

OPEN GOVERNMENT TRAINING MANUAL

**A Guide for Civil Society and Community Based Organization
working with Mining Communities**

September 2020

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Table of Contents

Introduction.....	1
Understanding the Open Government Approach	2
Transparency.....	2
Accountability.....	2
Participation	3
Inclusion	3
Technology and Innovation.....	3
Examples of Open Government Reforms.....	3
Benefits for Government.....	5
Benefits to Citizens.....	6
Benefits for Business	7
Role of Citizens and Civil Society in Open Government Reforms.....	8
Open Government Reforms in Extractive Sector Procurement	9
Beneficial Ownership Transparency.....	9
Transparency in activities of State-Owned Enterprises (SOEs)	11
Open Contracting in the Extractives Sector.....	12
About the Open Government Partnership.....	16
Countries in Africa that are OGP Members.....	17
Malawi.....	18
Mozambique	19
South Africa	20
Tanzania	21
Uganda	22
Zambia.....	23
Zimbabwe.....	24

Introduction

This training guide is a resource for civil society and community-based organizations that seek to use the open government approach to advocate for reforms in the extractive sector and build support for open government reforms. The guide targets civil society and community-based organizations working in the extractive sector in East and Southern Africa as assigned by Publish What You Pay (PWYP). The guide is also a valuable tool for anyone interested in making governments more open and inclusive, including journalists and civil society.

There is a growing recognition that extractive companies need to engage, build partnerships and co-create services with communities and stakeholders to improve public policies and services. Deals in the oil, gas, and mining sectors are worth billions of dollars, but they often do not translate into citizens' human development and economic opportunity. On the contrary, there is abundant evidence that human development goes backwards. Oil, gas and mining contracts used to be state secrets in many countries, and their publication was absolutely forbidden. There was no systematic guidance for ensuring transparency in allocating and managing the rights to explore and exploit natural resources. But things have changed. The last decade has seen a global effort to shine a light on how extractive industries operate through multi-stakeholder initiatives such as Publish What You Pay (PWYP) and the Extractive Industries Transparency Initiative (EITI)- to be able to follow the money from resource extraction into government budgets and public spending.

This training manual provides guidance on the values and principles of the open government approach. How civil society and community-based organizations can advocate for reforms using the open government approach in the extractives sector. The manual:

- Explains the open government approach and principles.
- Makes a case for open government reforms in the extractive sector;
- Highlight some reforms that civil society and community-based organizations can pay attention to in their work;
- Shares examples of reforms including open contracting in the extractive sector

Evidence shows that increasing transparency, accountability and public engagement in the extractive sector contracts is a powerful way to craft better public deals, improve public services, deter fraud and corruption, build trust and promote a more competitive business environment.

Understanding the Open Government Approach

This section defines the open government approach and describes its important values and principles.

Open government can mean different things to different stakeholders from civil society, policy-makers, business, and what it entails is influenced by political, social and cultural factors. Therefore, the definition of open government may vary and reflect the countries' priorities. To successfully implement open government initiatives, it is essential to have a single definition that is fully recognized and acknowledged by the whole sector and communicated to, and accepted by, all stakeholders.

The most used definition of the open government approach is **A culture of governance based on innovative and sustainable policies and practices inspired by the principles of *Transparency*, *Accountability*, and *Participation* that fosters democracy and inclusive growth.**

The shorter definition is: **A government is considered open when it follows the principles of *Transparency*, *Accountability*, *Participation* and *Inclusion*.**

Transparency

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

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

Accountability

Rules, regulations and mechanisms call upon government actors to publicly justify their actions, act upon criticisms, and accept responsibility for failure to perform with respect to laws or commitments.

Examples include but are not limited to:

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

Participation

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

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

Inclusion

Policy and practice of providing equal access to opportunities and resources for excluded or marginalized groups, such as women, youth, disabled people and members of other minority groups.

Examples include but are not limited to:

- Reforms encouraging equality and closing critical gaps in access to information for marginalized and minority groups
- Creating genuine equal participation spaces and platforms for all groups to share their opinions and voices.
- Reforms improve the collection and analysis of data holistically to ensure no-one is excluded.

Technology and Innovation

Promote new technologies that offer opportunities for information sharing, public participation, and collaboration. Examples include but are not limited to:

- Digital tools and social media empower citizens through widespread access to information and global connections.
- Digital tools and innovations enable citizens to hold governments to account and exercise civic rights.
- Innovative solutions to pressing societal issues such as delivering services better, fighting corruption, fraud and abuse.

Examples of Open Government Reforms¹

[Sekondi-Takoradi: A Change of 360 Degrees](#)

The discovery of oil and other natural resources in the Sekondi-Takoradi Metropolitan resulted in rapid urban growth. This increase in population led to high levels of corruption in acquiring land, development permits and increased illegal construction work. To address these issues, civil society

organizations partnered with the local government to create a digital platform called STMA360 to empower citizens by giving them access to information on land use (commercial, residential, mining and agricultural) and development projects, including new buildings, schools, and houses. It digitized the application process for development permits, allowing citizens to monitor these applications online, and reducing the chances of bribery and other forms of corruption when applying for permits. The platform also allows users to report irregularities in land use back to the metropolitan government, such as billboards built without permits or abandoned construction sites.

Liberia: Protecting Land and Livelihood

Land disputes have been a major threat to peace and stability in Liberia for decades, which have plunged the country into civil war. As part of its Open Government Partnership (OGP) commitments, in 2015 government agreed to publish concessions information online and pass a formal Land Rights Act. This information shows what land belongs to whom — and flags where concessions and villages overlap. By publishing this information, communities can identify their land and have the rights to the resources. In September 2018, President George Weah signed the Land Rights Act into law. The law is ambitious and asserts the right to what is known as “customary land,” territory that can be claimed through oral testimony and community agreement.

