transparency and accountability organizations, stepped in to better coordinate and facilitate the dialogue between civil society and the government (OGP, 2013, p. 16; OpenTheGovernment.Org 2013, p. 3). Without the initiative of this already existing and well organized civil society coalition, the involvement of civil society would have been much poorer in quality and impact (OGP, 2013, p. 17; OpenTheGovernment.org 2013, p. 3-5).

In the second Action Plan (2013-2015), the government continued to interact with the civil society network, but in a rather half-hearted way. Although the government organized several open meetings with civil society and used modern Internet communication tools such as blogs and other online platforms, CSOs observed that 'many [government] agencies still struggle to open up to collaboration and criticism' (OpenTheGovernment.Org 2015, p. 2). While the commitments of the first Action Plan were not particularly ambitious, the commitments of the second Action Plan did little to change this picture. The potential impact of almost all the new commitments was moderate at best (Piotrowski 2015, pp. 3-8). And only two of the 26 commitments could be regarded as potentially transformative.⁶ An actual paradigm change in open government or in the relations between the government and civil society would look very different. And yet, civil society has not lost hope. On the contrary, the coalition network uses the OGP process to increase its pressure on the government by pushing for more participation. The coalition even started to elaborate their own 'Model National Action Plans' as a blueprint for the government to use.⁷ The coalition OpenTheGovernment.Org has been the most active,

⁶ The creation of a transparency initiative for executive industries (commitment 11) and measures to increase the transparency of federal spending (commitment 13) (Piotrowski 2015, p. 6).

⁷ See the following website for more information on this collaborative civil society process: <http://www.openthegovernment.org/taxonomy/term/1194>. Retrieved April 01, 2016.

passionate and enthusiastic actor in the OGP process, but it has been known for this activism, passion, and enthusiasm for more than 10 years.⁸

So, it is difficult to see the innovations the OGP has brought. And all the controversies revolving around surveillance and government secrecy do not contribute to the image of the US government as a new leader on open government initiatives. In 2013, three controversies emerged in the US, which clearly questioned the seriousness of the US commitment to the OGP and its principles. First, the Internal Revenue Service (IRS) targeted opposition political groups based on their applications for tax-exempt status and subjected them to burdensome extra inquiries and investigations, which provoked a nation-wide scandal (Goldfarb and Tumulty, 2013). The IRS, albeit an independent enforcement agency, has an unfortunate history as an agency used by presidents to intimidate political enemies (Goldfarb and Tumulty, 2013). The media coverage and accusations from the opposition undermined the government's credibility on open government (Goldfarb and Tumulty, 2013). Almost simultaneously, several national security issues arose, when in the name of national security several government agencies collected data from journalists and prosecuted government officials to find potential leaks of information (Goldfarb and Tumulty, 2013). As a third controversy, revelations about surveillance practices of US citizens on US territory did not improve the government's credibility (Goldfarb and Tumulty, 2013). Add the controversies about the revelations of the US government's secret surveillance practices of foreign heads of state such as Brazil's former President Rouseff, together with Obama the founder of the OGP, the seriousness of the US commitment to the OGP can be further questioned (Borger, 2013). It is even more bewildering to see that in March 2015 the White House Office of Administration exempted itself from the regulations under the Freedom of Information Act (Korte 2015). In other words, transparency and open government no longer apply to the Office of Administration of the White House, the official residence of the president who called into life the Open Government Partnership.

The case of the UK: The most open and transparent government in the world?

The former British Prime Minister David Cameron was highly enthusiastic about open government, pledging to make the UK government 'the most open and transparent in the world' (OGP 2015c). At the 2013 OGP Annual Summit in London, Cameron left no doubt about the engagement of the UK government in the OGP process.