Côte d’Ivoire: Local Mining Development Committees

Until recently, mining companies in Côte d’Ivoire had no legal obligations to the local populations affected by their projects, creating unrest and tension in these communities. To resolve such issues, the government adopted the mining code in 2014 that requires companies to engage in community development projects, among other things. In 2016 through the Open Government Partnership, Cote d’Ivoire committed to creating Local Mining Development Committees (CDLM) to hold mining companies accountable to this new requirement. Working through these committees, communities can choose how mining companies allocate funds for social projects and monitor the projects to ensure they see them through. So far, several CDLMs have been created, and some mining companies have created accounts to allocate funds to them, although several CLDMs have not received funds. In communities that have received resources, the CDLMs effectively increase citizen participation and improve the living conditions of some community members.

Why Are Open Government Reforms Important?

This section looks at the benefits of the open government approach and reforms for government, citizens and business. It also highlights examples of good practices from other countries.

Open government reforms can improve the governance and performance of democracy, equality, public services and improve the standard of living for communities. It empowers citizens, community organizations, civil society and other groups to take collective action to achieve social-economic outcomes.

The reforms are essential to advancing global development, achieving many of the outcomes in the Sustainable Development Goals where transparency, public participation, and accountable public institutions are instrumental. For example, goals related to income, poverty, water, education, energy, peace, justice, strong institutions are strengthened by open government principles. Professional integrity is essential to public management, and new technologies can help improve transparency and deliver services more efficiently.

Benefits for Government

Open Government reforms can be beneficial to national and local governments. The approach allows public officials to reach out, listen to citizens, and respond meaningfully to their needs. Here we outline five potential rationales for open government reforms for governments:

1. **Social Contract** – Open government reforms can establish meaningful and mutually reinforcing social contract between government, business and citizens. It enables constructive engagements in a more informed, direct and beneficial manner.
2. **Building Trust** – Empowering citizens with information and allowing them to participate in critical national processes like policy and democratic processes builds trust between citizens, business and government.
3. **Strengthening accountability** - Open government reforms introduce new forms of accountability, which can supplement conventional approaches to public and private sectors that help governments achieve their reform initiatives.
4. **New insight** - Open government reforms create the space for citizens to inform policy-makers, businesses and service providers of their needs, preferences and expectations. Citizens and civil society can offer new insights into the policy, delivery of public services and ideas for improvement.

5. **Collective action** – Encourages collective action on socio-economic outcomes such as fighting corruption, health and wellbeing, good quality education, and sustainable cities and communities. These outcomes cannot be achieved by government working alone but require citizens, civil society, business and other groups to take action in their pursuit and make even more significant contributions towards socio-economic development.

Example:² In South Africa, the government has partnered with Imali Yethu, a coalition of civil society, to develop VulekaMali, an online platform that shares budget information and encourages users to provide feedback. To date, hundreds of citizens, journalists, academics, and researchers have submitted comment entries touching on health, education, agriculture, and service delivery outcomes related to spending.

Benefits to Citizens

As citizens, we rely on the government being accessible and providing high-quality public services - education, keeping us healthy, making our communities a safe place to be, and ensuring our basic needs are met, including having access to water, energy, sanitation and shelter. Here we outline five potential rationales for open government reforms for citizens:

1. **Empower Citizens** – Open government reforms empower citizens with information that enable them to participate in policy and delivery of public services. Beyond getting information, it enables the government to be responsive to the voice of citizens.
2. **Shaping Services and Policy** – When citizens have meaningful information, they are able to shape policies and services that impact their lives like healthcare, education, water and sanitation. Putting citizens at the heart of policy-making gives them the opportunity to shape legislation and policies in areas that they care about most.
3. **Inclusion** – Open government reforms address the social and economic inequity that disproportionately impacts the marginalized by ensuring they are part of public dialogue and policy priorities. It makes public services more accessible, cost-effective, and efficient for marginalized groups.
4. **Holding Public and Private to Account** - Empowering citizens to follow the money by enabling citizens to monitor government spending and report the misuse of public funds. It helps build confidence in public institutions by demonstrating that tax money is being spent wisely.

5. **Fighting corruption and fraud** – Open government reforms enlist citizens to fight against grand corruption, elite capture and fraud. Elite capture and grand corruption fuel citizen distrust and apathy, reinforcing the corrosive perception that government doesn't work for the people.

Example:³ In Uruguay, the government's A Tu Servicio portal publishes vital healthcare information enabling citizens to take control of their healthcare choices by helping them track healthcare costs, compare providers, and view treatment wait times online.

Benefits for Business

Open government reforms are good for business because transparent governments improve business efficiency and spur economic opportunities. Here we outline three potential rationales for open government reforms for business:

1. **Generate economic value and create jobs** - Openly accessible government-held data (open data) drives many commercial information services—generating economic value, creating jobs, and spurring innovation.
2. **Improve investment climate** - Fiscal and administrative transparency has proven impacts on attracting investments and capital. Businesses can make informed decisions, reduce transaction costs, and avoid potential liabilities if they have information on the specific properties of markets, products and actors. Helping businesses understand a country's regulations, in turn, helps governments hedge their reputational and asset risks to improve investor-customer confidence.
3. **Level the playing field** - Open procurement increases the number of bidders and positively affects market access for companies of all sizes. It can be particularly favourable for small and medium enterprises (SMEs) entering new markets.

Example:⁴ In Ukraine, to curb massive corruption in the public procurement process, government and civil society reformers created online platforms, ProZorro and DoZorro, through which all procurement contracts are disclosed in open data standards and citizens can search all contracts and report violations. Today the government has saved \$1 billion, and there has been a 50 percent increase in businesses – including small and medium enterprises – bidding for public contracts for the first time.

Role of Citizens and Civil Society in Open Government Reforms

This section provides guidance on the role of citizens and civil society in open government reforms. It provides good practices and offers recommendations.

Civic participation is a core component of open government. Simply put, the collaboration of citizens, civil society, government and other stakeholders is essential to developing, securing and implementing lasting open government reforms. A collaborative relationship between government and civil society is needed to create, secure and implement open government reforms. Upon the foundations of a thriving civil society and a constructive state-society relationship, sound engagement principles and practice can be applied to involve citizens and civil society in developing and implementing the open government strategy. But beyond this, reformers inside and outside governments must form partnerships and build broad coalitions to achieve change, including mobilizing, supporting and engaging with citizen movements.

Recommendations for Civil Society and Community Organizations:

1. Engage citizens, identify government reformers or champions in the selected priority areas, and define the reform or initiative's problem.
2. Ensure that the government reformers or champions are aware of the open government agenda and understand how it will affect the work they support.
3. Scope out and understand the context and system in which the reform or initiative will be applied, including the availability and use of resources, relevant state and non-state stakeholders, power relationships, and existing engagement and accountability mechanisms.
4. Raise awareness amongst citizens of the role they can play in supporting open government, the opportunities available to engage in public life and ensure that citizens understand why the open government agenda is important and what it will deliver.
5. Build coalitions with citizen movements, sector specialists, social accountability experts, academics -in helping to design the reform or initiative and raise awareness of the reform or initiative and mobilize citizens to participate.
6. Engage relevant oversight (inspection, etc.), audit, ombudsman and/or parliamentary institutions in exploring how the reform or initiative can feed into existing accountability processes

Open Government Reforms in Extractive Sector Procurement

This section highlights how open government reforms can be implemented in extractive industry procurement and essential policy areas for civil society and communities to pursue. It provides good practices and offers recommendations.

Open government in the extractive industry is crucial to mitigating the effects of the “resource curse” in countries endowed with natural resources. The inclusion of community voices in natural resource governance and procurement can help detect corruption, safeguard community interests, and support environmental sustainability. Open government can improve natural resource governance in the area of extractive industries through the following but not limited to:

1. Implementing beneficial ownership transparency (BOT);
2. Improving transparency in activities of state-owned enterprises (SOEs);
3. Improving contract transparency in the extractives sector.

Beneficial Ownership Transparency

Beneficial ownership transparency has emerged as an essential means for combating corruption, stemming illicit financial flows, and fighting tax evasion in the extractive sector. Creating companies is an easy and effective way of concealing identity. In most countries, a company can be formed without disclosing the identity of the individual who ultimately controls or profits from the business, i.e., the beneficial owner. Criminals can assign “nominee” shareholders to be listed on official documents or list other legal entities as the “owners,” thereby creating a chain of companies—often across borders—that can be difficult for investigators to trace. Anonymous companies are often used to mask corruption. According to the World Bank, roughly 70% of the most prominent corruption cases between 1980 and 2010 involved anonymous companies.⁵ In the extractive industry, beneficial ownership disclosure can be linked to the procurement and licensing process to fight corruption and conflicts of interest.

What is a “beneficial owner?” A beneficial owner is an individual (or individuals) who ultimately owns, controls, or benefits from a company (or any other form of legal vehicle). Notably, the beneficial owner can differ from a company’s legal owner, i.e., the person or entity with immediate and formal ownership. While the two can be the same, say for a small business with one clear owner, they can also differ. In fact, in the case of complex and opaque corporate structures, the legal owners are often

companies or individuals with little actual control. In these cases, a whole chain of legal owners might obscure the beneficial owner, i.e., the individual with ultimate authority at the end of the chain.

What is a “shell company?” Shell companies are legal entities that are non-operational and lack assets or staff. While these corporate structures often have legitimate functions, they are also an attractive type of anonymous company for money launderers, who can use them in combination with other (often legal) techniques to keep their identity hidden from government authorities and funnel funds across borders.

Recommendations for Civil Society and Community Organizations:

- 1. Strengthening the disclosure requirements** - Reinforcing underlying legal and regulatory requirements for disclosure of different types of ownership across various legal vehicles is fundamental to more effective, transparent processes.
- 2. Improving the interoperability of information** - Applying common standards such as the Beneficial Ownership Data Standard and linking ownership information with other policy areas can help track money and assets across sectors and jurisdictions.
- 3. Engaging citizens in monitoring and accountability** - Informal and formal channels for accountability enable citizens to actively use ownership data to uncover corruption networks.

[Case Study on Nigeria⁶](#)

Nigeria is a resource-rich country that has been plagued by grand corruption, beneficial ownership transparency has emerged as an essential tool. For example, Global Witness helped to uncover shell companies that have since been implicated in the alleged theft of US\$1.1 billion in revenues from the awarding of an oil field to a Nigerian company, Malabu Oil & Gas, which a former oil minister owned. Currently, two global oil companies, ENI and Shell, are standing trial with others in Italy over allegations of corruption related to this deal, which is estimated to have cost Nigeria US\$6 billion in potential revenues. Overall, it has been estimated that US\$15.7 billion in illicit flows leave the country's financial system every year.

Nigeria committed to implementing beneficial ownership through the EITI pilot in 2015 and at the UK-hosted Anti-Corruption Summit in 2016, committed to joining OGP and setting up a national public register of beneficial ownership. In late 2019 Nigeria published Africa's first beneficial ownership register and the first globally to focus on the oil, gas and mining sectors that is searchable

by companies, assets and individuals. The Nigerian government is also applying beneficial ownership requirements to any company holding a government contract to implement the Open Contracting Data Standards for its public procurement process.

Transparency in activities of State-Owned Enterprises (SOEs)

The necessity for transparency within the extractives sector has gained momentum for several reasons. There is a growing recognition of the importance of transparency to ensure that companies duly pay what is owed to the state and communities. Rules that help shine a light on corporate practices are especially relevant when companies resist voluntary disclosure because these rules facilitate greater accountability on behalf of governments and private companies. The sharpened focus on transparency in the extractives industry is also due to the ownership of natural resources vested in the public, with the state as the custodian of the resources. The free flow of information, or proactive/mandatory disclosure, also assists mine-affected communities in organizing around shared issues, such as addressing the increasing pollution of water resources and the need for financial transparency and meaningful inclusion in policy-making processes.

These resources are limited and non-renewable, and, as a result, there is a legitimate expectation that they are managed sustainably and that the revenues derived from their exploitation should compensate for the loss in natural capital. Consequently, effective oversight and governance are necessary for the effective management of resources.