We've got to give our full-throated support for the groups that support and promote transparency, not least the Open Government Partnership. This is a truly exciting institution. Rather than getting bogged down in endless communiques, the Open Government Partnership is about concrete reform. (UK GOV 2013)

The UK government embarked on the OGP process with the creation of an impressive 41 commitments. And yet, the independent report found that 'the first action plan was heavily influenced by what government was already doing or planned to do, with a particular focus on open data' (Dunion, 2013, p. 14). Although the government actively engaged CSOs through different channels, civil society participation was limited (Dunion, 2013, p. 14). The OGP process in the UK is coordinated by the Cabinet Office Transparency Team consisting of government officials only (Dunion, 2013, p. 16). A civil society forum was established as a

⁸ See an overview of the coalition's history and impact at http://www.openthegovernment.org/our_impact. Retrieved April 01, 2016.

platform to better discuss upcoming issues among CSOs, but most participants ‘saw the action plan as dominated by technical and procedural matters regarding the government’s own internal processes to open up its data’ (Dunion, 2013, p. 21).

Very similar to Brazil and the US, the UK government had already prepared a bill to be adopted well before the launch of the OGP, the Protection of the Freedom Bill, which passed through Parliament in 2012 (Dunion, 2013, p. 67). In terms of the practical impact of the commitments, ‘the focus has shifted to stimulating a culture of disclosing information rather than creating obligations, and a light touch approach is preferred over heavy-handed insistence’ (Dunion, 2013, p. 68). After civil society criticism, the government has reacted and taken more seriously the public consultation process involving over 30 stakeholders in a much more structured approach, including regular meetings in the Cabinet Office, with the aim to produce commitments much more focused on the OGP principles (Dunion, 2013, p. 69).

The unsatisfying experiences of the development of the first Action Plan led civil society actors in 2012 to the formation of a civil society network and the creation of the position of a civil society coordinator, assumed by the organization Involve, to agree on a common vision and better coordinate among civil society and the government (UK OGP Network 2015, p. 4).⁹ As a result of this civil society initiative, the second Action Plan was developed in a much more collaborative and open environment between government representatives and the civil society network. This process included open meetings with government officials and civil society representatives and a public consultation process based on the draft Action Plan leading to the joint elaboration of commitments and a more ambitious plan than the first one (UK OGP Network 2015, pp. 5-6; Worthy 2015, p. 113). The network clearly empowered the position of CSOs vis-à-vis the government supporting civil society members in their discussions with government officials (UK OGP Network 2015, p. 12). Notes of the joint meetings on the drafting of the Action Plan were published on the network’s blog (UK OGP Network 2015, p. 13).

Although the process of the second Action Plan worked much better than the first one, civil society actors still faced two major obstacles. First, CSOs had to cope with the restricted use of government IT and the unreliable access to Google docs important for the drafting process. The second obstacle, which is much more worrying, referred to the insufficient engagement of many government officials. This included a two-month period in which no interaction between the government and civil society took place due to a shortage of government staff, seriously putting in danger the finalization of the Action Plan (UK OGP Network 2015, pp. 15-16; Worthy 2015, p. 113). This lack of sufficient government engagement led to consternation and frustration among civil society members who saw the positive outcomes of their enthusiastic engagement threatened (UK OGP Network 2015, pp. 15-16). While the consultation process had been considerably improved, the potential impact of almost all 21 commitments of the second Action Plan is moderate at best (Worthy 2015, pp. 4-10). Only four commitments can be seen as ‘clearly relevant to OGP values’ with a potentially transformative impact (Worthy 2015, pp. 4-10).¹⁰

The UK government, as in Brazil and the US, remained largely passive, mostly reacting to civil society pressure and leaving the hard work to the newly formed civil society coalition.

⁹ See the website of the UK Open Government Civil Society Network at www.opengovernment.org.uk. Retrieved April 01, 2016.

¹⁰ The development of a cross government anti-corruption plan (commitment 6), the creation of a publicly accessible central registry of company beneficial ownership (commitment 7), the publication of information on official development assistance (commitment 14) and the implementation of a global standard of financial transparency and accountability in the extractive industries (commitment 21) (Worthy 2015, pp. 4-10).