Recommendations to Civil Society and Community Organizations:

- 1. Strengthening the disclosure requirements** - Reinforcing underlying legislative and regulatory provisions requiring the disclosure of ownership, operational and financial information by oil, gas and mining companies.
- 2. Strengthening oversight bodies** – Reinforcing independent institutions to prevent corruption and illicit financial flows adequately and that ‘methods and mechanisms for information sharing and coordination among the various institutions and agencies of government are established.
- 3. Prescriptive disclosure** – Adoption of prescriptive disclosure extends to the mandatory, automatic availability of ownership, operational and financial information by oil, gas and mining companies, which should be enforced by imposition sanctions for non-compliance.

[Case of Mongolia](#)⁷

Mongolia is developing comprehensive policies and systems to disclose licenses, contracts, and environmental information in the extractives sector. For example, the government publishes data on actions taken by companies and other legal entities that might harm the environment and people's health.

Open Contracting in the Extractives Sector

Contracts, licenses and permits are an integral part of the legal framework for the extractive sector, containing project-specific rights and obligations that complement the wider legal framework. Emerging evidence shows that increasing transparency and public engagement in government contracting is a powerful way to craft better public deals, improve public services, deter fraud and corruption, build trust and promote a more competitive business environment. Transparency in the allocation and management of oil, gas and mining rights can improve industry engagement, competition and civic trust.

What is “Open contracting”? – It is about improving government contracting processes by enabling citizens, governments and businesses to jointly identify risks, fix problems, and enhance results by publishing and using open, accessible, and timely information. In the allocation of extractive industry rights, where contracts between governments and companies over publicly held natural resources might be worth billions of dollars, these efforts have so far largely focused on the outcomes of the allocation process, with a strong focus on the development of mineral and petroleum registries that indicate where rights have been awarded. Significantly less attention has been paid to the transparency of the processes by which contracts are awarded, the content of the contracts themselves and their implementation.

While the transparency of the system will help stakeholders understand how all the different parts of the contracting process fit together, the picture will not be complete without transparency regarding the key actors at each stage. Allegations of conflicts of interest regarding regulators' decision-making powers often top lists of public concerns. Providing transparency of who makes decisions at each stage of a contracting process and who stands to benefit from those decisions is essential for public trust. Identifying potential corruption risks surrounding contracts' allocation, award, and implementation is also critical.

Contracts and other related documents that may be linked to an extractive project

1. Contracts, licenses, permits

- Main agreement
- Annexes
- Amendments

2. Environmental documents

- Environmental impact assessments
- Environmental monitoring plans
- Environmental reports
- Associated environmental studies
- Closure and decommissioning plans

3. Social documents

- Local content/local employment plans
- Local content reports
- Community development agreements/corporate social responsibility plans

Recommendations for Civil Society and Community Organizations:⁸

Governments should take a systematic approach to improve transparency across the entire process by which they award oil, gas and mining rights. This should cover all stages of the contracting process, namely planning, the allocation and award process, and information about contract terms and their implementation. Too often, transparency efforts have focused on outputs of the rights allocation process, particularly the development of mineral and petroleum registries that provide basic information about rights awarded. Significantly less attention has been paid to helping citizens make sense of the legal and regulatory processes by which rights are granted and communicating which agencies and players oversee the granting of resource rights.

- 1. Use joined-up information to explain the contracting system in full** - Governments should provide resources that explain all the regulatory processes surrounding contracting, incorporating data from multiple agencies as necessary and presenting it in a joined-up manner.

2. **Reconcile information needs of both companies and citizens** - Information should target all potential users. Governments should consult widely to avoid a situation where information disclosure is overwhelmingly designed for one stakeholder group.
3. **Communicate who the decision-makers are** - Governments should disclose the identity of decision-makers responsible for: i) planning and making policy around contract allocation and implementation; ii) approving contracts, including any material deviations; and iii) monitoring compliance with those contracts.

Planning

The planning stage is critical to success. Shortcomings here can undermine every step thereafter, leading to considerable losses to the state and its citizens right from the start.

4. **Disclose information about the areas to be opened to extractive industry contracting and why** - Governments should disclose information about the decision process in selecting new areas for extractive activity. This should include decision-making criteria for making decisions; information about who makes the decisions, who will be consulted, how and when; information about the final decision, including rationale, and clarity on the boundaries of areas to be opened up.
5. **Publicly explain the choice between different allocation methods and how they apply in different situations** - Where governments can choose between multiple types of processes, they should publish rules about which allocation approach applies in a given area and explain why they selected a particular approach.

Allocation and award of contracts and licenses

While allocation processes may range from highly visible competitive bid rounds to routine non-competitive rolling applications, some basic transparency requirements hold in all cases.

6. **Communicate early that allocation is happening-** Governments should ensure that communications are clear and intentionally target local stakeholders, not just the international business press.
7. **Publish the rules of the game** - Governments should publish general rules for the process, including timelines and application requirements; the criteria against which companies are being assessed; and information about appeals processes. Where these rules are split over policy documents that multiple agencies manage, those in charge should bring the information together in one place.

8. **Disclose who stands to benefit** - Governments should publish the names of all companies applying for rights, including during prequalification. Governments should also disclose companies' beneficial ownership information and use this information to screen applicants for conflicts of interest and corruption risks at the point of prequalification or prior to award.
9. **Disclose allocation outcomes** - Governments should disclose basic details about the awards, ideally alongside information justifying why and how certain decisions were made.

The contract

Contracts, licenses or permits set out the terms and conditions associated with the right to explore or exploit natural resources. Transparency of these terms is vital.

10. **Disclose contracts** - Governments should disclose, for each project, the full text of the main agreement, as well as annexes and amendments. They should connect this with other related ancillary agreements, permits, approvals and studies that may add additional rights or obligations to an extractive project. Ideally, this should bring together different information and processes to make it useful.

Implementation

It is critical to release timely, accessible information disaggregated at the individual extractive projects during the implementation stage to scrutinize government and company compliance with the rules.

11. **Disclose investment, production and reserves** - Governments should disclose regularly updated information regarding reserves, investment, exploration and production, on a project-by-project basis.
12. **Disclose revenues and benefits** - Governments should produce project-level disclosures in line with EITI requirements, ideally mainstreamed into government systems rather than standalone reporting. These disclosures should include payment and benefit flows broken down to the level of most significant relevance to citizens.
13. **Track and disclose contract compliance** - Government should publish project-level data on commercial, social and environmental outcomes against project-level rules to track compliance.

About the Open Government Partnership

This section shares information about the Open Government Partnership and how countries can join the partnership.

The Open Government Partnership (OGP) is a global partnership of 78 national governments, 76 local governments and thousands of civil society organizations that brings together reformers committed to making their governments more open, accountable and responsive to citizens. In 2011, eight government leaders and nine civil society advocates came together to create a unique partnership that combines these powerful forces to promote accountable, responsive, and inclusive governance.

In OGP, governments and civil society co-create two-year action plans, with concrete commitment reforms across a broad range of open government issues. The model allows civil society organizations to help shape, support and oversee government implementation of reforms. Action plans are at the core of participation in OGP. They are created by combining the forces of government and civil society, working together to define ambitious commitments across a range of issues.

To join OGP, governments commit to upholding the principles of open and transparent government by endorsing the Open Government Declaration. The first step towards joining OGP is to exhibit a demonstrated commitment to open government by meeting a set of (minimum) performance criteria on critical dimensions of open government that are particularly consequential for increasing government responsiveness, strengthening citizen engagement, and fighting corruption. Objective, third-party indicators are used to determine the extent of country progress on each dimension. OGP's Eligibility criteria are twofold:

- 1. Core Eligibility Criteria:**⁹ An assessment of countries' performance in four minimum standards of open government (Fiscal Transparency; Access to Information; Public Officials' Asset Disclosure; Citizen Engagement). Countries can earn a total of 16 points for their performance against the four standards that make up the Core Eligibility Criteria. As some of the metrics do not cover all countries, some countries are only assessed on three criteria (and can earn up to 12 points).
- 2. OGP Values Check:** An effort to ensure that new countries joining OGP adhere to the democratic governance norms and values set forth in the Open Government Declaration

based on a subset of indicators related to Civil Society Organizations from the Varieties of Democracy (V-Dem) dataset.

Countries in Africa that are OGP Members

1. Burkina Faso
2. Cabo Verde
3. Cote d'Ivoire
4. Ethiopia
5. Ghana
6. Kenya
7. Liberia
8. Malawi
9. Morocco
10. Nigeria
11. Senegal
12. Seychelles
13. Sierra Leone
14. South Africa
15. Tunisia

Malawi	
Core Eligibility Criteria	OGP Values Check Assessment
<p>Fiscal Transparency - Timely publication of essential budget documents form the basic building blocks of budget accountability and an open budget system.</p> <p><i>Measurement:</i> Two points awarded for the publication of each of two essential documents for open budgets: Executive’s Budget Proposal and Audit Report. Score: 4 out of 4 (Public disclosure of the Executive Budget and Audit Report)</p>	<p>Current Varieties of Democracy scores on the following two metrics:</p> <p>CSO entry and exit - Measures the extent to which the government achieves control over entry and exit by civil society organizations (CSOs) into public life.</p> <p>Measurement:</p> <p>4 points: Unconstrained. 3 points: Minimal Control 2 points: Moderate control 1 point: Substantial control 0 points: Monopolistic control</p> <p>Score: 3 out of 4 (Pass)</p>
<p>Access to Information - An access to information law that guarantees the public’s right to information and access to government data is essential to the spirit and practice of open government.</p> <p><i>Measurement:</i> Four points awarded to countries with access to information laws in place, three points if a country has a constitutional provision guaranteeing access to information, and one point if a country has a draft access to information law under consideration. Countries with both a constitutional provision and a draft law under consideration will only be awarded the 3 points for the constitutional provision. Score: 4 out of 4 (Access to Information Law in place)</p>	<p>CSO repression - Measures the extent to which the government attempts to repress civil society organizations (CSOs)</p> <p>Measurement:</p> <p>4 points: No repression. 3 points: Weakly. 2 points: Moderately. 1 point: Substantially. 0 points: Severely.</p>
<p>Disclosures Related to Elected Public Officials - Rules that require public disclosure of income and assets for elected and senior public officials are essential to anti-corruption and open, accountable government. It is also important to make the data publicly available.</p> <p><i>Measurement:</i> 4 points awarded to countries with a law requiring disclosure and has any requirement that the information should be accessible to the public, 2 points awarded to countries with a law requiring asset disclosures, 0 points for no law on asset disclosure. Score: 4 out of 4 (Law requiring asset disclosure in place with public access)</p>	<p>CSO repression - Measures the extent to which the government attempts to repress civil society organizations (CSOs)</p> <p>Measurement:</p> <p>4 points: No repression. 3 points: Weakly. 2 points: Moderately. 1 point: Substantially. 0 points: Severely.</p>
<p>Citizen Engagement - Open Government requires openness to citizen participation and engagement in policy-making and governance.</p> <p><i>Measurement:</i> Using the Civil Liberties sub-indicator of the most recent version of the Economist Intelligence Unit’s Democracy Index, where 10 is the highest and zero is the lowest score, four points awarded for countries scoring above 7.5, three points awarded for countries scoring above five, two points awarded for countries scoring above 2.5, and zero points otherwise. Score: 3 out of 4 (EIU raw score of 5.88)</p>	<p>Score: 3 out of 4 (Pass)</p>
Core Eligibility Score for Malawi: 15 out of 16 (94%): Pass	Values Check for Malawi: Pass
OGP Membership Status: Malawi is an OGP Member since 2013 ¹⁰	