And the minimal progress achieved was mostly the result of the coalition's relentless work. As in the cases of Brazil and the US, it would be a stretch to call this process a paradigm shift. The bright spot in the UK's OGP process, the formation of the OGP civil society network, and with it a better organization of the existing civil society actors, is still the best innovation the process has brought.

And recent attempts of the UK government to restrict the Freedom of Information Act (of course, without public consultation and clear justification) cast further shadows on the government's ambition and willingness to honestly engage in truly open government initiatives (Hughes 2015). Both the unsatisfactory OGP process and the government's suspicious attempts to undermine the Freedom of Information Act seriously question David Cameron's boastful claim of turning the UK government into the most open government in the world.

Mere smokescreen or new paradigm? It is up to the governments to decide!

The vision and institutional structure of the Open Government Partnership promised to make government activities more transparent and accountable through the creation of participatory mechanisms involving the active participation of civil society actors. Both the voluntary character of the OGP and the fact that the participating governments are allowed to create their own structures and find their own answers to lacking transparency and accountability in government activities avoid one-size-fits-all solutions and the imposition of grand models and programs by Western countries on developing countries. And it is this potential which made civil society actors in all the three countries examined passionately embrace this international initiative.

This great strength, however, also represents a great weakness. The governments are primarily responsible for the creation of participatory mechanisms which match their own respective social context. The governments have no excuse for their negligence. They already have a model to follow, the proper Steering Committee of the OGP. In the SC, both governments and civil society actors meet as equal partners and together take decisions on all international aspects of the OGP. Given the rotation principle and elections, the SC is not limited to a selected group of governments and civil society organizations.

None of this was established in the three countries analyzed. Instead, the national steering committees in Brazil, the US, and the UK are in the firm grip of government representatives ruling out any chance for civil society actors to become equal partners. It is ironic that civil society organizations in all three countries complained about the recurring lack of transparency in the public consultation process, even though the whole exercise of the OGP process is about increasing transparency and treating civil society organizations as equal partners.

Instead, the findings in this article raise the suspicion that the governments lead civil society actors by the nose when claiming to 'welcome civil society as equal partners' (Obama). Neither do civil society actors participate on an equal footing with the governments nor have the governments gone to great lengths to guarantee meaningful civil society participation. The civil society participation in the OGP processes in Brazil, the US and the UK can be credited to the tireless efforts of civil society itself and not to the generous activities of government agencies.

In this sense, the OGP represents a smokescreen serving the governments to show off with trumpeting speeches and boasting statements about their serious commitment to open government, while in fact trying to deflect from on-going secrecy, lack of transparency and

corruption in government affairs. The Brazilian government's involvement in a gigantic corruption scandal, the suspicious activities of the UK government regarding the Freedom of Information Act and revelations about surveillance of journalists in the US speak volumes.

And when the smoke finally dissipates, the whole damage becomes clearly visible. The disintegrating OGP process in Brazil stands as a warning signal for how much damage the government's attitude can inflict on its relations with civil society. As a result of the Brazilian government's unwillingness to integrate civil society organizations in its open government initiatives, those organizations have become demoralized and the whole Brazilian OGP process delegitimized, sowing distrust and frustration. The Brazilian government has so far carelessly wasted a unique opportunity to turn the original idea of the OGP into a new paradigm on open government initiatives. The governments of the US and the UK have not been much more inspiring. However, the dynamic of the OGP process in these two countries has been kept alive by the activism of two very strong and united civil society coalitions, OpenTheGovernment.Org in the US and the OGP civil society network in the UK.

The international structure and the guiding principles of the OGP may provide a blueprint for how to democratize national and global processes. The meaningful cooperation of governments and civil society actors can unfold tremendous democratic potential if seriously promoted by the governments. The Brazilian experience of participatory budgeting provides an illuminating example. Participatory budgeting programs have shown that an innovative and original idea alone does not guarantee its instant success. The idea, as innovative and original as it may be, needs to be taken seriously by those actors responsible for bringing it to life. Wampler found that participatory budgeting programs in Brazil were least successful when its actors did not adhere to four core principles, namely (1) the establishment of rules and mechanisms by government officials to create active citizen participation, (2) citizen involvement in decision-making which goes beyond mere feedback or consultation processes, (3) a strong social justice component empowering citizens from poorer communities and (4) improved transparency through citizen oversight (Wampler 2012, pp. 3-9). When municipal governments and civil society actors took seriously these four principles, the participatory budgeting program created a 'virtuous cycle' and contributed to social change, promoting new forms of democratic interaction between the government and the citizens (Wampler 2012, p. 9).

The OGP represents the innovative attempt to internationalize the basic idea underlying participatory budgeting by making government processes more inclusive, transparent and democratic on the basis of meaningful civil society participation. The positive experiences of participatory budgeting programs emphasize that their success depends decisively on the activism of civil society and the political will of the governments to create meaningful participatory mechanisms to allow civil society actors to participate in the political decision-making process on an equal footing with government officials (De Sousa Santos 1998; Fedozzi 2014; Wampler 2012). Otherwise, participatory budgeting programs regularly failed.

The OGP highlights in its core principles the very same responsibilities and several founding governments gloriously celebrated them in statements and speeches. And civil society actors are more than prepared to assume their responsibilities. All three case studies have shown that civil society actors are organized, informed and convinced of the OGP's potential. The article has also shown that even the most organized, passionate and engaged civil society coalition has no power to unlock this potential as long as it faces lukewarm ambition and half-hearted engagement from government officials. It is here where the governments are supposed to step in. As long as the governments do not take seriously their responsibilities, the OGP process in Brazil, the US and the UK is no more than smoke and mirrors.

References

- Borger, J. (2013, September 24). Brazilian president: US surveillance a 'breach of international law'. *The Guardian*. Retrieved February 11, 2015, from <http://www.theguardian.com/world/2013/sep/24/brazil-president-un-speech-nsa-surveillance>
- CGU – Controladoria Geral da União (n.d). Países participantes da OGP. Retrieved October 22, 2014, from <http://governoaberto.cgu.gov.br/documentos/composicao.pdf>
- CGU – Controladoria Geral da União (2014). Histórico. Retrieved February 10, 2015, from <http://www.cgu.gov.br/sobre/institucional/historico>
- Coelho P., V. S. and Waisbich, L. T. (2013). Mecanismo Independente de Avaliação: Relatório de Progresso 2011-2013. Retrieved February 18, 2015, from <http://www.opengovpartnership.org/sites/default/files/169361968-IRM-Report-Brazil.pdf>
- CONSOCIAL (n.d.). Apresentação do Fórum de Transparência, Participação e Controle Social. Retrieved September 24, 2015, from <http://consocial.com.br/apresentacao.asp>
- CONSOCIAL (2014). Solicitação de reformulação do Conselho Interministerial Governo Aberto (CIGA) para a inclusão de representantes da sociedade civil. Retrieved September 24, 2015, from <http://consocial.com.br/20140710consocialOgpMinCc.pdf>
- Comptroller General (2014). Resolução N° 1. November 18. Retrieved September 26, 2015, from <http://www.governoaberto.cgu.gov.br/central-de-conteudo/documentos/arquivos/resolucao-institui-gt-ge-ciga-2014.pdf>
- De Sousa Santos, B. (1998). Participatory Budgeting in Porto Alegre: Toward a Redistributive Justice. *Politics & Society*, 26 (4), pp. 461-510.
- Diamond, L. (1999). *Developing Democracy: Toward Consolidation*. Baltimore: John Hopkins University Press.
- Dunion, K. (2013). Independent Reporting Mechanism: United Kingdom Progress Report 2011-2013. Retrieved February 11, 2015, from <http://www.opengovpartnership.org/sites/default/files/171165808-UK-IRM-Report.pdf>
- Edwards, M. (2014). *Civil Society*. (3rd ed.). Cambridge: Polity.
- Elliott, C. M. (2003). *Civil Society and Democracy. A Reader*. New Delhi: Oxford University Press.
- Florini, A. M. (2000) (ed.). *The Third Force: The Rise of Transnational Civil Society*. Tokyo/Washington: Japan Center for International Exchange and Carnegie Endowment for International Peace.