Mozambique	
Core Eligibility Criteria	OGP Values Check Assessment
<p>Fiscal Transparency - Timely publication of essential budget documents form the basic building blocks of budget accountability and an open budget system.</p> <p><i>Measurement:</i> Two points awarded for the publication of each of two essential documents for open budgets: Executive’s Budget Proposal and Audit Report. Score: 4 out of 4 (Public disclosure of the Executive Budget and Audit Report)</p>	<p>Current Varieties of Democracy scores on the following two metrics:</p> <p>CSO entry and exit - Measures the extent to which the government achieves control over entry and exit by civil society organizations (CSOs) into public life.</p> <p>Measurement:</p> <p>4 points: Unconstrained. 3 points: Minimal Control 2 points: Moderate control 1 point: Substantial control 0 points: Monopolistic control</p> <p>Score: 4 out of 4 (Pass)</p>
<p>Access to Information - An access to information law that guarantees the public’s right to information and access to government data is essential to the spirit and practice of open government.</p> <p><i>Measurement:</i> Four points awarded to countries with access to information laws in place, three points if a country has a constitutional provision guaranteeing access to information, and one point if a country has a draft access to information law under consideration. Countries with both a constitutional provision and a draft law under consideration will only be awarded the 3 points for the constitutional provision. Score: 4 out of 4 (Access to Information Law in place)</p>	<p>CSO repression - Measures the extent to which the government attempts to repress civil society organizations (CSOs)</p> <p>Measurement:</p> <p>4 points: No repression. 3 points: Weakly. 2 points: Moderately. 1 point: Substantially. 0 points: Severely.</p> <p>Score: 3 out of 4 (Pass)</p>
<p>Disclosures Related to Elected Public Officials - Rules that require public disclosure of income and assets for elected and senior public officials are essential to anti-corruption and open, accountable government. It is also important to make the data publicly available.</p> <p><i>Measurement:</i> 4 points awarded to countries with a law requiring disclosure and has any requirement that the information should be accessible to the public, 2 points awarded to countries with a law requiring asset disclosures, 0 points for no law on asset disclosure. Score: 2 out of 4 (Law requiring asset disclosure in place but no public access)</p>	<p>Citizen Engagement - Open Government requires openness to citizen participation and engagement in policy-making and governance.</p> <p><i>Measurement:</i> Using the Civil Liberties sub-indicator of the most recent version of the Economist Intelligence Unit’s Democracy Index, where 10 is the highest and zero is the lowest score, four points awarded for countries scoring above 7.5, three points awarded for countries scoring above five, two points awarded for countries scoring above 2.5, and zero points otherwise. Score: 2 out of 4 (EIU raw score of 3.53)</p>
<p>Core Eligibility Score for Mozambique: 12 out of 16 (75%): Pass</p>	<p>Values Check for Mozambique: Pass</p>
<p>OGP Membership Status: Is Eligible to join OGP but not a Member</p>	

South Africa	
Core Eligibility Criteria	OGP Values Check Assessment
<p>Fiscal Transparency - Timely publication of essential budget documents form the basic building blocks of budget accountability and an open budget system.</p> <p><i>Measurement:</i> Two points awarded for the publication of each of two essential documents for open budgets: Executive’s Budget Proposal and Audit Report. Score: 4 out of 4 (Public disclosure of the Executive Budget and Audit Report)</p>	<p>Current Varieties of Democracy scores on the following two metrics:</p> <p>CSO entry and exit - Measures the extent to which the government achieves control over entry and exit by civil society organizations (CSOs) into public life.</p> <p>Measurement:</p> <p>4 points: Unconstrained. 3 points: Minimal Control 2 points: Moderate control 1 point: Substantial control 0 points: Monopolistic control</p> <p>Score: 4 out of 4 (Pass)</p>
<p>Access to Information - An access to information law that guarantees the public’s right to information and access to government data is essential to the spirit and practice of open government.</p> <p><i>Measurement:</i> Four points awarded to countries with access to information laws in place, three points if a country has a constitutional provision guaranteeing access to information, and one point if a country has a draft access to information law under consideration. Countries with both a constitutional provision and a draft law under consideration will only be awarded the 3 points for the constitutional provision. Score: 4 out of 4 (Access to Information Law in place)</p>	
<p>Disclosures Related to Elected Public Officials - Rules that require public disclosure of income and assets for elected and senior public officials are essential to anti-corruption and open, accountable government. It is also important to make the data publicly available.</p> <p><i>Measurement:</i> 4 points awarded to countries with a law requiring disclosure and has any requirement that the information should be accessible to the public, 2 points awarded to countries with a law requiring asset disclosures, 0 points for no law on asset disclosure. Score: 4 out of 4 (Law requiring asset disclosure in place with public access)</p>	<p>CSO repression - Measures the extent to which the government attempts to repress civil society organizations (CSOs)</p> <p>Measurement:</p> <p>4 points: No repression. 3 points: Weakly. 2 points: Moderately. 1 point: Substantially. 0 points: Severely.</p> <p>Score: 3 out of 4 (Pass)</p>
<p>Citizen Engagement - Open Government requires openness to citizen participation and engagement in policy-making and governance.</p> <p><i>Measurement:</i> Using the Civil Liberties sub-indicator of the most recent version of the Economist Intelligence Unit’s Democracy Index, where 10 is the highest and zero is the lowest score, four points awarded for countries scoring above 7.5, three points awarded for countries scoring above five, two points awarded for countries scoring above 2.5, and zero points otherwise. Score: 4 out of 4 (EIU raw score of 7.94)</p>	
Core Eligibility Score for South Africa: 16 out of 16 (100%): Pass	Values Check for South Africa: Pass
OGP Membership Status: Is a Founding Member ¹¹	