- Fedozi, L. (2014). Avaliação das Práticas de Construção de Orçamentos Públicos. In: Marx, V. (ed.). *Democracia Participativa, Sociedade Civil e Território*. UFRGS/CEFOV, pp. 50-78.
- Goldfarb, Z. A. and Tumulty, K. (2013). IRS admits targeting conservatives for tax scrutiny in 2012 election. *The Washington Post*. May 10. Retrieved February 11, 2015, from http://www.washingtonpost.com/business/economy/irs-admits-targeting-conservatives-for-tax-scrutiny-in-2012-election/2013/05/10/3b6a0ada-b987-11e2-92f3-f291801936b8_story.html
- Hage, J. (2013). Innovating Modern Democracy, in Brazil and Globally. *Stanford Social Innovation Review*, p. 9.
- Hughes, T. (2015). Concerns regarding Freedom of Information Commission and Tribunal Fees. Retrieved September 24, 2015, from <http://www.opengovernment.org.uk/resource/ogn-letter-concerns-regarding-freedom-of-information-commission-and-tribunal-fees/>
- IACC (2011). IACC Newsletter interview – Minister Jorge Hage – head of the Office of the Comptroller General of Brazil – 2011. Retrieved February 09, 2015, from <http://15iacc.org/newsroom/talking-corruption/interview-with-jorge-hage-sobrinho/>
- Kaldor, M. (2003). The idea of global civil society. *International Affairs*. 79 (3), pp. 583-593.
- Korte, G. (2015). White House Office to delete its FOIA regulations. 16 March. Retrieved September 26, 2015, from <http://www.usatoday.com/story/news/politics/2015/03/16/white-house-foia-regulations-deleted/24844253/>
- Machado, J. (February 06, 2015). Interview. USP-GPoPAI (Grupo de Pesquisa em Políticas Publicas para o Acesso a Informacao). São Paulo.
- Marchezini, J. (January 29, 2015). Interview. Artigo 19. São Paulo.
- Obama, B. (n.d.). Memorandum on Transparency and Open Government. Retrieved February 05, 2015, from http://www.whitehouse.gov/the_press_office/TransparencyandOpenGovernment/
- OGP (2011). The Open Government Declaration. Retrieved February 09, 2015, from <http://www.opengovpartnership.org/about/open-government-declaration>
- OGP (2012). Open Government Partnership: Articles of Governance. Retrieved October 21, 2014, from http://www.opengovpartnership.org/sites/default/files/attachments/OGP%20ArticlesGov%20March%2019%202014_1.pdf
- OGP (2013). Independent Reporting Mechanism: United States Progress Report 2011-2013. Retrieved February 11, 2015, from <http://www.opengovpartnership.org/sites/default/files/IRM100513-USA-Report-LIVE.pdf>