Tanzania	
Core Eligibility Criteria	OGP Values Check Assessment
<p>Fiscal Transparency - Timely publication of essential budget documents form the basic building blocks of budget accountability and an open budget system.</p> <p><i>Measurement:</i> Two points awarded for the publication of each of two essential documents for open budgets: Executive’s Budget Proposal and Audit Report. Score: 2 out of 4 (Public disclosure of Audit Report but not the Executive Budget)</p>	<p>Current Varieties of Democracy scores on the following two metrics:</p> <p>CSO entry and exit - Measures the extent to which the government achieves control over entry and exit by civil society organizations (CSOs) into public life.</p> <p>Measurement:</p> <p>4 points: Unconstrained. 3 points: Minimal Control 2 points: Moderate control 1 point: Substantial control 0 points: Monopolistic control</p>
<p>Access to Information - An access to information law that guarantees the public’s right to information and access to government data is essential to the spirit and practice of open government.</p> <p><i>Measurement:</i> Four points awarded to countries with access to information laws in place, three points if a country has a constitutional provision guaranteeing access to information, and one point if a country has a draft access to information law under consideration. Countries with both a constitutional provision and a draft law under consideration will only be awarded the 3 points for the constitutional provision. Score: 4 out of 4 (Access to Information Law in place)</p>	<p>Measurement:</p> <p>4 points: Unconstrained. 3 points: Minimal Control 2 points: Moderate control 1 point: Substantial control 0 points: Monopolistic control</p> <p>Score: 2 out of 4 (Pass)</p>
<p>Disclosures Related to Elected Public Officials - Rules that require public disclosure of income and assets for elected and senior public officials are essential to anti-corruption and open, accountable government. It is also important to make the data publicly available.</p> <p><i>Measurement:</i> 4 points awarded to countries with a law requiring disclosure and has any requirement that the information should be accessible to the public, 2 points awarded to countries with a law requiring asset disclosures, 0 points for no law on asset disclosure. Score: 2 out of 4 (Law requiring asset disclosure in place but no public access)</p>	<p>CSO repression - Measures the extent to which the government attempts to repress civil society organizations (CSOs)</p> <p>Measurement:</p> <p>4 points: No repression. 3 points: Weakly. 2 points: Moderately. 1 point: Substantially. 0 points: Severely.</p>
<p>Citizen Engagement - Open Government requires openness to citizen participation and engagement in policy-making and governance.</p> <p><i>Measurement:</i> Using the Civil Liberties sub-indicator of the most recent version of the Economist Intelligence Unit’s Democracy Index, where 10 is the highest and zero is the lowest score, four points awarded for countries scoring above 7.5, three points awarded for countries scoring above five, two points awarded for countries scoring above 2.5, and zero points otherwise. Score: 2 out of 4 (EIU raw score of 4.41)</p>	<p>Score: 3 out of 4 (Pass)</p>
Core Eligibility Score for Tanzania: 10 out of 16 (63%): Fail	Values Check for Tanzania: Pass
OGP Membership Status: Withdrew from OGP in 2017 and not Eligible	

Uganda	
Core Eligibility Criteria	OGP Values Check Assessment
<p>Fiscal Transparency - Timely publication of essential budget documents form the basic building blocks of budget accountability and an open budget system.</p> <p><i>Measurement:</i> Two points awarded for the publication of each of two essential documents for open budgets: Executive’s Budget Proposal and Audit Report. Score: 4 out of 4 (Public disclosure of the Executive Budget and Audit Report)</p>	<p>Current Varieties of Democracy scores on the following two metrics:</p> <p>CSO entry and exit - Measures the extent to which the government achieves control over entry and exit by civil society organizations (CSOs) into public life.</p> <p>Measurement:</p> <p>4 points: Unconstrained. 3 points: Minimal Control 2 points: Moderate control 1 point: Substantial control 0 points: Monopolistic control</p> <p>Score: 1 out of 4 (Pass)</p>
<p>Access to Information - An access to information law that guarantees the public’s right to information and access to government data is essential to the spirit and practice of open government.</p> <p><i>Measurement:</i> Four points awarded to countries with access to information laws in place, three points if a country has a constitutional provision guaranteeing access to information, and one point if a country has a draft access to information law under consideration. Countries with both a constitutional provision and a draft law under consideration will only be awarded the 3 points for the constitutional provision. Score: 4 out of 4 (Access to Information Law in place)</p>	<p>CSO repression - Measures the extent to which the government attempts to repress civil society organizations (CSOs)</p> <p>Measurement:</p> <p>4 points: No repression. 3 points: Weakly. 2 points: Moderately. 1 point: Substantially. 0 points: Severely.</p> <p>Score: 2 out of 4 (Pass)</p>
<p>Disclosures Related to Elected Public Officials - Rules that require public disclosure of income and assets for elected and senior public officials are essential to anti-corruption and open, accountable government. It is also important to make the data publicly available.</p> <p><i>Measurement:</i> 4 points awarded to countries with a law requiring disclosure and has any requirement that the information should be accessible to the public, 2 points awarded to countries with a law requiring asset disclosures, 0 points for no law on asset disclosure. Score: 4 out of 4 (Law requiring asset disclosure in place with public access)</p>	<p>Citizen Engagement - Open Government requires openness to citizen participation and engagement in policy-making and governance.</p> <p><i>Measurement:</i> Using the Civil Liberties sub-indicator of the most recent version of the Economist Intelligence Unit’s Democracy Index, where 10 is the highest and zero is the lowest score, four points awarded for countries scoring above 7.5, three points awarded for countries scoring above five, two points awarded for countries scoring above 2.5, and zero points otherwise. Score: 3 out of 4 (EIU raw score of 5.88)</p>
<p>Core Eligibility Score for Uganda: 15 out of 16 (94%): Pass</p>	<p>Values Check for Uganda: Fail</p>
<p>OGP Membership Status: Is Not Eligible to Join OGP and Not a Member</p>	

Zambia	
Core Eligibility Criteria	OGP Values Check Assessment
<p>Fiscal Transparency - Timely publication of essential budget documents form the basic building blocks of budget accountability and an open budget system.</p> <p><i>Measurement:</i> Two points awarded for the publication of each of two essential documents for open budgets: Executive’s Budget Proposal and Audit Report. Score: 4 out of 4 (Public disclosure of the Executive Budget and Audit Report)</p>	<p>Current Varieties of Democracy scores on the following two metrics:</p> <p>CSO entry and exit - Measures the extent to which the government achieves control over entry and exit by civil society organizations (CSOs) into public life.</p> <p>Measurement:</p> <p>4 points: Unconstrained. 3 points: Minimal Control 2 points: Moderate control 1 point: Substantial control 0 points: Monopolistic control</p> <p>Score: 2 out of 4 (Pass)</p>
<p>Access to Information - An access to information law that guarantees the public’s right to information and access to government data is essential to the spirit and practice of open government.</p> <p><i>Measurement:</i> Four points awarded to countries with access to information laws in place, three points if a country has a constitutional provision guaranteeing access to information, and one point if a country has a draft access to information law under consideration. Countries with both a constitutional provision and a draft law under consideration will only be awarded the 3 points for the constitutional provision. Score: 0 out of 4 (No Access to Information Law)</p>	<p>CSO repression - Measures the extent to which the government attempts to repress civil society organizations (CSOs)</p> <p>Measurement:</p> <p>4 points: No repression. 3 points: Weakly. 2 points: Moderately. 1 point: Substantially. 0 points: Severely.</p> <p>Score: 2 out of 4 (Pass)</p>
<p>Disclosures Related to Elected Public Officials - Rules that require public disclosure of income and assets for elected and senior public officials are essential to anti-corruption and open, accountable government. It is also important to make the data publicly available.</p> <p><i>Measurement:</i> 4 points awarded to countries with a law requiring disclosure and has any requirement that the information should be accessible to the public, 2 points awarded to countries with a law requiring asset disclosures, 0 points for no law on asset disclosure. Score: 4 out of 4 (Law requiring asset disclosure in place with public access)</p>	<p>Citizen Engagement - Open Government requires openness to citizen participation and engagement in policy-making and governance.</p> <p><i>Measurement:</i> Using the Civil Liberties sub-indicator of the most recent version of the Economist Intelligence Unit’s Democracy Index, where 10 is the highest and zero is the lowest score, four points awarded for countries scoring above 7.5, three points awarded for countries scoring above five, two points awarded for countries scoring above 2.5, and zero points otherwise.</p> <p>Score: 3 out of 4 (EIU raw score of 6.47)</p>
<p>Core Eligibility Score for Zambia: 11 out of 16 (69%): Fail</p>	<p>Values Check for Zambia: Fail</p>
<p>OGP Membership Status: Is Not Eligible to Join OGP and Not a Member</p>	

Zimbabwe	
Core Eligibility Criteria	OGP Values Check Assessment
<p>Fiscal Transparency - Timely publication of essential budget documents form the basic building blocks of budget accountability and an open budget system.</p> <p><i>Measurement:</i> Two points awarded for the publication of each of two essential documents for open budgets: Executive’s Budget Proposal and Audit Report. Score: 4 out of 4 (Public disclosure of the Executive Budget and Audit Report)</p>	<p>Current Varieties of Democracy scores on the following two metrics:</p> <p>CSO entry and exit - Measures the extent to which the government achieves control over entry and exit by civil society organizations (CSOs) into public life.</p> <p>Measurement:</p> <p>4 points: Unconstrained. 3 points: Minimal Control 2 points: Moderate control 1 point: Substantial control 0 points: Monopolistic control</p> <p>Score: 1 out of 4 (Pass)</p>
<p>Access to Information - An access to information law that guarantees the public’s right to information and access to government data is essential to the spirit and practice of open government.</p> <p><i>Measurement:</i> Four points awarded to countries with access to information laws in place, three points if a country has a constitutional provision guaranteeing access to information, and one point if a country has a draft access to information law under consideration. Countries with both a constitutional provision and a draft law under consideration will only be awarded the 3 points for the constitutional provision.</p> <p>Score: 4 out of 4 (Access to Information Law in place)</p>	<p>CSO repression - Measures the extent to which the government attempts to repress civil society organizations (CSOs)</p> <p>Measurement:</p> <p>4 points: No repression. 3 points: Weakly. 2 points: Moderately. 1 point: Substantially. 0 points: Severely.</p> <p>Score: 1 out of 4 (Pass)</p>
<p>Disclosures Related to Elected Public Officials - Rules that require public disclosure of income and assets for elected and senior public officials are essential to anti-corruption and open, accountable government. It is also important to make the data publicly available.</p> <p><i>Measurement:</i> 4 points awarded to countries with a law requiring disclosure and has any requirement that the information should be accessible to the public, 2 points awarded to countries with a law requiring asset disclosures, 0 points for no law on asset disclosure.</p> <p>Score: 0 out of 4 (No Law requiring asset disclosure)</p>	<p>Citizen Engagement - Open Government requires openness to citizen participation and engagement in policy-making and governance.</p> <p><i>Measurement:</i> Using the Civil Liberties sub-indicator of the most recent version of the Economist Intelligence Unit’s Democracy Index, where 10 is the highest and zero is the lowest score, four points awarded for countries scoring above 7.5, three points awarded for countries scoring above five, two points awarded for countries scoring above 2.5, and zero points otherwise.</p> <p>Score: 2 out of 4 (EIU raw score of 3.24)</p>
<p>Core Eligibility Score for Zimbabwe: 10 out of 16 (63%): Fail</p>	<p>Values Check for Fail: Fail</p>
<p>OGP Membership Status: Is Not Eligible to Join OGP and Not a Member</p>	

References

- ¹ Stories from the Open Government Partnership's Citizengage platform https://www.opengovpartnership.org/?post_type=people&p=31738
- ² VulekaMali SA Online Budget Portal <https://vulekamali.gov.za/about>
- ³ Collecting Open Government Approaches to Covid-19 <https://www.opengovpartnership.org/collecting-open-government-approaches-to-covid-19/>
- ⁴ Ukraine Prozorro Procurement Portal <https://prozorro.gov.ua/en/about>
- ⁵ The World Bank and UNODC Stolen Asset Recovery Initiative, The Puppet Masters (2011), <https://star.worldbank.org/sites/star/files/puppetmastersv1.pdf>
- ⁶ Case Study from the Open Government Partnership: <https://www.opengovpartnership.org/stories/lessons-from-reformers-nigerias-push-for-beneficial-ownership-transparency-in-procurement-and-in-the-extractives-sector/>
- ⁷ Publishing a List of Mandatory Public Information on the Environment <https://www.opengovpartnership.org/members/mongolia/commitments/MN0006/>
- ⁸ Recommendations by Open Contracting Partnership and Natural Resource Governance Institute: <https://resourcegovernance.org/analysis-tools/publications/open-contracting-oil-gas-and-mineral-rights>
- ⁹ See the OGP Eligibility Criteria: https://docs.google.com/spreadsheets/d/1BRMrdv-UMB6VP_LZI3T68mXbCfczbCxnyjzXNjv7Z6M/edit#gid=1406221191
- ¹⁰ See OGP Malawi Page: <https://www.opengovpartnership.org/members/malawi/>
- ¹¹ See OGP south Africa Page: <https://www.opengovpartnership.org/members/south-africa/>