- OGP (2014). Open Government Partnership: Citizen Action, Responsive Government. OGP High-Level Side Event to the 69th United Nations General Assembly. Retrieved February 09, 2015, from <http://www.opengovpartnership.org/sites/default/files/attachments/2014%20OGP%20HLE%20-%20Full%20Transcript%20FINAL.pdf>
- OGP (2015a). Steering Committee Rotation 2014. Retrieved February 23, 2015, from <http://www.opengovpartnership.org/node/3714>
- OGP (2015b). Events. Retrieved February 23, 2015, from <http://www.opengovpartnership.org/events>
- OGP (2015c). United Kingdom. Retrieved August 29, 2015, from <http://www.opengovpartnership.org/country/united-kingdom>
- OGP (2016). OGP Steering Committee. Membership. Retrieved April 01, 2016, from <http://www.opengovpartnership.org/ogp-steering-committee/membership>
- OpenTheGovernment.Org (2013). Civil Society Report on Implementation of the First US National Action Plan. Retrieved August 31, 2015, from <http://www.openthegovernment.org/sites/default/files/NAP%20Final%20Evaluation.pdf>
- OpenTheGovernment.Org (2015). Civil Society Progress Report. Second Check-In on the Implementation of the United States' Second Open Government National Action Plan. Retrieved August 31, 2015, from <http://www.openthegovernment.org/sites/default/files/Check%20In%20%20Final%20Jan%202015.pdf>
- Peixoto, T. (2013). The Uncertain Relationship Between Open Data and Accountability: A Response to Yu and Robinson's *The New Ambiguity of "Open Government"*. *UCLA Law Review Discourse*, pp. 200-213.
- Piotrowski, S. (2015). Independent Reporting Mechanism. United States Progress Report 2013-2015. Retrieved October 05, 2015, from <http://www.opengovpartnership.org/country/united-states/progress-report/2013-2015-us-progress-report>
- Scholte, J. A. (2011) (ed.). *Building Global Democracy? Civil Society and Accountable Global Governance*. Cambridge: Cambridge University Press.
- Steibel, F. (2015). Mecanismo Independente de Avaliação. Brasil: Relatório do Progresso 2013-2014. Retrieved September 24, 2015, from <http://www.opengovpartnership.org/country/brazil/progress-report/relat%C3%B3rio-do-progresso-2013-2014>
- The Economist (2015). Corruption in Brazil. The big oily. January 03. Retrieved September 24, 2015, from <http://www.economist.com/news/americas/21637437-petrobras-scandal-explained-big-oily>
- The White House (2009). Open Government Directive. Retrieved February 05, 2015, from http://www.whitehouse.gov/sites/default/files/omb/assets/memoranda_2010/m10-06.pdf

- The White House (2011, September 20). Opening Remarks by President Obama on Open Government Partnership. Retrieved February 11, 2015, from <http://www.whitehouse.gov/the-press-office/2011/09/20/opening-remarks-president-obama-open-government-partnership>
- UK GOV (2013). PM Speech at Open Government Partnership 2013. Retrieved August 29, 2015, from <https://www.gov.uk/government/speeches/pm-speech-at-open-government-partnership-2013>
- UK OGP Civil Society Network (2015). Story of the UK National Action Plan 2013-2015. Retrieved August 31, 2015, from <http://www.opengovernment.org.uk/wp-content/uploads/2014/02/StoryoftheUKNationalActionPlan2013-15-1.pdf>
- Vasani, D. (2013). *Improving the OGP Experience. Lessons from OPG Member Countries*. OGP Civil Society Hub. Retrieved February 09, 2015, from <http://www.ogphub.org/media/ImprovingtheOGPExperience.pdf>
- Waisbich, L. T. (2015, January 22). Interview. CONECTAS. São Paulo, Brazil.
- Wampler, B. (2012). Participatory Budgeting: Core Principles and Key Impacts. *Journal of Public Deliberation*, 8 (2), pp. 1-13.
- Weinstein, J. (2013). Transforming Multilateralism: Innovation on a Global Stage. *Stanford Social Innovation Review*, pp. 3-7.
- Worthy, B. (2015). Independent Reporting Mechanism: United Kingdom Progress Report 2013-2015. Retrieved September 28, 2015, from http://www.opengovpartnership.org/sites/default/files/IRMReport_UnitedKindom_092215_a_web.pdf